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Senate

The Senate met at 1:03 p.m. and was called to order by the Chief Justice of the United States.

TRIAL OF WILLIAM JEFFERSON CLINTON, PRESIDENT OF THE UNITED STATES

The CHIEF JUSTICE. The Senate will convene as a Court of Impeachment. The Chaplain will offer a prayer.

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Gracious God, these days here in the Senate are filled with crucial issues, differences on solutions, and eventually a vital vote in the impeachment trial. We begin this day's session with the question You asked King Solomon, ''Ask! What shall I give You?'' We empathize with Solomon's response. He asked for an ''understanding heart.'' We are moved by the more precise translation of the Hebrew words for ''understanding heart,'' meaning ''a hearing heart.''

Solomon wanted to hear a word from You, Lord, for the perplexities he faced. He longed for the gift of wisdom so he could have answers and direction for his people. We are moved by Your response, ''See, I have given you a wise and listening heart.''

I pray for nothing less as Your answer for the women and men of this Senate. Help them to listen to Your guidance and grant them wisdom for their decisions. All through our history as a Nation, You have made good men and women great when they humbled themselves, confessed their need for Your wisdom, and listened intently to You. Speak Lord; we need to hear Your voice. We are listening. Amen.

The CHIEF JUSTICE. The Senators will be seated. The Sergeant at Arms will make the proclamation.

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

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

THE JOURNAL

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

The majority leader is recognized.

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

ORDER OF PROCEDURE

Mr. LOTT. Mr. Chief Justice, if I could take just a moment to outline how the proceedings will go this afternoon, I think that would answer any questions that Senators may have. We will, of course, continue with the consideration of articles of impeachment. I am not aware of any objections made during the depositions which require motions to resolve. Therefore, I believe the House managers are prepared to go forward with a motion that would have three parts. The first would allow for the introduction of the depositions into evidence. The second would call Monica Lewinsky as a witness. And the third part would allow for a presentation period by the parties for not to extend beyond 6 hours. This motion would be debated by the House managers and the White House counsel for not to exceed 2 hours.

In addition, it is my understanding that Senator DASCHLE intends to offer a motion that would provide for going directly to the articles of impeachment for a vote.

Mr. DASCHLE. Mr. Chief Justice, will the majority leader yield?

Mr. LOTT. I am glad to yield to the minority leader, Senator DASCHLE.

Mr. DASCHLE. The motion would allow for closing arguments, final deliberations, and then the motions on the two articles.

Mr. LOTT. Having said that, Mr. Chief Justice, in order for the managers to prepare debate for the motions, I ask unanimous consent that the House managers and the White House counsel be allowed to make reference to oral depositions during this debate on pending motions.

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

Mr. LOTT. Consequently, four votes, then, would occur in the 4 p.m. timeframe today with respect to these four motions.

We will take at least one break—maybe two—between now and then, and that would determine exactly when that series of votes would occur—once we begin the process of offering and debating the motions. And we will make a determination as to exactly when those provisions would occur.

In addition, if the motion for additional presentation time is agreed to by the Senate, it would be my intention to adjourn the trial after today's deliberations over until Saturday for the parties to make their preparations, then to present their presentations of evidence on Saturday, and the trial would then resume on Monday at 12 noon for the closing arguments of the parties.

Again, I remind all of my colleagues to please remain standing at their desks when the Chief Justice enters the Chamber and leaves the Chamber.

I thank my colleagues for their attention. I believe we are ready to proceed, Mr. Chief Justice.

The CHIEF JUSTICE. The Chair recognizes Mr. Manager MCCOLLUM.

MOTION FOR ADMISSION OF EVIDENCE, APPEARANCE OF WITNESSES, AND PRESENTATION OF EVIDENCE

Mr. Manager MCCOLLUM. Mr. Chief Justice, I have a motion to deliver to the Senate.

The CHIEF JUSTICE. The clerk will read the motion:

The legislative clerk read as follows:

MOTION OF THE UNITED STATES HOUSE OF REPRESENTATIVES FOR THE ADMISSION OF EVIDENCE, THE APPEARANCE OF WITNESSES, AND THE PRESENTATION OF EVIDENCE

Now comes the United States House of Representatives, by and through its duly authorized Managers, and respectfully submits to the United States Senate its motion for the admission of evidence, the appearance of witnesses, and the presentation of evidence in connection with the Impeachment Trial of William Jefferson Clinton, President of the United States.

The House moves that the transcriptions and videotapes of the oral depositions taken pursuant to S. Res. 30, from the point that each witness is sworn to testify under oath to the end of any direct response to the last question posed by a party, be admitted into evidence.

The House further moves that the Senate authorize and issue a subpoena for the appearance of Monica S. Lewinsky before the Senate for a period of time not to exceed eight hours, and in connection with the examination of that witness, the House requests that either party be able to examine the witness as if that witness were declared adverse, that counsel for the President and counsel for the House Managers be able to participate in the examination of that witness, and that the House be entitled to reserve a portion of its examination time to re-examine the witness following any examination by the President.

The House further moves that the parties be permitted to present before the Senate, for a period of time not to exceed a total of six hours, equally divided, all or portions of the parts of the videotapes of the oral depositions of Monica S. Lewinsky, Vernon E. Jordan, Jr., and Sidney Blumenthal admitted into evidence, and that the House be entitled to reserve a portion of its presentation time.

Mr. LOTT addressed the Chair.

The CHIEF JUSTICE. The Chair recognizes the majority leader.

Mr. LOTT. I understand that the pending motion is divisible, and as is my right, I ask that the motion be divided in the following manner: The first paragraph be considered division I; the second paragraph be considered division II; and the final paragraph be considered division III.

The CHIEF JUSTICE. It will be divided in the manner indicated by the majority leader.

Mr. LOTT. I thank the Chair.

Mr. DASCHLE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. LOTT. Mr. Chief Justice, I identified this as the first paragraph to be considered division I. Actually, that should be the second paragraph would be division I, the third paragraph division II, and the fourth paragraph would be division III. I want that clarification.

The CHIEF JUSTICE. That will be the order.

Mr. LOTT. Also, so that both sides will understand, the motion—there is one motion, but we have divided it into three parts so there will only be 2 hours equally divided, one on each side; not 2 hours equally divided on each one of the three divisions. We had one clarification I believe we have cleared up, and I believe now we are ready to hear from the managers, Mr. Chief Justice.

The CHIEF JUSTICE. Very well. The Chair recognizes Mr. Manager MCCOLLUM.

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

As the first one up here today, I have to fiddle with the microphone, I guess; it is sort of like testing. I apologize.

Mr. Chief Justice and Members of the Senate, what we have presented to you today is a three-part motion, as Mr. LOTT has described it, and as you have heard read to you. We would like very much, as we always have, to have all the witnesses we want presented here live, as we would normally have in a trial, as the House has always believed that it should have.

We came before you a few days ago recognizing the reality of that and went forward with your procedures to request not 5, not 6, not 12, but 3 witnesses be deposed so that we might be able to, in the discovery process you have allowed us, gain the depositions of those three witnesses. Today we are before you with motions, first, to enter those depositions and the video recordings of those depositions into evidence formally for your consideration because they have now been accomplished; secondly, to request that you provide us with the opportunity to examine Monica Lewinsky live here as a witness on the floor of the Senate, and for you to allow us to present the other two depositions to you in some format; and, if you do not allow us the permission to have Ms. Lewinsky live here to examine as a witness, to allow us to present any or all portions of the depositions of all three of them.

Now, I think that it is eminently fair that we be allowed to present at least one witness live to you, the central witness in the cast of this entire proceeding, and that is Monica Lewinsky. I am not here to argue all of that. My principal discussion with you is going to be on the part dealing with just admitting these into evidence, and then my colleagues, Mr. BRYANT, Mr. HUTCHINSON, and Mr. ROGAN are going to present some complementary discussion about the entire motion as we go through this.

But in the context of all of this I think we have to recognize a couple of things. One is that live witnesses are preferable whether you have depositions or not. These were discovery depositions. We would have liked to have asked for all of them to be live. We were recognizing reality by coming down to one today, and the reasons are fairly straightforward. Some of you have had the privilege, and I am sure you have availed yourself of the opportunity, to look at the videotapes of these depositions, and you see that they are, indeed, what most depositions are. They are discovery. They have long pauses in them. They are not at all like it would be in a trial itself; you don't have the opportunity to fully see or explore with the witness the demeanor, the temperament, the spontaneity, all of those things that you normally get with an exchange. You have the camera simply focused on the witness. You don't get to have the interaction you get in a courtroom.

And remember, again, that we are dealing here first with your determining whether or not the President committed the crimes of perjury and obstruction of justice and then the question of whether or not he should be removed from office. So I believe and we believe as House managers that you should at least let us have Monica Lewinsky here live for both of those reasons.

I also want to make comments specifically about just admitting these into evidence. There are two obvious reasons why, beyond the question of whether a witness should appear live or whether we should use portions of them in whatever fashion to present to you, they certainly should be part of the record. It seems self-evident. It is part of what you gave us as the procedure to do, and it would seem to me that it should be a mere formality for me to ask, but I cannot assume anything—we certainly do not—that we let these depositions into evidence, and there are two reasons why.

One is the historical basis for this. There has to be a record, not only for you but for the public and for history, of the entire proceeding. There is evidence in these depositions that needs to be a part of the official record, and that evidence is not just the cold transcript, but it is also the videotape with all of the limited, albeit not satisfactory, portion of it that you can see and observe. Especially if you were to conclude we weren't going to have any live witness here or were not going to allow us to present these depositions, you certainly should allow the depositions to be part of the record and the videotape part of it. It is evidence. It is to be examined. It seems self-evident.

But the second point is, as you are going to hear more from my colleagues in just a moment, there is new evidence in these depositions. There is new factual record information that needs to be here for you to decide the guilt or innocence question of the perjury and obstruction of justice charge.

One illustration I would give you—and I am sure my colleagues will give you plenty more—one of them deals with the gift question. We have talked about it a lot out here. If you recall with regard to the question of the gifts, the issue is did the President obstruct justice? Did he decide in the Jones case, in the Jones Court, as a part of his course of conduct of trying to keep from the Court the nature of his relationship with Monica Lewinsky to keep the gifts hidden?

There is new information in the deposition relative to what happened on the day those gifts were supposedly exchanged between Monica Lewinsky and Betty Currie, about the telephone call. Again, I am not going into the details of that. I will leave that for my colleagues who took the depositions. They can tell you about it. The point is you could enumerate—and they will—new evidence. There is significant relevant new evidence from the Vernon Jordan deposition and from the Sidney Blumenthal deposition. So just on the record alone, just to put the depositions into the Record, there can be nothing complete about this trial if we don't at least do that. At least do that.

And so with that in mind, having said that and urging you to do that, I will yield to Mr. Manager BRYANT at this point in time.

The CHIEF JUSTICE. The Chair recognizes Mr. Manager BRYANT.

Mr. Manager BRYANT. Mr. Chief Justice, distinguished colleagues and Senators, I would encourage each of you to consider calling Monica Lewinsky as the one live witness in this proceeding. Ms. Lewinsky continues to be, in her own way, an impressive witness. As I spoke to you earlier, she does have a story to tell. After all, no one knows more about the majority of the allegations against the President other than, of course, the President himself.

At her deposition, she appeared to be a different Monica Lewinsky than the Monica Lewinsky whom I had met a week earlier. Unlike before, she was not open to discussion or fully responsive to fair inquiry. She didn't volunteer her story. She didn't tell her story. Rather, she was very guarded in each response and almost protective. Her words were carefully chosen and relatively few. At times, the concepts that she discussed had the familiar ring of another key witness to these proceedings, such as ''it wasn't a lie'' or ''wasn't false,'' it was ''misleading or incomplete.'' ''Truth is what one believes it is and may be different for different people.'' ''Truth depends on the circumstances.''

As we progressed through her deposition Monday, I felt more and more like one of the characters in the classic movie ''Witness For The Prosecution.'' I was Charles Laughton. Ms. Lewinsky was Marlene Dietrich. And the President was Tyrone Power. If you are familiar with this movie, you will understand, and if you aren't, you should see the movie.

However, there was and there still remains truth in her testimony. Sometimes, though, just like the President, and now Ms. Lewinsky, it is the literal truth only, the most restricted and stretched definition one could reach. And we all know that the law frowns upon manipulations such as this to avoid telling the complete truth. Her testimony is clearly tinted, some might even say tainted, by a mixture of her continued admiration for the President, her desire to protect him, and her own personal views of right and wrong.

And she was well represented in the deposition by some of Washington's finest defense attorneys who had thoroughly prepared her for all questions, as they should have, as well as being present throughout the deposition to assist her. In fact, the Senator in charge of this particular deposition had to warn these counsel not to coach and not to whisper to her while she was attempting to answer the questions.

If you have seen this deposition, you have witnessed an effective effort by a loyal supporter of the President to provide the very minimum of truth in order to be consistent with her own grand jury testimony, which is legally necessary for her to fulfill the terms of her immunity agreement.

On the perjury article of impeachment, she reaffirmed the specific facts which happened between her and the President on more than one occasion, including November 15, 1995, their first encounter, when the President's conduct fit squarely within the four corners of the term ''sexual relationship'' as defined in the Jones lawsuit, and this is in opposition to the President's own sworn testimony of denial. But this is one of the clearest examples of the President's guilt of this charge of perjury. It is not about this twisted definition the President assigned to the term ''sexual relations.'' Rather, it is his word against her word as to whether this specific conduct occurred. Even under his own reading of this definition, he agrees that that specific conduct, if it occurred, would make him guilty of sexual relations within that definition. But he simply says I did not do that; she says you did do that—a ''he said/she said'' case.

But this is why it is important for you to be able to see Ms. Lewinsky in person. In the deposition you will observe her as having to affirm her prior testimony. She had to affirm her prior testimony because that was what was in the grand jury, and because of this, she could not back away at all on her testimony. She couldn't bend it here or there, she couldn't shade it in the President's favor. So what you have is a person, who you may well conclude is still wanting to help the President, having to admit to testimony that would do damage to the President, a very difficult situation for her. But, yet, this same difficulty lends this portion of her testimony great credibility.

With respect to the other article of impeachment on obstruction of justice, her credibility is again bolstered by her reluctance to do legal harm to this President. In the end, though, she does admit that he called her early one morning in December of 1997—actually it was 2 o'clock in the morning—and told her that she was on the witness list. And he told her that she might be able to file an affidavit to avoid testifying. And he told her that she could always use the story that she was bringing papers to him, or coming up to see Ms. Currie.

Now, we know that she did not carry papers to him on these visits other than personal, private notes from her to him. And Ms. Lewinsky indicated in the deposition that she didn't carry him official papers, although she did pass along this cover story —of carrying papers—to her attorney, Mr. Carter. She testified also that she discussed the draft affidavit with Mr. Jordan, changes were made, she offered the President the opportunity to review it, he declined, and, according to Ms. Lewinsky, he never suggested any way that she could file a truthful affidavit, sufficient to skirt—avoid having to testify. This, in spite of his answer to this Senate where he told you that he might have had a way for her to file a truthful affidavit and still avoid testifying in the Jones case.

Yes, you can parse the words and you can use legal gymnastics, but you cannot get around the filing of a false affidavit in an effort to avoid appearing in the Jones case and possibly providing damaging testimony against the President.

Ms. Lewinsky confirmed positively that Ms. Currie initiated a telephone call to her on December 28, 1997, stating words—and this is about the gifts—''I understand you have something for me.'' Then Ms. Currie drove over to Ms. Lewinsky's home and picked up the box of gifts.

Now, remember, this occurred on the heels of Ms. Lewinsky's conversation with the President that very morning about what she might do with the gifts. Now, the only—the only explanation is that the President is directly involved, himself, in the obstruction of justice by telling Ms. Currie, who otherwise knew nothing about this earlier conversation, to retrieve these items from Ms. Lewinsky. Ms. Lewinsky said there was no doubt that Ms. Currie initiated the call to retrieve the gifts.

Also recall that the President's testimony from his side was that this conversation occurred earlier in the day with Ms. Lewinsky but that he had told her she would have to turn over whatever gifts that she had. Now, with that advice from the President, it would be totally illogical for Ms. Lewinsky to have then called Ms. Currie that same day and ask her to come pick up and hold these gifts. By calling Ms. Currie, Ms. Lewinsky would have been going against the direct instruction of the President to surrender any and all gifts. The facts, the logic, and common sense tell us all that the President's version is not true and that he obstructed justice here.

Ms. Lewinsky also testified at the deposition about the job at Revlon and obtaining a job offer within 2 days of signing the affidavit. She also denied that she was a stalker, as the President had described her in a conversation with Mr. Blumenthal in January of 1998. She also denied that she threatened the President or attempted to

threaten the President into having an affair. She denied that he rebuffed her on the occasion of their first encounter on November 15, 1995. Again, all false statements that the President made to Mr. Blumenthal about her, with knowledge that Mr. Blumenthal would be testifying in a grand jury, thereby obstructing justice.

Now, the former lawyers and judges among us are familiar with what is called the best evidence rule. Stated simply, the court always prefers the best available evidence to be used. In-person testimony is better than a video deposition, which itself is better than the written transcript of a deposition. When all three forms of testimony are available, as they are in this situation, the court will most often require the witness to testify in person over the video deposition or over the written transcript of the deposition.

In closing, I know we all want to work within the Senate rules and we all want to ensure that these proceedings are concluded in a constitutional fashion by the end of next week. It is with this in mind that we propose that Ms. Lewinsky be called as a live witness, the only person called to testify in person, and, further, that we use the two depositions, the video depositions of Mr. Jordan and Mr. Blumenthal, in lieu of their personal attendance. In the event the Senate does not call Ms. Lewinsky, we also ask that we be permitted to use all or portions of her deposition, just as we would the other two depositions.

And finally, several Senators have sent out a letter to the President inviting him to come here and to provide his testimony, if he so chooses. In the event he should accept, Ms. Lewinsky, likewise, should be afforded the same opportunity. They continue to be the two most important and essential witnesses for you and the American people to hear in order to finally—finally—resolve this matter.

Permit us all to return to our districts, and you to your States, and tell our constituents that we considered the full and complete case, including live witnesses and, in your case, made your vote accordingly.

At this time, I yield to my colleague from Arkansas, Mr. HUTCHINSON.

The CHIEF JUSTICE. The Chair recognizes Mr. Manager HUTCHINSON.

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

Ladies and gentlemen of the Senate, in an effort to be helpful, I have asked the pages to distribute to you some exhibits that I will be referring to as I consider the testimony that we are presenting to you.

There are two aspects to an impeachment trial. There is the truth-seeking responsibility, which is the trial, in my judgment, and then there is the conclusion, the judgment, the verdict, the conviction or the acquittal. If you look at those two phases of a trial, the latter is totally your responsibility. We leave that completely in your judgment.

But the first responsibility of the factfinding of the truth-seeking endeavor, I feel some responsibility in that regard. Hopefully, our presentation is helpful in seeking the truth. I know, as Mr. BRYANT mentioned, that we all want to bring this matter to a conclusion. We want to see the end of this story. We want to have a final chapter in this national drama. I understand that and agree with that. But let's not, because we are in a hurry to get to the judgment phase, let's not let that detract, let's not let that shortchange, nor diminish the importance of the presentation and consideration of the facts, and that is what I think is very important as we consider this motion that is before us.

It is my responsibility to talk about Mr. Vernon Jordan—and the need for your consideration of his testimony—whom we recently deposed. I deposed Mr. Vernon Jordan, Jr., and I recommend that that be received in evidence as part of the Senate record.

I took this deposition under the able guidance of Senator THOMPSON and Senator DODD. The questioning took place over almost 3 hours with numerous and extraneous objections on behalf of the President's lawyers, most of which were resolved.

I believe that the testimony of Mr. Jordan goes to the key element in the obstruction of justice article, and even though it is just one element that we are dealing with, it is a very important element because it goes to the connection between the job search, the benefit provided to a witness, and the solicited false testimony from that witness.

I believe the testimony of Mr. Jordan is dramatic in that it shows the control and direction of the President of the United States in the effort to obstruct justice. I believe the testimony of Mr. Jordan provides new evidence supporting the charges of obstruction and verifying the credibility of Ms. Lewinsky.

The testimony, in addition, is the most clear discussion of the facts reflecting Mr. Jordan's actions in behalf of the President and the President's direction and control of the activities of Mr. Jordan, and therefore they support the allegations under the articles of impeachment. Let me make the case for you.

If you have the President of the United States personally directing the effort to obtain a job for Ms. Lewinsky, which is a benefit to a witness, and simultaneously Ms. Lewinsky is under subpoena as a witness in the case, and thirdly, in addition, the President is suggesting means to that witness to avoid truthful testimony, as evidenced by the December 17 conversation and the suggestion of the affidavit, the conclusion is that you have a corrupt attempt to impede the administration of justice and the seeking of truth and the facts in the civil rights case.

Now, let me go to the testimony of Mr. Jordan. Has that been distributed now? Good. Let me give a caveat here, particularly to my colleagues, the counselors for the President, that this summary of the portions of the testimony of Mr. Jordan are based upon my handwritten notes. So, please don't blow it up in a chart if there is some discrepancy. I believe this is, in good faith, accurate, but I did not have a copy of the transcript. I was required to go to the Senate Chamber and actually take notes in order to prepare this.

There are a number of areas that I think are relevant and new information and are very important for your consideration. Let me just touch upon five areas.

The first one is the job search and Mr. Jordan being an agent of the President. In the deposition, Mr. Jordan testified that:

> There is no question but that through Betty Currie I was acting on behalf of the President to get Ms. Lewinsky a job.

He goes on to say:

> I interpreted [the request, referring from Betty Currie] it as a request from the President.

Then he testified:

> There was no question that he asked me to help [referring to the President] and that he asked others to help. I think that is clear from everybody's grand jury testimony.

So the question is as to whether the information, the request, came from Betty Currie or whether it came directly from the President, there is no question but that Mr. Jordan was acting at the request of the President of the United States and no one else. In fact, he goes on to say:

> The fact is I was running the job search, not Ms. Lewinsky, and therefore, the companies that she brought or listed were not of interest to me. I knew where I would need to call.

This is very important. There has been a reference, ''Well, he was simply getting a job referral, making a referral for routine employment interview by this person, Ms. Lewinsky.'' But, in fact, it is clear that Mr. Jordan knew whom he wanted to contact. He was running the job search as he testified to.

Then he testified:

> Question: You're acting in behalf of the President when you are trying to get Ms. Lewinsky a job and you were in control of the job search?

The answer is:

> Yes.

So that is one area, and it is important to establish that he was an agent for the President.

Secondly, there was a witness list that came out December 5. The President knew about it, at the latest, on December 6, and yet he had two meetings with Mr. Jordan, on December 7 and December 11. In neither one of those meetings was it disclosed to Mr. Jordan that Monica Lewinsky was a witness. I am referring to the second page of the exhibits I have handed you in which Mr. Jordan testified to that effect:

> Question: And on either of these conversations that I've referenced, that you had with the President after the witness list came

out, your conversation on 12/7 and your conversation sometime after the 11th, did the President tell you that Ms. Monica Lewinsky was on the witness list in the Jones case?

Answer: He did not.

Question: Would you have expected the President to tell you if he had any reason to believe that Ms. Lewinsky would be called as a witness in the Paula Jones case?

Answer: That would have been helpful.

Question: So it would have been helpful and it was something you would have expected?

Answer: Yes.

Even though it would have been helpful, he would have expected the President to tell him the information, it was not disclosed to him. The materiality, the relevance, of that is that you have the President controlling a job search, knowing this is a witness in which we are trying to provide a benefit for, and yet the person he is directing to get the job for Ms. Lewinsky, he fails to tell Mr. Jordan the key fact that she is, in fact, a witness, an adverse witness in that case. I think that is an important area of his testimony.

The third area, keeping the President informed—very clear testimony about the development of the job search, the Lewinsky affidavit that was being prepared, and the fact that it was signed. On the third page I have provided to you, Mr. Jordan's testimony:

I was keeping him [the President] informed about what was going on and so I told him.

He goes on further to say:

He [referring to the President] was obviously interested in it.

Then the question, I believe, was:

What did you tell the President when the affidavit was signed?

And his answer:

Mr. President, she signed the affidavit, she signed the affidavit.

So was there any connection between the job benefit that was provided and the affidavit that was signed in reference to her testimony? Clearly, it was something the President not only directed the job search, but he was clearly interested, obviously concerned, receiving regular reports about the affidavit.

Then the fourth area is the information at the Park Hyatt that was developed. To lay the stage for this—and I will do this very briefly—if you look at page 4, you see the previous testimony of Mr. Jordan before the grand jury in March. At that time, the question was asked of him:

Did you ever have breakfast or any meal, for that matter, with Monica Lewinsky at the Park Hyatt?

His answer was:

No.

It was not equivocally, it was indubitably no.

And he was further asked, and he testified:

I've never had breakfast with Monica Lewinsky.

And then on page 5 he goes on, in the May 28 grand jury testimony:

Did you at any time have any kind of a meal at the Park Hyatt with Monica Lewinsky?

His answer was:

No.

So that sets the stage, because in Ms. Lewinsky's testimony, as evidenced by page 6 of your exhibits, she testified in August, after the last time Mr. Jordan testified, very clearly about this meeting on December 31 at the Park Hyatt with Mr. Jordan where they had breakfast. And the discussion was about Linda Tripp. And then the discussion went to the notes from the President, and she said, ''No, [it was] notes from me to the President.'' And Mr. Jordan told her, according to her testimony, ''Go home and make sure they're not there.'' That is Ms. Lewinsky's testimony.

It was important to ask Mr. Jordan about this. And I assumed that we, of course, would get simply a denial, sticking with the previous grand jury testimony, that unequivocally, no, that meeting never happened: we never had breakfast at the Hyatt.

On page 7, you will notice that Ms. Lewinsky, in her testimony, specifically identified even what they had for breakfast. And so the investigation required us to go out and get the receipt at the Park Hyatt, which is page 8. And the receipt showed that there was a charge on December 31 by Mr. Jordan that included every item for breakfast, that corroborated the testimony of Ms. Lewinsky as to her memory; that is, the omelette they had for breakfast.

And so it is tightening here. The evidence is becoming more clear, unequivocally, that this meeting occurred. And so we had to ask this of Mr. Jordan. And this is page 9. And, of course, I presented the Park Hyatt receipt, I presented the testimony of Ms. Lewinsky, and his testimony, which is page 9:

It is clear, based on the evidence here, that I was at the Park Hyatt on Dec 31st. So I do not deny, despite my testimony before the grand jury, that on [December] 31 that I was there with Ms. Lewinsky, but I did testify before the Grand Jury that I did not remember having a breakfast with her on that date and that was the truth.

But what amazed me was, as you go through the questions with him, all of a sudden he remembered the breakfast but all of a sudden he remembered the conversation in which he before said it never happened at all. And his testimony was, when asked about the notes:

I am certain that Ms. Lewinsky talked to me about [the] notes.

And so I think there are a number of relevant points here. First of all, you reflect back on the testimony of Ms. Lewinsky in this same deposition in which she was asked the question, getting Mr. Jordan's approval was basically the same as getting the President's approval? Her answer: Yes.

And so that is how Ms. Lewinsky viewed this. And this is what was told to her at this meeting at the Park Hyatt. It goes to credibility, it goes to what happened, it goes to the obstruction of justice. It is extraordinarily relevant. It is new information. It is what was developed because this Senate granted us the opportunity to take this further deposition of Mr. Jordan and the other witnesses.

And there are other, you know—the fifth point is that the testimony goes to the interconnection between the job help and the testimony that was being solicited from Ms. Lewinsky.

So why is the presentation necessary? Some of you might even think, ''Well, thank you very much for that explanation you have given to us. Now we have all the facts. Let's go on and vote.'' Well, I do think there is some merit. First of all, this is not all. There is much more there. I just have a moment to develop a portion of Mr. Jordan's testimony that I believe is helpful, but, secondly, it tells a story that has never been told before.

Now, I went and saw the videotape and I was underwhelmed by my questioning, because it is just not the same. I thought we had a dynamic exchange. But then I saw it on videotape and I am nowhere to be found. You get to look at Mr. Jordan, a distinguished gentleman. But it is still helpful not withstanding the difficulty of a video presentation. I respectfully request this body to develop the facts fully, to hear the testimony of Mr. Jordan, to allow him to explain this that tells the story, start to finish, on this one aspect of obstruction of justice that is critical to your determination. And so I would ask your concurrence in the approval of the motion that has been offered to you, and at this time I yield to Manager ROGAN.

The CHIEF JUSTICE. The Chair recognizes Mr. Manager ROGAN.

Mr. Manager ROGAN. Mr. Chief Justice, Members of the Senate, yesterday, along with Mr. Manager GRAHAM, I had the privilege of conducting the deposition of Sidney Blumenthal, assistant to the President. That deposition was presided over by the senior Senator from Pennsylvania and the junior Senator from North Carolina. And on behalf of the House managers, and I am also sure the White House counsel, we thank them for the able job that they did.

This deposition must be played for Members of the U.S. Senate, and if one Senator has failed to personally sit through this deposition—and every deposition—that Senator is not equipped to render a verdict on the impeachment trial of the President of the United States.

Now, I will address very briefly just a couple of the reasons why I believe Mr. Blumenthal's deposition warrants being played before this body. But to do it, it needs to be put in perspective. Remember what the President of the United States testified to on the day he was sworn in as a witness before the grand jury. He said that in dealing with his aides, he knew there was a potential that they could become witnesses before the grand jury, and that is why he told them the truth. That is the President's own word: the ''truth.'' Mr. Blumenthal's deposition paints a

totally different picture and gives a terribly different interpretation of what the President was doing in passing along false stories to his aides.

Now, we have been treated to a number of euphemisms by the distinguished White House counsel during their presentation as to what the President was doing during his grand jury. They described his testimony as ''maddening.'' They have described his testimony as ''misleading'' and ''unfortunate.'' But the one thing they have never described it as is a lie.

Mr. Blumenthal gave a totally different take on that. Because he testified under oath that, upon reflection, he believes the President was not maddening to him, the President lied to him. And he testified so for a very good reason.

Remember, Sidney Blumenthal testified three times before the grand jury in 1998. He testified in February and twice in June. But that testimony was in a vacuum because each time he testified before the grand jury we were still in a national state of, at least presumptively, believing that the President had told the truth. The President had made an emphatic denial as to the Monica Lewinsky story. There was no physical evidence presented to the FBI lab at the time Mr. Blumenthal testified. And Monica Lewinsky was not cooperating with the grand jury. So we know that certain questions were not asked of him during his grand jury testimony because of the status of the facts as we thought they were. But Mr. Blumenthal shed some incredible new light on the testimony that we received yesterday from him.

He said, first of all: After I was subpoenaed, but before I testified before the grand jury, once in February and twice in June—with the President knowing he was about to become a witness before the grand jury, a criminal grand jury investigation—the President never came to him and said, ''Mr. Blumenthal, before you go and provide information in a criminal grand jury investigation, I need to recant the false stories I told you about my relationship with Monica Lewinsky.''

And he testified about those false stories. He corroborated his own testimony from earlier proceedings. You will recall from the record that the day the Monica Lewinsky story broke in the national press Mr. Blumenthal was called to the Oval Office by the President. The door was closed. They were alone. And this is what the President told Sidney Blumenthal about the revelations that were breaking that day on the national press wire:

He said, ''Monica Lewinsky came at me and made a sexual demand on me.''

The President said he rebuffed her. He said:

I've gone down that road before, I've caused pain for a lot of people and I'm not going to do that again.

The President said Monica Lewinsky threatened him:

She said that she would tell people they'd had an affair, that she was known as the stalker among her [colleagues], and that she hated it and if she had an affair or said she had an affair then she wouldn't be the stalker any more.

And the testimony goes on. You are all familiar with it at this point.

The President of the United States allowed his aide to appear three times before a Federal grand jury conducting a criminal investigation, and never once did the President of the United States inform that aide before providing that information to the investigatory body—never once—asked or told the aide that that was false information. Mr. Blumenthal's testimony demonstrates that the President of the United States used a White House aide as a conduit for false information before the grand jury in a criminal investigation.

I just want to make one other brief point before I close this presentation because I think it needs to be said. I am in no position to lecture any of the distinguished Members of this body on what the founders intended in drafting the Constitution. I believe all of us in this room have an abiding respect for that. But there are a couple of points that need to be made. I believe there is a reason the founders drafted a document that allows us the opportunity in every trial proceeding in America to confront and cross-examine live witnesses. It is because that gives the trier of fact the opportunity to gauge the credibility and the demeanor of the witnesses. We have discussed that at length during these proceedings.

But one thing we haven't discussed and one thing that I think is important—not from the House managers' perspective, but from the perspective of history and the history that will be written on the ultimate verdict in this case—and that is the idea of open trials. There is a reason why the founders looked askance on the concept of secret trials and closed trials. There is a reason why in every courtroom across the land trials are open. They are open. It is an open process. The light of truth is allowed to be shown on the courtroom and from the courtroom because we don't trust the credibility of a verdict if it is done in secret. What would be the verdict on this proceeding if the judgment of this body is based upon testimony and witnesses, on videotapes, locked in a room somewhere, available only to the triers of fact without the public being privy to what was made available?

Ladies and gentlemen of the Senate, I would urge you, not for the sake of the managers and not for the sake of the presentation of the case, but for the sake of this body and for the verdict of history that will be written, to please allow this to be a public trial in the real sense. If the witnesses will not be brought here live before the Senate, please allow the doors of the Senate to be open so that the testimony upon which each of you must base your verdict will be made available not only to all 100 Senators, but will be made available to those who will make the ultimate judgment as to the appropriateness of the verdict, the American people.

Mr. Chief Justice, I yield to Mr. Manager GRAHAM.

The CHIEF JUSTICE. The Chair recognizes Mr. Manager GRAHAM.

Mr. Manager GRAHAM. Mr. Chief Justice, how much time?

The CHIEF JUSTICE. Your colleagues have consumed 37 minutes.

Mr. Manager GRAHAM. Ladies and gentlemen of the Senate, not a whole lot to add, but I would like to recognize this thought: That we have learned a great deal in these depositions. Thank you for letting us have them. We didn't get everything we wanted—and I think that is a fair statement—but who does in life? But we do appreciate you giving us the opportunity to explore the testimony of these witnesses because I think it would be helpful in setting the historical record straight.

Mr. Blumenthal, to his credit, said the President of the United States lied to him. The President of the United States did lie to him. The President of the United States, in his grand jury testimony, denied ever lying to me. That should be historically significant and should be legally significant. Mr. Blumenthal, to his credit, said the President of the United States tried to paint himself as a victim to Ms. Lewinsky. That would be legally and historically relevant and it will mean a lot in our arguments and it will be something you should consider.

This has been a good exercise. Thank you very much for letting us depose these witnesses.

I was not at the other two depositions, but I was at Mr. Blumenthal's deposition, and I can assure you we know more now about what the truth is than before we started this process. I hope at the end of the day it is our desire to get to the truth that guides us all. We are asking for one live witness, Ms. Lewinsky.

Let me tell you, I know how difficult it is to want this to go on given where everybody is at in the country. Trust me, I want this to end as much as you do. However, there is a signal we will send if we don't watch it. We will make the independent counsel report the impeachment trial, and I am not so sure that is what the statute was written for.

The key difference between the House and the Senate is that the White House never disputed the facts over in the House. They never disputed the facts. They called 15 witnesses to talk about process and about the interpretations that you would want to put on those facts. In their motion to the Senate, everything is in dispute. It is a totally different ball game here. That is why we need witnesses, ladies and gentlemen, to clarify who said what, who is being honest, who is not, and what really did happen in this sordid tale.

Ms. Lewinsky comes before us because the allegations arise that the

President of the United States, with an intern, had an inappropriate workplace sexual relationship that was discovered in a lawsuit where he was a defendant. This was not us or anyone else trying to look into the President's private life for political reasons or any other reason. It was a defendant in a lawsuit asking to look at the behavior of that defendant in the workplace, something that goes on every day in courtrooms throughout the country.

And is it uncomfortable? Yes, it is uncomfortable. If you have ever tried a sexual harassment case, an assault case, or a rape case, it is very much uncomfortable to have to listen to these things. But the reason that people are asked to do what you are asked to do by the House managers is that the folks that are involved represented themselves much better than lawyers talking about what happened. And if you find it uncomfortable listening to Ms. Lewinsky, think how juries feel, think how the victims feel, think how somebody like Ms. Jones must feel not to be able to tell the story of the person they are suing.

That is a signal that is going to be sent here that will be a devastating and bad signal. If we can't stomach it, if we can't stomach listening to inappropriate sexual conduct, why do we put that burden on anyone else?

Give us this witness. We will do it in a professional manner. We will focus on the obstruction. We will try to do it in a way not to demean the Senate. We will try to do it in a way not to demean Ms. Lewinsky. We will try to do it in a way to get to the truth. Please give us a chance to present our case in a persuasive fashion, because unlike the House, everything is in dispute here.

Thank you very much. I reserve the balance of my time.

The CHIEF JUSTICE. The House managers reserve the balance of their time.

The Chair recognizes Counsel CRAIG.

Mr. Counsel CRAIG. Mr. Chief Justice, ladies and gentlemen of the Senate, I have divided my presentation into three parts that fortunately correspond to the three parts of the motion that is before you today.

I would like, first, to argue against admitting videotape evidence into the record of this trial. Secondly, I would like to argue against calling live witnesses to this trial. And thirdly, I would like to argue against the proposed presentation of videotape and deposition testimony for Saturday.

I sound rather negative. I don't mean to be negative. But we don't find much to recommend the three proposals that the House managers have brought before you today.

Let me begin by saying that we support the idea of admitting written transcripts of deposition testimony of these three witnesses into the record of this trial. But we believe that it would be a terrible mistake and wholly redundant to put the videotape testimony into that record as well, particularly if that means releasing any of this videotaped material to the public.

We can only call the Senate's attention to section 206 of Senate Resolution 30, which instructs the Secretary of the Senate ''to maintain the videotaped and transcribed records of the deposition as confidential proceedings of the Senate.'' That was the intention of the Senate when you first passed Resolution 30. If this decision as proposed today will result in overruling that rule, if there is any risk or danger of a wholesale, unconditional, and unlimited release of these videotapes for the public through the national media, just as was done by the House of Representatives when it released all the Starr materials, we think it is a bad idea.

In retrospect, most people believe that it was a mistake for the House to release those materials—and those materials included videotaped grand jury testimony—and we believe it would be a mistake for the Senate, at the request of the House managers, to do the same thing with these videotaped materials now. To release these videotapes generally to the public—which will happen if they are put into the record—inevitably will surely cause consternation among those members of the public, particularly parents who do not choose to spend one more moment, much less hours and even days, thinking about the President's relationship with Monica Lewinsky and explaining it again to the children. Placing these videotapes in the formal record of this trial will be one step closer to releasing the tapes to the public for immediate broadcast. And if that release occurs, it will produce an avalanche of unwelcome deposition testimony into the public domain.

The videotaped testimony of Ms. Lewinsky, Mr. Jordan, and Mr. Blumenthal will be forced, hour after hour, unbidden and uninvited, into the living rooms and family rooms of the Nation. Make no mistake about what would happen; we have seen it before. We can expect to see the networks play these tapes, wall-to-wall, nonstop, and without interruption, over the airwaves. This would be a repeat of what happened when the case first came to the House of Representatives. For the Senate to decide to include the videotapes of this deposition testimony, as opposed to the written transcripts in the formal record of this trial, would have the same effect and could result in this kind of release. The picture, voices, and words on these tapes would flow directly and irreversibly into the life of the Nation. In addition, these videotapes will, no doubt, be edited and excerpted and cut and spliced, and the materials will not only be overused, they will also be inevitably abused.

To take advantage of these witnesses, I submit to you, in this way is wrong—whether in the context of the grand jury proceeding where confidentiality is promised, or whether testifying under subpoena in an impeachment trial in the Senate. It is unfair to the witnesses, unfair to the public, unfair to the Senate and, we submit, unfair to the President as well.

We do not object to release of the written transcripts of this testimony; we support that release. And we believe that that satisfies any reasonable requirement of public access to the information. The public's right to know and understand what is happening in this impeachment trial would be respected. But we should learn a lesson from America's experience in the House of Representatives: More is not always better.

It is not wise or right for the House or the Senate to perform the function of a mere conveyor belt simply and automatically transmitting unfiltered evidence into the public domain. It is not wise or right to suspend judgment and turn over for public viewing the videotaped testimony of private witnesses who are forced to appear and testify under compulsion. It is simply wrong to release videotapes of such testimony for cable news networks or for friends or foes to use as they want. This, I submit, is profoundly unfair to the witnesses.

One can only ask, who really benefits from this kind of practice? Is it really in the public interest for the Senate to issue and serve a subpoena on private individuals like Monica Lewinsky, or Vernon Jordan, to summon these citizens before the Senate to compel their testimony before video cameras and then to take that videotaped testimony, without any consideration or thought about the legitimate personal concerns or interests of those witnesses, and release those videotapes of that testimony for the national media? Is it really in Ms. Lewinsky's interest to do this, or in the interest of her family or her future? Is it fair to Mr. Jordan or to his family to subject him to this kind of treatment? Is it really in the Senate's interest? Is it in the interest of the Constitution, or the Presidency, or of the American people to have a videotape of Monica Lewinsky readily available for all the world to see and to hear?

What about those individuals who are, in fact, truly innocent but who will surely suffer if these videotapes are released to the public for permanent residence in the public domain? What about the members of the President's immediate family? How can the Senate contemplate releasing Ms. Lewinsky's videotaped testimony, discussing her relationship with the President, without giving at least some thought to the impact that this might have on the members of that family? You can be sure that the release of this testimony and of this videotape will only add to their agony, embarrassment, and humiliation.

I only hope that those who purport to be concerned about the moral damage that can be attributed to the President's conduct and example are equally mindful of the hurt that will be inflicted on innocent people by the mere

broadcasting of these videotapes and of their existence in perpetuity in the public record and the public domain.

We think it is perfectly appropriate and, no doubt, helpful to many Senators and staffers to be able to watch the deposition testimony of these three witnesses on videotape as part of the Senate's trial proceeding, but that function has now been satisfied. There is no need for these tapes to be broadcast to the public. And the public knows better than anyone. It is for that precise reason that one suspects that three-quarters of those polled, according to a survey reported in yesterday's New York Times, oppose releasing the videotaped testimony of Ms. Lewinsky and Mr. Jordan and Mr. Blumenthal to the public.

I urge you to not vote to place these materials into the record of this trial without giving careful consideration to these interests and to these concerns. These are not just the interests and concerns of the President and the members of his family. They are not just the interests and concerns of these three witnesses and the members of their families. I think they are also the interests and concerns of the American people as well.

The bottom line, ladies and gentlemen of the Senate, is simple: You do not need these videotapes released to do your constitutional duty, and the people we all work for do not want these videotapes released to them. Please draw the line.

As for the issue of witnesses, we believe that there is no useful purpose served by calling live witnesses to testify before the Senate in this trial. Live witnesses will not advance the factual record. We have known the facts for many months. Nor will live witnesses give us new insight into the witnesses themselves. Sidney Blumenthal's fourth appearance, Vernon Jordan's seventh appearance, and Monica Lewinsky's twenty-third appearance told us really very little that was new. I take issue with the presentation of the managers. Why should we expect Mr. Blumenthal's fifth appearance, Mr. Jordan's eighth appearance, and Ms. Lewinsky's twenty-fourth appearance to add anything more? Live witnesses will simply not serve the interests of fairness. They will not serve the interests of the American people, and they will not serve the interests of the Senate. In fact, live testimony from these three individuals—or from Ms. Lewinsky alone—will be worse than an exercise in redundancy and will be an exercise in excess. It will only postpone the end of the trial that nobody wants anymore and that no one wants to prolong any longer. There is every reason, finally and at long last, to bring the trial to a close. And calling live witnesses, I submit, will not be quick, and it will not be easy. It will prevent the Senate from keeping its pledge to bring this trial to a conclusion by February 12.

Because live witnesses are unnecessary for the resolution of this matter, perhaps the most important question for the Senate to consider and resolve itself is whether calling live witnesses might, in fact, tarnish the Senate as an institution. This is a question that only you can resolve, the Members of the Senate. And you certainly need not take instructions from me or from any of us at this table on that subject. But the question is worth asking: Will the public's respect for the Senate and for the Members of this body be enhanced by calling live witnesses? Does the Senate really feel a need or an obligation or some requirement to bring Ms. Lewinsky to sit here and testify in the well of this historic Chamber?

The managers first argued that live witnesses were necessary to resolve conflicts of testimony, that the only way to reconcile disparities and differences in testimony was to bring in live witnesses. Today we know that is not true. You gave the managers an opportunity to resolve those conflicts and find new facts. But most of the critical conflicts that existed a week ago still exist today.

Calling Monica Lewinsky to testify a 24th time is not likely to resolve those conflicts. Then we were told that we must look into the eyes of the witnesses and observe their demeanor to make a judgment as to credibility. But you now have the opportunity to observe almost every major witness as he or she testifies. Precious little is left to the imagination or to guess or to question the credibility, and you certainly have a better chance of observing demeanor through the videotape than you do with a witness here on the floor of the Senate.

We are now given a third reason why live witnesses are absolutely necessary to this trial to go forward; that is to ''validate'' the testimony of these witnesses.

According to Mr. Manager HYDE, the depositions have been successful, but ''what we need now is to validate the record that already exists under oath about obstruction of justice and perjury.''

Ladies and gentlemen of the Senate, we on this side of the House have never challenged that record. We have always agreed that the witnesses said what the record says they said, and that record needs no further validation through the live testimony of individual witnesses.

Those of us who have made a career of being lawyers and trying cases probably understand better than anyone else why the House managers are so adamant in their desire to call live witnesses. It keeps the door open if only for a few more days. As Mr. Kendall observed last week, like Mr. Micawber in David Copperfield, they hope against hope that something may turn up.

As an abstract proposition, the importance of live witnesses cannot be disputed. They are important to prosecutors who are trying to make a case. They are important to defense lawyers who are trying to defend a case. Trial lawyers know better than anyone that live witnesses can make all the difference in a trial. There is just no disputing that point.

But that abstract question is not the real live question that the Senate has before it today. The issue before the Senate today is different. It is more specifically whether these three witnesses, each one of whom has testified on multiple occasions under oath before the Federal grand jury, or have been interviewed on multiple occasions by lawyers and law enforcement officers, would have anything whatsoever to add to this trial if they were to appear before you in person. The answer to that question is clearly no.

The answer is no—not because Ms. Lewinsky has already been interviewed so many times and has testified so many times, not because she was just interviewed a few weekends ago, and not because she appeared and answered the House managers' questions under oath for many hours just 4 days ago. The answer is no because if you watch the videotape of her testimony, and if you look at the videotape of the testimony of Mr. Jordan and Mr. Blumenthal, you realize and you know deep in your bones that calling these witnesses to testify personally before you in the Senate in detail would simply be a massive waste of this Senate's time.

You already know the facts. You have already read what they have had to say on many different occasions. And you have already seen and read their most recent testimony under oath. It simply can no longer be credibly argued that you need testimony from these witnesses to ''flesh'' out the factual record or to resolve conflicts or to fill in the evidentiary gaps or to look the witnesses in the eye and assess their credibility. All that has been done many times before by many lawyers before and by many law enforcement officers many months ago. And then it was done just recently again by House managers as they took their deposition testimony last week.

The Senate has given the managers every opportunity to persuade the Senate and the Nation to see this case the same way they see it. And the managers have run a vigorous and energetic campaign aimed at capturing the Senate and changing American public opinion. How many times do you know of where the prosecutors base their case on a multimillion-dollar criminal investigation involving multiple interrogations of witnesses, producing 60,000 pages of documents, generating 19 boxes of evidence, when the prosecutors are allowed to go back to those witnesses again and again and again in an effort to maybe—somehow maybe—in some way to make their case, covering the same territory, presenting the same evidence, hour after hour? In fact, in our view, the Senate has indulged the managers. And despite the misgivings of many Senators, the Senate has leaned over backwards to accommodate the managers.

We believe it is time for the Senate to say it is time to vote. Given the state of the record compiled by the Office of Independent Counsel, given the discovery that has already been given to the managers, the evidence is as it is, and it is not likely to change in any significant way. The moment of truth can no longer be avoided, and the Senate should move to make the decision.

President Clinton is not guilty of having committed high crimes and misdemeanors. He should not be removed from office. The Senate must act now to end this impeachment trial finally and for all time.

Finally, as to the proposed proceedings for Saturday, Senate Resolution 30 gives the House managers and White House counsel an opportunity to ''make a presentation'' to the Senate employing all or portions of the videotape of the deposition testimony. And the final portion of the motion involves a request that the parties be permitted to present before the Senate for a period of time not to exceed a total of 6 hours equally divided all or portions of the parts of the videotapes of the oral depositions of Ms. Lewinsky, Mr. Jordan, and Sidney Blumenthal that have been admitted into evidence.

We are convinced that such a presentation would provide no new information to the Senate and would only serve to delay this trial and further burden the service of the Senate.

We also believe that there is a potential for unfairness that lurks in the process of excerpting and presenting portions of individual videotape testimony out of context. We remain committed to the notion that to be fair to all sides, the videotapes, if they are used, must be shown in their entirety or shown not at all. And, above all, we do not believe these videotapes should be released to the public in any form which would of course occur if they were used as part of the presentation on Saturday.

Senators have themselves been reviewing the videotaped deposition testimony of the witnesses at great length and in great detail over the past 4 days. It appears to us that the Senate has been very conscientious in carrying out this assignment. And within a matter of days, Senators will listen to final arguments from each side.

Is there really a need for an intermediate stage involving the playing of videotape testimony of the very same evidence? After conscientiously reviewing the videotape testimony and reading the transcripts of that testimony, should Senators now be required to sit and watch and listen to more of the same? Such an exercise would only be cumulative and causes us to ask what the point would be. We just do not think that additional presentations of the same evidence that Senators have been reviewing over the past few days will be that helpful to the process.

Presumably, the House managers seek to present a collection of snippets—the greatest hits from the deposition testimony of Ms. Lewinsky, Mr. Jordan, and Mr. Blumenthal. This would be unfortunate because it would require a full response from the White House—presumably our own collection of snippets aimed at putting the managers' excerpts into some kind of context. This would be a dual of snippets and excerpts, and presumably each side in the course of the presentation would conduct a guided tour for the Senate through that evidence, although I must say that the language of the motion leaves that open to some doubt.

The language of the motion provides no opportunity for argument, no opportunity for explanation, and simply talks about playing a total of 6 hours equally divided, all or portions of the parts of the videotapes.

Is this the kind of way that your time is best used in this enterprise? We fully understand the House managers' desire—and even share it—to highlight and explain the importance of certain testimony that came out of the depositions over the past few days. But in truth, there are no bombshells in that testimony. There is no dynamite. There are no explosions. We believe that highlighting, explaining, and calling attention to those parts of that testimony that are important can be done with the transcripts, and the transcripts more than satisfy the requirement that we see, or the need to conduct that function, carry out that function. That is what ordinary lawyers do when they are trying cases or arguing in front of a jury.

To the extent that the managers wish to call attention to various aspects of the testimony, we think they will have ample time to do so in the course of their final argument. Traditionally, that is the time to do that, during closing arguments, the time for advocates in a trial to marshal their evidence, to summarize and comment on that evidence; and to allow the managers to go through the deposition testimony first would be tantamount to giving the managers two closing arguments.

In summary, Mr. Chief Justice, I have a point of parliamentary inquiry I would direct to the Chair having to do with the first paragraph, the first section of the proposed motion submitted by the House managers. Is there any way that the Senate can deal first with the question, the first question being bifurcated? Is there any way the Senate can bifurcate this first question and a separate vote be taken first on including the transcripts of the deposition testimony in the record of the trial and, second, whether the videotapes should also be included in the record?

The CHIEF JUSTICE. A preemptive motion to that effect could be made by any Senator.

Mr. Counsel CRAIG. Thank you.

RECESS

The CHIEF JUSTICE. The majority leader.

Mr. LOTT. Mr. Chief Justice, I ask unanimous consent that we take a 15-minute recess. I think we can address that question during this recess.

There being no objection, at 2:22 p.m. the Senate recessed until 2:44 p.m.; whereupon, the Senate reassembled when called to order by the Chief Justice.

The CHIEF JUSTICE. The Chair recognizes the majority leader.

Mr. LOTT. Mr. Chief Justice, I believe that there is time remaining for arguments by the White House counsel, and then at their conclusion, by the House managers. After that, I will make an attempt to explain to the Senate exactly what is in the motions, because there seems to be some degree of question about that. Then we will be prepared to have a series of votes at that time. I still believe we should be able to start that around 4 o'clock. I yield the floor.

The CHIEF JUSTICE. The Chair recognizes Mr. Craig.

Mr. Counsel CRAIG. Mr. Chief Justice, we have completed our presentation. Thank you.

The CHIEF JUSTICE. The House managers have 19 minutes remaining.

The Chair recognizes Mr. Manager BRYANT.

Mr. Manager BRYANT. Mr. Chief Justice, I will respond briefly, to be followed by Mr. Manager MCCOLLUM, who will be followed by Mr. Manager HUTCHINSON.

Let me first talk quickly about Mr. Craig's argument about disagreeing on the admission of the video depositions. He cited the House proceedings, and we want to be clear as to our belief of our position in the House in this process, as the accusatory branch of the Government in this process, and I think that is the case because we vote by a majority vote, we chose to bring forward the case that we felt established the allegations of impeachment.

There was no conflict of evidence brought forward from those House proceedings. This evidence was not challenged until we came to this body, the appropriate body, for resolving the evidence and trying the case, as you will. That is evidenced by the constitutional requirement that you must vote conviction based on two-thirds of your body. But the actual conflict was not presented until we arrived here in the Senate. By allowing us to have this procedure of taking depositions, we have focused more clearly on resolving those particular conflicts.

I might add also in response to Mr. Craig's statement that the Starr Report was released out to the public and, as a result of that, there may be danger here in releasing these video depositions. But let me tell you about the House vote on the Starr Report. Seventy percent of the Democrats supported the release of those documents; 100 percent of the Democratic leadership in the House supported the release of those documents. So it was not just one party over the other party that threw these out to the public. It was a decision that was a bipartisan decision on the part of the House.

I might add, that is not our interest in doing this with video depositions. We are open to your process, but we must conclude by those who would argue that perhaps you should open your debate to the public, we don't see the consistency in trying to take a very important part of the evidence in this case and not opening that to the public. So we are at your wishes. It is our desire to make the presentation using all or portions of these video depositions and to use those as fully as we would any other evidence.

With that said, I ask Mr. Manager MCCOLLUM to follow me.

The CHIEF JUSTICE. The Chair recognizes Mr. Manager MCCOLLUM.

Mr. Manager MCCOLLUM. Thank you very much, Mr. Chief Justice.

If you listen to the White House counsel, the simple fact is, they don't want a public display in any form of any testimony here in front of the Senate. They don't want the public to have an opportunity to have a public trial.

Now, maybe an impeachment trial is not exactly the same as any other trial, but in the history of the Senate, it has been a basically open process, except for the voting. It has been an opportunity for witnesses to come before you. It has been an opportunity for people to be heard. It has been an opportunity for the public to hear the people who want to speak.

White House counsel didn't just say, ''We don't want live witnesses here.'' They said, ''We don't want you to be able to admit even into evidence the videotape that might become public, and we don't want you to be able to show any portion, or all even, of the videotapes of the depositions that have been taken.''

If a Republican had gotten up and said that, we would have probably gotten hung on some political petard for that. The reality is, the public has a business here. This is a trial. I suggest and submit to you, we need—you need—the opportunity to hear these witnesses one way or the other—preferably Monica Lewinsky live. We need to bring closure in this matter.

How can the public come to closure? How can those who feel so emotionally, as we know they do, around the country come to closure on this—which we need for them to do as much as you need to resolve and we need to have you resolve the questions before you—how can they come to closure? How can we all come to closure without an opportunity for the public to participate, in one way or another, in seeing the credibility, judging the witnesses, judging the truth of this?

Let me remind you, there is nothing in these depositions that contains any salacious material, so it has been constrained very delicately—nothing at all that would be offensive to anybody.

In addition, think about this for a minute. When it comes to calling Monica Lewinsky live, when it comes to letting the deposition be presented, if you believe that the President did not break the law—not talking about whether he should be removed from office—if you believe he did not break the law, that he did not commit the crimes of perjury and obstruction of justice, that means you must have concluded that Monica Lewinsky was not telling the truth when she said about the false affidavit, ''I knew what he meant,'' when she said about the concealment of the gifts, ''Betty called me,'' when she said about the nature of their relationship, ''It began the night we met,'' and many other things.

You, I would submit, my colleagues in the Senate, have a moral obligation to allow Monica Lewinsky to come here and be judged on her credibility, not just by you but by the public, by all of us, as a live witness. And certainly, barring that, you have an obligation to have the credibility on the issues of guilt or innocence of these crimes be judged by everybody, at the very least, by the presentation of these videos in a public, open format here in the Senate before everybody. And I think it is a powerful question you have to resolve.

And I would submit one last point. For those of you who do believe the President is guilty of these crimes, you have an obligation to let the showing of these depositions, or the presentation preferably of Monica Lewinsky live, so those who maybe don't think the same way you do have an opportunity for that credibility to be judged. Only if the witnesses are present can they be judged that way.

The most remarkable thing about the White House presentation may have been, just a moment ago, the admission that normally in trials this is exactly what happens. And I present to you the suggestion, this is exactly what should happen here today.

I yield to Manager HUTCHINSON.

The CHIEF JUSTICE. The Chair recognizes Manager HUTCHINSON.

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

Very briefly, I was asked to respond to the last argument by counsel for the President in regard to their objections on the evidentiary presentation of 6 hours under the motion, which would be, I believe, on Saturday. After 6 days of opening statements in this trial, and after 2 days of questions and answers, and then we had, I believe, 2 days of motion arguments, you have heard from all the lawyers more than you ever wanted to hear. And I don't think that it is too much to ask for 6 hours of discussion of the evidentiary record that was developed from the deposition testimony. I think that is reasonable.

It's been argued that, well, you know, it is going to be snippets, it is going to be a battle of snippets.

If this motion is passed, it will be introduced into evidence, and each side will have an opportunity to discuss that evidence, to contrast it with other individuals' testimony, and to present it in a fashion that is most understandable. It is equally divided; therefore, both sides can present their case. That is how it is traditionally done. There is nothing unusual about that. And certainly the White House defense lawyers will be very vigilant in making sure that it is fairly presented.

There was objection that was made—and this is overlapping a little bit—as to the public release of the video. Our motion really goes to introducing into evidence. It is up to you as to how that evidence is handled. Customarily in a trial, when something is entered into evidence, that is released. But there was concern expressed about the witnesses, about Mr. Jordan and the fact that he has testified and now it would be made public. I recall the White House defense lawyers, on this screen over here, put Mr. Jordan's video up there for the world to see. I believe they also brought in other witnesses on video that was put out there for the whole world to see. And so I think it is a little bit late to come in and say that that should not be subject to public discussion.

And so I think that the motion that is presented is reasonable, it is fair. They say there is nothing of dynamite or there is nothing explosive. Then if that is the case, there should not be any objection to the discussion and the fair playing of that evidence. But in fact much of this is due because it was not developed after the President made his grand jury appearance. Many of these witnesses testified early. They were not able to testify again after the President's grand jury testimony. So I think there are new areas that have certainly been developed.

With that, Mr. Chief Justice, I yield back.

The CHIEF JUSTICE. Will the House managers yield back?

Mr. Manager HUTCHINSON. Yes, Mr. Chief Justice.

The CHIEF JUSTICE. The Chair recognizes the majority leader.

Mr. LOTT. Mr. Chief Justice, then all time has been yielded back on both sides?

The CHIEF JUSTICE. Yes.

Mr. LOTT. We had expected this would take a little bit longer. (Laughter.)

Mr. Chief Justice, I believe it would be of interest to the Senators that we give just a brief explanation of the motions. I believe Senator DASCHLE may have an additional motion that he would like to offer. So that we can make sure he has had the time to prepare that, and how we would go into the voting procedure, I suggest the absence of a quorum.

The CHIEF JUSTICE. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. LOTT. Mr. Chief Justice, very briefly, I believe that Senator

DASCHLE, or one of his Senators, will have a peremptory motion that they will offer, and it will be read by the clerk; then there will be a vote on that. And then there will be a vote on the 3 divisions that have been identified—the 3 votes on the one motion—and then I believe Senator DASCHLE will also have a motion that will go straight to debate and closing arguments and the vote on the articles of impeachment. Is that a correct recitation?

I yield to Senator DASCHLE.

Mr. DASCHLE. Mr. Chief Justice, I appreciate the Senator yielding. As I understand it, Senator MURRAY's motion will relate to the third motion, which is, as I understand it, the motion that allows for video excerpts to be used. Her motion would restrict both managers to transcripts, written transcripts. I am not sure in which order her motion should be offered, but since it relates to the third one, perhaps it would be in concert with that motion.

The CHIEF JUSTICE. This is the motion to debate and divide the third motion.

Mr. DASCHLE. That's correct.

Mr. LOTT. We would vote on the first paragraph, the second paragraph, and then there would be a motion at that point by Senator MURRAY and a vote on that, and a vote then on the third division, and then a vote on the articles of impeachment itself.

VOTE ON DIVISION I

The CHIEF JUSTICE. The question is on division I. The clerk will read Division I.

The legislative clerk read as follows:

The House moves that the transcriptions and videotapes of the oral depositions taken pursuant to Senate resolution 30 from the point that each witness is sworn to testify under oath to the end of any direct response to the last question posed by a party be admitted into evidence.

The CHIEF JUSTICE. The yeas and nays are required.

The clerk will call the roll.

The legislative clerk called the roll.

The yeas and nays resulted—yeas 100, nays 0, as follows:

[Rollcall Vote No. 9]

[Subject: Division I of House managers motion regarding admission of evidence]

YEAS—100

Abraham	Craig	Hollings
Akaka	Crapo	Hutchinson
Allard	Daschle	Hutchison
Ashcroft	DeWine	Inhofe
Baucus	Dodd	Inouye
Bayh	Domenici	Jeffords
Bennett	Dorgan	Johnson
Biden	Durbin	Kennedy
Bingaman	Edwards	Kerrey
Bond	Enzi	Kerry
Boxer	Feingold	Kohl
Breaux	Feinstein	Kyl
Brownback	Fitzgerald	Landrieu
Bryan	Frist	Lautenberg
Bunning	Gorton	Leahy
Burns	Graham	Levin
Byrd	Gramm	Lieberman
Campbell	Grams	Lincoln
Chafee	Grassley	Lott
Cleland	Gregg	Lugar
Cochran	Hagel	Mack
Collins	Harkin	McCain
Conrad	Hatch	McConnell
Coverdell	Helms	Mikulski
Moynihan	Santorum	Thomas
Murkowski	Sarbanes	Thompson
Murray	Schumer	Thurmond
Nickles	Sessions	Torricelli
Reed	Shelby	Voinovich
Reid	Smith (NH)	Warner
Robb	Smith (OR)	Wellstone
Roberts	Snowe	Wyden
Rockefeller	Specter	
Roth	Stevens	

The CHIEF JUSTICE. On this vote, the yeas are 100, the nays are 0. Division I of the motion is agreed to.

VOTE ON DIVISION II

The CHIEF JUSTICE. The next vote will be on Division II of the motion. The clerk will read Division II of the motion.

The assistant legislative clerk read as follows:

Division II: The House further moves that the Senate authorize and issue a subpoena for the appearance of Monica S. Lewinsky before the Senate for a period of time not to exceed eight hours, and in connection with the examination of that witness, the House requests that either party be able to examine the witness as if the witness were declared adverse, that counsel for the President and counsel for the House Managers be able to participate in the examination of that witness, and that the House be entitled to reserve a portion of its examination time to re-examine the witness following any examination by the President.

The CHIEF JUSTICE. The yeas and nays are automatic. The clerk will call the roll.

The assistant legislative clerk called the roll.

The yeas and nays resulted—yeas 30, nays 70, as follow:

[Rollcall Vote No. 10]

[Subject: Division II of House managers motion regarding appearance of witnesses]

YEAS—30

Abraham	Frist	Lugar
Ashcroft	Gramm	Mack
Bond	Grams	McCain
Bunning	Hagel	McConnell
Burns	Hatch	Murkowski
Cochran	Helms	Nickles
Craig	Hutchinson	Santorum
Crapo	Inhofe	Smith (NH)
DeWine	Kyl	Specter
Fitzgerald	Lott	Thompson

NAYS—70

Akaka	Enzi	Moynihan
Allard	Feingold	Murray
Baucus	Feinstein	Reed
Bayh	Gorton	Reid
Bennett	Graham	Robb
Biden	Grassley	Roberts
Bingaman	Gregg	Rockefeller
Boxer	Harkin	Roth
Breaux	Hollings	Sarbanes
Brownback	Hutchison	Schumer
Bryan	Inouye	Sessions
Byrd	Jeffords	Shelby
Campbell	Johnson	Smith (OR)
Chafee	Kennedy	Snowe
Cleland	Kerrey	Stevens
Collins	Kerry	Thomas
Conrad	Kohl	Thurmond
Coverdell	Landrieu	Torricelli
Daschle	Lautenberg	Voinovich
Dodd	Leahy	Warner
Domenici	Levin	Wellstone
Dorgan	Lieberman	Wyden
Durbin	Lincoln	
Edwards	Mikulski	

The CHIEF JUSTICE. The Senate will be in order.

On this vote, the yeas are 30, the nays are 70. Division II of the motion is not agreed to.

The Chair recognizes the Senator from Washington, Mrs. MURRAY.

MURRAY SUBSTITUTE FOR DIVISION III

Mrs. MURRAY. Mr. Chief Justice, I send a substitute for division III to the desk.

The CHIEF JUSTICE. The clerk will report.

The legislative clerk read as follows:

The Senator from Washington, Mrs. MURRAY, moves that the following shall be substituted for division III:

I move that the parties be permitted to present before the Senate, for a period of time not to exceed a total of six hours, equally divided, all or portions of the parts of the written transcriptions of the depositions of Monica S. Lewinsky, Vernon E. Jordan, Jr., and Sidney Blumenthal.

The CHIEF JUSTICE. Very well.

The Parliamentarian advises me that there are 2 hours of argument on this motion. Who is the proponent?

Mr. DASCHLE. Mr. Chief Justice, I ask unanimous consent that the time be yielded back.

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

I think the clerk should read division III, having read the proposed substitute.

The legislative clerk read as follows:

The House further moves that the parties be permitted to present before the Senate, for a period of time not to exceed a total of six hours, equally divided, all or portions of the parts of the videotapes of the oral depositions of Monica S. Lewinsky, Vernon E. Jordan, Jr., and Sidney Blumenthal admitted into evidence, and that the House be entitled to reserve a portion of its presentation time.

The CHIEF JUSTICE. Now the clerk will read the substitute again.

The legislative clerk read as follows:

I move that the parties be permitted to present before the Senate for a period of time not to exceed a total of six hours, equally divided, all or portions of the parts of the written transcriptions of the depositions of Monica S. Lewinsky, Vernon E. Jordan, Jr., and Sidney Blumenthal.

The CHIEF JUSTICE. The yeas and nays are automatic. The question is on the substitute. The clerk will call the roll.

The legislative clerk called the roll.

The yeas and nays resulted—yeas 27, nays 73, as follows:

[Rollcall Vote No. 11]

[Subject: Murray motion to substitute division III of the House motion]

YEAS—27

Akaka	Harkin	Mikulski
Biden	Inouye	Murray
Bingaman	Johnson	Reed
Boxer	Kennedy	Reid
Campbell	Kerrey	Robb
Conrad	Landrieu	Rockefeller
Daschle	Lautenberg	Sarbanes
Dodd	Levin	Snowe
Dorgan	Lincoln	Torricelli

NAYS—73

Abraham	Byrd	Enzi
Allard	Chafee	Feingold
Ashcroft	Cleland	Feinstein
Baucus	Cochran	Fitzgerald
Bayh	Collins	Frist
Bennett	Coverdell	Gorton
Bond	Craig	Graham
Breaux	Crapo	Gramm
Brownback	DeWine	Grams
Bryan	Domenici	Grassley
Bunning	Durbin	Gregg
Burns	Edwards	Hagel

Hatch	Lugar	Smith (NH)
Helms	Mack	Smith (OR)
Hollings	McCain	Specter
Hutchinson	McConnell	Stevens
Hutchison	Moynihan	Thomas
Inhofe	Murkowski	Thompson
Jeffords	Nickles	Thurmond
Kerry	Roberts	Voinovich
Kohl	Roth	Warner
Kyl	Santorum	Wellstone
Leahy	Schumer	Wyden
Lieberman	Sessions	
Lott	Shelby	

The CHIEF JUSTICE. On this vote the yeas are 27, the nays are 73, and the motion is not agreed to.

VOTE ON DIVISION III

The CHIEF JUSTICE. The vote is now on the division III of the motion. The clerk will read division III.

The assistant legislative clerk read as follows:

Division III. The House further moves that the parties be permitted to present before the Senate, for a period of time not to exceed a total of six hours, equally divided, all or portions of the parts of the videotapes of the oral depositions of Monica S. Lewinsky, Vernon E. Jordan, Jr., and Sidney Blumenthal admitted into evidence, and that the House be entitled to reserve a portion of its presentation time.

The CHIEF JUSTICE. The yeas and nays are automatic. The clerk will call the roll.

The assistant legislative clerk called the roll.

The yeas and nays resulted—yeas 62, nays 38, as follows:

[Rollcall Vote No. 12]

[Subject: Division III of the House managers motion regarding presentation of evidence]

YEAS—62

Abraham	Feingold	McConnell
Allard	Fitzgerald	Moynihan
Ashcroft	Frist	Murkowski
Bennett	Gorton	Nickles
Bond	Gramm	Roberts
Breaux	Grams	Roth
Brownback	Grassley	Santorum
Bryan	Gregg	Sessions
Bunning	Hagel	Shelby
Burns	Hatch	Smith (NH)
Byrd	Helms	Smith (OR)
Campbell	Hollings	Specter
Chafee	Hutchinson	Stevens
Cochran	Hutchison	Thomas
Collins	Inhofe	Thompson
Coverdell	Kyl	Thurmond
Craig	Lieberman	Voinovich
Crapo	Lott	Warner
DeWine	Lugar	Wellstone
Domenici	Mack	Wyden
Enzi	McCain	

NAYS—38

Akaka	Feinstein	Levin
Baucus	Graham	Lincoln
Bayh	Harkin	Mikulski
Biden	Inouye	Murray
Bingaman	Jeffords	Reed
Boxer	Johnson	Reid
Cleland	Kennedy	Robb
Conrad	Kerrey	Rockefeller
Daschle	Kerry	Sarbanes
Dodd	Kohl	Schumer
Dorgan	Landrieu	Snowe
Durbin	Lautenberg	Torricelli
Edwards	Leahy	

The CHIEF JUSTICE. On this vote, the yeas are 62, the nays are 38. Division III of the motion is agreed to.

The CHIEF JUSTICE. The Chair recognizes the minority leader.

MOTION TO PROCEED TO CLOSING ARGUMENTS

Mr. DASCHLE. I send a motion to the desk.

The CHIEF JUSTICE. The clerk will report the motion.

The legislative clerk read as follows:

The Senator from South Dakota [Mr. DASCHLE] moves that the Senate now proceed to closing arguments; that there be 2 hours for the White House Counsel followed by 2 hours for the House Managers; and that at the conclusion of this time the Senate proceed to vote, on each of the articles, without intervening action, motion or debate, except for deliberations, if so decided by the Senate.

The CHIEF JUSTICE. The minority leader.

Mr. DASCHLE. I ask unanimous consent that all time be yielded back.

The CHIEF JUSTICE. In the absence of objection, it is so ordered. The yeas and nays are automatic. The clerk will call the roll.

The legislative clerk called the roll.

The yeas and nays resulted—yeas 44, nays 56, as follows:

[Rollcall Vote No. 13]

[Subject: Daschle motion to proceed to closing arguments]

YEAS—44

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

NAYS—56

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

The CHIEF JUSTICE. On this vote the yeas are 44, the nays are 56, and the motion is not agreed to.

The Chair recognizes the majority leader.

Mr. LOTT. Mr. Chief Justice, I believe that was the last of the motions that had been offered.

I am ready to go to the closing script unless there is some other motion pending or to be offered.

Mr. Counsel RUFF. May I ask, Mr. Chief Justice, for indulgence for just a couple minutes to consult with my colleagues?

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

The CHIEF JUSTICE. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. LOTT. Mr. Chief Justice, I believe that it is in order for White House counsel to offer a motion at this point. If they wish to do so, then I believe they could, then we would vote on that motion.

The CHIEF JUSTICE. The Chair recognizes Mr. White House Counsel Ruff.

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

MOTION TO PROVIDE WRITTEN NOTICE TO COUNSEL

Mr. Counsel RUFF. Mr. Majority Leader, I want to hand up to the desk a brief motion dealing with the presentation of videotape evidence on Saturday pursuant to the motion that has just been voted on by the Senate. If I may, I hand it up to the clerk.

The CHIEF JUSTICE. The clerk will read the motion.

The legislative clerk read as follows:

Mr. Ruff moves that no later than 2:00 P.M. on Friday, February 5, 1999, the Managers shall provide written notice to counsel for the President indicating the precise page and line designations of any video excerpts from the depositions of Monica Lewinsky, Vernon Jordan or Sidney Blumenthal that they plan to use during their three-hour presentation on Saturday, or during their closing argument.

The CHIEF JUSTICE. There are 2 hours equally divided on the motion.

Mr. Counsel RUFF. Mr. Chief Justice, we won't use but a small percentage of that. I will turn the matter over, if I may, to my colleague, Mr. Kendall.

The CHIEF JUSTICE. The Chair recognizes Mr. Counsel Kendall.

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

Ladies and gentlemen of the Senate, House managers, I will be brief. This is simply a procedural motion which I think will make for a fairer hearing and a more efficient use of the Senate's time on Saturday.

Fascinating though these depositions are, I don't think there is any need to inflict them on you repeatedly. What we are asking in this motion is simply a procedure that would be normal in a civil trial, and that is by a fair time tomorrow for the House managers to designate the portions of the three depositions that they intend to use. That will allow us not to repeat those portions, and it will give us some fair chance to organize our responsive presentation.

The burden is on the House managers. I think this is not an extensive set of transcripts. I think it can be easily done. You have all, many of you, watched the depositions this week, read the transcripts. So I think if we can simply have this designation by 2 o'clock tomorrow, it will enable Saturday, perhaps, to be a shorter proceeding.

The CHIEF JUSTICE. Counsel for House managers? The Chair recognizes Mr. Manager ROGAN.

Mr. Manager ROGAN. Mr. Chief Justice, thank you.

I will imitate my colleague at the bar Mr. Kendall's brevity, if not his eloquence.

I simply suggest this is somewhat a unique opportunity that counsel is inviting the House managers to engage in, to give counsel notice of page and line of transcripts for the presentation of evidence that we are going to make. It is our prerogative to put on our evidence; it is White House counsel's opportunity to put on their evidence. Asking us to choreograph that for them and with them is something that I am unfamiliar with, except for one time.

I remember during my days as a judge in California that a similar request was made for me, and a law clerk pointed out to me language from one of the late great justices of the California Supreme Court, Otto Kaus. Apparently, a similar request was made to Justice Kaus to do the same thing in a case, and Justice Kaus looked at the lawyer making the request and he said, ''I believe the appropriate legal response to your request is that it is none of your damn business what the other side is going to put on.''

With that, Mr. Chief Justice, we will yield back the balance of our time.

The CHIEF JUSTICE. Mr. Kendall.

Mr. Counsel KENDALL. That philosophy might want to be emulated at some point by the drafters of the Federal Civil Rules, but it is not. In every Federal civil trial, this procedure is followed, the designation, the identifying, and designating of deposition excerpts.

Again, I think it will make for a fairer and more efficient proceeding. I don't think trial by surprise has a place here.

The CHIEF JUSTICE. The vote is on the motion.

The clerk will read the motion.

The legislative clerk read as follows:

Mr. Ruff moves that no later than 2:00 P.M. on Friday, February 5, 1999, the Managers shall provide written notice to counsel for the President indicating the precise page and line designations of any video excerpts from the depositions of Monica Lewinsky, Vernon Jordan or Sidney Blumenthal that they plan to use during their three-hour presentation on Saturday, or during their closing argument.

Mr. BYRD. Mr. Chief Justice, may we have order.

The CHIEF JUSTICE. I fully agree with the Senator.

Mr. BYRD. Would the clerk read that again.

The CHIEF JUSTICE. Let the Senate remain in order and let the clerk read the motion again.

The legislative clerk read as follows:

Mr. Ruff moves that no later than 2:00 P.M. on Friday, February 5, 1999, the Managers shall provide written notice to counsel for the President indicating the precise page and line designations of any video excerpts from the depositions of Monica Lewinsky, Vernon Jordan or Sidney Blumenthal that they plan to use during their three-hour presentation on Saturday, or during their closing argument.

The CHIEF JUSTICE. The yeas and nays are automatic. The clerk will call the roll.

The assistant legislative clerk called the roll.

(Disturbance in the Visitors' Galleries.)

The CHIEF JUSTICE. The Sergeant at Arms will restore order to the gallery.

The assistant legislative clerk continued with the call of the roll.

The yeas and nays resulted—yeas 46, nays 54, as follows:

[Rollcall Vote No. 14]

[Subject: White House Counsels' motion]

YEAS—46

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

NAYS—54

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

The CHIEF JUSTICE. On this vote, the yeas are 46, the nays are 54. The motion is rejected.

ORDERS FOR SATURDAY, FEBRUARY 6 AND MONDAY, FEBRUARY 8, 1999

Mr. LOTT. Mr. Chief Justice, I believe that completes all the motions. Therefore, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 10 a.m. on Saturday, February 6, and at 10 a.m. on Saturday, immediately following the prayer, the Senate will resume consideration of the articles of impeachment. I further ask consent that on Saturday there be 6 hours equally divided between the House managers and White House counsel for presentations. I further ask that following those presentations on Saturday, the Senate then adjourn until 1 p.m. on Monday, February 8. I finally ask consent that on Monday, immediately following the prayer, the Senate resume consideration of the articles of impeachment, and there then be 6 hours equally divided between the managers and White House counsel for final arguments.

Mr. LEAHY. Mr. Chief Justice, reserving the right to object, and I shall not, I ask the distinguished leader this. We have had exhibits handed out today to be printed in the CONGRESSIONAL RECORD, referring to depositions which, I understand under rule XXIX, are still confidential. Are those to be printed in the RECORD?

Mr. LOTT. I will ask consent that the transcripts of the depositions be printed in the RECORD of today's date.

Mr. LEAHY. The exhibits were handed out today in debate. Were they handed out under rule XXIX?

Mr. LOTT. I believe we got approval that they be used in the oral presentations at the beginning of the session today.

Mr. LEAHY. I withdraw any objection.

Mr. CHIEF JUSTICE. Objection has been heard.

Mr. LEAHY. Mr. Chief Justice, I withdrew any objection.

Mr. KERRY addressed the Chair.

The CHIEF JUSTICE. The Senator from Massachusetts, Mr. KERRY, is recognized.

Mr. KERRY. Mr. Chief Justice, reserving the right to object. I ask the majority leader, is there an assumption that if White House counsel were to want sufficient time on Saturday in order to be able to present video testimony countering whatever surprise video—and there may or may not be a surprise —would they have time to be able to provide that on Saturday—not to carry over, but merely if they choose to, to do that on Saturday?

Mr. LOTT. I am not sure I understand the question, except that we will come in at 10, and we will have 6 hours equally divided. I presume that the House would make a presentation first and then the White House and then close. There would be time during that 6-hour period for the White House to use it as they see fit. Are you asking that there would be some sort of break so they would be able to consider that?

Mr. KERRY. Clearly, the purpose of the trial and the purpose of this effort is to have a fair presentation of evidence. The Senate now having denied notice to White House counsel of what areas may be the subject of video, it might be that the voice of the witnesses themselves is the best response to whatever it is that the House were to present. If they were to decide——

Mr. BROWNBACK. Mr. Chief Justice, I call for the regular order.

The CHIEF JUSTICE. The regular order has been called for. There is a unanimous consent request pending. Is there objection?

Mr. LOTT. Mr. Chief Justice, briefly, if I could say on behalf of my unanimous consent, and in brief response to the question, we have all worked hard and bent over backward trying to be fair. I am sure if there is something that would be needed on Saturday, it would be carefully considered by both sides.

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

Mr. GRAMM. A quorum is present.

The CHIEF JUSTICE. The majority leader has the floor.

Mr. LOTT. Mr. Chief Justice, I believe it would be appropriate to go

ahead and get this unanimous consent agreement. We will continue to work with both sides to try to make sure there is a fair way to proceed on Saturday. We will have the remainder of today and tomorrow to work on that. So I would like to renew my unanimous consent request.

The CHIEF JUSTICE. Is there objection?

Mr. BOND. Mr. Chief Justice, reserving the right to object. May I inquire of the majority leader if that Saturday time schedule gives both parties adequate time to prepare for the presentation of the evidence? Have both sides agreed that they will be prepared?

Mr. LOTT. Mr. Chief Justice, as best I can respond to that, I just say that hopefully both sides have had more than adequate time allocated on Saturday. One of the reasons we are doing it this way—Saturday instead of tomorrow—is so both sides will have an opportunity to review everything and hopefully communicate with each other. We will do that Friday during the day so that an orderly presentation can be made by both sides on Saturday. I believe we are seeing a problem here where there may not be one.

But if one develops certainly we would take it into consideration.

Mr. Chief Justice, I renew my request.

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

Mr. LOTT. Mr. Chief Justice, I ask unanimous consent that those parts of the transcripts of the depositions admitted into evidence be printed in the Congressional RECORD of today's date.

I further ask consent that the deposition transcripts of Monica Lewinsky, Vernon Jordan, and Sidney Blumenthal, and the videotapes thereof, be immediately released to the managers on the part of the House and the counsel to the President for the purpose of preparing their presentations, provided, however, that such copies shall remain at all times under the supervision of the Sergeant at Arms to ensure compliance with the confidentiality provisions of S. Res. 30.

The CHIEF JUSTICE. In the absence of objection, it is so ordered.

The material follows:

IN THE SENATE OF THE UNITED STATES SITTING FOR THE TRIAL OF THE IMPEACHMENT OF WILLIAM JEFFERSON CLINTON, PRESIDENT OF THE UNITED STATES

EXCERPTS OF VIDEO DEPOSITION OF MONICA S. LEWINSKY

(Monday, February 1, 1999, Washington, D.C.)

SENATOR DeWINE: If not, I will now swear the witness.

Ms. Lewinsky, will you raise your right hand, please?

Whereupon, MONICA S. LEWINSKY was called as a witness and, after having been first duly sworn by Senator DeWine, was examined and testified as follows:

SENATOR DeWINE: The House Managers may now begin your questioning.

MR. BRYANT: Thank you, Senator.

Good morning to all present.

EXAMINATION BY HOUSE MANAGERS

BY MR. BRYANT:

Q. Ms. Lewinsky, welcome back to Washington, and wanted to just gather a few of our friends here to have this deposition now. We do have quite a number of people present, but we—in spite of the numbers, we do want you to feel as comfortable as possible because I think we—everyone present today has an interest in getting to the truth of this matter, and so as best as you can, we would appreciate your answers in a—in a truthful and a fashion that you can recall. I know it's been a long time since some of these events have occurred.

But for the record, would you state your name once again, your full name?

A. Yes. Monica Samille Lewinsky.

Q. And you're a—are you a resident of California?

A. I'm—I'm not sure exactly where I'm a resident now, but I—that's where I'm living right now.

Q. Okay. You—did you grow up there in California?

A. Yes.

Q. I'm not going to go into all that, but I thought just a little bit of background here.

You went to college where?

A. Lewis and Clark, in Portland, Oregon.

Q. And you majored in—majored in?

A. Psychology.

Q. Tell me about your work history, briefly, from the time you left college until, let's say, you started as an intern at the White House.

A. Uh, I wasn't working from the time I—

Q. Okay. Did you—

A. I graduated college in May of '95.

Q. Did you work part time there in—in Oregon with a—with a District Attorney—

A. Uh—

Q. —in his office somewhere?

A. During—I had an internship or a practicum when I was in school. I had two practicums, and one was at the public defender's office and the other was at the Southeast Mental Health Network.

Q. And those were in Portland?

A. Yes.

Q. Okay. What—you received a bachelor of science in psychology?

A. Correct.

Q. Okay. As a part of your duties at the Southeast Health Network, what did you—what did you do in terms of working? Did you have direct contact with people there, patients?

A. Yes, I did. Um, they referred to them as clients there and I worked in what was called the Phoenix Club, which was a socialization area for the clients to—really to just hang out and, um, sort of work on their social skills. So I—

Q. Okay. After your work there, you obviously had occasion to come to work at the White House. How did—how did you come to decide you wanted to come to Washington, and in particular work at the White House?

A. There were a few different factors. My mom's side of the family had moved to Washington during my senior year of college and I wanted—I wasn't ready to go to graduate school yet. So I wanted to get out of Portland, and a friend of our family's had a grandson who had had an internship at the White House and had thought it might be something I'd enjoy doing.

Q. Had you ever worked around—in politics and campaigns or been very active?

A. No.

Q. You had to go through the normal application process of submitting a written application, references, and so forth to—to the White House?

A. Yes.

Q. Did you do that while you were still in Oregon, or were you already in D.C.?

A. No. The application process was while I was a senior in college in Oregon.

Q. Had you ever been to Washington before?

A. Yes.

Q. Obviously, you were accepted, and you started work when?

A. July 10th, 1995.

Q. Where—where were you assigned?

A. The Chief—

Q. Physically, where were you located?

A. Oh, physically?

Q. Yes.

A. Room 93 of the Old Executive Office Building.

Q. Were you designated in any particular manner in terms of—were all interns the same, I guess would be my question?

A. Yes and no. We were all interns, but there were a select group of interns who had blue passes who worked in the White House proper, and most of us worked in the Old Executive Office Building with a pink intern pass.

Q. Now, can you explain to me the significance of a pink pass versus a blue pass?

A. Sure.

Q. Okay. Is it—is it access?

A. Yes.

Q. To what?

A. A blue pass gives you access to anywhere in the White House and a pink intern pass gives you access to the Old Executive Office Building.

Q. Did interns have blue passes?

A. Yes, some.

Q. Some did, and some had pink passes?

A. Correct.

Q. And you had the pink?

A. Correct.

Q. How long was your internship?

A. It was from July 'til the end of August, and then I stayed on for a little while until the 2nd.

Q. Are most interns for the summertime—you do part of the summer or the entire summer?

A. I believe there are interns all yearround at the White House.

Q. Now, you as an intern, you are unpaid.

A. Correct.

Q. And tell—tell me how you came to, uh, through your decisionmaking process, to seek a paid position and stay in Washington.

A. Uh, there were several factors. One is I came to enjoy being at the White House, and I found it to be interesting. I was studying to take the GREs, the entrance exam for graduate school, and needed to get a job. So I—since I had enjoyed my internship, my supervisor at the time, Tracy Beckett, helped me try and secure a position.

Q. Now, you mentioned the pink pass that you had. So you were able to—I don't want to presume—you were able to get into the White House on occasion even with a pink pass?

A. The—do you mean the White House proper, or—

Q. Yes, the White House—

A. —the complex?

Q. Yes. Let me be clear. When I—I tend to say ''White House''—I mean the actual building itself. And I know perhaps you think of the whole complex in terms of the whole—

A. I'm sorry. Just to be clear—

Q. Yes.

A. —do you mean the West Wing and the residence and—

Q. Right.

A. —the East Wing when you say the White House?

Q. Right. The White House where the President lives, and works, I guess, right.

A. I'm sorry. Can you repeat the question?

Q. Yes, yes. I mean that White House. As an intern, you had a pink pass that did allow you to have access to that White House where the President was on occasion?

A. No.

Q. Did not. Did you have—did you ever get in there as an intern?

A. Yes.

Q. And under—under what circumstances?

A. It—

Q. Did you have to be accompanied by someone, or—

A. Exactly; someone with a blue pass.

Q. So how did you—once you decided you wanted to stay in Washington and find a paying job, you sought out some help from friends there, people you knew, contacts, and you were—you did—you were successful?

A. Correct.

Q. And you were hired where—where in the White House?

A. In Legislative Affairs.

Q. Now, again, to educate me on this, in that group, in that section, department, you would have worked where, physically?

A. Physically, in the East Wing.

Q. Okay, and as an intern before, you worked in the Old Executive Office Building?

A. Correct.

Q. But you moved about and occasionally would go into the White House, if escorted?

A. Correct.

Q. It takes a while, but I'll get there with you; I'll catch up.

When did you actually—what was your first day on the job with the Legislative Affairs, uh, group?

A. Um, first day on the job was sometime after the furlough. I was hired right before the furlough, but the paperwork hadn't gone through, so first day on the job was some point after the furlough. I don't remember the exact date.

Q. So you remained, uh, on as an intern during the furlough—

A. Correct.

Q. —the Government shutdown period.

A. Correct.

Q. And that was in November of 1995, some date during that?

A. Yes.

Q. Okay. Um, tell me how you, um, began—I guess the—the—we're going to talk about a relationship with the President. Uh, when you first, uh, I guess, saw him, I think there was some indication that you didn't speak to him maybe the first few times you saw him, but you had some eye contact or sort of smiles or—

A. I—I believe I've testified to that in the grand jury pretty extensively.

Q. Uh-huh.

A. Is—is there something more specific?

Q. Well, again, I'm wanting to know times, you know, how soon that occurred and sort of what happened, you know, if you can—you know, there are going to be occasions where you—obviously, you testified extensively in the grand jury, so you're going to obviously repeat things today. We're doing the deposition for the Senators to view, we believe, so it's—

MR. CACHERIS: May I note an objection. The Senators have the complete record, as you know, Mr. Bryant, and she is standing on her testimony that she has given on the occasions that Mr. Stein alluded to at the introduction of this deposition.

MR. BRYANT: Well, I appreciate that, but, uh, if this is going to be the case, we don't even need the deposition, because we're limited to the record and everything is in the record. So I think, uh, to be fair, we're—we're obviously going to have to talk about, uh, some things for 8 hours here, or else we can go home.

THE WITNESS: Sounds good to me.

[Laughter.]

MR. BRYANT: I think we probably all would like to do that.

SENATOR DeWINE: Counsel, are you objecting to the question?

MR. CACHERIS: Yes. I'm objecting to him asking specific questions that are already in the record that—he has said they are limited to the record, and so we accept his, his designation. We're limited to the record.

SENATOR DeWINE: We're going to go off the record for just a moment.

THE VIDEOGRAPHER: We're going off the record at 9:37 a.m.

[Recess.]

THE VIDEOGRAPHER: We are going back on the record at 9:45 a.m.

SENATOR DeWINE: We are now back on the record.

The objection is noted, but it's overruled, and the witness is instructed to answer the question.

Senator Leahy?

SENATOR LEAHY: And I had noted during the break that obviously, the witness has 48 hours to correct her deposition, and would also note that when somebody has testified to some of these things 20 or more times that it is not unusual to have some nuances different, and that could also be reflected in time to correct her testimony.

And I had also noted when we were off the record Mr. Manager Bryant's comment on January 26th, page S992 in the Congressional Record, in which he said: ''If our motion is granted, I want to make this very, very clear. At no point will we ask any questions of Monica Lewinsky about her explicit sexual relationship with the President, either in deposition or, if we are permitted on the floor of the Senate, they will not be asked.''

And I should add also, to be fair to Mr. Bryant, another sentence in that: ''That, of course, assumes that White House Counsel does not enter into that discussion, and we doubt that they would.'' Period, close quote.

SENATOR DeWINE: Let me just add something that I stated to counsel and to Ms. Lewinsky off the record, and I think I will briefly repeat it, and that is that counsel is entitled to an answer to the question, but Ms. Lewinsky certainly can reference previous testimony if she wishes to do that. But counsel is entitled to a new explanation of—of what occurred.

Counsel, you may—why don't you re-ask the question, and we will proceed.

MR. BRYANT: May I, before I do that, ask a procedural question in terms of timekeeping?

SENATOR DeWINE: The time is not counted—any of the time that you have—once there is an objection, none of the time is counted until we rule on the objection and until you then have the opportunity to ask the question again. So the time will start now.

MR. BRYANT: Very good.

BY MR. BRYANT:

Q. Ms. Lewinsky, again, let me—I know this is difficult, but let me apologize that, uh, that it is going to be necessary that I ask you these questions because we're limited to the record and if we—we can't ask you any new questions outside that record, so I have to talk about what's in the record. And I realize you've answered all these questions several times before, but it's, uh—I'm sincere that we really wouldn't need to take your deposition if we couldn't ask you those kinds of questions. So it's not motivated to cause you uncomfort or to make you sit here in Washington when you'd rather be in California. We'll try to get through this as quickly as we can.

But we were talking about when you were first assigned there at the White House and those initial contacts, and I mean, again, when you were—you would see the President. I think you've mentioned you would—there was some mild flirting going on; you would smile or you would make eye contact. It was something of this nature?

A. Yes.

Q. And the first—was the first time you actually spoke to the President or he spoke to you, other than perhaps a hello in the hallway, was that on November the 15th, 1995?

A. Yes.

Q. And that was—that was the day, uh, of the first so-called salacious encounter, the same day?

A. Yes.

Q. Now, when the President gave a statement testifying before the grand jury, he—he described that relationship as what I considered sort of an evolving one. He says: ''I regret that what began as a friendship came to include this conduct.'' And he goes on to take full responsibility for his actions. But that almost sounds as if this was an evolving—something from a friendship evolving over time to a sexual relationship. That was not the case, was it?

A. I—I can't really comment on how he perceived it. My perception was different.

Q. Okay—

A. But I—I—I mean, I don't feel comfortable saying that he didn't, that he didn't see it that way, or that's wrong; that's how he saw it. I—

Q. But you saw it a different way?

A. Yes.

Q. Now, on November the 15th, had you already accepted this job with Legislative Affairs?

A. Yes.

Q. And, uh, was—that was during the shutdown, so you had no job to go to because the Government was shut down.

A. No. I accepted it on the Friday before the furlough.

Q. And that—

A. But the paperwork hadn't gone through.

Q. Okay. Did, uh—when you first met with the President on November the 15th, did he say anything to you that would indicate that he knew you were an intern?

A. No.

Q. Did he make a comment about your, your pink security badge?

A. Can I ask my counsel a question real quickly, please?

[Witness conferring with counsel.]

MR. CACHERIS: Okay, Mr Bryant.

THE WITNESS: Sorry. It was—that occurred in the second encounter of that evening.

BY MR. BRYANT:

Q. Okay. On November—

A. So, not the first encounter.

Q. On November the 15th, 1995?

A. Correct.

Q. What—do you recall what he said or what he did in regard to the intern pass?

A. He tugged on my pass and said: ''This is going to be a problem.''

Q. And what did, uh—did he say anything else about what he meant by ''problem''?

A. No.

Q. Tell me about your job at Legislative Affairs. Did that involve going into the White House itself?

A. Yes. My job was in the White House.

Q. You were in one wing, but did that involve going—did it give you access—

A. Yes.

Q. —pretty well throughout the White House?

A. Yes.

Q. What did you do primarily?

A. I worked under Jocelyn Jolly, who supervised the letters that came from the Hill; so the opening of those letters and reading them and vetting them and preparing responses for the President's signature—responding.

Q. Now, you've indicated through counsel at the beginning that you are willing to affirm, otherwise adopt, your sworn testimony of August the 6th and August the 20th, I think, which would be grand jury, and the deposition of August the 26th, 1998.

A. Correct.

Q. So you're saying that that information is accurate, and it is truthful?

A. Yes.

Q. Well, thank you. That—that will save us a little bit of time, but certainly we will ask you some of that information also.

At some point, you were transferred to the Pentagon, to the Department of Defense. When did that occur?

A. I found out I was being transferred on April 5th, 1996.

Q. Did you want to go—

A. No.

Q. —to the Department of Defense? Did you have a discussion with the President about this?

A. Yes.

Q. What was your reaction to being transferred?

A. I started to cry.

Q. Did you talk to anyone else at the White House other than the President about the transfer at that time?

A. Yes.

Q. And who—who was that?

A. I spoke with several people. I—I can't—I know I—I spoke with, uh, Jocelyn about it. I spoke with people with whom I was friendly at the White House. I spoke to Betty, Nancy Hernreich, several people.

Q. Did you—did you find out why you were being transferred?

A. Uh, I was told why I was being transferred by Mr. Keating on Friday, the 5th of April.

Q. And that was why?

A. Uh, he said that the—the Office of Administration, I think it was, was not pleased with the way the correspondence was being handled, and they were, quote-unquote, ''blowing up'' the Correspondence Office, and that I was being transferred and it had nothing to do with my work.

Q. Did you have any understanding that it might have been other reasons that you were being moved?

A. Not at that point.

Q. Did the—what did the President say about your transfer at that point?

A. He thought it had something to do with our relationship.

Q. What else did he say about—about your transfer, if anything? Did he give you any assurances that you might be back, or—

A. Yes.

Q. Back after what time period?

A. He promised me he'd bring me back after the election.

Q. So this was, again, in early 19—April of 1996, and he was up for reelection—

A. Yes.

Q. —in November of 1996.

A. Yes.

Q. Did you attach any significance to being transferred away before the election and then him assuring you he would bring you back after the election? Did you attach any significance to the election and your having to leave?

A. Emotional significance, yes.

Q. Your emotion? I'm—I'm not sure I follow you. You were—

A. Well, yes, I attached significance to it.

Q. And that was emotional—

A. But that was emotional.

Q. But the reason you both felt—again, I'm not trying to put words in your mouth, but you both felt you were leaving until after the election was because of your relationship and perhaps people finding out?

A. No. I—I—first, I can only speak for myself. I mean, I, uh, my understanding initially was that it was, um, for work-related issues, but not my work, and I came to understand later that it was having to do with my relationship with the President.

Q. Okay. Did, uh, you have a conversation—and it may be the same one with the President on April the 12th—which determined that Ms. Lieberman maybe spearheaded your transfer because you were paying too much attention—you were all—you were both paying too much attention to each other and she was worried that it was close to election time? And I think you've testified to that, haven't you?

A. Yes.

Q. Okay, good. You started, uh, with the Department of Defense at the Pentagon in mid-April, April the 17th, 1996?

A. Yes.

Q. What did you do there?

A. I was the confidential assistant to Mr. Bacon, who is the Assistant Secretary of Defense for Public Affairs.

Q. Did, uh—after the 1996 election, did you still want to go back to the White House?

A. Yes.

Q. You had not fallen in love with the job at the Pentagon that much?

A. No.

Q. Was that, in fact, a frustrating period of time?

A. Yes. No offense to Mr. Bacon, of course.

Q. I understand; I'm sure he would take none.

I would like—I don't think it's been mentioned, but you helped in preparing a chart which we have listed as one of our exhibits, ML Number 2, which I assume might have a different number for now, but it's a chart of contacts—

A. Right.

Q. —that you had with the President. And do you have a copy of that chart? It—

[Witness conferring with counsel.]

MR. BRYANT: In the—yes, in the record, it's at page 1251.

MR. BURTON: May we have an extra copy for counsel, please?

BY MR. BRYANT:

Q. Have you had occasion to review this document?

A. Yes.

Q. And very—very simply, I would like for you to, uh, if you can, to affirm that document as an accurate representation and a truthful representation of all the contacts that you had with the President from approximately August 9th, 1995 until January of 1998. It includes in-person contacts, telephone calls, gifts and notes exchanged, I think are the categories.

A. Yes. I believe there might have been one or two changes that were made and noted in the grand jury or my deposition, and I adopt those as well.

MR. BRYANT: Okay, good.

I am not going to at this point make her—the information she adopts and affirms exhibits to this deposition. I don't want to clutter it any more unless someone wants to make this an exhibit in terms of your deposition testimony, your grand jury testimony, and now the charts that you have affirmed, so I just want you to specifically affirm it but not make it an exhibit, because it's already a part of the record.

MR. CACHERIS: We defer to the White House.

MS. SELIGMAN: I just wanted to make clear on the record, then, what the app. or sub-cite is of anything we're adopting so that we all know what particular pages it is.

MR. BRYANT: Okay. And that, again, was, I think, page 1251 of—right, of the record.

SENATOR LEAHY: I don't—I don't understand.

MS. MILLS: Can you cite the ending page?

SENATOR DeWINE: Counsel, is that where this appears?

MR. BRYANT: It appears in the record, uh—

SENATOR DeWINE: You need to designate also if you're talking about the Senate record or—I think at this point we'll go off the record.

THE VIDEOGRAPHER: We're going off the record at 10:01 a.m.

[Recess.]

THE VIDEOGRAPHER: We are going back on the record at 10:11 a.m.

SENATOR DeWINE: Let me—we're now back on the record.

Let me advise counsel, the Managers, that they have used 25 minutes so far.

You may resume questioning, and if you could begin by identifying the exhibit for the record, please.

MR. BRYANT: Tom, let me also for clarification purposes—Tom, on the referral to the Senate record, you're saying that the appendices are numbered 3, but the numbers are the same. The page numbers are the same.

MR. GRIFFITH: Yes.

MR. BRYANT: And the supplemental materials are your Volume IV, but, again, the pages are the same.

MR. GRIFFITH: That's our understanding.

MR. BRYANT: Okay. For the record, then, using the Senate volumes, if this is an appendices, Volume III, and the chart that we just alluded to before the break is—appears at pages 116 through 126 of the Senate record, Volume III.

BY MR. BRYANT:

Q. Ms. Lewinsky, did you tell a number of people in varying details about your relationship with the President?

A. Yes.

Q. you tell us who did you tell?

A. Catherine Allday Davis, Neysa Deman Erbland, Natalie Ungvari, Ashley Raines, Linda Tripp, Dr. Kathy Estep, Dr. Irene Kassorla, Andy Bleiler, my mom, my aunt. Who else has been subpoenaed?

Q. Okay. Let me suggest Dale—did you mention Dale Young?

A. Dale Young. I'm sorry.

Q. Thank you.

Now, in the floor presentation, Mr. Craig, who was one of—is one of the counsel for the President, adopted an argument that had been raised in some of the previous hearings, uh, and he adopted this argument in the Senate that—that you have—have or had, I think, both past and present, the incentive to not tell the truth about how the President—this relationship with him because you wanted to avoid—and again, I use the quote from Mr. Craig's argument—the demeaning nature of providing wholly un-reciprocated sex.

Did, uh—did you lie before the grand jury and to your friends about the nature of that relationship with the President—

A. No.

Q. —so as to avoid what Mr. Craig says? Okay, and I'll break it down.

SENATOR DeWINE: Counsel, do you want to just—just rephrase the question?

MR. BRYANT: Okay. We'll break it down into two questions.

BY MR. BRYANT:

Q. Did you not tell the truth before the grand jury as to how the President touched you because of what Mr. Craig alleges as the demeaning nature of the wholly un-reciprocated sex?

MR. CACHERIS: Well, that—may I register an objection, gentlemen? This witness is not here to comment on what some lawyer said on the floor of the Senate. He can ask her direct questions. She will answer them, but what Mr. Craig said or didn't say would have happened after her grand jury testimony. So it's totally inappropriate that he's—

SENATOR DeWINE: Mr. Bryant, why don't you—

MR. CACHERIS: —marrying those two concepts. We object.

SENATOR DeWINE: Mr. Bryant, why don't you just rephrase the question?

MR. BRYANT: Well, we—we have had presented on behalf of the President a defense,

an incentive, a reason why she would not tell the truth, and I think she should have the opportunity to respond to that—that allegation.

MR. CACHERIS: We—we don't, uh—

SENATOR LEAHY: Ask her a direct question.

MR. CACHERIS: We welcome you asking her if her testimony was truthful, and she will tell you that it is truthful. We don't have any problem with that. We don't have any brief with what the White House did or didn't do through their counsel. That's their business. We don't represent the White House.

MS. SELIGMAN: So, for the record, I'd like to object to the characterization of what Mr. Craig says, which obviously speaks for itself, but I certainly don't want my silence to be construed as accepting the Manager's characterization of it.

SENATOR DeWINE: Mr. Bryant, why don't you—why don't you ask the question?

MR. BRYANT: Okay.

SENATOR DeWINE: Go ahead and ask your question.

BY MR. BRYANT:

Q. In regard to your testimony at the grand jury about your—your relationship and the physical contact that you have said occurred in some of these, uh, visits with the President, it has been characterized in a way that would give you an excuse not to tell the truth. Did you tell the truth in the grand jury about what actually happened and how the President touched—the President touched you?

A. Yes.

Q. And did you likewise tell the truth to your friends in connection with the same matters?

A. Yes.

Q. Did your relationship with the President involve giving gifts, exchanging gifts?

A. Yes.

Q. And you mentioned earlier that in reference to this chart that it was, uh, subject to certain corrections you've made in later testimony. It was an accurate representation or an accurate compilation of the gifts that, uh, you gave the President and the President gave you. Is that correct?

A. Yes.

Q. Approximately how many gifts did you give the President?

A. I believe I've testified to that number. I don't recall right now.

Q. About 30? Would that be—

A. If that's what I testified to, then I accept that.

Q. That's the number I have, and do you recall how many gifts approximately the President gave you?

A. It would be the same situation.

Q. Okay, and you've previously testified in your grand jury that he gave you about 18 gifts.

A. I accept that.

Q. Okay, good. What types of gifts did you give the President?

A. They varied. I think they're listed on this chart, and I've testified to them.

Q. Okay, and—

MR. CACHERIS: Do you want her to read the list that's on this chart?

MR. BRYANT: No. I was just, again, looking for just a—I think maybe a little broader category, but that's—that's okay. That's an acceptable answer there.

BY MR. BRYANT:

Q. After leaving the White House and going to the Pentagon, did you continue to visit the President?

A. Yes.

Q. How would you—how would you be transported from the Pentagon over to the White House? How did you get there?

A. I drove or took a taxi.

Q. Do you have your own car?

A. No.

Q. Whose—whose car would you drive?

A. Either my mom's or my brother's.

Q. So you did have access to a vehicle?

A. Correct.

Q. Okay. How were these meetings arranged when you would want to go from the Pentagon to the White House? How did—how did these—how were they set up? Did you get an appointment?

[The witness conferring with counsel.]

SENATOR DeWINE: Counsel—if you have to ask counsel, you can stop and ask us—

THE WITNESS: Okay.

SENATOR DeWINE: —to do that.

BY MR. BRYANT:

Q. How were these meetings arranged?

A. Through Ms. Currie.

Q. Would—would you call her and set the meeting up, or would she call you on behalf of the President and set the meeting up?

A. It varied.

Q. Both—both situations occurred?

A. Correct.

Q. Now, Ms. Currie is the President's—that's Betty Currie, we're talking about, the President's secretary?

A. Yes.

Q. Why was this done? Why was that procedure used?

A. It was my understanding that Ms. Currie took care of the President's guests who were coming to see him, making those arrangements.

Q. Was, uh—was this—were these visits done sort of off the record, so to speak, so it wouldn't necessarily be a record?

A. I believe so.

Q. In other words, you wouldn't be shown on Betty Currie's calendar or schedule book for the President?

A. I don't know.

Q. Did—who suggested this type of arrangement for setting up meetings?

A. I believe the President did.

Q. During this time that you were at the Department of Defense at the Pentagon, uh, how—how was it working out about you being transferred back to the White House? How was the job situation coming?

A. Well, I waited until after the election and then spoke with the President about it on several occasions.

Q. And what would he say in response?

A. Various things; ''I'm working on it,'' usually.

Q. In July, uh, particularly around the—the 3rd and 4th of July, there—there—you wrote the President a letter, I think.

A. Which year?

Q. July of '90—it would have been '97 that you wrote the President a letter expressing some frustrations about the job situation in terms of—is that, uh—can you tell us about that?

A. Yes. I had had a—well, I guess I was—I know I've testified about this, I mean, in the grand jury, but I was feeling at that point that I was getting the runaround on being brought back to the White House. So I sent a letter to the President that was probably the harshest I had sent.

Q. Did you get a response?

A. Sort of.

Q. Would you explain?

A. Um, Betty called me and told me to come to the White House the next morning, on July 4th, at 9:00 a.m.

Q. And what happened when you—I assume you went to the White House on July the 4th. What happened?

A. I know I—I—do you have a specific question? I know I testified, I mean, extensively about this whole day, that whole—

Q. Well, in regards to—let's start with the job.

A. Well, I started crying. We were in the back office and, um—and when the subject matter came up, the President was upset with me and then I began to cry. So—

Q. Did he encourage you about you coming back? Did he make a promise or commitment to you that he would make sure you came back to work at the White House?

A. I don't know that he reaffirmed his promise or commitment. I remember leaving that day thinking that, as usual, he was going to work on it and had a renewed sense of hope.

Q. Did he comment on your letter, the tone of your letter?

A. Yes.

Q. What did he say?

A. He was upset with me and told me it was illegal to threaten the President of the United States.

Q. Did you intend the letter to be interpreted that way?

A. No.

Q. Did you explain why you wrote the letter to him about reminding him that you were a good girl and you left the White House? Did you have that type of conversation?

A. Yes. That's what made me start to cry.

Q. Did you, uh—did you ever explain to him that you didn't intend to threaten him?

A. I believe so.

Q. What was the intent of the letter?

A. First, I felt the letter was going to him as a man and not as President of the United States. Um, second, I think I could see how he could interpret it as a threat, but my intention was to sort of remind him that I had been waiting patiently and what I considered was being a good girl, about having been transferred.

Q. And the threat we're talking about here would not have been interpreted as a threat to do physical injury or bodily injury to him. It was to expose your relationship to the—to your parents—

A. Correct.

Q. —explain to them why you were not going back to the White House—

A. Correct.

Q. —after the election?

And certainly the President did not encourage you to expose that relationship, did he?

A. I don't believe he made any comment about it at that point.

Q. His only comment about the so-called threat was that it's a—it's—you can't do that, it's against the law to threaten the President?

A. Exactly.

Q. That meeting turned into—I guess you've testified that that meeting did turn into a more positive meeting toward the end. It was not all emotional and accusations being made?

A. Correct.

Q. At some point, uh—well, let me—let me back up and ask this. There was a subsequent meeting on July the 14th, and I believe the President had been out of town and this was the follow-up meeting to the July 4th meeting where you had originally discussed the possibility of a newspaper reporter or a magazine writer, I believe, writing a story about Ms. Willey?

A. Correct.

Q. And you, uh—did you have any instructions from the President, from either of these meetings, about doing something for the President, specifically about having Ms. Tripp call White House counsel—

A. I don't know—

Q. —Mr. Lindsey?

A. —that I'd call them instructions.

Q. Okay. What did he tell you? I don't want to mischaracterize.

A. He asked me if I would try to have Ms. Tripp contact Mr. Lindsey.

Q. Okay, and if you were to be successful in doing that, what were you supposed to do?

Were you supposed to contact Ms. Currie, his secretary?

A. Yes.

Q. And what were you supposed to tell her?

A. In an innocuous way that I had been able to convey that to Ms. Tripp or get her to do that.

Q. Now, in—at some point in October of that year, 1997, did your job focus change?

A. Yes.

Q. And how was that? What were you doing?

A. Uh, it really changed on October 6th, 1997, as a result of a conversation with Linda Tripp.

Q. Uh, in that, as I understand, you sort of got secondhand information that you were probably never going back to work at the White House.

A. Correct.

Q. Did you understand what that meant? Did you accept that? And I guess why would you accept it at that point? Why would you give up on the White House?

MR. CACHERIS: Those are three questions, Mr. Bryant. Will you—would you break it down, please?

MR. BRYANT: Well, yeah, it's true.

BY MR. BRYANT:

Q. Do you understand? I guess I'm trying to clarify.

A. Not really. I'm sorry.

Q. Why would you accept at that point in October that you were never going back to the White House?

A. I don't really remember, I mean, what—what—what was going through my mind at that point as to—to answer that question. Is that—

Q. Okay.

A. I'm sorry.

Q. Certainly, if you don't remember, that's a—that's a good answer.

A. Okay.

Q. So you don't recall anything had really changed other than you had heard secondhand that you weren't going to go back. You have no independent recollection of anything else other than what somebody told you that would have changed—

A. My recollection is—

Q. —changed your focus?

A. —that it was this—it was this conversation, what Linda Tripp told me from whom this information was coming, the way it was relayed to me that—that shifted everything that day.

Q. And you didn't feel it was necessary to go back to the President and perhaps confront the President and say, ''why am I not coming back, I want to come back?''

A. I mean, I had a discussion with the President, but I had made a decision from that based on that information, and I guess my—my experience of it coming up on a year from the election, having not been brought back, that it probably wasn't going to happen.

Q. But you—you did call the President about that time and then—but the focus had been changed toward perhaps a job in another location.

A. Yes and no. I didn't call him, but I, um—

Q. You called Betty—

A. —but we did have a discussion about that.

Q. You called Betty Currie, his secretary.

A. Yes.

Q. Okay, and then through her, he contacted you and you had a discussion?

A. Yes.

Q. And what did you tell him at that time about the job?

A. I believe I testified to that, so that my testimony is probably more accurate. The gist of it was, um, that I wanted to move to New York and that I was accepting I wasn't going to be able to come back to the White House, and I asked for his help.

Q. Did you bring up Vernon Jordan's name as perhaps somebody that could help you?

A. It's possible it was in that conversation.

Q. What was the President's comments back to you about your deciding to go to New York?

A. I don't remember his exact comments. He was accepting of the concept.

Q. In regards to your—your, uh, decision to search for a job in New York, in your comments to the President, did he ever tell you that that was good, that perhaps the Jones lawyers could not easily find you in New York?

A. I'm sorry. I don't—I—I—

MR. CACHERIS: Excuse me again, Mr. Bryant. That's a compound question. He could—she could answer it was good, and then she could answer maybe the Jones lawyer couldn't get her, but I think you'd want an answer to each question.

BY MR. BRYANT:

Q. Okay. Let me ask it this way. There has been some reference to that fact throughout the proceedings, and I recall seeing something somewhere in your—your testimony that you said it or he said it. Do you recall anything being said about you going to Washington—to New York and that the effect of that might be that you would be more difficult to find?

A. I believe that might have been mentioned briefly on the 28th of December, but not as a reason to go to New York, but as a possible outcome of being there. Does that—does that make sense?

Q. It does.

A. Okay.

Q. What, uh—what would have been the context of that? And we're jumping ahead to December the 28th, but what would have been the context of that particular conversation about the New York and being perhaps—the result being it might be difficult to find you, or more difficult? What was the context?

A. Um, I—I—if I remember correctly, it came sort of at the tail-end of a very short discussion we had about the Jones case.

Q. At this November the 11th meeting, did the President ask you to prepare a list, sort of a wish list for jobs?

A. I'm sorry. Which—

Q. I'm sorry. Did I say October? We're back to the October the 11th meeting. Did the President ask you to prepare a wish list?

A. Okay. We haven't gone to the October 11th meeting yet. I—I haven't said anything about that meeting yet.

Q. Okay.

A. The phone call was on the 9th.

Q. Okay, and you subsequently had a meeting, then, with the President on the 11th?

A. Correct.

Q. Face—face-to-face meeting?

A. Correct.

Q. And at that meeting, did he suggest you give him a wish list or Betty Currie a wish list?

A. Yes.

Q. Again, I asked a compound question there.

Who did he suggest you give the wish list to?

MR. CACHERIS: We're getting used to that.

MR. BRYANT: I'm getting good. I'm making my own objections now.

[Laughter.]

THE WITNESS: Um, we sustain those. No, I'm sorry.

[Laughter.]

MR. BRYANT: I can do that, too. I'll be doing that in a minute. Overruled. Okay.

THE WITNESS: Um, I—I believe he—he said I should get him a list, and the implication was through Betty.

BY MR. BRYANT:

Q. And obviously you prepared a list of—

A. Correct.

Q. —the people you'd like to work for in New York City.

A. Correct.

Q. And you sent that list—

A. Yes.

Q. —to Betty Currie or to the President?

A. I sent it to Ms. Currie.

Q. And also during this time—and I'm probably going to speed this up a little bit, but, uh, you did interview for the job at the United Nations?

A. Yes.

Q. And, uh—and through a process of several months there, or weeks at least, you did—made an offer to take a job at the United Nations and eventually declined it. Is that correct?

A. Correct.

Q. Did you in early November have the occasion to meet with Vernon Jordan about the job situation?

A. Yes.

Q. And how did you learn about that meeting?

A. I believe I asked Ms. Currie to check on the status of—I guess of finding out if I could have this meeting, and then she let me—she let me know to call Mr. Jordan's secretary?

Q. And you set up an appointment with Mr. Jordan, or did she, Ms. Currie, do that?

A. No. I set up an appointment. I think that was after a phone—well, I guess I don't—I don't know that, so sorry.

Q. But that appointment was November the 5th?

A. Yes.

Q. Prior to going to the meeting with Vernon Jordan, did you tell the President that you had a meeting with Mr. Jordan?

A. I don't think so. I don't remember.

Q. Did you carry any documents or any papers with you to the meeting with Mr. Jordan?

A. Yes.

Q. What were those?

A. My resume and a list of public relations firms in New York.

Q. Did Mr. Jordan ask you why you were there?

A. Yes.

Q. And what did you say?

A. I was hoping to move to New York and that he could assist me in securing a job there.

Q. Did he ask you why you wanted to leave Washington?

A. Yes.

Q. And what was your answer?

A. I gave him the vanilla story of, um, that I—I think I—I don't remember exactly what I said. I—I believe I've testified to this. I think it was something about wanting to get out of Washington.

Q. The vanilla story. You mean sort of an innocuous set of reasons, not really the true reasons you wanted to leave?

A. Yes.

Q. And what were the true reasons you wanted to leave?

A. Because I couldn't go back to the White House.

Q. Did—did you think Mr. Jordan accepted—did you think he would accept that vanilla story, or did you feel like he understood the real story?

A. No, I felt he accepted it.

Q. Did Mr. Jordan tell you during this meeting that he had already spoken with the President?

A. It was—I believe so.

Q. And that you had come highly recommended, I think?

A. Yes.

Q. Did he, Mr. Jordan, review your list of job preferences and suggest anything?

A. Yes.
Q. And what did he suggest?
A. He said the names of the—he looked at the list of public relations firms and I think sort of said, ''oh, I've heard of them, I haven't heard of these people, have you heard of so and so,'' that I hadn't heard of.
Q. Your meeting lasted about 20 minutes?
A. If that's what I've testified to, then I accept that.
Q. It is, or close to it. I know this is an approximation, but thereabouts. You weren't there all day.
A. I had—well, I don't—I don't remember how long it was right now. I know I've testified to that. So if I said 20 minutes, then—
Q. Did you have a conversation with the President on—about a week later on November the 12th and by telephone?
A. Yes.
Q. And did you indicate there you had spoken with Mr. Jordan about a job?
A. Yes.
Q. After you met with Mr. Jordan, did you—did you have an impression that you would get, uh—get a job, get favorable results in your job search?
A. Yes.
Q. Did anything favorable happen to—in your job search from that November the 5th, 1997, meeting until Thanksgiving?
A. No, but I believe Mr. Jordan was out of town for a week or two.
Q. During the weeks after this November the 5th interview, did you try to contact Mr. Jordan?
A. Yes.
Q. How?
A. First, I sent him a thank-you note for the initial meeting, and I believe I placed some phone calls right before Thanksgiving—maybe a phone call. I don't remember if it was more than one.
Q. What—what happened with respect to the job search, uh, through there, through Thanksgiving? Was there anything? I mean, I know he—you said he was out of down, but did anything, to your knowledge, occur? Could you see any results up to Thanksgiving?
A. From my meeting with Mr. Jordan?
Q. Yes.
A. No.
Q. Did you contact Betty Currie after you received no response from Mr. Jordan?
A. Yes.
Q. And did she page you? I think you were in Los Angeles at the time.
A. Correct.
Q. Okay. What—what did she tell you as a result of that telephone call?
A. She asked me to place a call to Mr. Jordan, which I did.
Q. And this would have been, again, around November the 26th, shortly—well, around Thanksgiving?
A. It was before Thanksgiving.
Q. And I assume you found Mr. Jordan.
A. Yes.
Q. And what did he tell you?
A. That he was working on it.
Q. Did he tell you to call him back?
A. Yes.
Q. Did you indeed call him back
A. I didn't actually get ahold of him; he was out-of-town that day. I think it was December 5th.
Q. Did you try to meet with the President during this time?
A. Yes.
Q. How did you do that?
A. I was a pest. I sent a note to Ms. Currie and asked her to pass it along to the President, requesting that I meet with him.
Q. Were you successful in having a meeting as a result of those efforts?
A. I don't know if it was a result of those efforts, but yes, I ended up having a meeting with the President.
Q. And when would that have been; what day?
A. On the 6th of December 1997.
Q. Again you are going through Betty Currie; is that, again, the standard procedure at that time?
A. Yes.
Q. Did you go—I think you spoke also perhaps to Betty Currie on December the 5th, the day before the meeting—
A. Yes.
Q. —and this was something about attending the President's speech. Was that when that occurred—or the radio address, or something? Does that ring any bells?
A. No.
Q. Did—you did attend the Christmas party that day—
A. Yes.
Q. —and the White House. And you saw the President?
A. Yes.
Q. Just socially, speak to him, and that's it?
A. Yes.
Q. Picture, handshaking, and that?
A. [Nodding head.]
Q. Okay. That's a yes?
A. Yes. Sorry.
Q. Prior to December 6th, 1997, had you purchased a Christmas gift for the President?
A. Yes.
Q. Which was?
A. An antique standing cigar holder.
Q. And had you purchased any other additional gifts for him?
A. Yes.
Q. And what were those?
A. Uh, a Starbucks mug that said ''Santa Monica''; a necktie that I got in London; a little box—I call it a ''chochki''—from, uh—and an antique book on Theodore Roosevelt.
Q. Was it your intention to, to carry those Christmas presents to the President home that Saturday, December the 6th?
A. If I were to have a meeting with him, yes.
Q. Did you attempt to have a meeting?
A. Yes.
Q. Did you go through Betty Currie?
A. Yes. I sent her the letter to, to give to the President.
Q. And when you went to the White House that day, you also attempted to, to have the meeting through calling Betty Currie and telephoning her; I believe you had to go to—
A. Which day? I'm sorry.
Q. On the 6th.
A. No.
Q. The Saturday.
A. [No response.]
Q. No?
A. I—I attempted to give the presents to Betty, but I didn't call and attempt to have a meeting there—well, I guess I called in the morning, so that's not true—I'm sorry. Yes, I called Ms. Currie in the morning trying to see if I could see the President and apologize.
Q. And—were you—did you see the President, then, on the 6th?
A. Yes, I did.
Q. Tell us about that meeting—that was a long—was that, uh—did you have a telephone conversation with him that day also?
A. Yes.
Q. And that was the long telephone conversation?
A. It—it was.
Q. Okay. I think there has been some indication it may have been 56 minutes, something approximating an hour-long conversation; does that sound right?
A. Right. That would—that might include some conversation time with Ms. Currie as well.
Q. Okay. Was he interrupted by Ms. Currie—could you tell—did he have to take a break from the telephone call to talk to Ms. Currie, or do you recall any, any—
A. I don't recall that.
Q. —do you recall any breaks to talk to anybody else?
A. I don't recall that. Doesn't mean it didn't happen; I just don't remember it.
Q. What else did you—did you arrange in that telephone conversation, or did he invite you in that telephone conversation to come to the White House that day?
A. Yes, he did.
Q. What happened during, during that conversation in terms of—I understand that it was again an emotional day, some sort of a word fight; is that right?
A. Yes.
Q. Could you tell me—he was, uh—again, to perhaps save some time—he was angry about an earlier incident, and, uh, he felt like you were intruding on his lawyer time?
A. Uh, he was upset that I hadn't accepted that he just couldn't see me that day.
Q. And what was your response to that?
A. Probably not positive. Uh, that's why it was a fight.
Q. Again, I want to be careful that I don't put words in your mouth, but you were dealing with this relationship from an emotional standpoint of wanting to spend time with him—
A. Yes.
Q. —not as President, but as a man?
A. Correct.
Q. And this was at a point when you didn't feel like you were spending enough time with him?
A. Correct.
Q. And he obviously felt he had to do other things, too, talk to lawyers and do those kinds of things—be the President—is that right?
A. Yes.
Q. Okay. Now, was some of this discussion that we term ''the fight,'' was that over the telephone?
A. Yes. It was all over the telephone.
Q. So by the time you arrived and had the face-to-face meeting with him, that was over?
A. Correct.
Q. Was that during the time that you exchanged—exchanged some of the Christmas presents with him?
A. In—in the meeting?
Q. Yes.
A. Yes. I gave him my Christmas presents.
Q. Did you discuss the job search with him also at that time?
A. I believe I mentioned it.
Q. Did you tell him that, uh, your job search with Mr. Jordan was not going well?
A. I don't know if I used those words. I don't, I don't remember exactly—
Q. If your grand jury testimony said yes—I mean, words to that effect—that would—you could have used those words if they're in your grand jury—
A. If my grand jury testimony says that—if that's what I said in my grand jury testimony, then I accept that.
Q. I'm not trying to—I'm not trying to trick you.
A. Okay.
Q. Did he make any comment to you about what he might do to aid in your job search at that time, if you recall?
A. I think he—I think he said, oh, let me see about it, let me see what I can do—his usual.
Q. Did, uh, did the President say anything to you at that time about your name appearing on a witness list in the Paula Jones case?
A. No.
Q. Did you later learn that your name had appeared on such a list?
A. Yes.
Q. And did you later learn that that witness list had been faxed to the White House—

to the President's lawyers on December the 5th?

A. Much later, as in last year.

Q. Okay. Yes—that's what I mean—later.

A. I, I mean—

Q. Yes.

A. —post this investigation.

Q. Okay. All right. Let's go forward another week or so to December the 11th and a lunch that you had with Vernon Jordan, I believe, in his office.

A. Yes.

Q. How did—how was that meeting set up.

A. Through his secretary.

Q. Did you instigate that, or did he call through his secretary?

A. I don't remember.

Q. What was the purpose of that meeting?

A. Uh, it was to discuss my job situation.

Q. And what, what—how was that discussed?

A. Uh, Mr. Jordan gave me a list of three names and suggested that I contact these people in a letter that I should cc him on, and that's what I did.

Q. Did he ask you to copy him on the letters that you sent out?

A. Yes.

Q. During this meeting, did he make any comments about your status as a friend of the President?

A. Yes.

Q. What—what did he say?

A. In one of his remarks, he said something about me being a friend of the President.

Q. And did you respond?

A. Yes.

Q. How?

A. I said that I didn't, uh—I think I—my grand jury testimony, I know I talked about this, so it's probably more accurate. My memory right now is I said something about, uh, seeing him more as, uh, a man than as a President, and I treated him accordingly.

Q. Did you express your frustration to Mr. Jordan with, uh, with the President?

A. I expressed that sometimes I had frustrations with him, yes.

Q. And what was his response to you about, uh—after you talked about the President?

A. Uh, he sort of jokingly said to me, You know what your problem is, and don't deny it—you're in love with him. But it was a sort of light-hearted nature.

Q. Did you—did you have a response to that?

A. I probably blushed or giggled or something.

Q. Do you still have feelings for the President?

A. I have mixed feelings.

Q. What, uh—maybe you could tell us a little bit more about what those mixed feelings are.

A. I think what you need to know is that my grand jury testimony is truthful irrespective of whatever those mixed feelings are in my testimony today.

Q. I know in your grand jury you mentioned some of your feelings that you felt after he spoke publicly about the relationship, but let me ask you more about the positive—you said there were mixed feelings. What about—do you still, uh, respect the President, still admire the President?

A. Yes.

Q. Do you still appreciate what he is doing for this country as the President?

A. Yes.

Q. Sometime back in December of 1997, in the morning of December the 17th, did you receive a call from the President?

A. Yes.

Q. What was the purpose of that call? What did you talk about?

A. It was threefold—first, to tell me that Ms. Currie's brother had been killed in a car accident; second, to tell me that my name was on a witness list for the Paula Jones case; and thirdly, he mentioned the Christmas present he had for me.

Q. This telephone call was somewhere in the early morning hours of 2 o'clock to 2:30.

A. Correct.

Q. Did it surprise you that he called you so late?

A. No.

Q. Was this your first notice of your name being on the Paula Jones witness list?

A. Yes.

Q. I realize he, he commented about some other things, but I do want to focus on the witness list.

A. Okay.

Q. Did he say anything to you about how he felt concerning this witness list?

A. He said it broke his heart that, well, that my name was on the witness list.

Can I take a break, please? I'm sorry.

SENATOR DeWINE: Sure, sure. We'll take a 5–minute break at this point.

THE VIDEOGRAPHER: This marks the end of Videotape Number 1 in the deposition of Monica S. Lewinsky. We are going off the record at 10:56 a.m.

[Recess.]

THE VIDEOGRAPHER: This marks the beginning of Videotape Number 2 in the deposition of Monica S. Lewinsky. The time is 11:10 a.m.

SENATOR DeWINE: We are now back on the record.

I will advise the House Managers that they have used one hour and 8 minutes.

Mr. Bryant, you may proceed.

MR. BRYANT: Thank you.

By MR. BRYANT:

Q. Did—did we get your response? We were talking about the discussion you were having with the President over the telephone, early morning of the December 17th phone call, and he had, uh, mentioned that it broke his heart that you were on that list.

A. Correct.

Q. And I think you were about to comment on that further, and then you need a break.

A. No.

Q. No.

A. I just wanted to be able to focus—I know this is an important date, so I felt I need a few moments to be able to focus on it.

Q. And you're comfortable now with that, with your—you are ready to talk about that?

A. Comfortable, I don't know, but I'm ready to talk about.

Q. Well, I mean comfortable that you can focus on it.

A. Yes, sir.

Q. Good. Now, with this discussion of the fact that your name appeared as a witness, had you—had you been asleep that night when the phone rang?

A. Yes.

Q. So were you wide awake by this point? It's the President calling you, so I guess you're—you wake up.

A. I wouldn't say wide awake.

Q. He expressed to you that your name—you know, again, you talked about some other things—but he told you your name was on the list.

A. Correct.

Q. What was your reaction to that?

A. I was scared.

Q. What other discussion did you have in regard to the fact that your name was on the list? You were scared; he was disappointed, or it broke his heart. What other discussion did you have?

A. Uh, I believe he said that, uh—and these are not necessarily direct quotes, but to the best of my memory, that he said something about that, uh, just because my name was on the list didn't necessarily mean I'd be subpoenaed; and at some point, I asked him what I should do if I received a subpoena. He said I should, uh, I should let Ms. Currie know. Uh—

Q. Did he say anything about an affidavit?

A. Yes.

Q. What did he say?

A. He said that, uh, that I could possibly file an affidavit if I—if I were subpoenaed, that I could possibly file an affidavit maybe to avoid being deposed.

Q. How did he tell you you would avoid being deposed by filing an affidavit?

A. I don't think he did.

Q. You just accepted that statement?

A. [Nodding head.]

Q. Yes?

A. Yes, yes. Sorry.

Q. Are you, uh—strike that. Did he make any representation to you about what you could say in that affidavit or—

A. No.

Q. What did you understand you would be saying in that affidavit to avoid testifying?

A. Uh, I believe I've testified to this in the grand jury. To the best of my recollection, it was, uh—to my mind came—it was a range of things. I mean, it could either be, uh, something innocuous or could go as far as having to deny the relationship. Not being a lawyer nor having gone to law school, I thought it could be anything.

Q. Did he at that point suggest one version or the other version?

A. No. I didn't even mention that, so there, there wasn't a further discussion—there was no discussion of what would be in an affidavit.

Q. When you say, uh, it would be—it could have been something where the relationship was denied, what was your thinking at that point?

A. I—I—I think I don't understand what you're asking me. I'm sorry.

Q. Well, based on prior relations with the President, the concocted stories and those things like that, did this come to mind? Was there some discussion about that, or did it come to your mind about these stories—the cover stories?

A. Not in connection with the—not in connection with the affidavit.

Q. How would—was there any discussion of how you would accomplish preparing or filing an affidavit at that point?

A. No.

Q. Why—why didn't you want to testify? Why would not you—why would you have wanted to avoid testifying?

A. First of all, I thought it was nobody's business. Second of all, I didn't want to have anything to do with Paula Jones or her case. And—I guess those two reasons.

Q. You—you have already mentioned that you were not a lawyer and you had not been to law school, those kinds of things. Did, uh, did you understand when you—the potential legal problems that you could have caused yourself by allowing a false affidavit to be filed with the court, in a court proceeding?

A. During what time—I mean—I—can you be—I'm sorry—

Q. At this point, I may ask it again at later points, but the night of the telephone—

A. Are you—are you still referring to December 17th?

Q. The night of the phone call, he's suggesting you could file an affidavit. Did you appreciate the implications of filing a false affidavit with the court?

A. I don't think I necessarily thought at that point it would have to be false, so, no, probably not. I don't—I don't remember having any thoughts like that, so I imagine I would remember something like that, and I don't, but—

Q. Did you know what an affidavit was?

A. Sort of.

Q. Of course, you're talking at that time by telephone to the President, and he's—and

he is a lawyer, and he taught law school—I don't know—did you know that? Did you know he was a lawyer?

A. I—I think I knew it, but it wasn't something that was present in my, in my thoughts, as in he's a lawyer, he's telling me, you know, something.

Q. Did the, did the President ever tell you, caution you, that you had to tell the truth in an affidavit?

A. Not that I recall.

Q. It would have been against his interest in that lawsuit for you to have told the truth, would it not?

A. I'm not really comfortable—I mean, I can tell you what would have been in my best interest, but I—

Q. But you didn't file the affidavit for your best interest, did you?

A. Uh, actually, I did.

Q. To avoid testifying.

A. Yes.

Q. But had you testified truthfully, you would have had no—certainly, no legal implications—it may have been embarrassing, but you would have not had any legal problems, would you?

A. That's true.

Q. Did you discuss anything else that night in terms of—I would draw your attention to the cover stories. I have alluded to that earlier, but, uh, did you talk about cover story that night?

A. Yes, sir.

Q. And what was said?

A. Uh, I believe that, uh, the President said something—you can always say you were coming to see Betty or bringing me papers.

Q. I think you've testified that you're sure he said that that night. You are sure he said that that night?

A. Yes.

Q. Now, was that in connection with the affidavit?

A. I don't believe so, no.

Q. Why would he have told you you could always say that?

A. I don't know.

Mr. BURTON: Objection. You're asking her to speculate on someone else's testimony.

MR. BRYANT: Let me make a point here. I've been very patient in trying to get along, but as I alluded to earlier, and I said I am not going to hold a hard line to this, but I don't think the President's—the witness' lawyers ought to be objecting to this testimony. If there's an objection here, it should come from the White House side, nor should they be—

SENATOR DeWINE: Counsel, why don't you rephrase the question?

MR. BRYANT: Do we have a clear ruling on whether they can object?

SENATOR DeWINE: We'll go off the record for a moment.

THE VIDEOGRAPHER: We're going off the record at 11:20 a.m.

[Recess.]

THE VIDEOGRAPHER: We are going back on the record at 11:30 a.m.

SENATOR DeWINE: We are now back on the record.

It's our opinion that counsel for Ms. Lewinsky do have the right to make objections. We would ask them to be as short and concise as humanly possible. So we will now proceed.

Mr. Bryant?

MR. BRYANT: Thank you, Senator.

BY MR. BRYANT:

Q. Let's kind of bring this back together again, and I'll try to ask sharper questions and avoid these objections.

We're at that point that we've got a telephone conversation in the morning with you and the President, and he has among other things mentioned to you that your name is on the Jones witness list. He has also mentioned to you that perhaps you could file an affidavit to avoid possible testifying in that case. Is that right?

A. Correct.

Q. And he has also, I think, now at the point that we were in our questioning, referenced the cover story that you and he had had, that perhaps you could say that you were coming to my office to deliver papers or to see Betty Currie; is that right?

A. Correct. It was from the entire relationship, that story.

Q. Now, when he alluded to that cover story, was that instantly familiar to you?

A. Yes.

Q. You knew what he was talking about?

A. Yes.

Q. And why was this familiar to you?

A. Because it was part of the pattern of the relationship.

Q. Had you actually had to use elements of this cover story in the past?

A. I think so, yes.

Q. Did the President ever tell you what to say if anyone asked you about telephone conversations that you had had with him?

A. Are we—are we still focused on December 17th?

Q. No, no.

A. Okay.

Q. It did not have to be that night. Did he ever?

A. If I could just—I—I'm pretty date-oriented, so if you could just be more specific with the date. If we're staying on a date or leaving that date, it would just help me. I'm sorry.

Q. Well, my question was phrased did he ever do that, but—

A. Okay.

Q. Well, I—I'm sorry. I'm playing guessing games with you. Was there a conversation on March 29th of 1997 when the President told you he thought perhaps his telephone conversations were being tapped or taped—either way, or both—by a foreign embassy?

A. Yes.

Q. And was there some reference to some sort of cover story there in the event that his line was tapped?

A. Yes.

Q. And what was that?

A. That—I think, if I remember it correctly, it was that we—that he knew that we were sort of engaging in those types of conversations, uh, knowing that someone was listening, so that it was not for the purposes that it might have seemed.

Q. Did you find it a little strange that he would express concern about possible eavesdropping and still persist in these calls to you?

A. I don't think phone calls of that nature occurred and happened right after, or soon after that discussion. I think it was quite a few months until that resumed.

Q. I think my question was more did you not find it a little strange that he felt that perhaps his phone was being tapped and conversations taped by a foreign embassy, and he—

A. I—I thought it was strange, but if—I mean, I wasn't going to question what he was saying to me.

Q. But that he also continued to make the calls—you're saying he didn't make any calls after that?

A. No. My understanding was it was referencing a certain type of phone call, certain nature of phone call, uh, and those—

Q. Let me direct your attention back to a point I did not mention a couple—a few days before the December—early December telephone call, the lengthy telephone call from the President. We had talked about how that was a heated conversation.

A. Correct.

Q. At—did at some point during that telephone conversation—did the tone—did the President's tone change to a more receptive, friendly conversation?

A. Yes.

Q. Do you know why that happened?

A. No, nor do I remember whose tone changed first. I mean, we made up, so—

Q. Okay. Now let me go back again to the December 11th date—I'm sorry—the 17th. This is the conversation in the morning. What else—was there anything else you talked about in terms of—other than your name being on the list and the affidavit and the cover story?

A. Yes. I had—I had had my own thoughts on why and how he should settle the case, and I expressed those thoughts to him. And at some point, he mentioned that he still had this Christmas present for me and that maybe he would ask Mrs. Currie to come in that weekend, and I said not to because she was obviously going to be in mourning because of her brother.

Q. In—in that—in that relationship with the President, I think you have expressed in your testimony somewhere that you weren't necessarily jealous of those types of people like Kathleen Willey or Paula Jones, and perhaps you didn't even believe those stories occurred as—as they alleged.

A. That's correct. I don't—I don't know, jealous or not jealous. I don't think I've testified to my feelings of jealousy, but the latter half of the question is true.

Q. I—I saw it. I mean, it's not a major point. I thought I saw that in your testimony, that particular word.

A. Okay. If I said that, then I—I don't.

Q. Was it your belief that the Paula Jones case was not a valid lawsuit? Was that part of that discussion that night, or your strategy?

A. Uh, can I separate that—that into two questions?

Q. Any way, any way you want to.

A. Okay. I don't believe it was a valid lawsuit, and I don't think whether I believed it was a valid lawsuit or not was the topic of the conversation.

Q. Okay, that's a fair answer.

You believe the President's version of the Paula Jones incident?

A. Is that relevant to—

Q. I—I just asked you the question.

A. I don't believe Paula Jones' version of the story.

Q. Okay, good. That's a fair answer.

You have testified previously that you tried to maintain secrecy regarding this relationship—and we're talking about obviously with the President. Is that true?

A. Yes.

Q. And to preserve the secrecy and I guess advance this cover story, you would bring papers to the President and always use Betty Currie for the excuse for you to be WAVE'd in. Is that right?

A. Papers when I was working at the White House and Mrs. Currie after I left the White House. So Mrs. Currie wasn't involved when I was working at the White House.

Q. Were these papers you carried in to the President—were they—were they business documents, or were they more personal papers from you to him?

A. They—they weren't business documents.

Q. So, officially, you were not carrying in official papers?

A. Correct.

Q. You were carrying in personal papers that would not have entitled you ordinarily to go see the President?

A. Correct.

Q. When—in this procedure where Betty Currie was always the one that WAVE'd you in to the White House—and I—I don't know if the people who may be watching this deposition, the Senators, understand that the WAVES process is just the—to give the

guards the okay for you to come in. Is that a short synopsis?

A. I'm not really versed on—

Q. I'm not either. You know more than I do, probably, since you worked there, but—

A. Well, I know you had to go, you had to type in a thing in at WAVES, and now you have to give a Social Security, birth date, have to show ID.

Q. Is there a record kept of that?

A. I believe so.

Q. Was it always Betty Currie that WAVE'd you in to the—access to the White House? I'm talking about now after you left and went to work at the Pentagon.

A. No.

Q. Other people did that?

A. There were other reasons that I came to the White House at times.

Q. Did you ever ask the President if he would WAVE you in?

A. Yes.

Q. Did he ever do that?

A. No, not to my—not to my knowledge.

Q. Was there a reason? Did he express anything to you why he would or would not?

A. Yes. He said that, uh—I believe he said something about that there's a specific list made of people that he requests to come in and—and there are people who have access to that list.

Q. So, obviously, he didn't want your name being on that list?

A. Correct.

Q. Now, some of those people—

A. I think—well, that's my understanding.

Q. Would some of those people be the people that worked outside his office, Ms. Lieberman and those—those folks?

A. I—I believe so, but I'm not really sure.

Q. Did you not want those people to know that you were inside the White House?

A. I didn't.

Q. Why is that?

A. Because they didn't like me.

Q. Would they have objected, do you think—if you know.

A. I don't know.

Q. Did you work with Betty Currie on occasions to—to get in to see the President, perhaps bypass some of these people?

A. Yes.

Q. And that would be another way that you would conceal the meeting with the President, by using Betty Currie to get you in?

A. I—I think, yes, be cautious of it.

Q. Did—well, I think we've covered that, about some papers, and I think we've covered that after you left your job inside the White House with Legislative Affairs and went to the Pentagon, you developed a story, a cover story to the effect that you were going to see Betty, that's how you would come in officially?

A. Correct.

Q. And during that time that you were at the Pentagon, you would more likely visit him on weekends or during the week? Which would—which would—

A. Weekends.

Q. Weekends. And why—why the weekends?

A. First, I think he had less work, and second of all, there were—I believe there were less people around.

Q. Now, whose idea was it for you to come on weekends?

A. I believe it was the President's.

Q. When you—when the President was in his office, was your purpose to go there and see him? If he was in the office, you would go see him?

A. What—I'm sorry.

Q. No—that's not clear. I'll withdraw that question.

Was Ms. Currie, the President's secretary—was she in the loop, so to speak, in keeping this relationship and how you got in and out of the White House, keeping that quiet?

A. I think I actually remember reading part of my grand jury testimony about this and that it was more specific in that she was in the loop about my friendship with the President, but I just want to not necessarily—there was a clarification, I believe, in that about knowledge of the complete relationship or not. So—

Q. She would help with the gifts and notes and things like that—the passing?

A. Yes.

Q. Would you agree that these cover stories that you've just testified to, if they were told to the attorneys for Paula Jones, that they would be misleading to them and not be the whole story, the whole truth?

A. They would—yes, I guess misleading. They were literally true, but they would be misleading, so incomplete.

Q. As I understand your testimony, too, the cover stories were reiterated to you by the President that night on the telephone—

A. Correct.

Q. —and after he told you you would be a witness—or your name was on the witness list, I should say?

A. Correct.

Q. And did you understand that since your name was on the witness list that there would be a possibility that you could be subpoenaed to testify in the Paula Jones case?

A. I think I understood that I could be subpoenaed, and there was a possibility of testifying. I don't know if I necessarily thought it was a subpoena to testify, but—

Q. Were you in fact subpoenaed to testify?

A. Yes.

Q. And that was what—

A. December 19th, 1997.

Q. December 19th.

Now, you have testified in the grand jury. I think your closing comments was that no one ever asked you to lie, but yet in that very conversation of December the 17th, 1997 when the President told you that you were on the witness list, he also suggested that you could sign an affidavit and use misleading cover stories. Isn't that correct?

A. Uh—well, I—I guess in my mind, I separate necessarily signing affidavit and using misleading cover stories. So, does—

Q. Well, those two—

A. Those three events occurred, but they don't—they weren't linked for me.

Q. But they were in the same conversation, were they not?

A. Yes, they were.

Q. Did you understand in the context of the conversation that you would deny the—the President and your relationship to the Jones lawyers?

A. Do you mean from what was said to me or—

Q. In the context of that—in the context of that conversation, December the 17th—

A. I—I don't—I didn't—

Q. Okay. Let me ask it. Did you understand in the context of the telephone conversation with the President that early morning of December the 17th—did you understand that you would deny your relationship with the President to the Jones lawyers through use of these cover stories?

A. From what I learned in that—oh, through those cover stories, I don't know, but from what I learned in that conversation, I thought to myself I knew I would deny the relationship.

Q. And you would deny the relationship to the Jones lawyers?

A. Yes, correct.

Q. Good.

A. If—if that's what it came to.

Q. And in fact you did deny the relationship to the Jones lawyers in the affidavit that you signed under penalty of perjury; is that right?

A. I denied a sexual relationship.

Q. The President did not in that conversation on December the 17th of 1997 or any other conversation, for that matter, instruct you to tell the truth; is that correct?

A. That's correct.

Q. And prior to being on the witness list, you—you both spoke—

A. Well, I guess any conversation in relation to the Paula Jones case. I can't say that any conversation from the—the entire relationship that he didn't ever say, you know, ''Are you mad? Tell me the truth.'' So—

Q. And prior to being on the witness list, you both spoke about denying this relationship if asked?

A. Yes. That was discussed.

Q. He would say something to the effect that—or you would say that—you—you would deny anything if it ever came up, and he would nod or say that's good, something to that effect; is that right?

A. Yes, I believe I testified to that.

Q. Let me shift gears just a minute and ask you about—and I'm going to be delicate about this because I'm conscious of people here in the room and my—my own personal concerns—but I want to refer you to the first so-called salacious occasion, and I'm not going to get into the details. I'm not—

A. Can—can we—can you call it something else?

Q. Okay.

A. I mean, this is—this is my relationship—

Q. What would you like to call it?

A. —so, I mean, is—

Q. This is the—or this was—

A. It was my first encounter with the President, so I don't really see it as my first salacious—that's not what this was.

Q. Well, that's kind of been the word that's been picked up all around. So—

A. Right.

Q. —let's stay on this first—

A. Encounter, maybe?

Q. Encounter, okay.

A. Okay.

Q. So we all know what we're talking about. You had several of these encounters, perhaps 10 or 11 of these encounters; is that right?

A. Yes.

Q. Okay. Now, with regard to the first one on November the 15th, 1995, you have testified to a set of facts where the President actually touched you in certain areas—is that right—and that's—that's where I want to go. That's as far as I want to go with that question.

MR. CACHERIS: If that's as far as it goes, we will not object—

MR. BRYANT: Okay.

MR. CACHERIS: —and if it goes any further, we will object.

MR. BRYANT: Okay.

BY MR. BRYANT:

Q. You have testified to that?

A. Yes.

Q. And I have the excerpts out, and I don't—but they've been adopted and affirmed as true. So I'm not going to get—get you looking at—have you read those excerpts.

A. I appreciate that.

Q. Now, in the—in later testimony before the grand jury, you were given a definition, and in fact it was the same definition that was used in the Paula Jones lawsuit, of ''sexual relations.'' Do you recall the—

A. So I've read.

Q. Yes.

A. I was not shown that definition.

Q. But you were asked a question that incorporated that definition.

A. Not prior to this whole—not prior to the Independent Counsel getting involved.

Q. But—no—it was the Independent Counsels themselves who asked you this question.

A. Right. Oh, so you're—you're saying in the grand jury, I was shown a definition of—

Q. Right.
A. Yes, that's correct.
Q. And you admitted in that answer to that question that the conduct that you were involved in, the encounter of November the 15th, 1995, fit within that definition of ''sexual relations''?
A. The second encounter of that evening did.
Q. Right.
And were there other similar encounters later on with the President, not that day, but other occasions that would have likewise fit into that definition of ''sexual relations'' in the Paula Jones case?
A. Yes. And—yes.
Q. There was more than one occasion where that occurred?
A. Correct.
Q. So, if the President testifies that he did not—he was not guilty of having a sexual relationship under the Paula Jones definition even, then that testimony is not truthful, is it?
MR. CACHERIS: Objection. She should not be called upon to testify what was in the mind of another person. She's testifying to the facts, and she has given the facts.
MR. BRYANT: I would ask that she answer the question.
SENATOR DeWINE: Go ahead.
SENATOR LEAHY: The objection is noted for the record.
SENATOR DeWINE: The objection is noted. She may answer the question.
THE WITNESS: I—I really—
SENATOR LEAHY: If she can.
THE WITNESS: —don't feel comfortable characterizing whether what he said was truthful or not truthful. I know I've testified to what I believe is true.
BY MR. BRYANT:
Q. Well, truth is not a wandering standard.
A. Well—
Q. I would hope not. But you have testified, as I've told you, that what you and he did together on November the 15th, 1995 fit that definition of the Paula Jones, and you've indicated that there were other occasions that likewise—
A. Yes, sir.
Q. —that that occurred.
But now the President has indicated as a part of his specific defense—he has filed an answer with this Senate denying that this occurred, that he did these actions.
A. I know. I'm not trying to be difficult, but there is a portion of that definition that says, you know, with intent, and I don't feel comfortable characterizing what someone else's intent was.
I can tell you that I—my memory of this relationship and what I remember happened fell within that definition.
If you want to—I don't know if there's another way to phrase that, but I'm just not comfortable commenting on someone else's intent or state of mind or what they thought.
Q. Let's move forward to December the 19th, 1997, at that point you made reference to earlier.
A. I'm sorry. Can you repeat the date again? I'm sorry.
Q. Yes. December the 19th, 1997.
A. Okay, sorry.
Q. At that point where you testified that you received a subpoena in the Paula Jones case, and that was, of course, on December the 19th, 1997.
Do you recall the specific time of day and where you were when you were served with the subpoena?
A. I was actually handed the subpoena at the Metro entrance of the Pentagon—at the Pentagon, and the time—I think it was around 4:30—4—I—I—if I've testified to something different, then, I accept whatever I testified to, closer to the date. Sometime in the late afternoon.
Q. Did they call you, and you had to come out of your office and go outside—
A. Correct.
Q. —and do that?
Okay. And what did you do after you accepted service of the subpoena?
A. I started crying.
Q. Did he just give it to you and walk away, or did he give you any kind of explanation?
A. I think I made a stink. I think I was trying to hope that he would convey to the Paula Jones attorneys that I didn't know why they were doing this, and this is ridiculous, and he said something or another, there is a check here for witness fee. And I said I don't want their stinking money, and so—
Q. What did you do after, after you got through the emotional part?
A. I went to a pay phone, and I called Mr. Jordan.
Q. Any reason you went to a pay phone, and why did you call Mr. Jordan? Two questions, please.
A. First is because my office in the Pentagon was probably a room this size and has—let's see, one, two, three, four—four other people in it, and there wasn't much privacy. So that I think that's obvious why I wouldn't want to discuss it there.
And the second question was why Mr. Jordan—
Q. Why did you call Mr. Jordan; yes.
A. Because I couldn't call Mrs. Currie because it was—I hadn't expected to be subpoenaed that soon. So she was grieving with her brother's passing away, and I didn't know who else to turn to. So—
Q. And what—what occurred with that conversation with Mr. Jordan?
A. Well, I remember that—that he couldn't understand me because I was crying. So he kept saying: ''I don't understand what you're saying. I don't understand what you're saying.''
And I just was crying and crying and crying. And so all I remember him saying was: ''Oh, just come here at 5 o'clock.''
So I did.
Q. You went to see Mr. Jordan, and you were inside his office after 5 o'clock, and you did—is that correct?
A. Yes.
Q. Were—were you interrupted, in the office?
A. Yes. He received a phone call.
Q. And you testified that you didn't know who that was that called?
A. Correct.
Q. Did you excuse yourself?
A. Yes.
Q. What—after you came back in, what—what occurred? Did he tell you who he had been talking to?
A. No.
Q. Okay. What happened next?
A. I know I've testified about this—
Q. Yes.
A. —so I stand by that testimony, and my recollection right now is when I came back in the room, I think shortly after he had placed a phone call to—to Mr. Carter's office, and told me to come to his office at 10:30 Monday morning.
Q. Did you know who Mr. Carter was?
A. No.
Q. Did Mr. Jordan tell you who he was?
A. No—I don't remember.
Q. Did you understand he was going to be your attorney?
A. Yes.
Q. Did you express any concerns about the—the subpoena?
A. I think that happened before the phone call came.
Q. Okay, but did you express concerns about the subpoena?
A. Yes, yes.
Q. And what were those concerns?
A. In general, I think I was just concerned about being dragged into this, and I was concerned because the subpoena had called for a hatpin, that I turn over a hatpin, and that was an alarm to me.
Q. How—in what sense was it—in what sense was it an alarm to you?
A. The hatpin being on the subpoena was evidence to me that someone had given that information to the Paula Jones people.
Q. What did Mr. Jordan say about the subpoena?
A. That it was standard.
Q. Did he have any—did he have any comment about the specificity of the hatpin?
A. No.
Q. And did you—
A. He just kept telling me to calm down.
Q. Did you raise that concern with Mr. Jordan?
A. I don't remember if—if I've testified to it, then yes. If—I don't remember right now.
Q. Did—would you have remembered then if he made any comment or answer about the hatpin?
A. I mean, I think I would.
Q. And you don't remember?
A. I—I remember him saying something that it was—you know, calm down, it's a standard subpoena or vanilla subpoena, something like that.
Q. Did you ask Mr. Jordan to call the President and advise him of the subpoena?
A. I think so, yes. I asked him to inform the President. I don't know if it was through telephone or not.
Q. And you did that because the President had asked you to make sure you let Betty know that?
A. Well, sure. With Betty not being in the office, I couldn't—there wasn't anyone else that I could call to get through to him.
Q. Did Mr. Jordan say to you when he might see the President next?
A. I believe he said he would see him that evening at a holiday reception.
Q. Did Mr. Jordan during that meeting make an inquiry about the nature of the relationship between you and the President?
A. Yes, he did.
Q. What was that inquiry?
A. I don't remember the exact wording of the questions, but there were two questions, and I think they were something like did you have sex with the President or did he—and if—or did he ask for it or some—something like that.
Q. Did you—what did you suspect at that point with these questions from Mr. Jordan in terms of did he know or not know about this?
A. Well, I wasn't really sure. I mean, two things. I think there is—I know I've testified to this, that there was another component to all of this being Linda Tripp and her—what she might have led me to believe or led me to think and how that might have characterized how I was perceiving the situation.
I—I sort of felt that I didn't know if he was asking me as what are you going to say because I—I don't know these answer to these questions, or he was asking me as I know the answer to these questions and what are you going to say. So, either way, for me, the answer was no and no.
Q. And that's just what I wanted to ask you—you did answer no to both of those, but—
A. Yes.
Q. —as you explained—you didn't mention this directly, but you mentioned in some of your earlier testimony about it, that this was kind of a wink and—you thought this might be a wink-and-nod conversation, where he really knew what was going on, but—

A. Well, I think that's what I just said.

Q. —he was testing you to see what you would say?

A. —that I wasn't—I—that was one of the—that was one of the things that went through my mind. I mean, it was not—I think that's what I just testified to, didn't I?

Q. You didn't use the term ''wink-and-nod,'' though.

A. Oh.

Q. Did you have any conversation with Mr. Jordan during that meeting about the specifics of an affidavit?

A. No.

Q. Do you know if the subject of an affidavit even came up?

A. I don't think so.

Q. What happened next? Is that when he made the call to Mr. Carter, after this conversation?

A. No. He made the call to Mr.—I think—well, I think he made the call to Mr. Carter, uh, shortly after I came back into the room, but I could be wrong.

Q. And then the meeting concluded after that—after the appointment was set up with Mr. Carter, the meeting concluded?

A. Yes.

SENATOR DeWINE: Mr. Bryant, we're going to need to break sometime in the next 5 minutes. Is this a good time, or do you want to complete—

MR. BRYANT: This is a good time.

SENATOR DeWINE: Okay. We'll take a 5–minute break.

THE VIDEOGRAPHER: We're going off the record at 12:04 p.m.

[Recess.]

THE VIDEOGRAPHER: We are going back on the record at 12:16 p.m.

SENATOR DeWINE: We are back on the record.

Let me advise House Managers that they have consumed one hour and 54 minutes.

Mr. Bryant, you may proceed.

MR. BRYANT: Thank you, sir.

BY MR. BRYANT:

Q. Ms. Lewinsky, let me just cover a couple of quick points, and then I'll move on to another area, at least the next meeting with Mr. Jordan and eventual meeting with Mr. Carter.

Back when issues of—we were discussing the issues of cover stories, uh, would you tell me about the, uh, code name with Betty Currie, the President's secretary and how that worked in terms of the use—I guess the word ''Kay,'' the name ''Kay,'' and were there other code names, and when did this start?

A. Sure. First, let me say there's—from my experience with working with Independent Counsel on this subject area, there—my initial memory of things and then what I came to learn from, from other evidence, I think, are sort of two different things. So I initially hadn't remembered when that had happened or what had happened.

The name ''Kay'' was used because Betty and I first came to know each other and know—or, I guess I came to know of Mrs. Currie through Walter Kaye, who was a family friend, and I think that that—I don't remember when we started using it, but I know that by January at some point—by let's just say January, I think, 12th or 13th, we were doing that. So I know I was beyond paranoid at this point.

Q. Was ''Kay'' your code name, so to speak?

A. I believe—yes, yes. So she was ''Kay'' and I was ''Kay.''

Q. So any time, uh—not any time—so you used the ''Kay'' name interchangeably between the two—just between the two of you?

A. Just for paging messages.

Q. And, uh, when we're talking about that Ms. Currie would WAVE you into the White House, would that occur when the President was there? I mean, you went in—

A. There—there were times that I went to see Mrs. Currie when the President wasn't there.

Q. Right. And she would WAVE you in.

A. Correct.

Q. And there were times other people WAVE'd you in when the President wasn't there?

A. Correct.

Q. But when the President was there, and you were going to see the President, Ms. Currie was the one that always WAVE'd you in?

A. Yes, and I think, unless—maybe on the occasions of the radio address or it was an official function.

Q. Now, I think we talked a little bit about this. During your December the 19th meeting with Mr. Jordan, uh, he did schedule you a time to meet, uh, and introduce you to Mr. Carter?

A. Correct.

Q. And that—when was that meeting with Mr. Carter scheduled?

A. Uh, I believe for—it was Monday morning. I think it was 11 o'clock, around—sometime around that time.

Q. And my notes say that would have been December the 22nd, 1997.

A. Correct.

Q. Did you, uh, call to meet him earlier, and if so, why?

A. Yes. I had—I had had some concerns over the weekend that I didn't know if—if Mr. Jordan knew about the relationship or didn't know about the relationship. I was concerned about—I'm sure you can understand that I was dealing with a set of facts that were very different from what the President knew about being pulled into this case in that I had, in fact, disclosed information. So I was very paranoid, and, uh, I, uh, I—I was trying to—trying to see what Mr. Jordan knew was—was trying to inform him, was trying to just get a better grasp of what was going on.

Is that—is that clear? No?

Q. You were—you were worried that Mr. Jordan didn't have a—did not have a grasp of what was really going on?

A. Correct.

Q. And that would be in terms of actually knowing the real relationship between you and the President?

A. Correct.

Q. So how did you attempt to correct that?

A. Well, I—I sort of—I think the way it came up was I said, uh—I think I said to Mr. Jordan—I know I've testified to this, uh, that—something about what about if someone overheard the phone calls that I had with him. And Mr. Jordan, I believe, said something like: So what? The President's allowed to call people.

And then—well.

Q. Now, was this at a meeting on December the 22nd, before you went to see Mr. Carter?

A. Correct.

Q. I assume you—you went to Mr. Jordan's office first, and then he was going to escort you over and turn you over to Mr. Carter?

A. Correct.

Q. And it was at that meeting that you brought up the possibility of someone overhearing a conversation with the President and you—between the two of you?

A. Yes.

Q. What else was said at that meeting with Mr. Jordan?

A. I think it covered a topic that I thought we weren't discussing here.

Q. Uh, okay. All right. I'm not sure.

A. Okay. Well, I—I know I've testified to this in my—I think in all three, if not both of my grand jury appearances, and I'm very happy to stand by that testimony.

Q. All right. I'm going to go around this a little bit without getting into details. You had a conversation with Mr. Jordan to detail—to give him more specific details of your relationship with the President.

A. Uh, to give him more details of some of the types of phone calls that we had.

Q. Okay. Uh, did you ask Mr. Jordan had he spoken with the President during that conversation?

A. Yes, I believe so.

Q. And why was this—why did you need to know that, or why was it important that you know that?

A. I wanted the President to know I'd been subpoenaed.

Q. Did, uh—in your, uh, proffer, you say that you made it clear to Mr. Jordan that you would deny the sexual relationship. Do you recall saying that in your proffer?

A. Uh, I know—I know that was written in my proffer.

Q. Okay. Well, I guess the better question is did you—did you in fact make that clear to Mr. Jordan that you would deny a sexual relationship with the President?

A. I—I'm not really sure. I—this is sort of an area that, uh, has been difficult for me. I think, as I might have discussed in the grand jury, that when I originally wrote this proffer, it was to be a road map and, really, something to help me to get immunity and not necessarily—it's not perfect.

Uh, so, I think that was my intention—I know that was my intention of—or at least what I thought I was doing—but I never really thought that this would become the be-all and end-all, my proffer.

Q. Did, uh, did you bring with you to the meeting with Mr. Jordan, and for the purpose of carrying it, I guess, to Mr. Carter, items in response to this request for production?

A. Yes.

Q. Did you discuss those items with Mr. Jordan?

A. I think I showed them to him, but I'm not 100 percent sure. If I've testified that I did, then I'd stand by that.

Q. Okay. How did you select those items?

A. Uh, actually, kind of in an obnoxious way, I guess. I—I felt that it was important to take the stand with Mr. Carter and then, I guess, to the Jones people that this was ridiculous, that they were—they were looking at the wrong person to be involved in this. And, in fact, that was true. I know and knew nothing of sexual harassment. So I think I brought the, uh, Christmas cards, that I'm sure everyone in this room has probably gotten from the President and First Lady, and considered that correspondence, and some innocuous pictures and—they were innocuous.

Q. Were they the kind of items that typically, an intern would receive or, like you said, any one of us might receive?

A. I think so.

Q. In other words, it wouldn't give away any kind of special relationship?

A. Exactly.

Q. And was that your intent?

A. Yes.

Q. Did you discuss how you selected those items with anybody?

A. I don't believe so.

Q. Did Mr. Jordan make any comment about those items?

A. No.

Q. Were any of these items eventually turned over to Mr. Carter?

A. Yes.

Q. And did you tell Mr. Jordan at that meeting that morning that these were not all of the gifts?

A. I think I—I know I sort of alluded to that in my proffer, and I don't, uh—it's possible. I don't have a specific recollection of that.

Q. And do you have a recollection of any response he may have made if you said that?
A. No.
Q. That—did you tell Mr. Jordan that day that the, uh, President gave you a hatpin and that the hatpin was mentioned in the subpoena?
A. No.
Q. Did you discuss the hatpin with Mr. Jordan?
A. On the 22nd?
Q. Yes.
A. No.
Q. Any other time?
A. Yes.
Q. When was that?
A. On the 19th.
Q. Okay, and what was—I think I may have missed that, going through that. Tell me about it.
A. Actually, I think we—we went through it.
Q. You just maybe mentioned it.
A. I mentioned it when I first mentioned to him the subpoena that the hatpin had concerned me.
Q. What was the significance of that hatpin to you? That seems to stand out. Was that—was that a—
A. Right. I think, as I mentioned before, it was an alarm to me because it was a specific item—
Q. Right.
A. —in this list of generalities—I don't know generalities, but of general things—you sort of go—hatpin?
Q. Right. I recall that, but I—I think my question was, was it of any special significance to you.
A. Sure.
Q. Was it, like, the first gift or something, that it really stood out above the others?
A. Yes. It—it was—it was the first gift he gave me. It was a thoughtful gift. It was beautiful.
Q. And was the hatpin in that list, that group of items that you carried to surrender to Mr. Carter?
A. No.
Q. And the hatpin was not in that list of items that you showed Mr. Jordan?
A. I—I didn't show Mr. Jordan a list of items.
Q. No—I thought you said you showed him the items.
A. Correct.
Q. And the hatpin was not in that group—I may have ''list''—
A. Oh.
Q. —but the hatpin was not in that group of items—
A. No, it was not.
Q. —that you showed Mr. Jordan. Okay.
Tell us, if you would, how you arrived at Mr. Carter's. I know you rode in a car, but Mr. Jordan was with you—
A. Yes.
Q. —you went in—and tell us what happened.
A. Uh, in the car, we spoke about job things. I know he mentioned something about, I think, getting in touch with Howard Pastor, and I mentioned to Mr. Jordan that Mr. Bacon knew Mr. Pastor and had already gotten in touch with him, and so he should—I just wanted Mr. Jordan to be aware of that.
Uh, we talked about—it was really all about the job stuff because Mr. Jordan—the man driving the car—I didn't want to discuss anything with the case.
Q. But once you arrived, and Mr. Jordan made the introduction—
A. Correct.
Q. —between the two of you. And did he explain to Mr. Carter your situation, or did he go beyond just the perfunctory introduction?
A. No.
Q. Did he leave?
A. Yes.
Q. Did you, uh—I guess, generally, what did you discuss with Mr. Carter?
A. The same vanilla story I had kind of—well, actually, not even that. I discussed with Mr. Carter the, uh, that this was ridiculous, that I was angry, I didn't want to be involved with this, I didn't want to be associated with Paula Jones, with this case.
Q. Did you, uh—
A. I asked if I could sue Paula Jones. [Laughing.]
Q. Did you discuss an affidavit?
A. Yes, I believe I mentioned an affidavit.
Q. Did you mention, uh, the, uh—well, was there discussion about how you could sign an affidavit that might be—allow you to skirt being called as a witness?
A. Mr. Carter said that was a possibility but that there were other things that we should try first; that he, uh, thought—well, actually, can I ask my attorneys a question for a moment?
MR. BRYANT: Uh, sure.
[Witness conferring with counsel.]
SENATOR DEWINE: Counsel, Ms. Lewinsky's mike is carrying; it's picking up, so we don't want to—
THE WITNESS: Sorry. I was only saying nice things about you all.
SENATOR DEWINE: Thank you.
[Laughter.]
MR. CACHERIS: So that you'll know what we're discussing here, as you know, Ms. Lewinsky is not required to give up her lawyer-client privileges, and the question we don't know the answer to and would like to address after lunch is whether in fact Mr. Carter has testified to this conversation.
Therefore, perhaps—
SENATOR DEWINE: All right. Maybe counsel at this point could—could you rephrase—rephrase the question or ask another question, and after lunch, we can come back—
MR. CACHERIS: Or come back.
SENATOR DEWINE: Well, I don't want—I don't think he has to move off the general area if he can—I'll leave that up to counsel.
MR. BRYANT: There may be some misunderstanding or—
SENATOR DEWINE: Why don't you rephrase the question, and we'll see where we are.
MR. BRYANT: —on this issue of—well, on this issue of the attorney-client privilege. It is our understanding that she is able to testify. But again, I don't know, uh, if we're going to resolve that right now.
SENATOR DEWINE: Why don't we try to resolve that issue over lunch, and—
MR. BRYANT: Because I do have other questions that would relate to this area.
SENATOR DEWINE: —you can stay in this general area.
MR. BRYANT: Well, I'm not sure I can stay in this area too far without other questions that might arguably be involved in that privilege. I can ask them, and you can object if you think they're within that range.
MR. CACHERIS: Well, as I said, it's our understanding that under her agreement with the Independent Counsel, she has not been required to waive her lawyer-client privilege, and we don't want to do so here. That's that simple. And, Mr. Bryant, I want to check to see if Mr. Carter has testified about this. If he has, then we might be objecting—
MR. BRYANT: Well, she has already, I think, waived that privilege through talking with the FBI and those folks. I mean, we have statements that concern those conversations—
SENATOR DEWINE: Well, let's, instead of MR. BRYANT: And the 302's.
SENATOR DEWINE: Counsel, let me just—if I could interrupt both of you, to keep moving here, Mr. Bryant, you have a choice. You can continue on this line of questioning, and we will have to deal with that, or you can move off of it, and in 20 minutes we'll be at a lunch break and then we can try to resolve that.
MR. BRYANT: To be clear and fair, let's just—let me postpone the rest of this—
SENATOR DEWINE: That will be fine.
MR. BRYANT: —exam, and we'll move over to December 28th, and we'll come back if it's appropriate.
SENATOR DEWINE: That will be fine.
THE WITNESS: I'm sorry. I'm not trying to be difficult. I'm sorry.
MR. BRYANT: No. That's a valid concern; it really is.
Let's talk a minute—I just don't want to forget to do this; unless I make notes, I forget.
SENATOR LEAHY: You've got enough people here making notes; I don't think it'll be—I don't think it'll be forgotten.
BY MR. BRYANT:
Q. We're going to move in the direction of the December 28th, 1997 meeting, and I'm going to ask you at some point did you meet with the President later in December.
A. Yes.
Q. Okay, and what date was that?
A. December 28th, 1997.
Q. Thank you. How did the meeting come about?
A. Uh, I contacted Mrs. Currie after Christmas and asked her to find out if the President still wanted to give me his Christmas present, or my Christmas present.
Q. Did Ms. Currie get back to you?
A. Yes, she did.
Q. And what was her response?
A. To come to the White House at 8:30 a.m. on the 28th.
Q. And that would have been Sunday?
A. Yes.
Q. Did you in fact go to the White House on that date?
A. Yes.
Q. And how did you get in?
A. I believe the Southwest Gate.
Q. Did Ms. Currie WAVE you in?
A. I think so.
Q. You've testified to that previously.
A. Okay, then I accept that.
Q. This, uh, meeting on the 28th was a Sunday, and Ms. Currie—again, according to your prior testimony—WAVE'd you in. This was all consistent with what the President had told you to do about, number one, coming on weekends; is that correct?
A. I—I—I don't think me coming in on that Sunday had—I mean, for me, my memory of it was that it was a holiday time, so it could have been any day. It's pretty quiet around the White House from Christmas to New Year's.
Q. And it would have been consistent with her WAVEing you in when she was there at work on Sunday?
A. Yes.
Q. That was unusual, though, for her to be in on Sunday, wasn't it?
A. I—I—I—I think so, but I mean, that's her—I think that's something you'd have to ask her.
MR. BRYANT: I'm concerned about the time. I'm going to go ahead and continue with this, and we'll just stop wherever we have a—whenever you tell us to stop. This will take a little bit longer than another 15 minutes or so; but it's appropriate, I think, for us to continue.
SENATOR DEWINE: Well, frankly, it's up to you.
MR. BRYANT: Okay.
SENATOR DEWINE: Do you have a problem in breaking it?
MR. BRYANT: No; no, I don't think so.
SENATOR DEWINE: I mean, if you do, we can take lunch now. I'll leave that up to you.

MR. BRYANT: Uh, why don't we take the lunch now—

SENATOR DEWINE: All right. No one has any objection to that, we will do that.

THE WITNESS: I never object to food.

SENATOR DEWINE: Let me just announce to counsel you have used 2 hours and 14 minutes. It is now 20 minutes until 1. We'll come back here at 20 minutes until 2. And we need during this break also to see counsel and try to resolve the other issue prior to going back in. This is the privilege issue.

SENATOR LEAHY: Did counsel for Ms. Lewinsky have to make a couple phone calls first, before we have that discussion? I think—

SENATOR DEWINE: My suggestion would be we do that at the last 15 minutes of the break.

SENATOR LEAHY: I think he said he wanted to call Mr. Carter; that's why—

MR. CACHERIS: Meet you back up here?

SENATOR DEWINE: Yes. I would also—the sergeant-at-arms has asked me to announce that the food is on this floor, and since we have a very limited period of time, we suggest you try to stay on the floor.

MS. HOFFMANN: We were planning to go back—

SENATOR DEWINE: Except—I understand. I know that you're—

MR. CACHERIS: We have our own arrangements.

SENATOR DEWINE: I know that you have your room, and you've made your own arrangements, and that's fine.

So we will start back in one hour.

THE VIDEOGRAPHER: We are going off the record at 12:39 p.m.

[Whereupon, at 12:39 p.m., the deposition was recessed, to reconvene at 1:39 p.m. this same day.]

AFTERNOON SESSION

THE VIDEOGRAPHER: We are going back on the record at 13:43 hours.

SENATOR DEWINE: We are now back on the record.

As we broke for lunch, there was an objection that had been made by Ms. Lewinsky's counsel. Let me call on them at this point for statements.

MR. CACHERIS: Yes. We have examined the record during the course of the break, and while we know that the immunity agreement does provide for Ms. Lewinsky to maintain her lawyer-client privilege, we think in this instance, the matter has been testified so fully that it has been waived. So the objection that we lodged is withdrawn.

SENATOR DEWINE: Thank you very much.

Mr. Bryant, you may proceed.

MR. BRYANT: Thank you, Mr. Senator.

BY MR. BRYANT:

Q. We've got you to the point where Mr. Jordan has escorted you to Mr. Carter's office and has departed, and you and Mr. Carter have conversations.

Generally, what did you discuss with Mr. Carter?

A. I guess the—the reasons why I didn't think I should be called in this matter.

Q. Did he ask you questions?

A. Yes.

Q. What type of questions did he ask you?

A. Um, they ranged from where I lived and where I was working to did I have a relationship with the President, did—everything in between.

Q. When he—when he asked you about the relationship, did you understand he meant a sexual-type relationship?

A. He asked me questions that—that indicated he was being specific.

Q. And did—did you deny such a relationship?

A. Yes, I did.

Q. Did he ask you questions about if you were ever alone with the President?

A. Yes, he did.

Q. And did you deny that?

A. I think I mentioned that I might have brought the President papers on occasion, may have had an occasion to be alone with him, but not—not anything I considered significant.

Q. But that was not true either, was it?

A. No.

Q. And in fact, that—the fact that you brought him papers, that was part of the cover-up story?

A. Correct.

Q. I'm unclear on a point I want to ask you. Also, did Mr. Carter ask you about how you perhaps were pulled into this case, and you gave some answer about knowing Betty Currie and—and Mr. Kaye? Does that ring bells? You gave that testimony in your deposition.

A. That that's how I got pulled into the case?

Q. Right. Did—

A. May I see that, please?

Q. It's about your denying the relationship with the President, and you think maybe you got pulled into the case. It's—certainly, it's—it's in your grand jury—okay. It's—it's in the August 1 interview, page 9. This was a 302 exam from the FBI.

A. Um—

MR. BRYANT: Let me give that to her. Let me just give it to her to refresh her memory. I'm not going to put it in evidence, although it's—it should be there.

[Handing document.]

[Witness perusing document.]

THE WITNESS: I don't think that's an accurate representation of what I might have said in this interview.

BY MR. BRYANT:

Q. Okay. Would you—how would you have related Walter Kaye in that interview? How would his name have come up?

A. In this interview or with Mr. Carter?

Q. Well, in the interview with Mr. Carter that I assume was sort of summarized in that—

A. Right.

Q. —302, but, yes, with Mr. Carter.

A. Uh, I think I mentioned that I was friendly with Betty Currie, the President's secretary.

Q. And how would Mr. Kaye's name have come up in the conversation?

A. Because of how I met Ms. Currie was through—that's how I came to know of Ms. Currie and—and first introduced myself to her. Excuse me.

Q. Let's go back now and resume where we were before the lunch break. We were talking about the December visit to the White House and the conversation with the President. You had discussed—well, I think we're to the point where perhaps you—or I'll ask you to bring up your discussion with the President about the subpoena and the request for production.

A. Um, part way into my meeting with the President, I brought up the concern I had as to how I would have been put—how I might have been alerted or—not alerted, but how I was put on the witness list and how I might have been alerted to the Paula Jones' attorneys, and that that was—I was sort of concerned about that. So I discussed that a little, and then I said, um, that I was concerned about the hatpin. And to the best of my memory, he said that that had concerned him as well, and—

Q. Could he have said that bothered him?

A. He—he could have. I—I mean, I don't—I know that sometimes in the—in my grand jury testimony, they've put quotations around things when I'm attributing statements to other people, and I didn't necessarily mean that those were direct quotes. That was the gist of what I remembered him saying. So, concern, bothered, it doesn't—

Q. Was—was there a discussion at that point as to how someone might have—may have discovered the—the hatpin and why?

A. Well, he asked me if I had told anybody about it, and I said no.

Q. But the two of you reached no conclusion as to how that hatpin came—

A. No.

Q. —to appear on the motion?

A. No.

Q. Did he appear at all, I think, probably surprised that—that you had received a request for production of documents or the—the hatpin was on that document?

A. I didn't discuss—we didn't discuss documents, request for documents, but with regard to the hatpin, um, I don't remember him being surprised.

Q. Mm-hmm. How long did the discussion last about the—this request for production of—of the items?

A. The topic of the Paula Jones case, maybe 5 minutes. Not very much.

Q. What else was said about that?

A. About the case?

Q. Yes.

A. There was—then, at some point in this discussion—I think it was after the hatpin stuff—I had said to him that I was concerned about the gifts and maybe I should put them away or possibly give them to Betty, and as I've testified numerously, his response was either ranging from no response to ''I don't know'' or ''let me think about it.''

Q. Did the conversation about the—the gifts that you just mentioned, did that immediately follow and tie into, if you will, the conversation about the request for production of items, the hatpin and so forth? Did one lead to the other?

A. I don't remember. I know the gift conversation was subsequent to the hatpin comment, but I—I don't remember if one led to the other.

Q. What else happened after that?

A. Hmm, I think we went back to sort of—we left that topic, kind of went back to the visit.

Q. Did—which included exchanging the Christmas gifts?

A. Correct.

Q. Okay.

A. I had already—he had already given me my presents at this point.

Q. Okay. Did—he gave you some gifts that day, and my question to you is what went through your mind when he did that, when you knew all along that you had just received a subpoena to produce gifts. Did that not concern you?

A. No, it didn't. I was happy to get them.

Q. All right. Why did it—beyond your happiness in receiving them, why did the subpoena aspect of it not concern you?

A. I think at that moment—I mean, you asked me when he gave me those gifts. So, at that moment, when I was there, I was happy to be with him. I was happy to get these Christmas presents. So I was nervous about the case, but I had made a decision that I wasn't going to get into it too much—

Q. Well—

A. —with a discussion.

Q. —have you in regards to that—you've testified in the past that from everything that the President had told you about things like this, there was never any question that you were going to keep everything quiet, and turning over all the gifts would prompt the Jones attorneys to question you. So you had no doubt in your mind, did you not, that you weren't going to turn these gifts over that he had just given you?

A. Uh, I—I think the latter half of your statement is correct. I don't know if you're

reading from my direct testimony, but—because you said—your first statement was from everything the President had told you. So I don't know if that was—if those were my words or not, but I—no, I was—I—it—I was concerned about the gifts. I was worried someone might break into my house or concerned that they actually existed, but I wasn't concerned about turning them over because I knew I wasn't going to, for the reason that you stated.

Q. But the pattern that you had had with the President to conceal this relationship, it was never a question that, for instance, that given day that he gave you gifts that you were not going to surrender those to the Jones attorneys because that would—

A. In my mind, there was never a question, no.

Q. I'm just actually looking at your deposition on page—no, I'm sorry—your grand jury proceedings of August the 6th, just to be clear, since you raised that question.

1004 in the book, appendices.

You indicate that in response to a question, ''What do you think the President is thinking when he is giving you gifts when there is a subpoena covering gifts. I mean, does he think in any way, shape or form that you're going to be turning these gifts over?'' And your answer is, ''You know, I can't answer what he was thinking, but, to me, it was—there was never a question in my mind, and I—from everything he said to me, I never questioned him that we were ever going to do anything but keep this private. So that meant deny it, and that meant do whatever appropriate—take whatever appropriate steps needed to be taken, you know, for that to happen, meaning that if—if I had to turn over every gift—if I had turned over every gift he had given me—first of all, the point of the affidavit and the point of everything was to try to avoid a deposition. So where I'd have to sort of—you know, I wouldn't have to lie as much as I would necessarily in an affidavit how I saw it,'' and you continue on, just one short paragraph.

A. Right.

Q. ''So, by turning over all of these gifts, it would at best prompt him to want to question me about what kind of friendship I had with the President, and they would want to speculate and they'd leak it, and my name would be trashed and he would be in trouble.''

So you recall giving that testimony?

A. Yes. I accept—I accept what's said here.

Q. Okay.

A. It's a little different from what you said, but very close.

Q. Thank you.

Did the President ever tell you to turn over the gifts?

A. Not that I remember.

Q. Now, is that—does that bring us to the end of this conversation with the President, or did other things occur?

A. I think that the aspect of where this case is related, yes.

Q. Okay. And then you left, and where did you go when you left the White House?

A. I think I went home.

Q. This is at—at your apartment?

A. My mother's apartment.

Q. Mother's apartment.

Did you later that day receive a call from Betty Currie?

A. Yes, I did.

Q. Tell us about that.

A. I received a call from—from Betty, and to the best of my memory, she said something like I understand you have something for me or I know—I know I've testified to saying that—that I remember her saying either I know you have something for me or the President said you have something for me. And to me, it's a—she said—I mean, this is not a direct quote, but the gist of the conversation was that she was going to go visit her mom in the hospital and she'd stop by and get whatever it was.

Q. Did you question Ms. Currie or ask her, what are you talking about or what do you mean?

A. No.

Q. Why didn't you?

A. Because I assumed that it meant the gifts.

Q. Did—did you have other telephone calls with her that day?

A. Yes.

Q. Okay. What was the purpose of those conversations?

A. I believe I spoke with her a little later to find out when she was coming, and I think that I might have spoken with her again when she was either leaving her house or outside or right there, to let me know to come out.

Q. Do—at that time, did you have the caller identification—

A. Yes, I did.

Q. —on your telephone?

A. Yes.

Q. And did you at least on one occasion see her cell phone number on your caller-ID that day?

A. Yes, I did.

Q. Now, Ms. Currie has given different versions of what happened there, but I recall one that she mentioned about Michael Isikoff, that you had called her and said Michael Isikoff is calling around or called me—

A. Mm-hmm.

Q. —about some gifts.

Did Mr. Isikoff ever call you about the gifts?

A. No.

Q. Okay. Would there have been—would there have been any reason for you not to have carried the gifts to Ms. Currie had you wanted her—had you called her, would you have had her come over to get them from you, or does that—

A. Probably not.

Q. I mean, is there—is there any doubt in your mind that she called you to come pick up the gifts?

A. I don't think there is any doubt in my mind.

Q. Okay. Let me ask was—I think you did something special for her, as I recall, too, or her mother. Did you prepare a plant or something for her to pick up?

A. Um, no. I just—

Q. To take to her mother?

A. I bought a small plant and a balloon.

Q. Okay. What was your understanding about her mother, and was—

A. Oh, I—I knew her mom was in—was in the hospital and was sick, and I think this was her second trip to the hospital in several months, and it had been a tough year.

Q. And was she—was Mrs. Currie coming by your place on her way to visit her mother in the hospital? Do you know that?

A. That's what I remember her saying.

Q. So you prepared—and you bought a gift for her mother?

A. Correct.

Q. Okay. Do you know what kind of time frame this covered? First of all, it was the same day, December the 28th, 1997?

A. Seven, yes.

Q. Do you know what kind of time frame it covered?

A. I think it was afternoon. I know I've testified to around 2 o'clock.

Q. Could it have been later?

A. Sure.

Q. So, when Betty Currie came, what—what did you have prepared for her?

A. I had a box from the Gap with some of the presents the President had given me, taped up in it.

Q. What happened when she arrived?

A. Uh, I think I walked out to the car and asked her to hold onto this, and I think we talked about her mom for a few minutes. Um—

Q. Did she call you right before she arrived, or did you just go wait for her in the building?

A. I think she called me right before she—at some point, I think, before she—either when she was leaving or she was outside.

Q. Do you know—did you have any indication from Ms. Currie what she was going to do with that box of gifts?

A. Um, I know I've testified to this. I don't—I don't remember. I think maybe she said something about putting it in a closet, but whatever I—I stand by whatever I've said in my testimony about it.

Q. But she was supposed to keep these for you?

A. Well, I had asked her to.

Q. Okay. Did Ms. Currie ask you at any time about what was in the box?

A. No, or not that I recall, I guess I should say.

Q. What was the—in your mind, what was the purpose of having Ms. Currie retain these gifts as opposed to another friend of yours?

A. Hmm, I know I've testified to this, and I can't—can I look at my grand jury—I mean, I don't really remember sitting here right now, but if I could look at my grand jury testimony, I—or I'd just stand by it.

Q. We will pass that to you.

A. Okay. Thank you.

[Witness handed documents.]

BY MR. BRYANT:

Q. The answer I'm looking for is—if this refreshes your recollection is that turning these over was a reassurance to the President that everything was okay. Is that—

A. Can I read it in context, please?

Q. Sure, sure.

A. Thank you.

[Witness perusing document.]

THE WITNESS: I—I—I stand by this testimony. I mean, I'd just note that it—what I'm saying here about giving it to the President or the assurance to the President is how I saw it at that point, not necessarily how I felt then. So I think you asked me what—why I didn't at that point, and I'm just—that's what's a little more clear there, just to be precise. I'm sorry.

BY MR. BRYANT:

Q. Okay. Did you have any later conversations with either Ms. Currie or the President about these gifts in the box?

A. No.

Q. Let me direct your attention to your meeting with Vernon Jordan on December the 31st of 1997. Was that to go back and talk about the job again?

A. Little bit, but the—the—for me, the point of that meeting was I had gotten to a point where Linda Tripp wasn't returning my phone calls, and so I felt that I needed to devise some way, that somehow—to kind of cushion the shock of what would happen if Linda Tripp testified all the facts about my relationship, since I had never disclosed that to the President. So that was sort of my intention in meeting with Mr. Jordan, was hoping that I could give a little information and that would get passed on.

Q. This was at a meeting for breakfast at the Park Hyatt Hotel?

A. Yes.

Q. Were just the two of you present?

A. Yes.

Q. Did you discuss other things, other than Linda Tripp and your job search?

A. I think we talked about what each of us were doing New Year's Eve.

Q. Specifically about some notes that you had at your apartment?

A. Oh, yes. I'm sorry.

Um, well, I mean, that really was in relation to discussing Linda Tripp. So—

Q. And the Jones lawyers, too. Was that right?

A. Um, I—I don't know that I discussed the Jones lawyers. If I've testified that I discussed the Jones lawyers, then I did, but—

Q. Okay. Well, tell us about the notes.

A. Well, the—sort of the—I don't know what to call it, but the story that I gave to Mr. Jordan was that I was trying to sort of alert to him that, gee, maybe Linda Tripp might be saying these things about me having a relationship with the President, and right now, I'm explaining this to you. These aren't the words that I used or how I said it to him, and that, you know, maybe she had seen drafts of notes, trying to obviously give an excuse as to how Linda Tripp could possibly know about my relationship with the President without me having been the one to have told her. So that's what I said to him.

Q. And what was his response?

A. I think it was something like go home and make sure—oh, something about a—I think he asked me if they were notes from the President to me, and I said no. I know I've testified to this. I stand by that testimony, and I'm just recalling it, that I said no, they were draft notes or notes that I sent to the President, and then I believe he said something like, well, go home and make sure they're not there.

Q. And what did you do when you went home?

A. I went home and I searched through some of my papers, and—and the drafts of notes I found, I sort of—I got rid of some of the notes that day.

Q. So you threw them away?

A. Mm-hmm.

THE REPORTER: Is that a ''yes''?

THE WITNESS: Yes. Sorry.

BY MR. BRYANT:

Q. On your way home, you were with Mr. Jordan? I mean, he carried—did he carry you someplace or take you home, drop you off?

A. Yes, he dropped me off.

Q. Okay. On the way home—

A. It wasn't on the way to my home, but—

Q. Okay. Did he—did you tell him that you had had an affair with the President?

A. Yes.

Q. What was his response?

A. No response.

Q. When was the next time—well, let me direct your attention to Monday, January the 5th, 1998. You had an occasion to meet with your lawyer, Mr. Carter, about your case, possible depositions, and so forth.

Did you have some concern at that point about those depositions and how you might answer questions in the Paula Jones case?

A. Yes.

Q. Did you reach any sort of determination or resolution of those concerns by talking to Mr. Carter?

A. No.

Q. What's the status of the affidavit at this point? Is there one?

A. No.

Q. Do you recall any other concerns or questions that either you or Mr. Carter may have presented to each other during that meeting?

A. I think I—I think it was in that meeting I brought up the notion of having my family present, if I had to do a deposition, and he went through what—I believe we discussed—at this point, I think I probably knew at this point I was going to sign an affidavit, but it wasn't created yet, and I believe we discussed what—if the affidavit wasn't, I guess, successful—I don't know how you'd say legally—say that legally—but what a deposition would be like, sitting at a table.

Q. I'll bet he never told you it would be like this, did he?

A. No.

Q. Did you try to contact the President after you left the meeting with Mr. Carter?

A. Yes.

Q. And you reached Betty Currie?

A. Yes.

Q. And you told her to pass along to the President that you wanted—it was important to talk with him?

A. Yes.

Q. You may have mentioned to her something about signing something?

A. Right; I might have.

Q. What response did you get from that telephone call?

A. Uh, Betty called me back, maybe an hour or two later, and put the President through.

Q. And what was that conversation?

A. I know I've testified to this, and it was sort of two-fold. On the one hand, I was, uh, upset, so I was sort of in a pissy mood and a little bit contentious. Uh, but more related to the case, uh, I had concerns that from questions Mr. Carter had asked me about how I got my job at the Pentagon and transferred and, and, uh, I was concerned as to how to answer those questions because those questions involved naming other people who I thought didn't like me at the White House, and I was worried that those people might try and—just to get me in trouble because they didn't like me—so that if they were then—I mean, I had no concept of what exactly happens in these legal proceedings, and I thought, well, maybe if I say Joe Schmo helped me get my job, then they'd go interview Joe Schmo, and so, if Joe Schmo said, ''No, that's not true,'' because he didn't like me, then I didn't want to get in trouble. So—

Q. Did there appear to be a question possibly about how you—how you got the job at the Pentagon? Did you fear for some questions there?

A. Yes. I think I tend to be sort of a detail-oriented person, and so I think it was, uh, my focusing on the details and thinking everything had to be a very detailed answer and not being able to kind of step back and look at how I could say it more generally. So that's what concerned me.

Q. Mm-hmm. This—

A. Because clearly, I mean, I would have had to say, ''Gee, I was transferred from the Pentagon because I had this relationship that I'm not telling you about with the President.'' So there was—there was that concern for me there.

Q. And what did the President tell you that you could say instead of saying something like that?

A. That the people in Legislative Affairs helped me get the job—and that was true.

Q. Okay, but it was also true, to be complete, that they moved you out into the Pentagon because of the relationship with the President?

A. Right.

Q. Did—did the subject of the affidavit come up with the President?

A. Yes, towards the end of the conversation.

Q. And how did—tell us how that occurred.

A. I believe I asked him if he wanted to see a copy of it, and he said no.

Q. Well, I mean, how did you introduce that into the subject—into the conversation?

A. I don't really remember.

Q. Did he ask you, well, how's the affidavit coming or—

A. No, I don't think so.

Q. But you told him that you had one being prepared, or something?

A. I think I said—I think I said, you know, I'm going to sign an affidavit, or something like that.

Q. Did he ask you what are you going to say?

A. No.

Q. And this is the time when he said something about 15 other affidavits?

A. Correct.

Q. And tell us as best as you can recall what—how that—how that part of the conversation went.

A. I think that was the—sort of the other half of his sentence as, No, you know, I don't want to see it. I don't need to—or, I've seen 15 others.

It was a little flippant.

Q. In his answer to this proceeding in the Senate, he has indicated that he thought he had—might have had a way that he could have you—get you to file a—basically a true affidavit, but yet still skirt these issues enough that you wouldn't be called as a witness.

Did he offer you any of these suggestions at this time?

A. He didn't discuss the content of my affidavit with me at all, ever.

Q. But, I mean, he didn't make an offer that, you know, here's what you can do, or let me send you over something that can maybe keep you from committing perjury?

A. No. We never discussed perjury.

Q. On—well, how did that conversation end? Did you talk about anything else?

A. I said goodbye very abruptly.

Q. The next day—well, on January the 6th—I'm not sure exactly what day we are—1998, did you pick up a draft of the affidavit from Mr. Carter?

A. Yes, I did.

Q. What did you do with that draft?

A. I read it and went through it.

Q. How did it look?

A. I don't really remember my reaction to it. I know I had some changes. I know there's a copy of this draft affidavit that's part of the record, but—

Q. Were portions of it false?

A. Incomplete and misleading.

Q. Did you take that affidavit to Mr. Jordan?

A. I dropped off a copy in his office.

Q. Did you have any conversation with him at that point or some later point about that affidavit?

A. Yes, I did.

Q. And tell us about that.

A. I had gone through and had, I think, as it's marked—can I maybe see? Isn't there a copy of the draft?

[Witness handed document.]

[Witness perusing document.]

The WITNESS: Thank you.

SENATOR DeWINE: Mr. Bryant, can you reference for the record at this point?

MR. BRYANT: Okay.

SENATOR DeWINE: If you can.

MR. BRYANT: It would be—

MR. SCHIPPERS: 1229.

SENATOR DeWINE: 1229?

MR. SCHIPPERS: Yes.

SENATOR DeWINE: All right. Thank you.

BY MR. BRYANT:

Q. Okay. Have you had an opportunity to review the draft of your affidavit?

A. I—yes.

Q. Okay. What—do you have any comment or response?

A. I received it. I made the suggested changes, and I believe I spoke with Mr. Jordan about the changes I wanted to make.

Q. Did he have any comment on your proposed changes?

A. I think he said the part about Lewis & Clark College was irrelevant. I'd have to see the—I don't believe it's in the final copy in the affidavit, so—but I could be mistaken.

Q. At this point, of course, you had a lawyer, Mr. Carter, who was representing your interest. Mr. Jordan was—I'm not sure if he—how you would characterize him, but would it—would it be that you view Mr. Jordan as, in many ways, Mr.—the President—if

Mr. Jordan knew it, the President knew it, or something of that nature?

A. I think I testified to something similar to that. I felt that, I guess, that Mr. Jordan might have had the President's best interest at heart and my best interest at heart, so that that was sort of maybe a—some sort of a blessing.

Q. I think, to some extent, what you—what you had said was getting Mr. Jordan's approval was basically the same thing as getting the President's approval. Would you agree with that?

A. Yeah. I believe that—yes, I believe that's how I testified to it.

Q. The fact that you assume that Mr. Jordan was in contact with the President—and I believe the evidence would support that through his own testimony that he had talked to the President about the signed affidavit and that he had kept the President updated on the subpoena issue and the job search—

A. Sir, I'm not sure that I knew he was having contact with the President about this. I—I think what I said was that I felt that it was getting his approval. It didn't necessarily mean that I felt he was going to get a direct approval from the President.

I'm sorry to interrupt you.

Q. Oh, that's fine. At any time you need to clarify a point, please—please feel free to do so.

Did—did—did you have any indication from Mr. Jordan that he—when he discussed the signed affidavit with the President, they were discussing some of the contents of the affidavit? Did you have—

A. Before I signed it or—

Q. No; during the drafting stage.

A. No, absolutely not—either/or. I didn't. No, I did not.

Q. Now, the changes that you had proposed, did Mr. Jordan agree to those changes?

A. I believe so.

Q. And then you somehow reported those changes back to Mr. Carter or to someone else?

A. No. I believe I spoke with Mr. Carter the next morning, before I went in to see him, and that's when I—I believe that's—I dictated the changes.

Q. Okay. Mr. Jordan did not relay the changes to Mr. Carter—you did?

A. I know I relayed the changes, these changes to Mr. Carter.

Q. Specifically, the concerns that you had about—about the draft, what did they include, the changes?

A. I think one of the—I think what concerned me—and I believe I've testified to this—was—was in Number 6. Even just mentioning that I might have been alone with the President, I was concerned that that would give the Jones people enough ammunition to want to talk to me, to think, oh, well, maybe if she was alone with him that—that he propositioned me or something like that, because I hadn't—of course, I mean, you remember that at this point, I had no idea the amount of knowledge they had about the relationship. So—

Q. Did—Mr. Carter, I assume, made those changes, and then you subsequently signed the affidavit?

A. We worked on it in his office, and then, yes, I signed the affidavit.

Q. Is this the same day—

A. Yes.

Q. —at this point?

A. This was the 7th?

Q. Yes.

A. Correct.

Q. Did—did you take the signed—or a copy of the signed affidavit, I should say—did you take a copy—did you keep a copy?

A. Yes, I did.

Q. Did you give it to anyone or give anyone else a copy?

A. No.

Q. Now, did you, the next day on the 8th, go to New York for some interviews for jobs?

A. It was—it—I either went later on the 7th or on the 8th, but around that time, yes.

Q. Was this a place that you had already interviewed?

A. Yes.

Q. And I assume this was at McAndrews and Forbes?

A. Yes.

Q. How did you feel that the interview went?

A. I—I know I characterized it in my grand jury testimony as having not gone very well.

Q. Okay. I think you also mentioned it went very poorly, too. Does that sound—does that ring a bell?

A. Sure.

Q. Why? Why would you so characterize it?

A. Well, as I've had a lot of people tell me, I'm a pessimist, but also I—I wasn't prepared. I was in a waiting room downstairs at McAndrews and Forbes, and—or at least, I thought it was a waiting room—and Mr. Durnan walked into the room unannounced, and the interview began. So I felt that I started on the wrong foot, and I just didn't feel that I was as articulate as I could have been.

Q. Did you call Mr. Jordan after that?

A. Yes, I did.

Q. Did you express those same concerns?

A. Yes, I did.

Q. What did he say?

A. And this is a little fuzzy for me. I know that I had a few phone calls with him in that day. I think in this call, he said, you know, ''Don't worry about it.'' I—my testimony is probably more complete on this. I'm sorry.

Q. What—what other phone calls did you have with him that day?

A. I remember talking to—I know that at some point, he said something about that he'd call the chairman, and then I think he said just at some point not to worry. He was always telling me not to worry because I always—I overreact a little bit.

Q. All total, how many calls did you have with him that day—your best guess?

A. I have no idea.

Q. More than two?

A. I—I don't know.

Q. Can you think of any other subjects the two of you would have talked about?

A. I don't think so.

Q. Did he, Mr. Jordan, tell you that he had talked to the chairman, or Mr. Perelman, whatever his title is?

A. I'm sorry. I know I've testified to this. I don't—I think so.

Q. And you had—did you have additional interviews at this company or a subsidiary?

A. Yes, I—well, I had with the sort of, I guess, daughter—daughter company, Revlon. I had an interview with Revlon the next day.

Q. And you were offered a job?

A. Yes, I was.

Q. About the 9th or so? That would have been 2 days after the affidavit?

A. Oh. Actually, no. I think I was offered a position, whatever that Friday was. Oh, yes, the 9th. I'm sorry. You're right.

Oh, wait. It was either the 9th or the 13th—or the 12th—the 9th or the 12th.

Q. Okay. Now, I'm—I was looking away. I'm confused.

A. That's okay. I—my interview was on the 9th, and I don't remember right now—I know I've testified to this—whether I found out that afternoon or it was on Monday that I got the informal offer.

Q. Mm-hmm.

A. So, if you want to tell me what I said in my grand jury testimony, I'll be happy to affirm that.

Q. I think we may be talking about perhaps an informal offer. Does that—on the 9th?

A. Yes. I know it was—okay. Was it on the—I don't—

Q. Yes.

A. —remember if it was the 9th or the 13th—

A. Okay.

Q. —but I know Ms. Sideman called me to extend an informal offer, and I accepted.

Q. Okay. Now, in regard to the affidavit—do you still have your draft in front of you?

A. Yes, sir.

Q. In paragraph number 3, you say: ''I can not fathom any reason—fathom any reason why—that the plaintiff would seek information from me for her case.''

A. Yes, sir.

Q. Did Mr. Carter at all go into the gist of the Paula Jones lawsuit, the sexual harassment part of it, and tell you what it was about?

A. I think I knew what it was about.

Q. All right. And then you indicated that you didn't like the part about the doors, being behind closed doors, but on the sexual relationship, paragraph 8, the first sentence, ''I've never had a sexual relationship with the President''—

A. Mm-hmm.

Q. —that's not true, is it?

A. No. I haven't had intercourse with the President, but—

Q. Was that the distinction you made when you signed that affidavit, in your own mind?

A. That was the justification I made to myself, yes.

Q. Let me send you the final affidavit. It might be a little easier to work from—

A. Okay.

Q. —than the—than the original.

MR. BRYANT: Do we have all the—1235.

[Witness handed document.]

SENATOR DeWINE: Congressman?

MR. BRYANT: Yes.

SENATOR DeWINE: We're down to 3 minutes on the tape. Would now be a good time to have him switch tapes and then we'll go right back in?

MR. BRYANT: Okay, that would be fine.

SENATOR DeWINE: I think we'll hold right at the table, and we'll get the tapes switched.

THE VIDEOGRAPHER: Okay, we will do that now.

This marks the end of Videotape Number 2 in the deposition of Monica S. Lewinsky.

We are going off the record at 14:31 hours.

[Recess.]

THE VIDEOGRAPHER: This marks the beginning of Videotape Number 3 in the deposition of Monica S. Lewinsky. The time is 14:44 hours.

SENATOR DeWINE: We are back on the record.

Let me advise counsel that you have used 3 hours and 2 minutes.

Congressman Bryant, you may continue.

MR. BRYANT: Thank you, sir.

BY MR. BRYANT:

Q. Ms. Lewinsky, let me just follow up on some points here, and then I'll move toward the conclusion of my direct examination very, very quickly, I hope.

In regard to the affidavit—I think you still have it in front of you—the final copy of the affidavit—I wanted to revisit your answer about paragraph 8—

A. Yes, sir.

Q. —and also refer you to your grand jury testimony of August the 6th. This begins on—actually, it is on page 1013 of the—it should be the Senate record, in the appendices, but it's your August 6th, 1998, grand jury testimony.

And it's similar to the—my question about paragraph 8 about the sexual relationship—

and I notice you—you now carve out an exception to that by saying you didn't have intercourse, but I would direct your attention to a previous answer and ask if you can recall being asked this question in your grand jury testimony and ask—giving the answer—the question is: ''All right. Let me ask you a straightforward question. Paragraph 8, at the start, says, quote, 'I have never had a sexual relationship with the President,' unquote. Is that true?,'' and your answer is, ''No.''

Now, do you have any comment about why your answer still would not be no, that that is not a true statement in paragraph 8?

A. I think I was asked a different question.

Q. Okay.

A. My recollection, sir, was that you asked me if that was a lie, if paragraph 8 was—I—I'm not trying to—

Q. Okay. Well, if—if I ask you today the same question that was asked in your grand jury, is your statement, quote, ''I have never had a sexual relationship with the President,'' unquote, is that a true statement?

A. No.

Q. Okay, that's good.

Now, also in paragraph 8, you mention that there were occasions after you left—I think it looks like the—the last sentence in paragraph 8, ''The occasions that I saw the President after I left my employment at the White House in April 1996 were official receptions, formal functions, or events related to the United States Department of Defense, where I was working at the time,'' period—actually the last sentence, ''There were other people present on those occasions.'' Now, that also is not a truthful statement; is that correct?

A. It—I think I testified that this was misleading. It's incomplete—

Q. Okay. It's not a truthful statement?

A. —and therefore, misleading.

Well, it—it is true; it's not complete.

Q. Okay. All right. Now, I will accept that.

A. Okay. Thank you.

Q. Thank you.

Going back to the gift retrieval of December the 28th, I want to be clear that we're on the same sheet of music on this one. As I understand, there's no doubt in your mind that Betty Currie called you, initiated the call to you to pick up the gifts? She—

A. That's how I remember this event.

Q. And you went through that process, and at the very end, you were sitting out in the car with her, with a box of gifts, and it was only at that time that you asked her to keep these gifts for you?

A. I don't think I said ''gifts.'' I don't—

Q. Or keep this package?

A. I think I said—gosh, was it in the car that I said that or on the phone? I think it was in the car. I—I'm—I don't know if that makes a difference.

Q. But this was at the end of a process that Betty Currie had initiated by telephone earlier that day to come pick up something that you have for her?

A. Yes.

Q. Okay. Now, were you ever under the impression from anything that the President said that you should turn over all the gifts to the Jones lawyers?

A. No, but where this is a little tricky—and I think I might have even mentioned this last weekend—was that I had an occasion in an interview with one of the—with the OIC—where I was asked a series of statements, if the President had made those, and there was one statement that Agent Phalen said to me—I—there were—other people, they asked me these statements—this is after the President testified and they asked me some statements, did you say this, did you say this, and I said, no, no, no. And Agent Phalen said something, and I think it was, ''Well, you have to turn over whatever you have.'' And I said to you, ''You know, that sounds a little bit familiar to me.''

So that's what I can tell you on that.

Q. That's in the 302 exam?

A. I don't know if it's in the 302 or not, but that's what happened.

Q. Uh-huh.

A. Or, that's how I remember what happened.

Q. Okay. And your response to the question in the deposition that I just asked you—were you ever under the impression from anything the President said that you should have—that you should turn over all the gifts to the Jones lawyers—your answer in that deposition was no.

A. And which date was that, please?

Q. The deposition was August the 26th.

A. Oh, the 26th.

Q. Yes.

A. It might have been after that, or maybe it was—I don't—

Q. Okay. I wanted to ask you, too, about a couple of other things in terms of your testimony. Regarding the affidavit—and this appears to be, again, grand jury testimony—

A. Sir, do you have a copy that I could look at if you're going to—

Q. Sure. August, the August 6th—233—it's the—it's this page here.

While we're looking at that, let me ask you a couple other things here. I wanted to ask you—I talked to you a little bit about the President today and your feelings today that persist that you think he's a good President, and I assume you think he's a very intelligent man?

A. I think he's an intelligent President.

[Laughter.]

MR. BRYANT: Okay. Thank goodness, this is confidential; otherwise, that might be the quote of the day. I know we won't see that in the paper, will we?

BY MR. BRYANT:

Q. Referring to January the 18th, 1998, the President had a conversation with Betty Currie, and he made five statements to her. One was that ''I was never really alone with Monica; right?'' That's one. That's not true, is it, that ''I was never alone with''—

A. Sir, I was not present for that conversation. I don't feel comfortable—

Q. Let me ask you, though—I realize none of us were there—but that statement, ''I was never really alone with Monica; right?''—that was not—he was alone with you on many occasions, was he not?

A. I—I'm not trying to be difficult, but I feel very uncomfortable making judgments on what someone else's statement when they're defining things however they want to define it. So if you—if you ask me, Monica, were you alone with the President, I will say yes, but I'm not comfortable characterizing what someone else says—

Q. Okay.

A. —passing judgment on it. I'm sorry.

Q. Were you—was Betty Currie always with you when the President was with you?

A. Betty Currie was always at the White House when I went to see the President at the White House after I left working at the White House.

Q. But was—at all times when you were alone with the President, was Betty Currie always there with you?

A. Not there in the room.

Q. Okay. Did—did—did you come on to the President, and did he never touch you physically?

A. I guess those are two separate questions, right?

Q. Yes, they are.

A. Did I come on to him? Maybe on some occasions.

Q. Okay.

A. Not initially.

Q. Okay. Not initially.

A. I—

Q. Did he ever—did he ever touch you?

A. Yes.

Q. Okay. Could Betty Currie see and hear everything that went on between the two of you all the time?

A. I can't answer that. I'm sorry.

Q. As far as you know, could she see and hear everything that went on between the two of you?

A. Well, if I was in the room, I couldn't—I—I couldn't be in the room and being able to see if Betty Currie could see and hear what was—

Q. I think I—

MR. STEIN: Wouldn't it be a little speedier—if I may make this observation, you have her testimony; you have the evidence of—

SENATOR DeWINE: Counsel, is this an objection?

MR. STEIN: I just would ask him to draw whatever inferences there were to speed this up.

SENATOR DeWINE: I'll ask him to rephrase the question.

MR. BRYANT: I would just stop at that point. I think, uh, that's enough of that.

BY MR. BRYANT:

Q. The President also had conversations with Mr. Blumenthal on January the 21st, 1998, and indicated that you came on to the President and made a sexual demand. At the initial part of this, did you come on to the President and make a sexual demand on the President?

A. No.

Q. At the initial meeting on November the 15th, 1995, did he ever rebuff you from these advances, or from any kind of—

A. On November 15th?

Q. November 15th. Did he rebuff you?

A. No.

Q. Did you threaten him on November 15th, 1995?

A. No.

Q. On January 23rd, 1998, the President told John Podesta that—many things. I'll—I'll withdraw that. Let me go—kind of wind this down. I'd like to save some time for redirect.

You've indicated that with regard to the affidavit and telling the truth, there is some testimony I'd like to read you from your deposition that we started out—August the 6th—I'm sorry—the grand jury, August 6th, 1998—

MS. MILLS: What internal page number?

MR. SCHIPPERS: 1021 internal, 233.

MR. BRYANT: Okay, we need to get her a copy.

MR. SCHIPPERS: Do you have the August 6th still over there?

THE WITNESS: I can share with Sydney—if you don't mind.

[Witness perusing document.]

BY MR. BRYANT:

Q. Beginning—do you have page 233—

A. Uh-huh.

Q. —okay—beginning at line 6—

A. Okay.

Q. —it reads—would you prefer to read that? Why don't you read—

A. Out loud?

Q. Would you read it out loud?

A. Okay.

Q. Through line 16—6 through 16. This is your answer.

A. ''Sure. Gosh. I think to me that if—if the President had not said the Betty and letters cover, let's just say, if we refer to that, which I'm talking about in paragraph 4, page 4, I would have known to use that. So to me, encouraging or asking me to lie would have—you know, if the President had said, Now, listen, you'd better not say anything about this relationship, you'd better not tell them the truth, you'd better not—for me, the

best way to explain how I feel what happened was, you know, no one asked or encouraged me to lie, but no one discouraged me, either.''

Q. Okay. That—that statement, is that consistent in your view with what you've testified to today?

A. Yes.

Q. Okay. Look at page 234, which is right below there.

A. Okay. [Perusing document.]

Q. Beginning with the—your answer on line 4, and read down, if you could, to line 14—4 through 14.

A. ''Yes and no. I mean, I think I also said that Monday that it wasn't as if the President called me and said, You know, Monica, you're on the witness list. This is going to be really hard for us. We're going to have to tell the truth and be humiliated in front of the entire world about what we've done, which I would have fought him on, probably. That was different. And by him not calling me and saying that, you know, I knew what that meant. So I, I don't see any disconnect between paragraph 10 and paragraph 4 on the page. Does that answer your question?''

Q. Okay. Now, has that—has your testimony today been consistent with that provision?

A. I—I think so.

Q. Okay.

A. I've intended for my testimony to be consistent with my grand jury testimony.

Q. Okay. And one final read just below that, line 16 through 24.

A. ''Did you understand all along that he would deny the relationship also?''

''Mm-hmm, yes.''

Q. And 19 through 24—the rest of that.

A. Oh, sorry.

''And when you say you understood what it meant when he didn't say, Oh, you know you must tell the truth, what did you understand that to mean?''

''That, that, as we had on every other occasion and in every other instance of this relationship, we would deny it.''

MR. BRYANT: Okay.

Could we have just—go off the record here a minute?

SENATOR DeWINE: Sure. Let's go off the record at this point.

THE VIDEOGRAPHER: We're going off the record at 1459 hours.

[Recess.]

THE VIDEOGRAPHER: We're going back on the record at 1504 hours.

SENATOR DeWINE: Manager Bryant, you may proceed.

MR. BRYANT: Thank you, Senator.

BY MR. BRYANT:

Q. Ms. Lewinsky, I have just a few more questions here.

With regard to the false affidavit, you do admit that you filed an untruthful affidavit with the court in the Jones case; is that correct?

A. I think I—I—yes—I mean, it was incomplete and misleading, and—

Q. Okay. With regard to the cover stories, on December the 6th, you and the President went over cover stories, and in the same conversation he encouraged you to file an affidavit in the Jones case; is that correct?

A. No.

MS. SELIGMAN: I think that misstates the record.

BY MR. BRYANT:

Q. All right. On December the 17th. Let's try December 17; all right?

A. Okay.

Q. You and the President went over cover stories—that's the telephone conversation—

A. Okay—I'm sorry—can you repeat the question?

Q. Okay. On December 17th, you and the President went over cover stories in a telephone conversation.

A. Correct.

Q. And in that same telephone conversation, he encouraged you to file an affidavit in the Jones case?

A. He suggested I could file an affidavit.

Q. Okay. With regard to the job, between your meeting with Mr. Jordan in early November and December the 5th when you met with Mr. Jordan again, you did not feel that Mr. Jordan was doing much to help you get a job; is that correct?

MS. SELIGMAN: Objection. Misstates the record.

BY MR. BRYANT:

Q. Okay. You can answer that.

A. It—

Q. Let me repeat it. Between your meeting with Mr. Jordan in early November and December the 5th when you met with Mr. Jordan again, you did not feel that Mr. Jordan was doing much to help you get a job; is that correct?

MS. SELIGMAN: Same objection.

THE WITNESS: Do you mean when I met with him again on December 11th? I don't—

MR. BRYANT: The—

THE WITNESS: —I didn't meet with Mr. Jordan on December 5th. I'm sorry—

MR. BRYANT: Okay.

THE WITNESS: —am I misunderstanding something?

MR. BRYANT: We're getting our numbers wrong here.

THE WITNESS: Okay.

BY MR. BRYANT:

Q. Between your meeting with Mr. Jordan in early November and December the 11th when you met with Mr. Jordan again, you did not feel that Mr. Jordan was doing much to help you get a job; is that correct?

A. I hadn't seen any progress.

Q. Okay. After you met with Mr. Jordan in early December, you began to interview in New York and were much more active in your job search; correct?

A. Yes.

Q. In early January, you received a job offer from Revlon with the help of Vernon Jordan; is that correct?

A. Yes.

Q. Okay. With regard to gifts, regarding the gifts that were subpoenaed in the Jones case, you are certain that Ms. Currie called you and that she understood you had something to give her; is that correct?

A. That's my recollection.

Q. You never told Ms. Currie to come pick up the gifts or that Michael Isikoff had called about them; is that correct?

A. I don't recall that.

Q. Regarding stalking, you never stalked the President; is that correct?

A. I—I don't believe so.

Q. Okay. You and the President had an emotional relationship as well as a physical one; is that right?

A. That's how I'd characterize it.

Q. Okay. He never rebuffed you?

A. I—I think that gets into some of the intimate details of—no, then, that's not true. There were occasions when he did.

Q. Uh-huh. Okay. But he never rebuffed you initially on that first day, November the 15th, 1995?

A. No, sir.

LAW OFFICES OF
PLATO CACHERIS,
Washington, DC, February 2, 1999.

Re February 1, 1999, Monica S. Lewinsky deposition transcript.

DEAR MS. JARDIM AND MR. BITSKO: Upon our review of the videotape and transcript of Monica S. Lewinsky's deposition transcript, we have noted the following errors or omissions:

Page	Line	Corrections
19	14	The oath and affirmation are not transcribed.
24	9	''second . . .'' should replace ''2d''
44	6	Comments by counsel are not transcribed.
61	11–13	Delete quotation marks. These are not direct quotes in this instance.
62	23	''town'' should replace ''down''
63	17	''called'' should replace ''found''
63	23	''after Thanksgiving'' should follow ''back.''
63	24	Insert following line 23: A: Yes I did. Q: What did he tell you then?
65	21	''tchotchke'' should replace ''chochki''
65	24	''on'' should replace ''home''
66	20	The line should read: ''see if I could see the President. I apologize,'' not ''see if I could see the President and apologize.''
75	1	''needed'' should replace ''need''
90	5	''the'' should replace ''some''
116	16	''said'' should precede ''list''
128	9	''that's'' should replace ''of''
154	5	Delete quotation marks.
156	6	''Seidman'' should replace ''Sideman''
161	15	''Fallon'' should replace ''Phalen''

Provided these changes are made, we will waive signature on behalf of Ms. Lewinsky.

We understand from Senate Legal Counsel that copies of this letter will be made available to the parties and Senate.

Thank you for your assistance.

Sincerely,

PLATO CACHERIS.
PRESTON BURTON.
SYDNEY HOFFMANN.

IN THE SENATE OF THE UNITED STATES SITTING FOR THE TRIAL OF THE IMPEACHMENT OF WILLIAM JEFFERSON CLINTON, PRESIDENT OF THE UNITED STATES

EXCERPTS OF VIDEO DEPOSITION OF VERNON E. JORDAN, JR.

(Tuesday, February 2, 1999, Washington, D.C.)

SENATOR THOMPSON: All right. If there are no further questions from the parties or counsel for the witness, I'll now swear in the witness. Mr. Jordan, will you please raise your right hand?

Do you, Vernon E. Jordan, Jr., swear that the evidence you shall give in this case now pending between the United States and William Jefferson Clinton, President of the United States, shall be the truth, the whole truth, and nothing but the truth, so help you, God?

THE WITNESS: I do.

Whereupon, VERNON E. JORDAN, JR., was called as a witness and, after having been first duly sworn by Senator Fred Thompson, was examined and testified as follows:

SENATOR THOMPSON: All right. The House Managers may begin their questioning of the witness.

MR. HUTCHINSON: Thank you, Senator Thompson and Senator Dodd.

EXAMINATION BY HOUSE MANAGERS

BY MR. HUTCHINSON:

Q. Good morning, Mr. Jordan. For the record, would you state your name, please?

A. Good morning, Congressman. My name is Vernon E. Jordan, Jr.

Q. And, Mr. Jordan, we have not had the opportunity to meet previously, is that correct?

A. That is correct.

Q. And I do appreciate—I have met your counsel, Mr. Hundley, in his office, and so I've looked forward to this opportunity to meet you. Now, you have—

A. I can't say that the feeling is mutual.

[Laughter.]

BY MR. HUTCHINSON:

Q. I certainly understand.

You have testified, I believe, five times previously before the Federal grand jury?

A. That is correct.

Q. And so I know that probably about every question that could be asked has been asked, but there are a number of reasons I want to go over additional questions with you, and some of them will be repetitious of what's been asked before.

Prior to coming in today, though, have you had the opportunity to review your prior testimony in those five appearances before the grand jury?

A. I have done some preparation, Congressman.

Q. And let me start with the fact that the oath that you took today is the same as the oath that you took before the Federal grand jury?

A. I believe that's correct.

Q. And, Mr. Jordan, what is your profession?

A. I am a lawyer.

Q. And where do you practice your profession?

A. I am a senior partner at the law firm of Akin, Gump, Strauss, Hauer & Feld, here in Washington, D.C., with offices in Texas, California, Pennsylvania and New York, three offices in Europe, London, Brussels and Moscow.

Q. And how long have you been a senior partner?

A. I have been a senior partner—well, I didn't start out as a senior partner. I started out as a partner, and at some point—I don't know when, but not long thereafter I was elevated to this position of senior partner.

Q. And what type of law do you practice?

A. I am a corporate international generalist at Akin, Gump.

Q. And does Akin, Gump have about 800 lawyers?

A. We have about 800 lawyers, yes.

Q. Which is an incredible number for lawyers from someone who practiced law in Arkansas.

How do all of those lawyers—

A. We have some members of our law firm who are from Arkansas, so it's not unusual for them.

Q. And how is it that you are able to obtain enough business for 800 lawyers?

A. I don't think that's my entire responsibility. I'm just one of 800 lawyers, and that is what I do in part, but I'm not alone in that process of making rain.

Q. When you say ''making rain,'' that's the terminology of being a rainmaker?

A. I think even in Arkansas, you understand what rainmaking is.

Q. We've read Grisham books.

And so, when you say making rain or being a rainmaker, that is to bring in business so that you can keep the lawyers busy practicing law?

A. Well, that is—that is part and parcel of the practice of law.

Q. And do you bill by the hour?

A. I do not.

Q. And I understand you used to, but you do not anymore?

A. I graduated.

Q. A fortunate graduation.

And when the—when you did bill by the hour, what was your billable rate the last time you had to do that?

A. I believe my billable rate at the last time was somewhere between 450 and 500 an hour.

Q. Now, would you describe—

A. Not bad for a Georgia boy. I'm from Georgia. You've heard of that State, I'm sure.

Q. It's probably not bad from Washington standards.

Would you describe the nature of your relationship with President Clinton?

A. President Clinton has been a friend of mine since approximately 1973, when I came to your State, Arkansas, to make a speech as president of the National Urban League about race and equal opportunity in our Nation, and we met then and there, and our friendship has grown and developed and matured and he is my friend and will continue to be my friend.

Q. And just to further elaborate on that friendship, it's my understanding that he and his—and the First Lady has had Christmas Eve dinner with you and your family for a number of years?

A. Every year since his Presidency, the Jordan family has been privileged to entertain the Clinton family on Christmas Eve.

Q. And has there been any exceptions in recent years to that?

A. Every year that he has been President, he has had, he and his family, Christmas Eve with my family.

Q. And have you vacationed together with the Clinton family?

A. Yes. I think you have seen reels of us playing golf and having fun at Martha's Vineyard.

Q. And so you vacation together, you play golf together on a semi-regular basis?

A. Whenever we can. We've not been doing it recently, for reasons that I think are probably very obvious to you, Counsel.

Q. Well, explain that to me.

A. Just what I said, for a time, I was going before the grand jury, and under the advice of counsel and I'm sure under advice of the President's counsel, it was thought best that we not play golf together.

So, from the time that I first went to the grand jury, I don't think—we have not played golf this year, unfortunately, together.

Q. Since you—I think your first appearance at the grand jury was March 3 of '98. Then you went March 5, and then in May, I believe you were two times before the grand jury and then one in June of '98.

Since your last testimony before the grand jury in June of '98, have you been in contact with the President of the United States?

A. Yes, I have.

Q. And are these social occasions or for business purposes?

A. Social occasions. I was invited to the Korean State Dinner. I forget when that was. I think that was the first time I was in the White House since Martin Luther King Day of last year.

I saw the President at Martha's Vineyard. I was there when he got off Air Force One to greet him and welcome him to—to the Vineyard, and I was at the White House for one of the performances about music. The Morgan State Choir sang, and so I've been to the White House only for social occasions in the last year since Martin Luther King's birthday, I believe.

Q. Have you had any private conversations with the President?

A. Yes, I have, as a matter of fact.

Q. And has this been on the telephone or in person?

A. I've talked to him on the telephone, and I talked to him at the Vineyard. He was at my house on Christmas Eve. There were a lot of people around, but, yes, I've talked to the President.

Q. And did you discuss your testimony before the grand jury or his testimony before the grand jury?

A. I did not.

Q. There was one reference that he made in his Federal grand jury testimony, and I'll refer counsel, if they would like. It was on page 77 of the President's testimony in his appearance before the grand jury on August 17th.

And he referenced discussions with you, and he said, ''I think I may have been confused in my memory because I've also talked to him on the phone about what he said, about whether he had talked to her or met with her. That's all I can tell you,'' and I believe the ''her'' is a reference to Ms. Lewinsky.

And it appeared to me from reading that, that there might have been some conversations with you by the President, perhaps in reference to your grand jury testimony or your knowledge of when and how you talked to Ms. Lewinsky.

A. If I understand your question about whether or not the President of the United States and I talked about my testimony before the grand jury or his testimony before the grand jury, I can say to you unequivocally that the President of the United States and I have not discussed our testimony. I was advised by my counsel, Mr. Hundley, not to discuss that testimony, and I have learned in this process, Mr. Hutchinson, to—to take the advice of counsel.

Q. I would certainly agree that that is good counsel to take, but going back to the question—and I will try to rephrase it because it was a very wordy question that I asked you—and it's clear from your testimony that you have not discussed your grand jury testimony—

A. That is correct.

Q. —but did you, subsequent to your last testimony before the grand jury, talk to the President in which you discussed conversation that you have had with Monica Lewinsky?

A. I have not discussed a conversation that I have had with Monica Lewinsky with the President of the United States.

Q. And have you had any discussions about Monica Lewinsky with the President of the United States since your last testimony before the grand jury?

A. I have not.

Q. Now, going back to your relationship with the President, you have been described as a friend and advisor to the President. Is that a fair terminology?

A. I think that's fair.

Q. And in the advisor capacity, had you served as co-chairman of the Clinton-Gore transition team in 1992?

A. I believe I was chairman.

Q. That is an important distinction.

And have you served in any other official or semi-official capacities for this administration?

A. I have not, except that I was asked by the President to lead the American delegation to the inauguration of President Li in Taiwan, and that was about as official as you can get, but beyond that, I have not—not had any official capacity.

For a very brief moment, very early in the administration, I was appointed to the Foreign Intelligence Advisory Committee, and I went to one meeting and stayed half that meeting, went across the street and told Bruce Lindsey that that was not for me.

Q. Now, let's move on. After we've established to a certain degree your relationship with the President, let's move on to January 20th of 1998, and just to put that in clearer terms, this is a Tuesday after the January 17 deposition of President Clinton in the Paula Jones civil rights case. Do you recall that time frame?

A. [Nodding head up and down.]

Q. This is in the afternoon of January 20th, again, after the President's deposition. You contacted Mr. Howard Gittis, who I believe is General Counsel of McAndrews & Forbes Holdings?

A. Howard Gittis is Vice Chairman of McAndrews, Forbes, and he is not the General Counsel. He is a lawyer, but he is not the General Counsel.

Q. And what was the purpose of you contacting Mr. Howard Gittis on January 20th?

A. If I talked to Howard Gittis on the 20th, I don't recall exactly what my conversation with Howard Gittis was about. I think it was a telephone call, maybe.

Q. And that's difficult. Let me see if I can't help you in that regard.

A. Right.

Q. Was the purpose of that call with Mr. Gittis to arrange breakfast the next morning on January 21st?

A. Yeah. I was in New York, and I did call Mr. Gittis and say—and as I remember, I had breakfast with him on the 21st, I believe. Yes, I did.

Q. And this is a breakfast that you had set up?

A. Yes.

Q. And what was the reason you made the decision to request a breakfast meeting with Mr. Gittis?

A. Yes. As I remember, I had gotten a telephone call from David Bloom at 1 o'clock in the morning at the St. Regis Hotel about the matter that was about to break having to do with the entire Lewinsky matter, and I had not at any time discussed the Lewinsky matter with—with Howard Gittis. And so I had breakfast with him to tell him that reporters were calling, that this would obviously involve Revlon, which had responded to my—my efforts to find Ms. Lewinsky employment, and so Howard Gittis is a friend of mine. Howard Gittis is a fellow board member with me at Revlon. He is the Vice Chairman of McAndrews & Forbes, and I thought it—I thought I had—it was incumbent upon me to stop and say, ''Listen, there's trouble a-brewing.''

Q. And just—you've mentioned McAndrews & Forbes and Revlon. McAndrews & Forbes, am I correct, is the parent company of—

A. It's the holding company.

Q. The holding company of Revlon and presumably other companies.

And you sit on the board of McAndrews & Forbes?

A. I do not. I sit on the board of Revlon.

Q. All right. And that is a position that brings you an annual salary—

A. There is a director's fee.

Q. You receive a director's fee, and in addition, your law firm receives—from business from—

A. We do—

Q. —Revlon?

A. We do. We do business. We've represented Revlon, and we represented Revlon before I was elected a director.

Q. And you mention that things were breaking that you felt like you needed to advise Mr. Gittis concerning. At the time that you made the arrangements for the breakfast on January 21st, had you become aware of the Drudge Report?

A. Yes, I had.

Q. And you had had lunch with Bruce Lindsey on January 20th?

A. No. I don't think it was on January—it was on Sunday. No, that was not the 20th.

Q. And during that luncheon, did you become aware of the Drudge Report—

A. That is correct.

Q. —and receive a copy of it?

A. That is correct.

Q. And that was from Bruce Lindsey?

A. That is correct.

Q. And that Drudge Report, did it mention your name?

A. I don't think so, but I don't remember.

Q. Was there some news stories that had mentioned your name in reference to Ms. Lewinsky and the President?

A. I believe that my name has been an integral part of this process from the beginning.

Q. And did you in fact have the breakfast meeting with Mr. Gittis?

A. Yes, I did.

Q. And what information did you convey to Mr. Gittis concerning Ms. Lewinsky at that breakfast meeting?

A. I just simply said that the press was calling about Ms. Lewinsky; that while I had not dealt with him, I had dealt with Richard Halperin, I had dealt with Ronald Perelman. I had not dealt with him, but that he ought to know and that I was sorry about this.

And I also said that it would probably be even more complicated because early on I had referred Webb Hubbell to them to be hired as counsel.

Q. And I want to get to that in just a moment, but you indicated that you said you were sorry. Were you referring to the problems that this might create for the company?

A. Well, I was obviously concerned. I am a director. I am their counsel. They're my friends. And publicity was breaking. I thought I had some responsibility to them to give them a heads-up as to what was going on.

Q. Now, is it true that your efforts to find a job for Ms. Lewinsky that you referenced in that meeting with Mr. Gittis—were your efforts carried out at the request of the President of the United States?

A. There is no question but that through Betty Currie, I was acting on behalf of the President to get Ms. Lewinsky a job. I think that's clear from my grand jury testimony.

Q. Okay. And I just want to make sure that that's firmly established. And in reference to your previous grand jury testimony, you indicated, I believe, on May 28th, 1998, at page 61, that ''She''—referring to Betty Currie—''was the one that called me at the behest of the President.''

A. That is correct, and I think, Congressman, if in fact the President of the United States' secretary calls and asks for a request that you try to do the best you can to make it happen.

Q. And you received that request as a request coming from the President?

A. I—I interpreted it as a request from the President.

Q. And then, later on in June of '98 in the grand jury testimony at page 45, did you not reference or testify that ''The President asked me to get Monica Lewinsky a job''?

A. There was no—there was no question but that he asked me to help and that he asked others to help. I think that is clear from everybody's grand jury testimony.

Q. And just one more point in that regard. In the same grand jury testimony, is it correct that you testified that ''He''—referring to the President—''was the source of it coming to my attention in the first place''?

A. I may—if that is—if you—if it's in the—

Q. It's at page 58 of the grand jury—

A. I stand on my grand jury testimony.

Q. All right. Now, during your efforts to secure a job for Ms. Lewinsky, I think you mentioned that you talked to Mr. Richard Halperin.

A. Yes.

Q. And he is with McAndrews & Forbes?

A. Yes.

Q. And you also at one point talked to Mr. Ron Perelman; is that correct?

A. I made a call to Mr. Perelman, I believe, on the 8th of January.

Q. And he is the—

A. He is the chairman/CEO of McAndrews Forbes. He is a majority shareholder in McAndrews Forbes. This is his business.

Q. Now, at the time that you requested assistance in obtaining Ms. Lewinsky a job, did you advise Mr. Perelman or Mr. Halperin of the fact that the request was being carried out at the request of the President of the United States?

A. I don't think so. I may have.

Q. Well, the first answer you gave was ''I don't think so.'' Now, in fact, you did not advise either Mr. Perelman or Mr. Halperin of that fact because am I correct that Mr. Perelman—or, excuse me, Mr. Gittis—expressed some concern that Revlon was never advised of that fact?

A. Then, uh, I cannot say, I guess, precisely that I told that ''I am doing this for the President of the United States.''

I do believe, on the other hand, that given the fact that she was in the White House, given the fact that she had been a White House intern, I would not be surprised if that was their understanding.

Q. Well, in your conversation with Mr. Halperin.

A. Yes—I'm certain I did not say that to Richard Halperin.

Q. Okay. So there's no question that you did not tell Mr. Halperin that you were acting at the request of the President?

A. I'm fairly certain I did not.

Q. And in your conversation with Mr. Perelman, did you indicate to him that you were calling—or you were seeking—employment for Ms. Lewinsky at the request of the President?

A. Yes—I don't think that I, that I made that explicit in my conversation with Mr. Perelman, and I'm not sure I thought it necessary to say ''This is for the President of the United States.''

By the same token, I would have had no hesitance in doing that.

Q. Now, at the time that you had called Mr. Perelman, which I believe you testified was in January of '98—

A. That's right.

Q. —I think you said January 8th—

A. Right.

Q. —you were aware at that time, were you not, that Ms. Lewinsky had received a subpoena to give a deposition in the Jones versus Clinton case?

A. That is correct.

Q. At the time that you talked to Mr. Perelman requesting his assistance for Monica Lewinsky, did you advise Mr. Perelman of the fact that Ms. Lewinsky was under subpoena in the Jones case?

A. I did not.

Q. And when you—did Mr. Perelman, Mr. Gittis or Mr. Halperin ever express to you disappointment that they were not told of two facts—either of these two facts—one, that Ms. Lewinsky was being helped at the request of the President; and secondly, that she was known by you and the President to be under subpoena in that case?

A. No.

Q. Now, you are on the board of directors of Revlon.

A. I am.

Q. And how long have you been on the board of Revlon?

A. I forget. Ten years, maybe.

Q. And as a member of the board of directors, do you not have a fiduciary responsibility to the company?

A. I do.

Q. And how would you define a fiduciary responsibility?

A. I define my fiduciary responsibility to the company about company matters.

Q. And how would you define fiduciary responsibility in reference to company matters?

A. Anything that has to do with the company, that I believe in the interest of the company, I have some fiduciary responsibility to protect the company, to help the company in any way that I—that is possible.

Q. And is fiduciary responsibility sometimes considered a trust relationship in which you owe a degree of trust and responsibility to someone else?

A. I think—I think that ''trust'' and ''fiduciary'' are probably synonymous.

Q. Okay. Do you believe that you were acting in the company's interest or the President's interest when you were trying to secure a job for Ms. Lewinsky?

A. Well, what I knew was that the company would take care of its own interest. This is not the first time that I referred somebody, and what I know is, is that if a person being referred does not meet the

standards required for that company, I have no question but that that person will not be hired. And so the referral is an easy thing to do; the judgment about employment is not a judgment as a person referring that I make. But I do have confidence in all of the companies on whose boards that I sit that, regardless of my reference, that as to their needs and as to their expectations for their employees that they will make the right decisions, as happened in the American Express situation.

American Express called and said: We will not hire Ms. Lewinsky. I did not question it, I did not challenge it, because they understood their needs and their needs in comparison to her qualifications. They made a judgment. Revlon, on the other hand, made another judgment.

I am not the employer, I am the referrer, and there is a major difference.

Q. Now, going back to what you knew as far as information and what you conveyed to Revlon, you indicated that you did not tell Mr. Halperin that you were making this request or referral at the request of the President of the United States.

A. Yes, and I didn't see any need to do that.

Q. And then, when you talked to Mr.—

A. Nor do I believe not saying that, Counselor, was a breach of some fiduciary relationship.

Q. And when you had your conversation with Mr. Perelman—

A. Right.

Q. —at a later time—

A. Right.

Q. —you do not remember whether you told him—you do not believe you told him you were calling for the President—

A. I believe that I did not tell him.

Q. —but you assumed that he knew?

A. No. I did not make any assumptions, let me say. I said: Ronald, here is a young lady who has been interviewed. She thinks the interview has not gone well. See what you can do to make sure that she is properly interviewed and evaluated—in essence.

Q. And did you reference her as a former White House intern?

A. Probably. I do not have a recollection of whether I described her as a White House intern, whether I described her as a person who had worked for the Pentagon. I said this is a person that I have referred.

I think, Mr. Hutchinson, that I have sufficient, uh, influence, shall we say, sufficient character, shall we say, that people have been throughout my career able to take my word at face value.

Q. And so you didn't need to reference the President. The fact that you were calling Mr. Perelman—

A. That was sufficient.

Q. —and asking for a second interview for Ms. Lewinsky, that that should be sufficient?

A. I thought it was sufficient, and obviously, Mr. Perelman thought it was sufficient.

Q. And so there is no reason, based on what you told him, for him to think that you were calling at the request of the President of the United States?

A. I think that's about right.

Q. And so, at least with the conversation with Mr. Halperin and Mr. Perelman, you did not reference that you were acting in behalf of the President of the United States. Was there anyone else that you talked to at Revlon in which they might have acquired that information?

A. The only persons that I talked to in this process, as I explained to you, was Mr. Halperin and Mr. Perelman about this process. And it was Mr. Halperin who put the—who got the process started.

Q. So those are the only two you talked about, and you made no reference that you were acting in behalf of the President?

A. Right.

Q. Now, the second piece of information was the fact that you knew and the President knew that Ms. Lewinsky was under subpoena in the Jones case, and that information was not provided to either Mr. Halperin or to Mr. Perelman; is that correct?

A. That's correct.

Q. Now, I wanted to read you a question and answer of Mr. Howard Gittis in his grand jury testimony of April 23, 1998.

The question was: ''Now, you had mentioned before that one of the responsibilities of director is to have a fiduciary duty to the company. If it was the case that Ms. Lewinsky had been noticed as a witness in the Paula Jones case, and Vernon Jordan had known that, is that something that you believe as a person who works for McAndrews & Forbes, is that something that you believe that Mr. Jordan should have told you, or someone in the company, not necessarily you, but someone in the company, when you referred her for employment?''

His answer was ''Yes.''

Do you disagree with Mr. Gittis'' conclusion that that was important information for McAndrews & Forbes?

A. I obviously didn't think it was important at the time, and I didn't do it.

Q. Now, in your previous answers, you reference the fact that you——

A. I think, on the other hand, that had she been a defendant in a murder case and I knew that, then I probably wouldn't have referenced her. But her being a witness in a civil case I did not think important.

Q. Despite the fact that you were acting at the request of the President, and this witness was potentially adverse to the President's interest in that case?

A. I didn't know that. I mean, I don't—I don't know what her position was or whether it was adverse or not.

Q. All right. Mr. Jordan, prior to you answering that, did you get an answer from your attorney?

A. My attorney mumbled something in my ear, but I didn't hear him.

MR. HUNDLEY: It was a spontaneous remark. I'll try to refrain.

MR. HUTCHINSON: I know that—

THE WITNESS: He does have a right to mumble in my ear, I think.

MR. HUNDLEY: I mumble too loud because I don't hear too well myself.

BY MR. HUTCHINSON:

Q. Now, going back to a complicating factor in your conversation with Mr. Gittis and this embarrassing situation of the Lewinsky job, the complicating fact was that you had also helped Webb Hubbell get a job or consulting contracts with the same company; is that—

A. Yes. You use the word ''complicated.'' I did not view it as a complication. I viewed it as a, as another something that happened, and that that caused some embarrassment to the company, and here again, we were back for another embarrassment for the company, and I thought I had a responsibility to say that.

Q. Would you explain how you helped Webb Hubbell secure a job or a contract with Revlon?

A. Yes. Webb Hubbell came to me after his resignation from the Justice Department. Webb and I got to be friends during the transition, and Webb came to me and he said, ''I'm leaving the Justice Department,'' or ''I've left the Justice Department''—I'm not sure which—and he said, ''I really need work.''

And I said, ''Webb, I will do what I can to help you.''

I called New York, made arrangements. I took Webb Hubbell to New York. We had lunch. I took him the headquarters of McAndrews & Forbes at 62nd Street. I introduced him to Howard Gittis, Ronald Perelman, and I left.

Q. And did, subsequently, Mr. Hubbell obtain consulting contracts with Revlon?

A. Subsequently, Mr. Hubbell was hired, as I understand it, as outside counsel to McAndrews & Forbes, or Revlon, or some entity within the Perelman empire.

Q. And was that consulting contracts of about $100,000 a year?

A. I—I think so, I think so.

Q. And did you make other contacts with other companies in which you had friends for assistance for Webb Hubbell?

A. I did not.

Q. And was the effort to assist Mr. Webb Hubbell during this time—was it after he left the Department of Justice and prior to the time that he pled guilty to criminal charges?

A. That is correct.

Q. And at the time you assisted Webb Hubbell by securing a job with Revlon for him, was he a potential adverse witness to the President in the ongoing investigation by the Independent Counsel?

A. I don't know whether he was an adverse witness or not. What he was was my friend who had just resigned from the Justice Department, and he was out of work, and he asked for help, and I happily helped him.

Q. And did you know at the time that he was a potential witness in the investigation by the OIC?

A. I don't know whether I knew whether he was a potential witness or not. I simply responded to Webb Hubbell who was a friend in trouble and needing work.

Q. Now, let's backtrack to the time when you first had any contact with Ms. Lewinsky. We've talked about this January 20–21st meeting with Mr. Gittis and covered a little bit of the tail end of this entire episode. Now I would like to go back in time to your first meetings with Ms. Lewinsky.

Now, when was the first time that you recall that you met with Monica Lewinsky?

A. If you've read my grand jury testimony—

Q. I have.

A. —and I'm sure that you have—there is testimony in the grant jury that she came to see me on or about the 5th of November. I have no recollection of that. It was not on my calendar, and I just have no recollection of her visit. There is a letter here that you have in evidence, and I have to assume that in fact that happened. But as I said in my grand jury testimony, I'm not aware of it, I don't remember it—but I do not deny that it happened.

Q. And Ms. Lewinsky has made reference to a meeting that occurred in your office on November 5, and that's the meeting that you have no recollection of?

A. That is correct. We have no record of it in my office, and I just have no recollection of it.

Q. And in your first grand jury appearance, you were firm, shall I say, that the first time you met with Ms. Lewinsky, that it was on December 11th?

A. Yes. It was firm based on what my calendar told me, and subsequently to that, there has been a refreshing of my recollection, and I do not deny that it happened. By the same token, I will tell you, as I said in my grand jury testimony, that I did not remember that I had met with her.

Q. And in fact today, the fact that you do not dispute that that meeting occurred is not based upon your recollection but is simply based upon you've seen the records, and it appears that that meeting occurred?

A. That is correct.

Q. Okay. And you've made reference to my first exhibit there, which is front of you, and I would refer you to this at this time, which is Exhibit 86.

Now, this is captioned as a ''Letter from Ms. Lewinsky to Mr. Vernon Jordan dated November 6, 1997,'' and it appears that this letter thanks you for meeting with her in reference to her job search. And do you recall this—

MR. KENDALL: Mr. Hutchinson, excuse me. May I ask—this is an unsigned copy. Do you have a signed copy of this letter?

MR. HUTCHINSON: Let me go through my questions if I might.

BY MR. HUTCHINSON:

Q. Do you recall receiving this letter?

A. I do not.

Q. Do you ever recall seeing this letter before?

A. The first time I saw this letter was when I was before the grand jury.

Q. And am I correct that it's your testimony that the first time you ever recall hearing the name ''Monica Lewinsky'' was in early December of '97?

A. That's correct. I—I may have heard the name before, but the first time I remember seeing her and having her in my presence was then.

Q. Well, regardless of whether you met with her in November or not, the fact is you did not do anything in November to secure a job for Ms. Lewinsky until your activities on December 11 of '97?

A. I think that's correct.

Q. And on December 11, I think you made some calls for Ms. Lewinsky on that particular day?

A. I believe I did. I have some—it's all right for me to refresh my recollection?

Q. Certainly.

A. Thank you. [Perusing documents.] I did make calls for her on the 11th, yes.

Q. And may I just ask what you're referring to?

A. I'm referring here to telephone logs prepared by counsel here for me to refresh my recollection about calls.

MR. HUNDLEY: You are welcome to have a copy of that.

THE WITNESS: You are welcome to see it.

MR. HUTCHINSON: Do you have an extra copy?

THE WITNESS: Yes—in anticipation.

MR. HUNDLEY: There are a few calls.

SENATOR THOMPSON: Might this be a good time to take a 5–minute break?

MR. HUTCHINSON: Certainly.

SENATOR THOMPSON: All right. Let's adjourn for 5 minutes.

THE VIDEOGRAPHER: We are going off the record at 10:03 a.m.

[Recess.]

THE VIDEOGRAPHER: We're going back on the record at 10:16 a.m.

SENATOR THOMPSON: All right. Counsel has consumed 38 minutes.

Counsel, would you proceed?

MR. HUTCHINSON: Thank you, Senator Thompson.

At this time, I would offer as Jordan Deposition Exhibit 86, if you don't mind me going by that numerology—

SENATOR THOMPSON: Would it be better to do that or make it Jordan Exhibit Number 1? Does counsel have any preference on that—is that—

MR. HUTCHINSON: One is fine.

SENATOR THOMPSON: Let's do it that way. It will be made a part of the record, Jordan Deposition Number 1.

[Jordan Deposition Exhibit No. 1 marked for identification.]

BY MR. HUTCHINSON:

Q. Mr. Jordan, let me go back to that meeting on December 11th. I believe we were discussing that. My question would be: How did the meeting on December 11 of 1997 with Ms. Lewinsky come about?

A. Ms. Lewinsky called my office and asked if she could come to see me.

Q. And was that preceded by a call from Betty Currie?

A. At some point in time, Betty Currie had called me, and Ms. Lewinsky followed up on that call, and she came to my office, and we had a visit.

Q. Ms. Lewinsky called, set up a meeting, and at some point sent you a resume, I believe.

A. I believe so.

Q. And did you receive that prior to the meeting on December 11th?

A. I—I have to assume that I did, but I—I do not know whether she brought it with her or whether—it was at some point that she brought with her or sent to me—somehow it came into my possession—a list of various companies in New York with which she had—which were here preferences, by the way—most of which I did not know well enough to make any calls for.

Q. All right. And I want to come back to that, but I believe—would you dispute if the record shows that you received the resume of Ms. Lewinsky on December 8th?

A. I would not.

Q. And presumably, the meeting on December 11th was set up somewhere around December 8th by the call from Ms. Lewinsky?

A. I—I would not dispute that, sir.

Q. All right. Now, you mentioned that she had sent you a—I guess some people refer to it—a wish list, or a list of jobs that she—

A. Not jobs—companies.

Q. —companies that she would be interested in seeking employment with.

A. That's correct.

Q. And you looked at that, and you determined that you wanted to go with your own list of friends and companies that you had better contacts with.

A. I'm sure, Congressman, that you too have been in this business, and you do know that you can only call people that you know or feel comfortable in calling.

Q. Absolutely. No question about it. And let me just comment and ask you response to this, but many times I will be listed as a reference, and they can take that to any company. You might be listed as a reference and the name ''Vernon Jordan'' would be a good reference anywhere, would it not?

A. I would hope so.

Q. And so, even though it was a company that you might not have the best contact with, you could have been helpful in that regard?

A. Well, the fact is I was running the job search, not Ms. Lewinsky, and therefore, the companies that she brought or listed were not of interest to me. I knew where I would need to call.

Q. And that is exactly the point, that you looked at getting Ms. Lewinsky a job as an assignment rather than just something that you were going to be a reference for.

A. I don't know whether I looked upon it as an assignment. Getting jobs for people is not unusual for me, so I don't view it as an assignment. I just view it as something that is part of what I do.

Q. You're acting in behalf of the President when you are trying to get Ms. Lewinsky a job, and you were in control of the job search?

A. Yes.

Q. Now, going back—going to your meeting that we're talking about on December 11th, prior to the meeting did you make any calls to prospective employers in behalf of Ms. Lewinsky?

A. I don't think so. I think not. I think I wanted to see her before I made any calls.

Q. And so if they were not before, after you met with her, you made some calls on December 11th?

A. I—I believe that's correct.

Q. And you called Mr. Richard Halperin of McAndrews & Forbes?

A. That's right.

Q. You called Mr. Peter—

A. Georgescu.

Q. —Georgescu. And he is with what company?

A. He is chairman and chief executive officer of Young & Rubicam, a leading advertising agency on Madison Avenue.

Q. And did you make one other call?

A. Yes. I called Ursie Fairbairn, who runs Human Resources at American Express, at the American Express Company, where I am the senior director.

Q. All right. And so you made three calls on December 11th. You believe that they were after you met with Ms. Lewinsky—

A. I doubt very seriously if I would have made the calls in advance of meeting her.

Q. And why is that?

A. You sort of have to know what you're talking about, who you're talking about.

Q. And what did you basically communicate to each of these officials in behalf of Ms. Lewinsky?

A. I essentially said that you're going to hear from Ms. Lewinsky, and I hope that you will afford her an opportunity to come in and be interviewed and look favorably upon her if she meets your qualifications and your needs for work.

Q. Okay. And at what level did you try to communicate this information?

A. By—what do you mean by ''what level''?

Q. In the company that you were calling, did you call the chairman of human resources, did you call the CEO—who did you call, or what level were you seeking to talk to?

A. Richard Halperin is sort of the utility man; he does everything at McAndrews & Forbes. He is very close to the chairman, he is very close to Mr. Gittis. And so at McAndrews & Forbes, I called Halperin.

As I said to you, and as my grand jury testimony shows, I called Young & Rubicam, Peter Georgescu as its chairman and CEO. I have had a long-term relationship with Young & Rubicam going back to three of its CEOs, the first being Edward Ney, who was chairman of Young & Rubicam when I was head of the United Negro College Fund, and it was during that time that we developed the great theme, ''A mind is a terrible thing to waste.'' So I have had a long-term relationship with Young & Rubicam and with Peter Georgescu, so I called the chairman in that instance.

At American Express, I called Ms. Ursie Fairbairn who is, as I said before, in charge of Human Resources.

So that is the level—in one instance, the chairman; in one instance a utilitarian person; and in another instance, the head of the Human Resources Department.

Q. And the utilitarian connection, Mr. Richard Halperin, was sort of an assistant to Mr. Ron Perelman?

A. That's correct. He's a lawyer.

Q. Now, going to your meeting on December 11th with Ms. Lewinsky, about how long of a meeting was that?

A. I don't—I don't remember. You have a record of it, Congressman.

Q. And actually, I think you've testified it was about 15 to 20 minutes, but don't hold me to that, either.

During the course of the meeting with Ms. Lewinsky, what did you learn about her?

A. Uh, enthusiastic, quite taken with herself and her experience, uh, bubbly, effervescent, bouncy, confident, uh—actually, I sort of had the same impression that you House Managers had of her when you met with her. You came out and said she was impressive, and so we come out about the same place.

Q. And did she relate to you the fact that she liked being an intern because it put her close to the President?

A. I have never seen a White House intern who did not like being a White House intern, and so her enthusiasm for being a White House intern was about like the enthusiasm of White House interns—they liked it.

She was not happy about not being there anymore—she did not like being at the Defense Department—and I think she actually had some desire to go back. But when she actually talked to me, she wanted to go to New York for a job in the private sector, and she thought that I could be helpful in that process.

Q. Did she make reference to someone in the White House being uncomfortable when she was an intern, and she thought that people did not want her there?

A. She felt unwanted—there is no question about that. As to who did not want her there and why they did not want her there, that was not my business.

Q. And she related that—

A. She talked about it.

Q. —experience or feeling to you?

A. Yes.

Q. Now, your meeting with Ms. Lewinsky was on December 11th, and I believe that Ms. Lewinsky has testified that she met with the President on December 5—excuse me, on December 6—at the White House and complained that her job search was not going anywhere, and the President then talked to Mr. Jordan.

Do you recall the President talking to you about that after that meeting?

A. I do not have a specific recollection of the President saying to me anything about having met with Ms. Lewinsky. The President has never told me that he met with Ms. Lewinsky, as best as I can recollect. I—I am aware that she was in a state of anxiety about going to work. She was in a state of anxiety in addition because her lease at Watergate, at the Watergate, was to expire December 31st. And there was a part of Ms. Lewinsky, I think, that thought that because she was coming to me, that she could come today and that she would have a job tomorrow. That is not an unusual misapprehension, and it's not limited to White House interns.

Q. I mentioned her meeting with the President on the same day, December 6th. I believe the record shows the President met with his lawyers and learned that Ms. Lewinsky was on the Jones witness list. Now, did you subsequently meet with the President on the next day, December 7th?

A. I may have met with the President. I'd have to—I mean, I'd have to look. I'd have to look. I don't know whether I did or not.

Q. If you would like to confer—I believe the record shows that, but I'd like to establish that through your testimony.

MS. WALDEN: Yes.

THE WITNESS: Yes.

BY MR. HUTCHINSON:

Q. All right. So you met with the President on December 7th. And was it the next day after that, December 8th, that Ms. Lewinsky called to set up the job meeting with you on December 11th?

A. I believe that is correct.

Q. And sometime after your meeting on December 11th with Ms. Lewinsky, did you have another conversation with the President?

A. Uh, you do understand that conversations between me and the President, uh, was not an unusual circumstance.

Q. And I understand that—

A. All right.

Q. —and so let me be more specific. I believe your previous testimony has been that sometime after the 11th, you spoke with the President about Ms. Lewinsky.

A. I stand on that testimony.

Q. All right. And so there's two conversations after the witness list came out—one that you had with the President on December 7th, and then a subsequent conversation with him after you met with Ms. Lewinsky on the 11th.

Now, in your subsequent conversation after the 11th, did you discuss with the President of the United States Monica Lewinsky, and if so, can you tell us what that discussion was?

A. If there was a discussion subsequent to Monica Lewinsky's visit to me on December the 11th with the President of the United States, it was about the job search.

Q. All right. And during that, did he indicate that he knew about the fact that she had lost her job in the White House, and she wanted to get a job in New York?

A. He was aware that—he was obviously aware that she had lost her job in the White House, because she was working at the Pentagon. He was also aware that she wanted to work in New York, in the private sector, and understood that that is why she was having conversations with me. There is no doubt about that.

Q. And he thanked you for helping her?

A. There's no question about that, either.

Q. And on either of these conversations that I've referenced that you had with the President after the witness list came out, your conversation on December 7th, and your conversation sometime after the 11th, did the President tell you that Ms. Monica Lewinsky was on the witness list in the Jones case?

A. He did not.

Q. And did you consider this information to be important in your efforts to be helpful to Ms. Lewinsky?

A. I never thought about it.

Q. Was there a time that you became aware that Ms. Lewinsky had been subpoenaed to give a deposition in the Jones versus Clinton case?

A. On December 19th when she came to my office with the subpoena—I think it's the 19th.

Q. That's right. Now, you indicated you never thought about it, because of course, at that point, you didn't know that she was on the witness list, according to your testimony.

A. [Nodding head up and down.]

Q. Now, you said that she came to see you on December 19th—I'm sorry. I've been informed you didn't respond out loud, so—

A. Well, if you'd ask the question, I'd be happy to respond.

Q. I was afraid you would ask me to ask the question again.

Well, let's go to the December 19th meeting.

A. Fine.

Q. How did it come about that you met with Ms. Lewinsky on December 19th?

A. Ms. Lewinsky called me in a rather high emotional state and said that she needed to see me, and she came to see me.

Q. And she called you on the telephone on December 19th, in which she indicated she had received a subpoena?

A. That's right, and was emotional about it and asked, and so I said come over.

Q. And what was your reaction to her having received a subpoena in the Jones case?

A. Surprise, number one; number two, quite taken with her emotional state.

Q. And did you see that she had a problem?

A. She obviously had a problem—she thought—

THE VIDEOGRAPHER: We have to go off the record.

SENATOR THOMPSON: Off the record.

[Recess due to power failure.]

THE VIDEOGRAPHER: We're going back on the record at 10:49 a.m.

SENATOR THOMPSON: All right, let the record reflect that we've been down for 20 to 25 minutes due to a power failure, but we are ready to proceed now, counsel.

MR. HUTCHINSON: Thank you, Senator Thompson.

And Mr. Jordan, before we go back to my line of questioning, I have been informed that we have that question in which we did not get an audible response, and so I'm going to ask the court reporter to read that question back.

[The court reporter read back the requested portion of the record.]

THE WITNESS: I did not know that she was on the witness list, Congressman. And let me say parenthetically here that our side had nothing to do with the power outage.

[Laughter.]

THE WITNESS: As desirable as that may have been.

[Laughter.]

BY MR. HUTCHINSON:

Q. Thank you, Mr. Jordan. And again, we're talking about the fact you never thought about the President not telling you that Ms. Lewinsky was on the witness list because you didn't know it at the time.

A. I—I did not know it.

Q. All right. Now, before we go back to December 19th, I've also been informed that I've been neglectful, and sometimes you will give a nod of the head, and I've not asked you to give an audible response. So I'm going to try to be mindful of that, but at the same time, Mr. Jordan, if you can try to give an audible response to a question rather than what we sometimes do in private conversation, which is a nod of the head. Fair enough?

A. I'm happy to comply.

Q. Now, we're talking about December 19th, that you had received a call from Monica Lewinsky; she had been subpoenaed in the Jones case. She was upset. You said, Come to my office.

Now, when she got to the office, I asked you, actually, before that, what was your reaction to her having this subpoena, and she had a problem because of the subpoena.

A. Yes.

Q. And I believe you previously indicated that any time a witness gets a subpoena, they've got a problem that they would likely need legal assistance.

A. That's been my experience.

Q. And in fact she did subsequently come to see you at the office on that December 19th, is that correct?

A. That's correct.

Q. And what happened at that meeting in your office with Ms. Lewinsky on the 19th?

A. She, uh, as I said, was quite emotional. She was—she was disturbed about the subpoena. She was disturbed about not having, in her words, heard from the President or talked to the President.

It was also in that meeting that it became clear to me that the—that her eyes were wide and that she, uh, that—let me—for lack of a better way to put it, that she had a ''thing'' for the President.

Q. And how long was that meeting?

A. I don't know, uh, but it's in the record.

MR. HUNDLEY: You testified 45 minutes.

THE WITNESS: Forty-five minutes. Thank you.

MR. HUTCHINSON: Thank you.

MR. HUNDLEY: Is that okay if I—

MR. HUTCHINSON: That's all right, and that's helpful, Mr. Hundley.

MR. HUNDLEY: Thank you. I'm trying to be helpful.

BY MR. HUTCHINSON:

Q. And during this meeting, did she in fact show you the subpoena that she had received in the Jones litigation?

A. I'm sure she showed me the subpoena.

Q. And the subpoena that was presented to you asked her to give a deposition, is that correct?

A. As I recollect.

Q. But did it also ask Ms. Lewinsky or direct her to produce certain documents and tangible objects?

A. I think, if I'm correct in my recollection, it asked that she produce gifts.

Q. Gifts, and some of those gifts were specifically enumerated.

A. I don't remember that. I do remember gifts.

Q. And did you discuss any of the items requested under the subpoena?

A. I did not. What I said to her was that she needed counsel.

Q. Now, just to help you in reference to your previous grand jury testimony of March 3, '98—and if you would like to refer to that, page 121, but I believe it was your testimony that you asked her if there had been any gifts after you looked at the subpoena.

A. I may have done that, and if I—if that's in my testimony, I stand by it.

Q. And did she—from your conversation with her, did you determine that in your opinion, there was a fascination on her part with the President?

A. No question about that.

Q. And I think you previously described it that she had a ''thing'' for the President?

A. ''Thing,'' yes.

Q. And did you make any specific inquiry as to the nature of the relationship that she had with the President?

A. Yes. At some point during that conversation, I asked her directly if she had had sexual relationships with the President.

Q. And is this not an extraordinary question to ask a 24-year-old intern, whether she had sexual relations with the President of the United States?

A. Not if you see—not if you had witnessed her emotional state and this ''thing,'' as I say. It was not.

Q. And her emotional state and what she expressed to you about her feelings for the President is what prompted you to ask that question?

A. That, plus the question of whether or not the President at the end of his term would leave the First Lady; and that was alarming and stunning to me.

Q. And she related that question to you in that meeting on December 19th?

A. That's correct.

Q. Now, going back to the question in which you asked her if she had had a sexual relationship with the President, what was her response?

A. No.

Q. And I'm sure that that was not an idle question on your part, and I presume that you needed to know the answer for some purpose.

A. I wanted to know the answer based on what I had seen in her expression; obviously, based on the fact that this was a subpoena about her relationship with the President.

Q. And so you felt like you needed to know the answer to that question to determine how you were going to handle the situation?

A. No. I thought it was a factual data that I needed to know, and I asked the question.

Q. And why did you need to know the answer to that question?

A. I am referring this lady, Ms. Lewinsky, to various companies for jobs, and it seemed to me that it was important for me to know in that process whether or not there had been something going on with the President based on what I saw and based on what I heard.

Q. And also based upon your years of experience—I mean your—

A. I don't understand that question.

Q. Well, you have children?

A. I have four children; six grandchildren.

Q. And you've raised kids, you've had a lot of experiences in life, and do you not apply that knowledge and experience and wisdom to circumstances such as this?

A. Yes. I've been around, and I've seen young people, both men and women, overly excited about older, mature, successful individuals, yes.

Q. Now, let me just go back as to what signals that you might have had at this particular point that there was a sexual relationship between Ms. Lewinsky and the President. Was one of those the fact that she indicated that she had a fascination with the President?

A. Yes.

Q. And did she relate that ''He doesn't call me enough''?

A. Yes.

Q. And was the fact that there was an exchange of gifts a factor in your consideration?

A. Well, I was not aware that there had been an exchange of gifts. I thought it a tad unusual that there would be an exchange of gifts, uh, but it was just clear that there was a fixation by this young woman on the President of the United States.

Q. And was it also a factor that she had been issued a subpoena in a case that was rooted in sexual harassment?

A. Well, it certainly helped.

Q. And that was an ingredient that you factored in and decided this is a question that needed to be asked?

A. There's no question about that.

Q. Now, heretofore, the questions or the discussions with Ms. Lewinsky had simply been about a job?

A. Had been about a job.

Q. And I think you indicated that you didn't have to be an Einstein to know that this was a question that needed to be asked after what you learned on this meeting?

A. Yes, based on my own judgment, that is correct.

Q. Now, at this point, you're assisting the President in obtaining a job for a former intern, Monica Lewinsky?

A. Right.

Q. It comes to your attention from Ms. Lewinsky that she has a subpoena in a civil rights case against the President. And did this make you consider whether it was appropriate for you to continue seeking a job for Ms. Lewinsky?

A. Never gave it a thought.

Q. Despite the fact that you were seeking the job for Ms. Lewinsky at the request of the President when she is under subpoena in a case adverse to the President?

A. I—I did not give it a thought. I had committed that I was going to help her, and I was going to—and I kept my commitment.

Q. And so, however she would have answered that question, you would have still prevailed upon your friends in industry to get a job for her?

A. Congressman, that is a hypothetical question, and I'm not going to answer a hypothetical question.

Q. Well, I thought you had answered it before, but if—so you don't know whether it would have made a difference or not, then?

A. I asked her whether or not she had had sexual relationships with the President. Ms. Lewinsky told me no.

MR. HUNDLEY: I'd just like to interject. My recollection, Congressman, is that in the grand jury, he gave basically the same answer, that it was a hypothetical question, and that he really didn't know what he would have done had the answer been different. You could double-check it if you want, but I'm sure I'm right.

BY MR. HUTCHINSON:

Q. Okay, I'm not asking you a hypothetical question. I want to ask it in this phrase, in this way. Did her answer make you consider whether it was appropriate for you to continue seeking a job for Ms. Lewinsky at the request of the President?

A. I did not see any reason why I should not continue to help her in her job search.

Q. Now, was the fact that she was under subpoena important information to you?

A. It was additional information, certainly.

Q. If you were trying to get Ms. Lewinsky a job, did you expect her to tell you if she had any reason to believe she might be a witness in the Jones case?

A. She did in fact tell me by showing me the subpoena. I had no expectations one way or the other.

Q. Well, I refer you to your grand jury testimony of March 3, '98 at page 96. Do you recall the answer: ''I just think that as a matter of openness and full disclosure that she would have done that.''

A. And she did.

Q. Precisely. She disclosed to you, of course, when she received the subpoena, and that's information that you expected to know and to be disclosed to you?

A. Fine.

Q. Is—

A. Yes. Fine.

Q. And in fact, if Ms. Currie—I'm talking about Betty Currie—if she had known that Ms. Lewinsky was under subpoena, you would have expected her to tell you that information as well since you were seeking employment for Ms. Lewinsky?

A. Well, it would have been fine had she told me. I do make a distinction between being a witness on the one hand and being a defendant in some sort of criminal action on the other. She was a witness in the civil case, and I don't believe witnesses in civil cases don't have a right for—to employment.

Q. Okay. I refer you to page 95 of your grand jury testimony, in which you said: ''I believe that had Ms. Currie known, that she would have told me.''

And the next question: ''Let me ask the question again, though. Would you have expected her to tell you if she knew?''

And do you recall your answer?

A. I don't.

Q. ''Yes, sure.''

A. I stand by that answer.

Q. And so it's your testimony that if Ms. Currie had known that Ms. Lewinsky was under subpoena, you would have expected her to tell you that information?

A. It would have been helpful.

Q. And likewise, would you have expected the President to tell you if he had any reason to believe that Ms. Lewinsky would be called as a witness in the Paula Jones case?

A. That would have been helpful, too.

Q. And that was your expectation, that he would have done that in your conversations?

A. It—it would certainly have been helpful, but it would not have changed my mind.

Q. Well, being helpful and that being your expectation is a little bit different, and so I want to go back again to your testimony on March 3, page 95, when the question is asked to you—question: ''If the President had any reason to believe that Ms. Lewinsky could be called a witness in the Paula Jones case, would you have expected him to tell you that when you spoke with him between the 11th and the 19th about her?''

And your answer: ''And I think he would have.''

A. My answer was yes in the grand jury testimony, and my answer is yes today.

Q. All right. So it would have been helpful, and it was something you would have expected?

A. Yes.

Q. And yet, according to your testimony, the President did not so advise you of that

fact in the conversations that he had with you on December 7th and December 11th after he learned that Ms. Lewinsky was on the witness list?

A. As I testified—

MR. KENDALL: Objection. Misstates the record with regard to December 11th.

MR. HUTCHINSON: I—I will restate the question. I believe it accurately reflects the record, and I'll ask the question.

BY MR. HUTCHINSON:

Q. And yet, according to your testimony, the President did not so advise you of the fact that Ms. Lewinsky was on the witness list despite the fact that he had conversations with you on two occasions, on December 7th and December 11th?

A. I have no recollection of the President telling me about the witness list.

Q. And during this meeting with Ms. Lewinsky on the 11th, did you take some action as a result of what she told you?

A. On the 11th or the 18th?

Q. Excuse me. I'm sorry. Let me go to the 19th.

A. Nineteenth.

Q. Thank you for that correction.

Did you refer her to an attorney?

A. Yes, I did.

Q. Okay, and who was the attorney that you referred her to?

A. Frank Carter, a very able local attorney here.

Q. And did you give her two or three attorneys to select from, or did you just give her one recommendation?

A. I made a recommendation of Frank Carter. That was the only recommendation.

Q. Now, let me go to I believe it's the next three exhibits that are in front of you, if you'd just turn that first page, and I believe they are marked 29, 31, 32 and 33. And these are, I believe, exhibits that you have seen before and are summaries and documents relating to telephone conversations on this particular day of December 19th.

[Witness perusing documents.]

SENATOR DODD: How are these going to be marked—as Jordan Deposition Exhibits—

MR. HUTCHINSON: These should be marked as Exhibits 2, 3, and 4.

SENATOR DODD: Okay.

MR. KENDALL: Excuse me, Mr. Manager. Are you offering these in evidence?

MR. HUTCHINSON: Not at this time.

I guess it's 2, 3, 4 and 5.

SENATOR THOMPSON: Are we referring to the next four exhibits in the package here?

MR. HUTCHINSON: Yes, sir.

SENATOR THOMPSON: Well, we'll just—identify them one at a time, and we'll—

MR. HUTCHINSON: All right.

BY MR. HUTCHINSON:

Q. Let's go to Exhibit 29 as it's marked, but for our purpose, we're going to refer to it as Deposition Exhibit 2.

SENATOR THOMPSON: All right. For identification for right now, we'll call that Jordan Exhibit Number 2 for identification, which is marked as, I assume, Grand Jury Exhibit Number 29.

[Jordan Deposition Exhibit No. 2 marked for identification.]

BY MR. HUTCHINSON:

Q. And from this record, would you agree that you received a call from Ms. Lewinsky at 1:47 p.m.?

A. For 11 seconds.

Q. All right. And subsequent to that, you placed a call to talk to the President at 3:51 p.m. and talked to Deborah Schiff?

A. Yes.

Q. And what was the purpose of that call to Deborah Schiff?

A. I—I'm certain that I did not call Deborah Schiff. I had no reason to call Deborah Schiff. My suspicion was that if I in fact called 1414, that somehow Deborah Schiff was answering the telephone.

Q. Were you trying to get hold of the President?

A. I think maybe I was.

Q. All right. And then, subsequent to that, Ms. Lewinsky arrived in your office at 4:47 p.m.—and I believe that would be reflected on Exhibit 3—excuse me—Exhibit 4.

MR. HUNDLEY: Four.

THE WITNESS: Yes.

BY MR. HUTCHINSON:

Q. And does it also reflect, going back to the call records, that you talked to the President during the course of your meeting with Ms. Lewinsky at approximately 5:01 p.m.?

A. I beg your pardon?

MR. HUTCHINSON: This would be Exhibit 5.

SENATOR THOMPSON: All right. Let's mark these for identification purposes.

We have already identified Deposition Exhibit Number 29 as Exhibit Number 2 for identification in Mr. Jordan's deposition.

The next one would be Grand Jury Exhibit Number 31, and we will mark that as Exhibit Number 3 for identification purposes. Following that will be Grand Jury Exhibit Number 32, that we will identify as Exhibit Number 4 to Mr. Jordan's deposition for identification purposes; and Grand Jury Exhibit Number 33 will be Exhibit Number 5 to Mr. Jordan's deposition for identification purposes.

Now, do we need to go any further at this time?

MR. HUTCHINSON: No. Thank you.

SENATOR THOMPSON: All right.

[Jordan Deposition Exhibit Nos. 3, 4 and 5 marked for identification.]

BY MR. HUTCHINSON:

Q. Mr. Jordan—

A. Yes.

Q. —under Exhibit—

A. Yes.

Q. —according to these records, specifically Exhibit 5, does it reflect that you talked to the President during the course of your meeting with Ms. Lewinsky at approximately 5:01 p.m.?

MR. KENDALL: Object to the form of the question.

MR. HUTCHINSON: You may answer.

THE WITNESS: I'm confused.

MR. HUTCHINSON: There's an objection as to the form of the question.

THE WITNESS: Oh.

SENATOR THOMPSON: We can resolve it.

MR. KENDALL: The question was do these records indicate this. If he offers Number 2, I'm going to object to it. It's not the best evidence. It's a chart. I don't know who prepared it—

SENATOR THOMPSON: He's referring to 5 now, I believe, isn't he?

MR. HUTCHINSON: Yes.

SENATOR THOMPSON: I believe this had to do with 5.

MR. HUTCHINSON: All right.

THE WITNESS: Would you ask your question?

BY MR. HUTCHINSON:

Q. Mr. Jordan, I'm simply trying to establish, and using Exhibit 5 to refresh your recollection—

MR. KENDALL: I withdraw the objection, I withdraw the objection.

SENATOR THOMPSON: All right, sir; very fine.

MR. HUTCHINSON: Thank you.

BY MR. HUTCHINSON:

Q. —that this record, Exhibit 5, reflects that you talked to the President during the course of your meeting with Ms. Lewinsky at approximately 5:01 p.m.

A. Yes. I—I have never had a conversation with the President while Ms. Lewinsky was present. The wave-in sheet from my office said that she came in at 5:47—

Q. Four forty-seven.

A. —4:47. She may have been in the reception area, or she may have been outside my office, but Ms. Lewinsky was not in my office during the time that I had a conversation with the President.

Q. And the other alternative would be that she came into your office, and then you excused her while you received a call from the President?

A. That's a possibility, too—

Q. All right.

A. —but she was not present in my office proper during the time that I was having a conversation with the President.

Q. Absolutely, and that is clear.

Now, because we got a little bogged down in the records, let me just go back for a moment. Is it your understanding, based upon the records and recollection, that you received a call from Ms. Lewinsky about 1:47; you talked to Deborah Schiff trying to get hold of the President about 3:51 that afternoon; Ms. Lewinsky arrived at about 4:47 p.m.

A. Yes.

Q. Am I correct so far?

A. Yes.

Q. And then you received a call from the President at about 5:01 p.m.?

A. That's correct.

MR. HUTCHINSON: I want to say ''Your Honor''—I've wanting to do this all day, Senator—I would offer these Exhibits 2, 3, 4 and 5 at this time.

MR. KENDALL: I would object to the admission of Exhibit Number 2.

SENATOR THOMPSON: Mr. Hutchinson, could you identify what this exhibit is from?

MR. HUTCHINSON: Well, this exhibit is a summary exhibited based upon the original records that establish this. Now, we've established it clearly through the testimony, so it's not of earth-shattering significance whether this is in the record or not, because the witness has established it.

SENATOR THOMPSON: All right. But this is a compilation of what you contend—

MR. HUTCHINSON: Yes.

SENATOR THOMPSON: —is otherwise in the record?

MR. HUTCHINSON: Yes.

SENATOR THOMPSON: Counsel, do we really have a problem with that?

MR. KENDALL: Senator Thompson, I don't know who prepared this or what records it's based on. I have not objected to any of the original records, and I'll continue my objection.

SENATOR THOMPSON: I think in light of that we will sustain it, if Mr. Hutchinson thinks it's otherwise in the record anyway, and not make an issue out of that.

So we will, then, make as a part of the record Exhibits Numbers 3, 4 and 5 that have previously been introduced for identification purposes; they will now be made a part of the record.

MR. HUTCHINSON: Thank you, Senator.

[Jordan Deposition Exhibit Nos. 3, 4 and 5 received in evidence.]

BY MR. HUTCHINSON:

Q. Now, Mr. Jordan, you indicated you had this conversation with the President at about 5:01 p.m. out of the presence of Ms. Lewinsky. Now, during this conversation with the President, what did you tell the President in that conversation?

A. That Lewinsky—I'm sure I told him that Ms. Lewinsky was in my office, in the reception area, that she had a subpoena and that I was going to visit with her.

Q. And did you advise the President as well that you were going to recommend Frank Carter as an attorney?

A. I may have.

Q. And why was it necessary to tell the President these facts?

A. I don't know why it was not unnecessary to tell him these facts. I was keeping him informed about what was going on, and so I told him.

Q. Why did you make the judgment that you should call the President and advise him of these facts?

A. I just thought he ought to know. He was interested it—he was obviously interested in it—and I felt some responsibility to tell him, and I did.

Q. All right. And what was the President's response?

A. He said thank you.

Q. Subsequent to your conversation with the President about Monica Lewinsky, did you advise Ms. Lewinsky of this conversation with the President?

A. I doubt it.

Q. And if she indicates that she was not aware of that conversation, would you dispute her testimony in that regard?

A. I would not.

Q. And you say that you doubt it. Was there a reason that you would not disclose to her the fact that you talked to the President when she was the subject of that conversation?

A. No. I—I didn't feel any particular obligation to tell her or not to tell her, but I did not tell her.

Q. Now, we have discussed to a limited extent the gifts that were mentioned in the subpoena in this discussion that you had with Ms. Lewinsky. Did she in fact tell you about the gifts she had received from the President?

A. I think she told me that she had received gifts from the President.

Q. Did she also indicate that there had been an exchange of gifts?

A. She did.

Q. And did you think that it was somewhat unusual that there had been an exchange of gifts?

A. Uh, a tad unusual, I thought.

Q. These—

A. Which again occasioned the question.

Q. Pardon?

A. Which again occasioned the ultimate question.

Q. On—on whether there was a sexual relationship?

A. That is correct.

Q. And so that was a significant fact in determining whether that question should be asked?

A. It was an additional fact.

Q. Now, the subpoena also references ''documents constituting or containing communications between you''—which would have been Ms. Lewinsky under the subpoena—''and the Defendant Clinton, including letters, cards, notes, et cetera.''

Did you ask Ms. Lewinsky at all whether there were any kinds of cards or communications between them?

A. Uh, I did not, but she may have volunteered that.

Q. And did she tell you about telephone conversations with the President?

A. She did tell me that she and the President talked on the telephone.

Q. And did she express it in a way that it was frustrating because the President didn't call her sufficiently?

A. Well, that—that is correct, and she was disappointed, uh, and disapproving of the fact that she was not hearing from the President of the United States on a regular basis.

Q. During this conversation with Ms. Lewinsky, she also made reference to the First Lady?

A. Yes.

Q. And that was another question of concern when she asked if you thought that the President would leave the First Lady at the end of his term?

A. That is correct.

Q. And what was your reaction to this statement?

A. My reaction to the statement after I got over it was that—no way.

Q. Did it send off alarm bells in your mind as to her relationship with the President?

A. I think it's safe to say that she was not happy.

Q. You're speaking of Ms. Lewinsky?

A. That's the only person we're talking about, Congressman.

Q. Now, based upon all of this, was it your conclusion the subpoena meant trouble?

A. Beg your pardon?

Q. Based upon all of these facts and your conversation with Ms. Lewinsky, was it your conclusion that the subpoena meant trouble?

A. Well, I always, based on my experience with the grand jury, believe that subpoenas are trouble.

Q. I think you've used the language, ''ipso facto'' meant trouble?

A. Yes, yes, right.

Q. Now, subsequent to your meeting with Ms. Lewinsky on this occasion, did you in fact set up an appointment with Mr. Frank Carter?

A. Yes—for the 22nd, I believe.

Q. Which I believe would have been the first part of the next week?

A. That's right.

Q. And still on December 19th, after your meeting with Ms. Lewinsky, did you subsequently see the President of the United States later that evening?

A. I did.

Q. And is this when you went to the White House and saw the President?

A. Yes.

Q. At the time that Ms. Lewinsky came to see you on December 19th, did you have any plans to attend any social function at the White House that evening?

A. I did not.

Q. And in fact there was a social invitation that you had at the White House that you declined?

A. I had—I had declined it; that's right.

Q. And subsequent to Ms. Lewinsky visiting you, did you change your mind and go see the President that evening?

A. After the—a social engagement that Mrs. Jordan and I had, we went to the White House for two reasons. We went to the White House to see some friends who were there, two of whom were staying in the White House; and secondly, I wanted to have a conversation with the President.

Q. And this conversation that you wanted to have with the President was one that you wanted to have with him alone?

A. That is correct.

Q. And did you let him know in advance that you were coming and wanted to talk to him?

A. I told him I would see him sometime that night after dinner.

Q. Did you tell him why you wanted to see him?

A. No.

Q. Now, was this—once you told him that you wanted to see him, did it occur the same time that you talked to him while Ms. Lewinsky was waiting outside?

A. It could be. I made it clear that I would come by after dinner, and he said fine.

Q. Now, let me backtrack for just a moment, because whenever you talked to the President, Ms. Lewinsky was not inside the room—

A. That's correct.

Q. —and therefore, you did not know the details about her questions on the President might leave the First Lady and those questions that set off all of these alarm bells.

A. [Nodding head up and down.]

Q. And so you were having—is the answer yes?

A. That's correct.

Q. And so you were having this discussion with the President not knowing the extent of Ms. Lewinsky's fixation?

A. Uh—

Q. Is that correct?

A. Correct.

Q. And, regardless, you wanted to see the President that night, and so you went to see him. And was he expecting you?

A. I believe he was.

Q. And did you have a conversation with him alone?

A. I did.

Q. No one else around?

A. No one else around.

Q. And I know that's a redundant question.

A. It's okay.

Q. Now, would you describe your conversation with the President?

A. We were upstairs, uh, in the White House. Mrs. Jordan—we came in by way of the Southwest Gate into the Diplomatic Entrance—we left the car there. I took the elevator up to the residence, and Mrs. Jordan went and visited at the party. And the President was already upstairs—I had ascertained that from the usher—and I went up, and I raised with him the whole question of Monica Lewinsky and asked him directly if he had had sexual relations with Monica Lewinsky, and the President said, ''No, never.''

Q. All right. Now, during that conversation, did you tell the President again that Monica Lewinsky had been subpoenaed?

A. Well, we had established that.

Q. All right. And did you tell him that you were concerned about her fascination?

A. I did.

Q. And did you describe her as being emotional in your meeting that day?

A. I did.

Q. And did you relate to the President that Ms. Lewinsky asked about whether he was going to leave the First Lady at the end of the term?

A. I did.

Q. And as—and then, you concluded that with the question as to whether he had had sexual relations with Ms. Lewinsky?

A. And he said he had not, and I was satisfied—end of conversation.

Q. Now, once again, just as I asked the question in reference to Ms. Lewinsky, it appears to me that this is an extraordinary question to ask the President of the United States. What led you to ask this question to the President?

A. Well, first of all, I'm asking the question of my friend who happens to be the President of the United States.

Q. And did you expect your friend, the President of the United States, to give you a truthful answer?

A. I did.

Q. Did you rely upon the President's answer in your decision to continue your efforts to seek Ms. Lewinsky a job?

A. I believed him, and I continued to do what I had been asked to do.

Q. Well, my question was more did you rely upon the President's answer in your decision to continue your efforts to seek Ms. Lewinsky a job.

A. I did not rely on his answer. I was going to pursue the job in any event. But I got the answer to the question that I had asked Ms. Lewinsky earlier from her, and I got the answer from him that night as to the sexual relationships, and he said no.

Q. It would appear to me that there's two options. One, you asked the question in terms of idle conversation, and that does not seem logical in view of the fact that you

made a point to go and visit the President about this alone.

A. Yes. I never said that—I never talked about options. I told you I went to ask him that question.

Q. Well, was it idle conversation, or was there a purpose in you asking him that question?

A. It obviously, Congressman, was not idle conversation.

Q. All right.

A. For him nor for me.

Q. There was a purpose in it—and would you describe it as being important, the question that you asked to him?

A. I wanted to satisfy myself, based on my visit with her, that there had been no sexual relationships, and he said no, as she had said no.

Q. And why was it important to you to satisfy yourself on that particular point?

A. I had seen this young lady, and I had seen her reaction, uh, and it raised a presumption, uh, and I wanted to satisfy myself, as I had done with her, that there had been no sexual relationship between them.

Q. If you had—

A. And I did satisfy myself.

Q. And if you had—well, let me rephrase it. If you believed the presumption, or if you had evidence that Ms. Lewinsky did have sexual relations with the President, would this have affected your decision to act in the President's interest in locating her a job when she had been subpoenaed in a case adverse to the President?

A. I do not think it would have affected my decision.

Q. Now, you mentioned that you set up an appointment for Ms. Lewinsky at the office of Frank Carter for December 22nd.

A. Right.

Q. Prior to that appointment with Mr. Carter, did Ms. Lewinsky come to see you in your office?

A. I took Ms. Lewinsky from my office, in my Akin Gump, chauffeur-driven car, to Frank Carter's office.

Q. And when she arrived at your office, did you have a discussion with her?

A. I think I got my coat, she got her—she had on her coat—and we left.

Q. While in your office before going to see Mr. Carter, did Ms. Lewinsky ask about her job?

A. Every conversation that I had with Ms. Lewinsky had at some point to do with pending employment.

Q. And I take that as a ''yes'' answer, but I would also refer you to page 184 of your previous testimony in which that answer was ''yes.''

A. Yes.

Q. And so prior to going to see Mr. Carter, you met with Ms. Lewinsky and—where she asked about her job?

A. Well, as I'm putting on my coat, I mean, we did not sit down and have a conference. We had an appointment.

Q. Now, you last testified before the grand jury in June of 1998, and you have not had the opportunity to address some issues that Ms. Lewinsky raised when she testified before the grand jury in August of 1998, and I would like to—there will be a number of questions as we go through this today relating to some things that she testified to, because it's important that we hear your responses to it, and so I'd like to ask you about a couple of these particular areas.

During this meeting—and you say it was a short meeting, that you really didn't sit down—but during this time, did Ms. Lewinsky ask if you had told the President that she had been subpoenaed in the Jones case?

A. She may have, and—and if she did, I answered yes.

Q. Even though you did not tell her about the conversation on December 19th that you had with the President in which you told the President she had been subpoenaed?

A. If she had asked, I would have told her. If she asked me on the 22nd, I answered yes.

Q. And did Ms. Lewinsky show you any gifts that she was bringing to Mr. Frank Carter?

A. Yeah—I'm not aware that Ms. Lewinsky showed me any gifts. I have no—I have no recollection of her having shown me gifts given her by the President. And my best recollection is that she came to my office, I got myself together, and that we left. I have no recollection of her showing me gifts given her by the President.

Q. Would you dispute if she in fact had gifts with her on that occasion?

A. I don't know whether she had gifts with her or not. I do have—I have no recollection of her showing me, saying, ''This is a gift given me by the President of the United States.''

Q. And if she testifies that she showed you the gifts she was bringing Mr. Carter, you would dispute that testimony?

A. I have not any recollection of her showing me any gifts.

Q. And I take that as not denying it—

MR. KENDALL: Objection to form.

BY MR. HUTCHINSON:

Q. —but that you have no recollection.

A. Uh, I don't know how else to say it to you, Mr. Congressman.

Q. Well—

A. I have no recollection of Ms. Lewinsky coming to my office and showing me gifts given her by the President of the United States.

Q. Let me go on. Did Ms. Lewinsky tell you that she and the President had had phone sex?

A. I think Ms.—I know Ms. Lewinsky told me about, uh, telephone conversations with the President. If Ms. Lewinsky had told me something about phone sex, I think I would have remembered that.

Q. And therefore, if she testifies that she told you that Ms. Lewinsky and the President had phone sex, then you'd simply deny her testimony in that regard?

A. I—

MR. KENDALL: Object to the form.

THE WITNESS: I have no recollection, Congressman, of Ms. Lewinsky telling me about phone sex—but given my age, I would probably have been interested in what that was all about.

SENATOR THOMPSON: We'll overrule the objection. It's a leading question, but I think that it will be permissible for these purposes.

MR. HUTCHINSON: It's my understanding, Senator, that under the Senate rule, that the witness would be considered an adverse witness.

SENATOR THOMPSON: That's correct.

BY MR. HUTCHINSON:

Q. Well, I don't mean to engage in disputes over fine points, but I guess—

A. Well, you obviously, Congressman, have Ms. Lewinsky saying one thing and me saying another. I stand by what I said.

Q. Which is that you have no recollection of that discussion taking place.

A. But I do think that I would have remembered it had it happened.

Q. All right. Now, after your brief encounter or meeting with Ms. Lewinsky in your office, did you take Ms. Lewinsky in your vehicle to Mr. Carter's office?

A. Yes.

Q. And when you arrived at Mr. Carter's office, did you meet with Mr. Carter in advance, while Ms. Lewinsky waited outside?

A. I said a brief hello to him. We talked about lunch. I never took off my coat. I did take off my hat, because it was inside. And I left them, and I got a piece of his candy.

Q. Now, I was looking at the testimony of Mr. Carter. Now, do you recall a meeting with Mr. Carter in his office while Ms. Lewinsky waited outside, even if it might have been a brief meeting?

A. Yes, I think maybe I went in. I just don't know—I was there for a very short time.

Q. Did you explain to Mr. Carter that you were seeking Ms. Lewinsky a job at the request of the President?

A. No, I did not, but I think he knew that.

Q. And why do you think he knew that?

A. I must have told him.

Q. So at some point, you believe that you told Mr. Carter that you were seeking Ms. Lewinsky a job at the request of the President?

A. I think I may have done that.

Q. Now, you have referred other clients to Mr. Carter during your course of practice here in Washington, D.C.?

A. Yes, I have.

Q. About how many have you referred to him?

A. Oh, I don't know. Maggie Williams is one client that I—I remember very definitely.

I like Frank Carter a lot. He's a very able young lawyer. He's a first-class person, a first-class lawyer, and he's one of my new acquaintances amongst lawyers in town, and I like being around him. We have lunch, and he's a friend.

Q. And is it true, though, that when you've referred other clients to Mr. Carter that you never personally delivered and presented that client to him in his office?

A. But I delivered Maggie Williams to him in my office. I had Maggie Williams to come to my office, and it was in my office that I introduced, uh, Maggie Williams to Mr. Carter, and she chose other counsel. I would have happily taken Maggie Williams to his office.

Q. But this is the only occasion that you took your Akin, Gump-chauffeured vehicle and delivered the client to Mr. Carter in his office?

A. It was.

Q. Now, we're not going to go through, probably to your relief, each day's phone calls, but is it safe to say that Ms. Lewinsky called you regularly, both keeping you posted on her interviews and contacts, but also asking you what you knew about her job desires?

A. That is correct.

Q. And it is also true that during this process, you kept the President informed?

A. That, too, is correct.

Q. And did the President ever give you any other instruction other than to find Ms. Lewinsky a job in New York?

A. I do not view the President as giving me instructions. The President is a friend of mine, and I don't believe friends instruct friends. Our friendship is one of parity and equality.

Q. Let me rephrase it, and that's—

A. Thank you.

Q. That's a fair comment that you certainly made.

Did you ever receive any other request from the President in reference to your dealing with Monica Lewinsky other than the request to find her a job in New York?

A. That is correct.

MR. HUTCHINSON: I've been informed that there's a few minutes left on the tape. Do you want to break?

THE VIDEOGRAPHER: Yes.

SENATOR THOMPSON: All right. Let's take a 5–minute break at this point.

Also, if it's not objectionable to anyone, let's move a little closer to 1 o'clock, after all, for lunch, if that's okay. We have a conference that that will coincide with a little

better, but for right now, let's take a 5–minute break.

SENATOR DODD: Just before we do, just to make it—and the admonition about these—these—this matter being in—confidential.

SENATOR THOMPSON: Right.

SENATOR DODD: And I'm going to restate that over and over again today, so that people understand the rules under which we're operating here, and this is confidential and no one is to reveal anything they hear, except to the people that was listed in Senator Thompson's opening remarks.

SENATOR THOMPSON: Absolutely.

We'll be in recess.

THE VIDEOGRAPHER: This marks the end of Videotape Number 1 in the deposition of Vernon E. Jordan, Jr. We are going off the record at 11:35 a.m.

[Recess.]

THE VIDEOGRAPHER: This marks the beginning of Videotape Number 2 in the deposition of Vernon E. Jordan, Jr. We are going back on the record at 11:49 a.m.

SENATOR THOMPSON: All right, Mr. Hutchinson, and you have consumed an hour and 40 minutes.

MR. HUTCHINSON: Thank you, Senator Thompson.

BY MR. HUTCHINSON:

Q. Mr. Jordan, I was reminded that the last question I asked you received an answer that I didn't, at least, understand, so I'm going to reask that question, and the question that I had asked, I believe, was: Did you ever receive any other request from the President in reference to your dealings with Ms. Lewinsky other than the request to find her a job in New York? And I think your answer was: That's correct. And that confuses me a little bit, so let me rephrase the question.

Did you ever receive—not rephrase it, but restate the question. Did you ever receive any other request from the President in reference to your dealings with Monica Lewinsky other than the request to find her a job in New York?

A. I did not.

Q. Now, let me go to December 31, 1997, in reference to another issue that Ms. Lewinsky has testified about in her August grand jury appearance and in which you have not had the opportunity to discuss in detail.

Ms. Lewinsky has testified that she met you for breakfast at the Park Hyatt—

MR. HUNDLEY: Excuse me. I think you misspoke yourself. You said '97.

MR. HUTCHINSON: This is '97, right?

MR. HUNDLEY: It is? I apologize.

MR. HUTCHINSON: Okay. Thank you, Mr. Hundley. The years are confusing, but I believe this is December 31, 1997.

BY MR. HUTCHINSON:

Q. And Ms. Lewinsky has testified that she met you for breakfast at the Park Hyatt, and even specifically as to what she had for breakfast on that particular occasion when she met with you and as to the conversation that she had.

And I want to show you, in order to hopefully refresh your recollection, an exhibit which I'm going to mark as the next exhibit number, which will be 6, I believe?

SENATOR THOMPSON: Yes. What—

MR. HUTCHINSON: And it's in the binder as Exhibit 42. It is not there, but it is in the binder as Exhibit 42.

SENATOR THOMPSON: Let's take a moment so everyone can refer to that.

BY MR. HUTCHINSON:

Q. Have you located that, Mr. Jordan?

A. [Nodding head up and down.]

Q. And this receipt, is this a receipt for a charge that you had at the Park Hyatt on December 31st?

A. That's an American Express receipt for breakfast.

Q. And is the date December 31st?

A. That is correct.

Q. And does it reflect the items that were consumed at that breakfast?

A. It reflects the items that were paid for at that breakfast.

[Laughter.]

BY MR. HUTCHINSON:

Q. Does it appear to you that this is a breakfast for two people?

A. The price suggests that it was a breakfast for two people.

Q. All right. And the fact that there's two coffees, there is one omelet, one English muffin, one hot cereal, and can you identify from that what you ordinarily eat at breakfast?

A. What I ordinarily eat at breakfast varies. This morning, it was fish and grits.

Q. All right. Now, Ms. Lewinsky in her testimony, I think, referenced as to what she ate, which I believe would be confirmed in this record.

Do you recall a meeting with Ms. Lewinsky at the Park Hyatt on December 31st of—

A. If you—

Q. —1997?

A. If you would refer to my testimony before the grand jury when asked about a breakfast with Ms. Lewinsky on December 31st, I testified that I did not have breakfast with Ms. Lewinsky on December 31st because I did not remember having had breakfast with Ms. Lewinsky on December 31st. It was not on my calendar. It was New Year's Eve. I have breakfast at the Park Hyatt Hotel three or four times a week if I am in town, and so I really did not remember having breakfast with Ms. Lewinsky. And that's an honest statement, I did not remember, and I told that to the grand jury.

It is clear, based on the evidence here, that I was at the Park Hyatt on December 31st. So I do not deny, despite my testimony before the grand jury, that on December 31st that I was there with Ms. Lewinsky, but I did testify before the grand jury that I did not remember having a breakfast with her on that date, and that was the truth.

My recollection has subsequently been refreshed, and—and so it is—it is undeniable that there was a breakfast in my usual breakfast place, in the corner at the Park Hyatt. I'm there all the time.

Q. All right. And so—and that would be with Ms. Lewinsky?

A. Yes.

Q. And so the—so your memory has been refreshed, and I appreciate the statement that you just made.

Let me go to that meeting with her and ask whether during this occasion that you met her for breakfast that there was a discussion about Ms. Linda Tripp and Ms. Lewinsky's relationship with her and conversations with her.

A. I also testified in my grand jury testimony that I never heard the name ''Linda Tripp'' until such time that I saw the Drudge Report. I did not have a conversation with Ms. Lewinsky at the breakfast at the Park Hyatt Hotel on December 31st about Linda Tripp. I never heard the name ''Linda Tripp,'' knew nothing about Linda Tripp until I read the Drudge Report.

Q. All right. And do you recall a discussion with Ms. Lewinsky at the Park Hyatt on this occasion in which there were notes discussed that she had written to the President?

A. I am certain that Ms. Lewinsky talked to me about notes.

Q. On this occasion?

A. Yes.

Q. And would these have been notes that she would have sent to the President?

A. I think that there was—these notes had to do with correspondence between Ms. Lewinsky and the President.

Q. And would have she mentioned the retention or copies of some of that correspondence on her computer in her apartment?

A. She may have done that.

Q. And did you ask her a question, were these notes from the President to you?

A. I understood from our conversation that she and the President had correspondence that went back and forth.

Q. And did you make a statement to her, ''Go home and make sure they're not there''?

A. Mr. Hutchinson, I'm a lawyer and I'm a loyal friend, but I'm not a fool, and the notion that I would suggest to anybody that they destroy anything just defies anything that I know about myself. So the notion that I said to her go home and destroy notes is ridiculous.

Q. Well, I appreciate that reminder of ethical responsibilities. It was—

A. No, it had nothing to do with ethics, as much as it's just good common sense, mother wit. You remember that in the South.

Q. And so—and let me read a statement that she made to the grand jury on August 6th, 1998. This is the testimony of Ms. Lewinsky, referring to a conversation with you at the Park Hyatt that, ''She,'' referring to Linda Tripp, ''was my friend. I didn't really trust her. I used to trust her, but I didn't trust her anymore, and I was a little bit concerned because she had spent the night at my home a few times, and I thought—I told Mr. Jordan. I said, 'Well, maybe she's heard some'—you know, I mean, maybe she saw some notes lying around, and Mr. Jordan said, 'Notes from the President to you?,' and I said, 'No. Notes from me to the President,' and he said, 'Go home and make sure they're not there.'''

A. And, Mr. Hutchinson, I'm saying to you that I never heard the name ''Linda Tripp'' until I read the Judge—Drudge Report.

Secondly, let me say to you that I, too, have read Ms. Lewinsky's testimony about that breakfast, and I can say to you, without fear of contradiction on my part, maybe on her part, that the notion that I told her to go home and destroy notes is just out of the question.

Q. And so this is not a matter of you not recalling whether that occurred or not—

A. I am telling you—

Q. Well, let me—

A. —emphatically—

Q. Mr. Jordan, let me finish the question.

A. Okay, all right.

Q. Please, sir.

A. Okay.

Q. It's sort of important for the record.

This is a statement by Ms. Lewinsky that you flatly and categorically deny?

A. Absolutely.

Q. Now, you talked about ''mother wit,'' I think it was; that you knew at the time that you had this discussion with Ms. Lewinsky that these notes would have been covered by the subpoena based upon your discussion of that on December 19th?

A. Ask that question again.

Q. All right. This is a meeting on December 31st at the Park Hyatt.

A. Right.

Q. A discussion about the notes, correspondence between Ms. Lewinsky and the President.

A. Right.

Q. You are aware, based upon your discussion of the subpoena on December 19th, that these were covered under the subpoena?

A. Yes.

Q. And did you tell Ms. Lewinsky that you need to make sure you tell your attorney, Mr. Carter, and that these are turned over under the subpoena?

A. What I did not tell her was to destroy the notes. Whether I told her to give them to Mr. Carter or not, I have no recollection of that.

Q. But you knew at the time that these notes were a matter of evidence?
A. I think that's a valid assumption.
Q. But you knew that?
A. It's a valid assumption.
Q. Now, during this meeting at the Park Hyatt, did Ms. Lewinsky also make it clear to you that she was in love with the President?
A. That, I had already concluded.
Q. And if Ms.—now, was there anything else at the Park Hyatt at this meeting on December 31st that you recall discussing with Ms. Lewinsky?
A. Job, work, in New York, in the private sector.
Q. And that was the—was this a meeting that was set up at her request or your request?
A. I'm certain it was at her request. I am fairly certain that I did not call Ms. Lewinsky and say will you join me at the Park Hyatt for breakfast on December 31st, on New Year's Eve.
Q. All right. And did you also talk about her situation under the subpoena and the fact that she was going to have to give testimony, it looked like?
A. I am not Ms. Lewinsky's lawyer, and I did not view it as my responsibility to give Ms. Lewinsky advice and counsel.
I had found her very able, competent counsel.
Q. Respectfully, I am simply asking whether that was discussed.
A. And I am simply saying to you, I did not provide her legal counsel.
Q. Okay. Was it discussed in—not in terms of legal representation, but in terms of Mr. Jordan to Monica Lewinsky about any emotional concerns she might have about pending testimony?
A. I have no recollection of talking to her about pending testimony.
Q. Fair enough. Now, let's go back to Mr. Carter's representation of Ms. Lewinsky that you referred to. Were you aware that Mr. Carter was preparing an affidavit for Ms. Lewinsky to sign in the Jones case?
A. Yes.
Q. And on or about the 6th or 7th of January, did you become aware that she in fact had signed the affidavit and that Mr. Carter had filed a motion to quash her subpoena in the case?
A. She told me that she had signed the affidavit.
Q. And did in fact Mr. Carter also relate to you that that had occurred?
A. Yes.
Q. And I think you made a statement in your March grand jury testimony that there was no reason for accountability, that he reassured me that he had things under control?
A. That is correct. I stand by that testimony.
Q. And now, if you would, look at the next exhibit, which is in that stapled bunch of exhibits that have been provided to you.
MR. HUTCHINSON: This will be Exhibit No. 7, we'll mark for your deposition.
And, Senator, did we put Exhibit No. 6 in?
SENATOR THOMPSON: No, we didn't.
MR. HUTCHINSON: I would like to offer that as an exhibit to this deposition.
SENATOR THOMPSON: It will be made a part of the record.
[Jordan Deposition Exhibit Nos. 6 and 7 marked for identification.]
[Witness perusing document.]
SENATOR DODD: That is Number 6?
MR. HUTCHINSON: Six. That's the Park Hyatt.
SENATOR DODD: Oh, that is going to be Number 6, the Park Hyatt, not the—
MR. HUTCHINSON: Yes.
SENATOR THOMPSON: Now, what is 7?
MR. HUTCHINSON: Now, 7 is the affidavit of Jane Doe Number 6, which in the—I think everybody has found that in the book.
SENATOR THOMPSON: What is the grand jury number?
MR. HUTCHINSON: It's 85, the grand jury number.
This will be Deposition Exhibit Number 7.
BY MR. HUTCHINSON:
Q. Now, Mr. Jordan, I think you're reviewing that.
This affidavit bears the signature on the last page of Monica S. Lewinsky, is that correct?
A. Yes.
Q. And have you ever seen this signed affidavit before?
A. I don't think so.
Q. Do you not recall that Ms. Lewinsky brought this in and showed it to you?
A. She may have.
Q. And I'd be glad to refresh you. I know that some of this—
A. Yeah, if it's in the testimony, Congressman.
Q. Page 192 of your previous grand jury testimony. Is it your recollection that she showed this to you in a meeting in your office after she had signed it?
A. I stand by that testimony.
Q. And so the date of that signature of Ms. Lewinsky, is that January 7?
A. January 7th, 1998.
Q. All right. Now, whenever she presented this signed affidavit to you, did you read it sufficiently to know that it stated that Ms. Lewinsky did not have a sexual relationship with the President?
A. I was aware that that was in the affidavit.
Q. And I believe you previously testified that you're a quick reader and you skimmed it and familiarized yourself with it?
A. Skimmed it.
Q. And prior to seeing the signed affidavit that she brought to you, the day after it was signed, was there a time that Ms. Lewinsky called you concerning the affidavit and said that she had some questions about the draft of the affidavit?
A. Yes. I do recollect her calling me and asking me about the affidavit, and I said to her that she should talk to the—talk to Frank Carter, her counsel, about the affidavit and not to me.
Q. And if I could go into, again, some areas that had not been previously asked to you, and since Ms. Lewinsky testified to the grand jury on August 6th.
Ms. Lewinsky has testified that she dropped a copy of the affidavit to you, and that you—and that you and she had a telephone conversation in which you discussed changes to the affidavit. Does this refresh your recollection, and do you agree with Ms. Lewinsky's recollection of a discussion on changes in the affidavit?
A. I do agree with the assumption—I mean, I do agree with the statement that Ms. Lewinsky dropped the affidavit off and called me up about the affidavit and was quite verbose about it, and I sort of listened and said to her, ''You need to talk to Frank Carter.''
She was not satisfied with that, and so she kept talking and I kept doodling and listening as she went on in sort of a, for lack of a better word, babble about this—about this thing, but it was not my job to advise her about an affidavit. I don't do affidavits.
Q. Now, if I may show you, which would be Exhibit—
MR. HUTCHINSON: First, let me go ahead and offer 7.
SENATOR THOMPSON: It's made a part of the record.
[Jordan Deposition Exhibit No. 7 received in evidence.]
MR. HUTCHINSON: It's part of the record.
And then go to Exhibit 8, which was marked as Exhibit 39 as your previous grand jury testimony.
[Jordan Deposition Exhibit No. 8 marked for identification.]
[Witness perusing document.]
BY MR. HUTCHINSON:
Q. Now, Exhibit 8 is a summary of telephone calls on January 6th, which would be the day before the affidavit was signed by Ms. Lewinsky on the 7th.
Now, you can reflect on that for a moment, but in reviewing these calls, it appears that Mr. Carter was paging Ms. Lewinsky early on in the day, 11:32 a.m., and then at 3:26, you had a telephone call with Mr. Carter for 6 minutes and 42 seconds.
And then there was—call number 6 was to Ms. Lewinsky, which was obviously a 24–second short call, and then a subsequent call for almost 6 minutes at 3:49 p.m. to Ms. Lewinsky.
Was this last call for 5 minutes to Ms. Lewinsky the call that you just referenced in which the draft affidavit was discussed?
A. I think that is correct. The 24–second call, I think, was voice mail.
Q. Was—was—pardon?
A. Voice mail.
Q. Certainly.
And subsequent to your conversation with Ms. Lewinsky for 5 minutes and 54 seconds, did you have two calls to Mr. Carter, which would be No. 9 and 10?
[Witness perusing document.]
THE WITNESS: Yes.
BY MR. HUTCHINSON:
Q. Do you know why you would have been calling Mr. Carter on three occasions, the day before the affidavit was signed?
A. Yeah. I—my recollection is—is that I was exchanging or sharing with Mr. Carter what had gone on, what she had asked me to do, what I refused to do, reaffirming to him that he was the lawyer and I was not the lawyer. I mean, it would be so presumptuous of me to try to advise Frank Carter as to how to practice law.
Q. Would you have been relating to Mr. Carter your conversations with Ms. Lewinsky?
A. I may have.
Q. And if Ms. Lewinsky expressed to you any concerns about the affidavit, would you have relayed those to Mr. Carter?
A. Yes.
Q. And if Mr. Carter was a good attorney that was concerned about the economics of law practice, he would have likely billed Ms. Lewinsky for some of those telephone calls?
A. You have to talk to Mr. Carter about his billing.
Q. It wouldn't surprise you if his billing did reflect a—a charge for a telephone conversation with Mr. Jordan?
A. Keep in mind that Mr. Carter spent most of his time in being a legal services lawyer. I think his concentration is primarily on service, rather than billing.
Q. But, again, based upon the conversations you had with him, which sounds like conversations of substance in reference to the affidavit, that it would be consistent with the practice of law if he charged for those conversations?
A. That's a question you'd have to ask Mr. Carter.
Q. They were conversations of substance with Mr. Carter concerning the affidavit?
A. And they were likely conversations about more than Ms. Lewinsky.
Q. But the answer was yes, that they were conversations of substance in reference to the affidavit?
A. Or at least a portion of them.
Q. In other words, other things might have been discussed?
A. Yes.
Q. In your conversation with Ms. Lewinsky prior to the affidavit being signed, did you in fact talk to her about both the job and her concerns about parts of the affidavit?

A. I have never in any conversation with Ms. Lewinsky talked to her about the job, on one hand, or job being interrelated with the conversation about the affidavit. The affidavit was over here. The job was over here.

Q. But the—in the same conversations, both her interest in a job and her discussions about the affidavit were contained in the same conversation?

A. As I said to you before, Counselor, she was always interested in the job.

Q. Okay. And she was always interested in the job, and so, if she brought up the affidavit, very likely it was in the same conversation?

A. No doubt.

Q. And that would be consistent with your previous grand jury testimony when you expressed that you talked to her both about the job and her concerns about parts of the affidavit?

A. That is correct.

Q. Now, on January 7th, the affidavit was signed. Subsequent to this, did you notify anyone in the White House that the affidavit in the Jones case had been signed by Ms. Lewinsky?

A. Yeah. I'm certain I told Betty Currie, and I'm fairly certain that I told the President.

Q. And why did you tell Betty Currie?

A. I'm—I kept them informed about everybody else that was—everything else. There was no reason not to tell them about that she had signed the affidavit.

Q. And why did you tell the President?

A. The President was obviously interested in her job search. We had talked about the affidavit. He knew that she had a lawyer. It was in the due course of a conversation. I would say, ''Mr. President, she signed the affidavit. She signed the affidavit.''

Q. And what was his response when you informed him that she had signed the affidavit?

A. ''Thank you very much.''

Q. All right. And would you also have been giving him a report on the status of the job search at the same time?

A. He may have asked about that, and—and part of her problem was that, you know, she was—there was a great deal of anxiety about the job. She wanted the job. She was unemployed, and she wanted to work.

Q. Now, I think you indicated that he was obviously concerned about—was it her representation and the affidavit?

A. I told him that I had found counsel for her, and I told him that she had signed the affidavit.

Q. Okay. You indicated that he was concerned, obviously, about something. What was he obviously concerned about in your conversations with him?

A. Throughout, he had been concerned about her getting employment in New York, period.

Q. And he was also concerned about the affidavit?

A. I don't know that that was concern. I did tell him that the affidavit was signed. He knew that she had counsel, and he knew that I had arranged the counsel.

Q. Do you know whether or not the President of the United States ever talked to her counsel, Mr. Carter?

A. I have—I have no knowledge of that.

Q. Did you ever relate to Mr. Carter that you were having discussions with the President concerning his representation of Ms. Lewinsky and whether she had signed the affidavit?

A. I don't know whether I told him that she had—he had—I don't know whether I told Mr. Carter that I told the President he had signed the affidavit. It is—it is not beyond reasonableness.

Q. Now let's go on. After the affidavit was signed, were you ultimately successful in obtaining Ms. Lewinsky a job?

A. Yes.

Q. And in fact, the day after Ms. Lewinsky signed the affidavit, you placed a personal call to Mr. Ron Perelman of Revlon, encouraging him to take a second look at Ms. Lewinsky?

A. That is correct, based on the fact that Ms. Lewinsky thought that her interview had not gone well, when in fact it had gone well.

Q. Okay. And in fact, Ms. Lewinsky had called you on a couple of occasions after the interview and finally got a hold of you and told you she thought the interview went poorly?

A. That's correct.

Q. And as a response to that information, you did not call Mr. Halperin back, who you had previously talked to about the issue, but you called Mr. Perelman?

A. That's right.

Q. Was there a reason that you called Mr. Perelman in contrast to Mr. Halperin?

A. Well, the same reason I would have called you about a committee if you were chairman of it, as opposed to calling to a member of the committee.

Q. All right. You wanted to go to the top?

A. When it's necessary.

Q. And I remember a phrase you used. I might not have it exactly right, but you don't get any richer or more powerful than Mr. Perelman?

A. Certainly not much richer.

Q. Okay. And—and so you had a conversation with Mr. Perelman, and did you tell him something like, make it happen if it can happen?

A. I said, ''This young lady''—I mean, I think I said, ''This young lady has been interviewed. She thinks it did not go well. Would you look into it?''

Q. And what was his response?

A. That he would look into it.

Q. Now I'd like to show you the next exhibit, and before I do that, I would go back and offer Number 7.

SENATOR THOMPSON: Seven is the last.

This would be Number 8 that you—that you have been discussing. The compilation of the telephone call record?

MR. HUTCHINSON: Yes.

MR. KENDALL: I object. Same ground as before. It's not best evidence. We don't know who compiled these. These are not primary records.

SENATOR THOMPSON: Mr. Jordan has verified several of these items, but I do notice there are some items here that do not have to do with Mr. Jordan, that we could not expect him to be able to verify.

So I would ask counsel, if he needs to identify any more of these conversations and use this to reflect Mr. Jordan's memory, he's free to do so, but as an exhibit, I think the objection is probably well taken.

MR. HUTCHINSON: Let me just state, Senator, that this is a compilation of calls based upon the records that have been in the Senate record, and this has been—this compilation has been in there some time.

Now, I, quite frankly, understand the objection, and it might have meritorious if this was being introduced into evidence in the actual trial, and so I would suggest perhaps, since he's identified most of the calls already, that this could be referenced as a deposition exhibit because he's referred to it and that's helpful, without—obviously, there might in a more—it might not be entered into evidence as such.

SENATOR THOMPSON: Could I ask you if it's been in the record as a compilation?

MR. HUTCHINSON: Yes, it has.

SENATOR THOMPSON: In this form? I notice that it has a grand jury—

MR. HUTCHINSON: It's—Senator, it's Volume III of the Senate record, page 161, and so it's all in there, anyway.

SENATOR THOMPSON: I notice in the record here, counsel is informing me that it is in the record, but there are several redactions. Is that correct?

MR. HUTCHINSON: That is correct, and for that reason—in fact, a number of these summaries are not redacted in our form and they're redacted in the record, and we'd like to have the opportunity to redact it in the form of taking out the personal telephone numbers.

MR. KENDALL: Senator Thompson, if I may be heard, my objection is—to this is a summary. We don't know who did it. We don't know what it's based on.

The witness has testified, and his testimony is in the record, so far as his recollection is refreshed.

I have no objection to original phone records, but I do object to the summary.

SENATOR THOMPSON: Counsel, could I suggest that maybe you just make a reference specifically to where it is in the existing record? I think it would serve your same purpose and to keep you from having—

MR. HUTCHINSON: Sure.

SENATOR THOMPSON: —to go through and redact everything. Would that be satisfactory?

MR. HUTCHINSON: I think that would be satisfactory, and what I can do is that I can withdraw this exhibit and reference in the transcript of this deposition that the exhibit is found in Table 35 of Senate record, Volume III, at page 161.

SENATOR DODD: Let me just ask the House Manager, if I can as well. Are these from the Senate record? I'm told that some of these are not from the Senate record, and we're kind of confined to the Senate record, as I understand it.

MR. HUTCHINSON: Well, other than the redactions, this summary itself is in the Senate record.

SENATOR THOMPSON: Yes.

Counsel informs me, it's already in. It refers to evidentiary record Volume IV.

MS. BOGART: Is it IV or III?

SENATOR THOMPSON: It says IV here, Part 2 of—Part 2 of 3.

So, for the record, this would be pages 1884 and 1885 of the evidentiary record, Volume IV, Part 2 of 3, all right?

MR. HUTCHINSON: Thank you.

SENATOR THOMPSON: All right. So the record will be—the objection will be sustained, and reference has been made.

SENATOR DODD: And can we just—because I presume you may have more of these coming along, and it seems to me you might want to have staff or others begin to work so we don't go through this every time, particularly with the unredacted material that may be included in here, which is not part of the Senate record.

The unredacted information comes out of the House record, as I understand, and that is a distinction.

MR. HUNDLEY: I would just add that Mr. Jordan—the last 3 days of his grand jury testimony, they asked him about every phone call, and if you want to use those, you know, go to his grand jury testimony, you know, I think it would move things along.

There isn't a phone call. We produced like a telephone book of phone calls that Mr. Jordan made, and they called them all out, after they got through asking about who's that, who's that and who's the—you've got a pretty good record of calls that might have some relevance in this.

SENATOR THOMPSON: All right, sir. All right.

SENATOR DODD: Let me also just suggest on the earlier—Senator Thompson, in the earlier objection raised by Counsel Kendall, sustained the objection, but had made reference to the fact that since this material

had been brought into the record that those—if any documentation is included there, that we—we do use the Senate documents with the redacted information, rather than the House records for the purposes of this deposition.

SENATOR THOMPSON: All right, sir.

MR. HUTCHINSON: Thank you.

SENATOR THOMPSON: Proceed.

BY MR. HUTCHINSON:

Q. And I will handle it this way, Mr. Jordan, and let me say that I was sort of constructing my questioning, so as not to get bogged down in an extraordinary number of telephone calls, but let me go to the chart in front of you which is Grand Jury Exhibit 44, which is marked for our purposes as Exhibit 9 for identification purposes.

[Jordan Deposition Exhibit No. 9 marked for identification.]

[Witness perusing document.]

BY MR. HUTCHINSON:

Q. And I'm going to—I'd like for you to refer that—refer you to that for purposes of putting this particular day, January 8th, in context and asking you some questions about some of those telephone calls.

SENATOR THOMPSON: I'm sorry. What was the question? Are you making reference for identification purposes?

MR. HUTCHINSON: Yes. This is Exhibit 9, which is Grand Jury Exhibit 44.

SENATOR THOMPSON: All right, for identification purposes.

MR. HUTCHINSON: Yes.

SENATOR THOMPSON: All right.

BY MR. HUTCHINSON:

Q. Now, this is the day, January 8th, which is the day that Ms. Lewinsky felt like she had a poor job interview. Does this reflect calls from the Peter Strauss residence to your office?

A. I see a call number 3, 11:50 a.m., Peter Strauss residence. The number is here to my office.

Q. All right.

A. And it says length of call, one minute.

Q. All right. And, in fact, calls 3, 4 and 5 and 9 are calls from the Peter Strauss residence to your office?

A. That is correct.

Q. And Peter Strauss is the residence in which Ms. Lewinsky was staying while in New York?

A. I just know that Peter Strauss, my old friend, is Monica Lewinsky's stepfather.

MR. HUNDLEY: But he wasn't there.

THE WITNESS: You know, where she was and all of that, I don't know. I'm just—

BY MR. HUTCHINSON:

Q. You received calls from Ms. Lewinsky on this particular day?

A. From this number, according to this piece of paper.

Q. And does this time reference coincide with your recollection as to when you received calls from Ms. Lewinsky on this particular day?

A. Yes.

Q. And during these calls is when she related the difficulty of the job interview; is that correct?

A. I believe so—that it had not gone well.

Q. All right. And then, subsequently, you put in a call to Mr. Perelman at Revlon?

A. Yes.

Q. And that was to encourage him to take a second look. Is that call number 6 on this summary?

A. Call number 6; it lasted one minute and 42 seconds.

Q. And is that the call that you placed to Mr. Perelman?

A. I believe that is correct.

Q. And this was subsequent to the calls that you received from Ms. Lewinsky?

A. That is correct.

Q. And then you let Ms. Lewinsky know that you had called Mr. Perelman; and do you recall what you would have told her at that time?

A. I think I told her that I had spoken with, uh—with, uh, Mr. Perelman, the chairman, and that I was hopeful that things would work out.

Q. All right. And, in fact, they did work out because the next day you were informed that a temporary job—or a preliminary job offer had been made to Ms. Lewinsky?

A. That's right.

Q. So she was able to secure the job based upon your call to Mr. Perelman?

A. Based upon my call, from the time that I called Halperin through to Mr. Perelman.

Q. All right.

A. I take credit for that.

Q. All right. Now, in fact, you've used terms like ''the Jordan magic worked''?

A. It—it has from time to time.

Q. And it did on this occasion?

A. I believe so.

Q. And then, you also informed Ms. Betty Currie that the mission was accomplished?

A. Yes.

Q. And after securing the job for Ms. Lewinsky, you did inform Betty Currie of that fact?

A. And the President.

Q. All right. And was the purpose of letting Betty Currie know so that she could tell the President?

A. She saw the President much more often that I did.

Q. And—but you wanted to inform the President personally that you were successful in getting Ms. Lewinsky a job?

A. Yes.

Q. And you did that, uh—was it on the—what, the day after she secured the job or the day—the day that she secured the job?

A. I don't know the answer to that.

Q. Well, shortly thereafter is it fair to say that you informed the President personally?

A. I certainly told him.

Q. All right. Now, at this point, you had successfully obtained a job for Ms. Lewinsky at the request of the President, and you had been successful in obtaining an attorney for Ms. Lewinsky. Did you see your responsibilities in regard to Ms. Lewinsky as continuing or completed?

A. I don't know, uh, that I saw them as, uh, necessary completed. There is—as you know from your own experience in helping young people with work, there tends to be some sense of responsibility to follow through, that they get to work on time, that they work hard, and that they succeed. So I don't think that I felt that my responsibility had terminated. I felt like I had a continuing responsibility to just make sure that it happened and that she—that it worked out all right. But I don't think I acted on that responsibility.

Q. Well, this is—the job was completed—I believe it was January 8th when she secured the job?

A. That was the day that I called Ronald Perelman.

Q. Okay, so it would have been the 9th that she would have been informed that she had the job.

A. That's right.

Q. So this is the 9th of January, and that mission had been accomplished. Now, I want you to recall your testimony of May 28th before the grand jury in which the question was asked to you—and this is at page 81; the question begins at the bottom of page 80.

Question: ''When you introduced Monica Lewinsky to Frank Carter on December 22, 1997, what further involvement did you expect to have with Monica Lewinsky and Frank Carter?''

Answer: ''Beyond getting her the job, I thought it was finished, done''—and what's that last word you used?

A. ''Fini.''

Q. ''Fini.'' And so that was the basis on the question, was your previous testimony that after you got Ms. Lewinsky a job and after you secured her attorney, there was really no other need for involvement or continued meetings with her?

A. That is correct. That does not mean, on the other hand, that, uh, if you go to a meeting at the board, that you don't stop in and see how—how people are doing. In this circumstance, that process was short-circuited very quickly.

Q. I'm sorry?

A. She never ended up working there. You—you—you do remember that.

Q. Now, but you had described your frequent telephone calls from Ms. Lewinsky as being bordering on annoyance, I think. Is that a fair characterization?

A. That's a fair characterization.

Q. And you're a busy man. You stopped billing at $450 an hour. You're having calls from Ms. Lewinsky. Were you glad at this point to have this ''bordering on annoyance'' situation completed?

A. ''Glad'' is probably the wrong word. ''Relieved'' is maybe a better word.

Q. All right. Now, during the time that you were helping Ms. Lewinsky secure a job, this was widely known at the White House, is that correct?

A. I—I don't know the extent to which it was widely known. I dealt with Ms. Currie and with the President.

Q. In fact, Ms. Cheryl Mills, sitting here at counsel table, knew that you were helping Ms. Lewinsky?

A. I believe that's true.

Q. And Betty Currie knew that you were helping Ms. Lewinsky?

A. Yes.

Q. The President knew it?

A. Yes.

Q. And you presumed that Bruce Lindsey knew it?

A. I presumed that. That's a very small number, given the number of people who work at the White House.

Q. Now, after that December 19 meeting—and I'm backtracking a little bit—the meeting that you had with Ms. Lewinsky in which she covered with you the fact that she had been subpoenaed, after that, you had numerous conversations with Ms. Betty Currie; is that correct?

A. I'm not sure I had numerous conversations with Ms. Betty Currie, but I have always during this administration been in touch with Ms. Currie.

Q. And during those conversations with Ms. Betty Currie, did you let her know that Ms. Lewinsky had been subpoenaed?

A. I think I've testified to that.

Q. All right, and so would that have been fairly shortly after the meeting on December 19th with Ms. Lewinsky that you notified Betty Currie that Ms. Lewinsky had in fact been subpoenaed?

A. I—I think that's safe to say, Counselor.

MR. HUTCHINSON: Senator, I—this would be a good time for a break, if that would meet with your approval, for lunch.

SENATOR THOMPSON: All right, sir.

MR. HUTCHINSON: And I'm—it's hard to estimate, and you probably don't trust lawyers when they tell you how long it's going to take after lunch, but—

SENATOR THOMPSON: Try your best. Do you want to make an estimate, or you'd rather not?

MR. HUTCHINSON: Oh, I think it would be less than an hour that I would have remaining, and most likely much shorter than that.

SENATOR THOMPSON: All right, sir.

THE WITNESS: May I make a suggestion? It's 25 minutes to 1. Do you want to go to 1 o'clock?

MR. HUTCHINSON: I think a break would be helpful.

THE WITNESS: To you or to me?

[Laughter.]

SENATOR THOMPSON: I think some of us have some scheduling issues, and I do understand that, so I'm open to any suggestions, Senator Dodd or anyone else, as to how long we want to take. Yesterday, they took an hour. I'm not—we have a conference and I could use a little extra time, I suppose, in addition to the hour, but it's not of major concern to me.

I assume you want to get back as soon as possible.

THE WITNESS: I'm prepared to forgo lunch and stay here as long as need be so we can finish. And we don't have to have lunch; we can just keep going, if it's all right with counsel.

SENATOR THOMPSON: Well, we've got some scheduling issues that we are going to have to take care of. So let's just make it—let's just make it—

SENATOR DODD: That clock is a little fast, I think.

SENATOR THOMPSON: Is it?

SENATOR DODD: Is that right? It's about 12:30?

THE VIDEOGRAPHER: It's 12:35.

SENATOR DODD: So an hour and 15 minutes. Is that—

SENATOR THOMPSON: What about—what about—let's come back at 1:45. That will be about, what—that's an hour and 10 minutes, isn't it, or 8 minutes, something like that?

All right. Without objection, then—

SERGEANT-AT-ARMS: Senator, we have lunch outside here. It's sandwiches—

SENATOR DODD: Can we go off the record?

SENATOR THOMPSON: Are we off the record? Let's go off the record.

THE VIDEOGRAPHER: We're going off the record now at 12:33 p.m.

[Whereupon, at 12:33 p.m., a luncheon recess was taken.]

AFTERNOON SESSION

THE VIDEOGRAPHER: We are going back on the record at 1349 hours.

SENATOR THOMPSON: All right. Mr. Hutchinson?

MR. HUTCHINSON: Thank you, Senators.

DIRECT EXAMINATION BY HOUSE MANAGERS—RESUMED

BY MR. HUTCHINSON:

Q. Mr. Jordan, good afternoon.

A. Good afternoon.

Q. You testified very clearly earlier today that you were a close friend of the President. Would you also describe yourself as a friend of Mr. Kendall, sitting to my left, one of the attorneys for the President?

A. Not only is Mr. Kendall my friend, Mr. Kendall has, unfortunately, the distinction of graduating from Wabash College, a little, small town in Indiana, and I'm a graduate of DePauw University, and we have a 100–year rivalry. And Mr. Kendall and I bet.

Mr. Hutchinson, I am pleased to tell you that Mr. Kendall is in debt to me for 2 years because DePauw—

MR. KENDALL: May I object?

[Laughter.]

THE WITNESS: —because DePauw University has defeated Wabash College two times in succession. And so, yes, we are very good friends. I have great respect for him as a person, as a lawyer, and despite his undergraduate degree from Wabash, I respect his intellect.

BY MR. HUTCHINSON:

Q. May I assume from that answer that the answer to my question is yes?

A. The answer—the answer to your question is, indubitably, yes.

Q. Now I am going to ask another question in similar vein. You can answer yes or no. Do you consider yourself a friend of Cheryl Mills?

A. That requires more than just a ''yes'' answer.

Q. I do not want to shortchange her, but I know that—in fact, I think you might have, to a certain extent, mentored her. Is that a fair description?

A. And vice versa.

Q. All right. And Bruce Lindsey, is he also a friend of yours?

A. Yes.

Q. Now—so when was the last time that you met with any member of the President's defense team?

A. I have not had a meeting with a member of the President's defense team. They were right nextdoor to me just a few minutes ago, and we said hello, but we have not had a meeting. And maybe if you'd tell me about what, I can be more specific.

Q. Well—and that's a good point. Certainly, we're lawyers, and we have casual conversations, and we visit and we exchange pleasantries, and that's the way life should be.

I guess I was more specifically going to the question as to whether you have discussed with the President's defense team any matter of substance relating to the present proceedings in the United States Senate.

A. Any matter of substance relating to these proceedings here in the United States Senate have been handled very ably by my lawyer, Mr. William Hundley.

Q. And I understand that, but my question is—despite your able representation by Mr. Hundley—my question is—is whether you had any meetings or discussions with the President's defense team in regard to these proceedings.

A. The answer is no.

Q. Thank you.

And has anyone briefed you other than your attorney, Mr. Hundley, on yesterday's deposition of Ms. Lewinsky?

A. The answer is no.

Q. Now, you know Greg Craig?

A. I do know Greg Craig.

Q. And he's a member of the President's defense team as well?

A. Yes.

Q. And you have not had any meetings of substance with him in regard to the present proceedings?

A. I have not.

Q. And have you had any meetings with any of the President's defense team in regard to not just the present proceedings, but prior proceedings related to your testimony before the grand jury or the investigation by the OIC?

A. I have had conversations with the President's lawyer, Mr. Bennett, and a conversation or two with Mr. Kendall on the issue of settlement of the Paula Jones case, and I believe I testified to that before the grand jury.

Q. All right. Thank you, Mr. Jordan, and now let me move to another area.

Do you recall an occasion in which Ms. Betty Currie came to see you in your office a few days before the President's deposition in the Jones case on January 17th?

A. Yes, I do.

Q. And I believe you have previously indicated that it was on a Thursday or Friday, which would have been around the 15th or 16th?

A. Yeah. I've testified to that specifically as to the date in my grand jury testimony, and I stand on that testimony.

Q. Certainly. But in general fashion, it would have been a couple of days before the President's testimony on January 17th?

A. I believe that is correct, sir.

Q. And did—was this meeting with Betty Currie originated by a telephone call with Ms. Betty Currie?

A. Ms. Currie called me.

Q. And did she explain to you why she needed to see you?

A. Yes, she did.

Q. And was that that she had a call from Michael Isikoff of Newsweek magazine?

A. That is correct.

Q. And what did she say about that that caused her to call you?

A. She had said that Mr. Isikoff had called her and wanted to interview her, having something to do with Monica Lewinsky, and I said to her, why don't you come to see me.

Q. And why did you ask her to come see you, rather than just talking to her about it over the telephone?

A. I felt more comfortable doing that, and I think she felt comfortable or more comfortable doing that, rather than doing it on the telephone. And so I asked her to come to my office, and she did.

Q. Did you consider—or did she seem upset at the time that she called?

A. I think she was concerned.

Q. And as—you did in fact meet with her in your office?

A. I did.

Q. And what did she relate to you in your office?

A. That Michael Isikoff was a friend of hers, and that Michael Isikoff had called to—pursuant to a story that he was about to write having to do with Ms. Lewinsky, and she—she was concerned about what to do. And I suggested to her that she talk to Bruce Lindsey and to Mike McCurry as to what she should do, Bruce Lindsey on the legal side and Mike McCurry on the communications side.

Q. Did she explain to you what it was specifically that Mr. Isikoff was inquiring about in reference to Ms. Lewinsky?

A. No. I don't remember the exact nature of Isikoff's inquiry. What I do remember is that Isikoff, a Newsweek magazine reporter, had called and was making these inquiries, and she was at a loss as to where to turn or to what to do, and I think that stemmed from the fact of some White House policy saying that before you talk to anybody in the media, you check it out.

Q. And did she explain to you that she had already seen Bruce Lindsey about it before she came to see you?

A. She did not.

Q. And so you were basically telling her to see Bruce Lindsey, and if she had already seen that, then that might have not been that helpful?

A. I don't know whether I was being helpful or not. I responded to her, and I gave her the advice to call Bruce Lindsey and to call Mike McCurry.

Q. Let me refer you to the testimony of Ms. Betty Currie, and perhaps that will help refresh you, and if not, perhaps you can respond to it.

A. Sure.

Q. And for reference purposes, I'm referring to the grand jury testimony of Ms. Betty Currie on May 6th, 1998, at page 122.

MR. HUTCHINSON: Is there a way I—

MR. HUNDLEY: We don't have that. If you want to—if you want us to read along or just—

THE WITNESS: Wait a minute. I might have it right here. What page?

MR. HUTCHINSON: What's the exhibit number?

MR. HUNDLEY: How long is it, Mr. Hutchinson?

MR. HUTCHINSON: This would just be some short question-and-answers.

MR. HUNDLEY: Why don't you just read it? We don't—go ahead.

THE WITNESS: Oh, fine.

BY MR. HUTCHINSON:

Q. I'm going to read it, and if there's—it's at page 122, but this just puts it in context.

The question: ''Ms. Currie, if I'm not mistaken, if I could ask you a couple of questions. When you found out Mr. Isikoff was curious about the courier receipts, you were concerned enough to go visit Vernon Jordan?''

The answer is: ''Correct.''

And I'm skipping on down. I'm trying to point to a couple of things that are of interest.

And question: ''And you went to Bruce Lindsey because you said you knew that he was working on the matter?''

And question: ''What did Bruce tell you after you told him this?''

And answer: ''He told me not to call him back, referring to Mr. Isikoff, make him work for the story. I remember that.''

And then she refers to going to see Mr. Jordan.

Why did you tell him, or, ''Why did you call Mr. Jordan?''

Answer: ''Because I had a comfort level with Vernon, and I wanted to see what he had to say about it.''

MR. KENDALL: Counsel, excuse me. I object to your reading of that, but my understanding that the conversation with Bruce Lindsey occurred later. Are you representing that it occurred before the visit to Mr. Jordan? I don't have the transcript in front of me.

MR. HUTCHINSON: Well, I'm—I'm not making a representation one way or the other. I'm just representing what Ms. Currie testified to, and that is the context of it, that the visit to Mr. Lindsey was prior to going to see Mr. Jordan. And that is at page 122 through 130 of Betty Currie's transcript of May 6th, 1998.

BY MR. HUTCHINSON:

Q. But the first question, Mr. Jordan, is that she refers to courier receipts. I believe that was referring to courier records of gifts from Ms. Lewinsky to the President.

Did Ms. Currie come to you and say specifically that Mr. Isikoff was inquiring about courier records on gifts from Ms. Lewinsky to the President?

A. I have no recollection of her telling me about the specific inquiry that Isikoff was making. The issue for her was whether or not she should see him, and I said to her, before she made any decision about that, that she should talk to these two particular people on the White House staff.

Q. Well, again, if Ms. Currie refers to the courier receipts on gifts, would that be in conflict in any way with your recollection as to what Mr. Isikoff was inquiring about, what Ms. Currie told you?

A. I stand on what I've just said to you.

Q. Now, you followed this case, and, of course—

SENATOR THOMPSON: While we're on that subject, does counsel need any additional time to look over that? I don't want to leave an objection on the record. If you feel like you need to press it—

SENATOR DODD: Do you have a copy of the document?

MR. KENDALL: Senator Thompson, we don't have the full copy of the Currie transcript. This was not—

SENATOR THOMPSON: Why don't we reserve this, then, and you can be looking at it, and then we'll—we'll take it up a little later.

MR. KENDALL: We're still actually missing some pages of the transcript. I don't know if somebody has that.

SENATOR DODD: Why don't you see if you can't get them for them?

SENATOR THOMPSON: Okay.

SENATOR DODD: All right?

SENATOR THOMPSON: We'll let them be doing that, if that's okay with everyone and—

SENATOR DODD: And you'll withdraw your objection as of right now, or—

MR. KENDALL: Yes. I'll withdraw it until I can scrutinize the pages, but I may then renew it.

SENATOR THOMPSON: All right, sir.

BY MR. HUTCHINSON:

Q. On—there's been some testimony in this case by Ms. Lewinsky that on December 28th, there was a gift exchange with the President; that subsequent to that, Ms. Currie went out and picked up gifts from Ms. Lewinsky, and she put those gifts under Ms. Currie's bed. Are you familiar with that basic scenario?

A. I read about it and heard about it. I do not know that because that was told to me by Ms. Lewinsky or by Ms. Currie.

Q. Certainly, and I'm just setting that forth as a backdrop for my questioning.

Now, you know, I guess it's—it might be difficult to understand a great deal of concern about a news media call, but if that news media call was about gifts or evidence that was in fact under Ms. Currie's bed or involved in that exchange, then that would be a little heightened concern.

A. Yes.

Q. Would that seem fair?

A. I do not, as I've said to you, know specifically the nature of Mr. Isikoff's inquiry to Ms. Currie, and I know nothing at that particular time about Mr. Isikoff making an inquiry about gifts under the bed.

Q. All right. I refer you to your grand jury testimony of March 5, 1998, at page 73, when the question was asked of you about Ms. Currie's visit to you, ''What exactly did she tell you?'' and your answer: ''She told me that she had a call from Isikoff from Newsweek magazine, who was calling to make inquiries about Monica Lewinsky and some taped conversations, and I said you have to talk to Mike McCurry and you have to talk to Bruce Lindsey.''

And so, despite your statement today that you have no recollection as to what she told you, going back to your March testimony, you referred to her relating Isikoff inquiring about taped conversations.

A. And that's what it says, ''taped conversations,'' and I stand by that.

What was taped, I don't know.

Q. Well, I don't think you previously today mentioned taped conversations.

MR. HUNDLEY: Well, I don't really think your question would have called for that response, but I'm not going to object.

MR. HUTCHINSON: Thank you, Mr. Hundley.

BY MR. HUTCHINSON:

Q. I'm trying to get to the heart of the matter. Ms. Currie is concerned enough that she leaves the White House and goes to see Mr. Vernon Jordan, and she raises an issue with you and, according to your testimony, you told her simply, you need to go see Mike McCurry or Bruce Lindsey.

A. That is correct.

Q. And it's your testimony that she never raised with you any issue concerning the—Mr. Isikoff inquiring about gifts and records of gifts by Ms. Lewinsky?

A. I stand by what I—what you just read to me about—from my testimony about tapes conversations. I have no recollection about gifts or gifts under the bed.

Q. Okay. Are you saying it did not happen, or you have no recollection?

A. I certainly have no recollection of it.

Q. Well, do you have a specific recollection that it did not happen, that she never raised the issue of gifts with you?

A. It is my judgment that it did not happen.

Q. Did she seem satisfied with your advice to go see Mr. Bruce Lindsey, who she presumably had already seen?

A. I assumed that she took my advice.

Q. Did she discuss in any way with you the incident on December 28th when she retrieved the gifts—

A. She did not.

Q. —from Ms. Lewinsky?

A. She did not.

Q. Now, a few days later, the President of the United States testified before the grand jury in the—excuse me—testified in his deposition in the Jones case.

After the President's deposition, did he have a conversation with you on that day?

A. Yes. I'm sure we talked.

Q. And then, on the next day, and without getting into the entire record of telephone calls, there was, is it fair to say, a flurry of telephone calls in which everyone was trying to locate Ms. Monica Lewinsky?

A. The next day being which day?

Q. The next day would have been—well, January 18th.

A. That's Sunday.

Q. Correct.

MR. HUNDLEY: I think it's the 19th.

THE WITNESS: I think it's the 19th when there was a flurry of calls.

MR. HUTCHINSON: I think you're absolutely correct.

THE WITNESS: We'll be glad to be helpful to you in any way we can.

MR. HUNDLEY: We're even now. I was wrong on one. You were wrong.

MR. HUTCHINSON: That's fair enough, fair enough.

BY MR. HUTCHINSON:

Q. And on the 19th—of course, the 18th is in the record where the President visited with Ms. Betty Currie at the White House—on the 19th, which would have been Monday, was there on that day a flurry of activity in which there were numerous telephone calls, trying to locate Monica Lewinsky?

A. Yes. And you have a record of those telephone calls, and those telephone calls, Congressman, were driven by two events—first, the Drudge Report; and later in the afternoon, driven by the fact that, uh, I had been informed by Frank Carter, counsel to Ms. Lewinsky, that he had been relieved of his responsibilities as her counsel. And that is the basis for these numerous telephone calls.

Q. And you yourself were engaged in some of those telephone calls trying to locate Ms. Lewinsky?

A. Oh, yes, to ask her—I mean, I had just found out that she had been involved in these conversations with this person called Linda Tripp, and that was of some curiosity and concern to me.

Q. And you had heard Ms. Tripp's name previously on December 31st at the Park Hyatt?

A. I've testified already that I never heard the name ''Linda Tripp'' until I saw the Drudge Report. I did not testify that I heard the name ''Linda Tripp'' on December 31st.

Q. So the first time you heard Ms. Tripp's name was on January 19th when the Drudge Report came out?

A. That is correct.

Q. And you had already secured a—

A. The 18th, I believe it was.

MR. HUNDLEY: Eighteenth.

THE WITNESS: Not the 19th.

BY MR. HUTCHINSON:

Q. Thank you.

You had already secured a job for Ms. Lewinsky?

A. That is correct.

Q. And you—

A. Found a lawyer.

Q. And a lawyer. And, as you had said at one point, job finished—fini. Why is it that you felt like you needed to join in the search for Ms. Lewinsky?

A. If you had been sitting where I was, and all of a sudden you found out, after getting

her a job and after getting her a lawyer, that there's a report that says that she's been—she's been taped by some person named Linda Tripp, I think just, mother wit, common sense, judgment, would have suggested that you would be interested in what that was about.

Q. And were you trying to provide assistance to the President of the United States in trying to locate Ms. Lewinsky?

A. I was not trying to help the President of the United States. At that point, I was trying to satisfy myself as to what had gone on with this person for whom I had gotten both a job and a lawyer.

Q. Now, subsequent to this, you felt it necessary to make a public statement on January 22 in front of the Park Hyatt Hotel?

A. I did make a public statement on January 22nd at the Park Hyatt Hotel.

Q. And what was the reason that you gave this public statement?

A. I gave the public statement because I was being rebuked and scorned and talked about, sure as you're born, and I felt some need to explain to the public what had happened.

MR. HUTCHINSON: All right. And I have a copy of that public statement that is marked as Grand Jury Exhibit 87, but we will mark it as Exhibit—

SENATOR THOMPSON: Seven, I believe.

SENATOR DODD: We've gone through 9, haven't we? You're marking it. If you're only marking it, I think we—

SENATOR THOMPSON: We have six exhibits, didn't we?

SENATOR DODD: We've done more than that, haven't we?

MR. HUTCHINSON: I have nine.

SENATOR DODD: Nine. Did you enter 9, or did you just note it?

SENATOR THOMPSON: Six were entered, two were sustained, I think.

MS. MILLS: I have seven.

SENATOR DODD: Nine, you have here, but we didn't—I don't know if you—you don't have 9 as an exhibit, or just noted?

MR. GRIFFITH: Nine was Grand Jury 44.

MR. HUTCHINSON: We just noted it, I believe.

SENATOR DODD: You didn't ask that it be entered in the record?

MR. HUTCHINSON: I believe that's correct.

SENATOR DODD: Yes.

SENATOR THOMPSON: How about those we sustained objections to? That doesn't count.

SENATOR DODD: Well, they're still marked.

SENATOR THOMPSON: They were marked?

SENATOR DODD: So which one should this be? Ten?

SENATOR THOMPSON: This will be 10?

SENATOR DODD: This is 10, then.

MR. HUTCHINSON: All right, Number 10.

[Jordan Deposition Exhibit No. 10 marked for identification.]

BY MR. HUTCHINSON:

Q. Do you have a copy of that, Mr. Jordan?

A. I have a copy of it. Thank you.

Q. Thank you. Now, prior to making this public statement, did you consult with the President's attorney, Mr. Bob Bennett?

A. I did not, not about this statement.

Q. Did you consult with the President's attorney, Mr. Bob Bennett?

A. I did not consult with him. Mr. Bennett came to my office and met with me and my attorney, Mr. Hundley, in my office.

Q. All right. And that was sometime prior to making this statement?

A. That is correct.

Q. And it would be—and it would have been between the 19th and the 22nd?

A. That is correct.

Q. It would have been after all of the public issues—

A. It was after—

Q. —came up?

A. —I returned from Washington, and it may have been—from New York—and it may have been, I think, Wednesday afternoon.

Q. Now, in this statement, you indicated that you referred Ms. Lewinsky for interviews at American Express and at Revlon.

A. That is correct, and Young & Rubicam.

Q. And in fact, as your testimony today indicates, you did more than refer her for interviews, did you not?

A. Explain what you mean, and I'll be happy to answer.

Q. Well, in fact, when the interview went poorly, according to Ms. Lewinsky, you made calls to get her a second interview and to make it happen.

A. That is safe to say.

Q. All right. And I think you've also described your involvement in the job search as running the job search?

A. Yes.

Q. And so it was a little bit more than simply referring her for interviews. Is that a fair statement?

A. That's a fair statement.

Q. And then, in this statement, you also indicate that ''Ms. Lewinsky was referred to me by Ms. Betty Currie''——

A. Yes.

Q. —is that correct?

A. That is correct.

Q. And in fact, you were acting, as you stated, at the behest of the President?

A. Through Ms. Currie. I'm satisfied with this statement as correct.

Q. So—but you were acting in the job search at the behest of the President, as you have previously testified?

A. I've testified to that.

MR. HUTCHINSON: Now, we would offer this as Exhibit No. 10.

SENATOR THOMPSON: Without objection, it will be made a part of the record.

[Jordan Deposition Exhibit No. 10 received in evidence.]

MR. HUNDLEY: The only problem with this line of questioning is I think I wrote that thing.

[Laughter.]

BY MR. HUTCHINSON:

Q. After you—after you last testified before the grand jury in June of '98, since then, the President testified before the grand jury in August, and prior to his testimony before the grand jury in August, he made his statement to the Nation in which he—I believe the language was admitted to ''an inappropriate relationship with Ms. Lewinsky.''

Now, at the time that you testified in June of '98, you did not have this information, did you?

A. He had not made that statement on the 17th of August, that's for sure.

Q. And was he in fact, to your knowledge, still denying the existence of that relationship?

A. I think, as I remember the statement, he said he misled the American people.

Q. And subsequent to this admission, did you talk to your friend, the President of the United States, about his false statements to you?

A. I have not spoken to him about any false statements, one way or the other.

Q. Now, you have testified that you in the job search were acting at the behest of the President of the United States; is that correct?

A. I stand on that.

Q. And there is no question but that Ms. Monica Lewinsky understood that?

A. I have to assume that she understood that.

Q. Okay. And in the law, there is the rule of agency and apparent authority. Is it safe to assume that Ms. Lewinsky believed that you had apparent authority on behalf of the President of the United States?

A. I think I know enough about the law to say that the law of agency is not applicable in this situation where there was a potential romance and not a work situation. I think the law of agency has to do with a work situation and an employment situation and not having to do with some sort of romance. I think that's right.

Q. Well, let me take it out of the legal realm.

A. You raised it—I didn't.

Q. And let's put it in the realm of mother wit. Ms. Lewinsky is looking to you as a friend of the President of the United States, knowing that you're acting at the behest of the President of the United States. Is it not reasonable to assume that when she communicates something to you or she hears something from you, that it's as if she is talking to someone who is acting for the President?

A. No. When she's talking to me, she's talking to me, and I can only speak for me and act for me.

MR. HUTCHINSON: Could I have just a moment?

SENATOR THOMPSON: Yes.

MR. HUTCHINSON: At this time, Your Honors, the House Managers would reserve the balance of its time.

SENATOR THOMPSON: Counsel?

MR. HUNDLEY: Fine.

SENATOR THOMPSON: All right.

MR. HUTCHINSON: Thank you, Mr. Jordan.

THE WITNESS: Thank you, Mr. Hutchinson.

SENATOR THOMPSON: Mr. Kendall?

EXAMINATION BY COUNSEL FOR THE PRESIDENT
BY MR. KENDALL

Q. Mr. Jordan, is there anything you think it appropriate to add to the record?

A. Mr. Hutchinson, I'd just like to——

MR. HUTCHINSON: I'm going to object to the form of that question. I think that even though—and that's not even a leading question; that's an open-ended question that calls for a narrative response. And I think in fairness to the record that that is just simply too broad for this deposition purpose.

SENATOR THOMPSON: Mr. Kendall, is there any chance of perhaps your rephrasing the question somewhat?

MR. KENDALL: Certainly.

BY MR. KENDALL:

Q. Mr. Jordan, you were asked questions about job assistance. Would you describe the job assistance you have over your career given to people who have come to you requesting help finding a job or finding employment?

A. Well, I've known about job assistance and have for a very long time. I learned about it dramatically when I finished at Howard University Law School, 1960, to return home to Atlanta, Georgia to look for work. In the process of my—during my senior year, it was very clear to me that no law firm in Atlanta would hire me. It was very clear to me that, uh, I could not get a job as a black lawyer in the city government, the county government, the State government or the Federal Government.

And thanks to my high school bandmaster, Mr. Kenneth Days, who called his fraternity brother, Donald L. Hollowell, a civil rights lawyer, and said, ''That Jordan boy is a fine boy, and you ought to consider him for a job at your law firm,'' that's when I learned about job referral, and that job referral by Kenneth Days, now going to Don Hollowell, got me a job as a civil rights lawyer working for Don Hollowell for $35 a week.

I have never forgotten Kenneth Days' generosity. And given the fact that all of the

other doors for employment as a black lawyer graduating from Howard University were open to me, that's always—that's always been etched in my heart and my mind, and as a result, because I stand on Mr. Days' shoulders and Don Hollowell's shoulders, I felt some responsibility to the extent that I could be helpful or got in a position to be helpful, that I would do that.

And there is I think ample evidence, both in the media and by individuals across this country, that at such times that I have been presented with that opportunity that I have taken advantage of that opportunity, and I think that I have been successful at it.

Q. Was your assistance to Ms. Lewinsky which you have described in any way dependent upon her doing anything whatsoever in the Paula Jones case?

A. No.

IN THE SENATE OF THE UNITED STATES SITTING FOR THE TRIAL OF THE IMPEACHMENT OF WILLIAM JEFFERSON CLINTON, PRESIDENT OF THE UNITED STATES

EXCERPTS OF VIDEO DEPOSITION OF SIDNEY BLUMENTHAL

(Wednesday, February 3, 1999, Washington, D.C.)

SENATOR SPECTER: If none, I will swear the witness.

Mr. Blumenthal, will you please stand up and raise your right hand?

You, Sidney Blumenthal, do swear that the evidence you shall give in this case now pending between the United States and William Jefferson Clinton, President of the United States, shall be the truth, the whole truth, and nothing but the truth, so help you, God?

MR. BLUMENTHAL: I do.

Whereupon, SIDNEY BLUMENTHAL was called as a witness and, after having been first duly sworn by Senator Specter, was examined and testified as follows:

SENATOR SPECTER: Thank you.

THE WITNESS: Thank you.

SENATOR SPECTER: The House Managers may begin their questioning.

MR. ROGAN: Thank you, Senator.

EXAMINATION BY HOUSE MANAGERS

BY MR. ROGAN:

Q. Mr. Blumenthal, first, good morning.

A. Good morning to you.

Q. My name is Jim Rogan. As you know, I am one of the House Managers and will be conducting this deposition pursuant to authority from the United States Senate.

First, as a preliminary matter, we have never had the pleasure of meeting or speaking until this morning, correct?

A. That's correct.

Q. If any question I ask is unclear or is in any way ambiguous, if you would please call that to my attention, I will be happy to try to restate it or rephrase the question.

A. Thank you.

Q. Mr. Blumenthal, where are you currently employed?

A. At the White House.

Q. Is that in the Executive Office of the President?

A. It is.

Q. What is your current title?

A. My title is Assistant to the President.

Q. Was that your title on January 21st, 1998?

A. It was.

Q. For the record, that is the date that The Washington Post story appeared that essentially broke the Monica Lewinsky story?

A. Yes.

Q. On that date, were you the Assistant to the President as to any specific subject matter?

A. I dealt with a variety of areas.

Q. Did your duties entail any specific matter, or were you essentially a jack-of-all-trades at the White House for the President?

A. Well, I was hired to help the President develop his ideas and themes about the new consensus for the country, and I was hired to deal with problems like the impact of globalization, democracy internationally and domestically, the future of civil society, and the Anglo-American Project; and I also was hired to work on major speeches.

Q. You testified previously that your duties are such as the President and Chief of Staff shall decide. Would that be a fair characterization?

A. Oh, yes.

Q. How long have you been employed in this capacity?

A. Since August 11th, 1997.

Q. And in the course of your duties, do you personally advise the President as to the matters that you just shared with us?

A. Yes.

Q. How often do you meet with the President personally to advise him?

A. It varies. Sometimes several times a week; sometimes I go without seeing him for a number of weeks at a time.

Q. Is dealing with the media part of your—your job?

A. Yes. It's part of my job and part of the job of most people in the White House.

Q. Was that also one of your responsibilities on January 21st, 1998, when the Monica Lewinsky story broke?

A. Yes.

Q. You previously testified that you had a role in the Monica Lewinsky matter after the story broke in The Washington Post on that date, at least in reference to your White House duties; is that correct?

A. I'm unclear on what you mean by ''a role.''

Q. Specifically, you testified that you attended meetings in the White House in the Office of Legal Counsel in the morning and in the evening almost every day once the story broke?

A. Yes.

Q. And what times did those meetings occur after the story broke, these regular meetings?

A. The morning meetings occurred around 8:30, after the morning message meeting, and the evening meetings occurred around 6:45.

Q. Are those meetings still ongoing?

A. No.

Q. Can you tell me when those meetings ended?

A. Oh, I'd say about the time that the impeachment trial started.

Q. That would be about a month or—about a month ago?

A. Yeah, something like that.

Q. Thank you.

A. I don't recall exactly.

Q. Sure. But up until that point, were these essentially regularly scheduled meetings, twice a day, 8:30 in the morning and 6:45 in the evening?

A. Right.

Q. Did you generally attend those meetings?

A. Generally.

Q. Now, initially, when you testified before the grand jury on February 26th, 1998, your first grand jury appearance, you stated that these twice-daily meetings dealt exclusively with the Monica Lewinsky matter, correct?

A. They dealt with our press reaction, how we would respond to press reports dealing with it. This was a huge story, and we were being inundated with hundreds of calls.

Q. Right.

A. So—

Q. What I'm—what I'm trying to decipher is that at least initially, at the time of your first grand jury appearance, which was about a month after the story broke—

A. Right.

Q. —the meetings were exclusively related to Monica Lewinsky. Is that correct?

A. Pretty much.

Q. And then, 4 months later, when you testified before the grand jury in June, you said these meetings were still ongoing, and you referenced them at that time as discussing the policy, political, legal and media impact of scandals and how to deal with them. Do you remember that testimony?

A. If I could see it.

Q. Certainly. I'm happy to invite your attention to your grand jury testimony of June 4th, 1998, page 25, lines 1 through 5.

MR. ROGAN: And that would be, for the Senators' and counsel's benefit—I believe that's in Tab 4 of the materials provided.

[Witness perusing document.]

THE WITNESS: Right. I see it.

BY MR. ROGAN:

Q. You've had a chance to review that, Mr. Blumenthal?

A. I have.

Q. And that—that's correct testimony?

A. Yes.

Q. Thank you.

At the time you spoke of—you used the word ''scandals'' in the plural, and you were asked on June 4th what other scandals were discussed and you said they range from the Paula Jones trial to our China policy. Is that a fair statement?

A. Oh, yes, yes. I do.

Q. Who typically attended those meetings?

A. As I recall, there were about a dozen or so people, sometimes more, sometimes less.

Q. Do you remember the names of the people?

A. I'll try to.

Q. Would it be helpful if I directed your attention to a couple of passages in the grand jury testimony?

A. Sure, if you'd like.

MR. ROGAN: Inviting the Senate and counsel's attention to the February 26th grand jury testimony, page 11, lines 2 through 16.

[Witness perusing document.]

THE WITNESS: Sure. Yeah.

BY MR. ROGAN:

Q. That would be Tab Number 1.

A. Right, I see that.

What it says here is that the names listed are Charles Ruff, Lanny Breuer, who is right over here, Cheryl Mills, Bruce Lindsey, John Podesta, Rahm Emanuel, Paul Begala, Jim Kennedy, Mike McCurry, Joe Lockhart, Ann Lewis, Adam Goldberg, Don Goldberg, and that's—those are the names that I—that I recall.

Q. Thank you.

And just for my benefit, Mr. Ruff, Mr. Breuer, Ms. Mills, and Mr. Lindsey, those are all White House counsel?

A. Yes.

Q. Could you just briefly identify for the record the other individuals that are—that are listed in your testimony?

A. Sure. John Podesta was Deputy Chief of Staff. Rahm Emanuel was a Senior Advisor. Paul Begala had the title of Counselor. Jim Kennedy was in the Legal Counsel Office. Mike McCurry was Press Secretary. Joe Lockhart at that time was Deputy Press Secretary. Ann Lewis was Director of Communications, still is. Adam Goldberg worked as a—as an Assistant in the Legal Counsel Office, and Don Goldberg worked in Legislative Affairs.

Q. Thank you.

Mr. Blumenthal, specifically inviting your attention to January 21st, 1998, you testified before the grand jury that on that date, you personally spoke to the President regarding the Monica Lewinsky matter, correct?

A. Yes.

Q. When you spoke to the President, did you discuss The Washington Post story about Ms. Lewinsky that appeared that morning?

A. I don't recall if we talked about that article specifically.

Q. Do you recall on June 25th testifying before the grand jury, and I'm quoting, ''We were speaking about the story that appeared that morning''?

A. Right. We were—we were speaking about that story, but I don't know if we referred to The Post.

Q. Thank you.

You are familiar with The Washington Post story that broke that day?

A. I am.

Q. That story essentially stated that the Office of Independent Counsel was investigating whether the President made false statements about his relationship with Ms. Lewinsky in the Jones case, correct, to the best of your recollection?

A. If you could repeat that?

Q. Sure. The story stated that the Office of Independent Counsel was investigating whether the President made false statements about his relationship with Ms. Lewinsky in the Jones case.

A. Right.

Q. And also that the Office of Independent Counsel was investigating whether the President obstructed justice in the Jones case. Is that your best recollection of what that story was about?

A. Yes.

Q. How did you end up speaking to the President on that specific date?

A. I don't remember exactly whether he had summoned me or whether I had asked to speak him—to him.

Q. And I realize, by the way, I—just so you know, I'm not trying to trick you or anything. I realize this is a year later—

A. Right.

Q. —and your testimony was many months ago, and so if I invite your attention to previous grand jury testimony to refresh your recollection, I don't want you to feel that in any way I'm trying to imply that you're not being candid in your testimony.

With that, if I may invite your—your attention to the June 4th grand jury testimony on page 47, lines 5 through 6.

[Witness perusing document.]

BY MR. ROGAN:

Q. Let me see if this helps to refresh your recollection. You said, ''It was about a week before the State of the Union speech.''

A. I see.

Q. ''I was in my office, and the President asked me to come to his office.''

Does that help to refresh your recollection?

A. Yes.

Q. And so you now remember that the President asked to speak with you?

A. Yes.

Q. Did you go to the Oval Office?

A. Yes.

Q. During that conversation, were you alone with the President?

A. I was.

Q. Do you remember if the door was closed?

A. It was.

Q. When you met with the President, did you relate to him a conversation you had with the First Lady earlier that day?

A. I did.

Q. What did you tell the President the First Lady told you earlier that day?

A. I believe that I told him that the First Lady had called me earlier in the day, and in the light of the story in The Post had told me that the President had helped troubled people in the past and that he had done it many times and that he was a compassionate person and that he helped people also out of his religious conviction and that this was part of—part of his nature.

Q. And did she also tell you that one of the other reasons he helped people was out of his personal temperament?

A. Yes. That's what I mean by that.

Q. And the First Lady also at least shared with you her opinion that he was being attacked for political motives?

MR. McDANIEL: Can I get a clarification, Senator—Senator Specter? The earlier question, I thought, had been what Mr. Blumenthal had relayed to the President had been said by the First Lady.

MR. ROGAN: That's correct.

MR. McDANIEL: And now the questions are back—it seems to me have moved to another topic—

MR. ROGAN: No. That's—

MR. McDANIEL: —which is what—

MR. ROGAN: I'm—

MR. McDANIEL: —did the First Lady say.

MR. ROGAN: And I thank—I thank the gentleman for that clarification. I'm specifically asking what the witness relayed to the President respecting his conversation with—his earlier conversation with the First Lady.

MR. McDANIEL: Thank you.

Do you understand that, what he said?

THE WITNESS: I understand the distinction, and I don't—

BY MR. ROGAN:

Q. I'll restate the question, if that would help.

A. Please.

Q. Do you remember telling the President that the First Lady said to you that she felt that with—in reference to this story that he was being attacked for political motives?

A. I remember her saying that to me, yes.

Q. And you relayed that to the President?

A. I'm not sure I relayed that to the President. I may have just relayed the gist of the conversation to him. I don't—I'm not sure whether I relayed the entire conversation.

MR. ROGAN: Inviting the Senators' and counsel's attention to the June 4th, 1998, testimony of Mr. Blumenthal, page 47, beginning at line 5.

BY MR. ROGAN:

Q. Mr. Blumenthal, let me just read a passage to you and tell me if this helps to refresh your memory.

A. Mm-hmm.

MR. ROGAN: Do you have that, Lanny?

MR. BREUER: Yes, I do. Thank you.

BY MR. ROGAN:

Q. Reading at line—at line 5, ''I was in my office, and the President asked me to come to the Oval Office. I was seeing him frequently in this period about the State of the Union and Blair's visit''—and I—that was Prime Minister Tony Blair, as an aside, correct?

A. That's right.

Q. Thank you.

And then again, reading at line 7, ''So I went up to the Oval Office and I began the discussion, and I said that I had received—that I had spoken to the First Lady that day in the afternoon about the story that had broke in the morning, and I related to the President my conversation with the First Lady and the conversation went as follows. The First Lady said that she was distressed that the President was being attacked, in her view, for political motives for his ministry of a troubled person. She said that the President ministers to troubled people all the time,'' and then it goes on to—

A. Right.

Q. —relate the substance of the answer you just gave.

Does that help to refresh your recollection with respect to what you told the President, the First Lady had said earlier?

A. Yes.

Q. Thank you.

And do you now remember that the First Lady had indicated to you that she felt the President was being attacked for political motives?

A. Well, I remember she said that to me.

Q. And just getting us back on track, a few moments ago, I think you—you shared with us that the First Lady said that the President helped troubled people and he had done it many times in the past.

A. Yes.

Q. Do you remember testifying before the grand jury on that subject, saying that the First Lady said he has done this dozens, if not hundreds, of times with people—

A. Yes.

Q. —with troubled people?

A. I recall that.

Q. After you related the conversation that you had with the First Lady to the President, what do you remember saying to the President next about the subject of Monica Lewinsky?

A. Well, I recall telling him that I understood he felt that way, and that he did help people, but that he should stop trying to help troubled people personally; that troubled people are troubled and that they can get you in a lot of messes and that you had to cut yourself off from it and you just had to do it. That's what I recall saying to him.

Q. Do you also remember in that conversation saying to him, ''You really need to not do that at this point, that you can't get near anybody who is even remotely crazy. You're President''?

A. Yes. I think that was a little later in the conversation, but I do recall saying that.

Q. When you told the President that he should avoid contact with troubled people, what did the President say to you in response?

A. I'm trying to remember the sequence of it. He—he said that was very difficult for him. He said he—he felt a need to help troubled people, and it was hard for him to—to cut himself off from doing that.

Q. Do you remember him saying specifically, ''It's very difficult for me to do that, given how I am. I want to help people''?

A. I recall—I recall that.

Q. And when the President referred to trying to help people, did you understand him in that conversation to be referring to Monica Lewinsky?

A. I think it included Monica Lewinsky, but also many others.

Q. Right, but it was your understanding that he was all—he was specifically referring to Monica Lewinsky in that list of people that he tried to help?

A. I believe that—that was implied.

Q. Do you remember being asked that question before the grand jury and giving the answer, ''I understood that''?

A. If you could point it out to me, I'd be happy to see it.

Q. Certainly.

MR. ROGAN: Inviting the Senators' and counsel's attention to the June 25th, 1998, grand jury, page 5, I believe it's at lines 6 through 8.

[Witness perusing document.]

THE WITNESS: Yes, I see that. Thank you.

By MR. ROGAN:

Q. You recall that now?

A. Yes.

Q. Thank you.

Mr. Blumenthal, did the President then relate a conversation he had with Dick Morris to you?

A. He did.

Q. What was the substance of that conversation, as the President related it to you?

A. He said that he had spoken to Dick Morris earlier that day, and that Dick Morris had told him that if Nixon, Richard Nixon, had given a nationally televised speech at the beginning of the Watergate affair, acknowledging everything he had done wrong, he may well have survived it, and that was the conversation that Dick Morris—that's what Dick Morris said to the President.

Q. Did it sound to you like the President was suggesting perhaps he would go on television and give a national speech?

A. Well, I don't know. I didn't know.

Q. And when the President related the substance of his conversation with Dick Morris to you, how did you respond to that?

A. I said to the President, ''Well, what have you done wrong?''

Q. Did he reply?

A. He did.

Q. What did he say?

A. He said, ''I haven't done anything wrong.''

Q. And what did you say to that response?

A. Well, I said, as I recall, ''That's one of the stupidest ideas I ever heard. If you haven't done anything wrong, why would you do that?''

Q. Did the President then give you his account of what happened between him and Monica Lewinsky?

A. As I recall, he did.

Q. What did the President tell you?

A. He, uh—he spoke, uh, fairly rapidly, as I recall, at that point and said that she had come on to him and made a demand for sex, that he had rebuffed her, turned her down, and that she, uh, threatened him. And, uh, he said that she said to him, uh, that she was called ''the stalker'' by her peers and that she hated the term, and that she would claim that they had had an affair whether they had or they hadn't, and that she would tell people.

Q. Do you remember him also saying that the reason Monica Lewinsky would tell people that is because then she wouldn't be known by her peers as ''the stalker'' anymore?

A. Yes, that's right.

Q. Do you remember the President also saying that—and I'm quoting—''I've gone down that road before. I've caused pain for a lot of people. I'm not going to do that again''?

A. Yes. He told me that.

Q. And that was in the same conversation that you had with the President?

A. Right, in—in that sequence.

Q. Can you describe for us the President's demeanor when he shared this information with you?

A. Yes. He was, uh, very upset. I thought he was, a man in anguish.

Q. And at that point, did you repeat your earlier admonition to him as far as not trying to help troubled people?

A. I did. I—I think that's when I told him that you can't get near crazy people, uh, or troubled people. Uh, you're President; you just have to separate yourself from this.

Q. And I'm not sure, based on your testimony, if you gave that admonition to him once or twice. Let me—let me clarify for you why my questioning suggested it was twice. In your grand jury testimony on June the 4th, at page 49, beginning at line 25, you began the sentence by saying, and I quote, ''And I repeated to the President''—

A. Right.

Q. —''that he really needed never to be near people who were''—

A. Right.

Q. —''troubled like this,'' and so forth. Do you remember now if you—if that was correct? Did you find yourself in that conversation having to repeat the admonition to him that you'd given earlier?

A. I'm sure I did. Uh, I felt—I felt that pretty strongly. He shouldn't be involved with troubled people.

Q. Do you remember the President also saying something about being like a character in a novel?

A. I do.

Q. What did he say?

A. Uh, he said to me, uh, that, uh, he felt like a character in a novel. Uh, he felt like somebody, uh, surrounded by, uh, an oppressive environment that was creating a lie about him. He said he felt like, uh, the character in the novel *Darkness at Noon*.

Q. Did he also say he felt like he can't get the truth out?

A. Yes, I—I believe he said that.

Q. Politicians are always loathe to confess their ignorance, particularly on videotape. I will do so. I'm unfamiliar with the novel *Darkness at Noon*. Did you—do you have any familiarity with that, or did you understand what the President meant by that?

A. I—I understood what he meant. I—I was familiar with the book.

Q. What—what did he mean by that, per your understanding?

A. Uh, the book is by Arthur Koestler, who was somebody who had been a communist and had become disillusioned with communism. And it's an anti-communist novel. It's about, uh, uh, the Stalinist purge trials and somebody who was a loyal communist who then is put in one of Stalin's prisons and held on trial and executed, uh, and it's about his trial.

Q. Did you understand what the President was trying to communicate when he related his situation to the character in that novel?

A. I think he felt that the world was against him.

Q. I thought only Members of Congress felt that way.

Mr. Blumenthal, did you ever ask the President if he was ever alone with Monica Lewinsky?

A. I did.

Q. What was his response?

A. I asked him a number of questions that appeared in the press that day. I asked him, uh, if he were alone, and he said that, uh, he was within eyesight or earshot of someone when he was with her.

Q. What other questions do you remember asking him?

A. Uh, there was a story in the paper that, uh, there were recorded messages, uh, left by him on her voice-mail and I asked him if that were true.

Q. What did he say?

A. He said, uh, that it was, that, uh, he had called her.

Q. You had asked him about a press account that said there were potentially a number of telephone messages left by the President for Monica Lewinsky. And he relayed to you that he called her. Did he tell you how many times he called her?

A. He—he did. He said he called once. He said he called when, uh, Betty Currie's brother had died, to tell her that.

Q. And other than that one time that he shared that information with you, he shared no other information respecting additional calls?

A. No.

Q. He never indicated to you that there were over 50 telephone conversations between himself and Monica Lewinsky?

A. No.

Q. Based on your conversation with the President at that time, would it have surprised you to know that there were over 50—there were records of over 50 telephone conversations with Monica Lewinsky and the President?

A. Would I have been surprised at that time?

Q. Yes.

A. Uh, I—to see those records and if he—I don't fully grasp the question here. Could you—would I have been surprised?

Q. Based on the President's response to your question at that time, would it have surprised you to have been told or to have later learned that there were over 50 recorded—50 conversations between the President and Ms. Lewinsky?

A. I did later learn that, uh, as the whole country did, uh, and I was surprised.

Q. When the President told you that Monica Lewinsky threatened him, did you ever feel compelled to report that information to the Secret Service?

A. No.

Q. The FBI or any other law enforcement organization?

A. No.

Q. I'm assuming that a threat to the President from somebody in the White House would normally send off alarm bells among staff.

A. It wouldn't—

MR. McDANIEL: Well, I'd like to object to the question, Senator. There's no testimony that Mr. Blumenthal learned of a threat contemporaneously with it being made by someone in the White House. This is a threat that was relayed to him sometime afterwards by someone who was no longer employed in the White House. So I think the question doesn't relate to the testimony of this witness.

MR. ROGAN: Respectfully, I'm not sure what the legal basis of the objection is. The evidence before us is that the President told the witness that Monica Lewinsky threatened him.

[Senators Specter and Edwards conferring.]

SENATOR SPECTER: We've conferred and overrule the objection on the ground that it calls for an answer; that, however the witness chooses to answer it, was not a contemporaneous threat, or he thought it was stale, or whatever he thinks. But the objection is overruled.

MR. ROGAN: Thank you.

BY MR. ROGAN:

Q. Let me—let me restate the question, if I may. Mr. Blumenthal, would a threat—

SENATOR SPECTER: We withdraw the ruling.

[Laughter.]

MR. McDANIEL: I withdraw my objection, then.

[Laughter.]

MR. ROGAN: Senator Specter, the ruling is just fine by my light. I'm just going to try to simplify the question for the witness' benefit.

SENATOR SPECTER: We'll hold in abeyance a decision on whether to reinstate the ruling.

MR. ROGAN: Thank you. Maybe I should just quit while I'm ahead and have the question read back.

BY MR. ROGAN:

Q. Basically, Mr. Blumenthal, what I'm asking is, I mean, normally, would a threat from somebody against the President in the White House typically require some sort of report being made to a law enforcement agency?

A. Uh, in the abstract, yes.

Q. This conversation that you had with the President on January the 21st, 1998, how did that conversation conclude?

A. Uh, I believe we, uh—well, I believe after that, I said to the President that, uh—who was—seemed to me to be upset, that you needed to find some sure footing and to be confident. And, uh, we went on, I believe, to discuss the State of the Union.

Q. You went on to other business?

A. Yes, we went on to talk about public policy.

Q. When this conversation with the President concluded as it related to Monica Lewinsky, what were your feelings toward the President's statement?

A. Uh, well, they were complex. Uh, I believed him, uh, but I was also, uh—I thought he was very upset. That troubled me. And I also was troubled by his association with troubled people and thought this was not a good story and thought he shouldn't be doing this.

Q. Do you remember also testifying before the grand jury that you felt that the President's story was a very heartfelt story and that ''he was pouring out his heart, and I believed him''?

A. Yes, that's what I told the grand jury, I believe; right.

Q. That was—that was how you interpreted the President's story?

A. Yes, I did. He was, uh—he seemed—he seemed emotional.

Q. When the President told you he was helping Monica Lewinsky, did he ever describe to you how he might be helping or ministering to her?

A. No.

Q. Did he ever describe how many times he may have tried to help or minister to her?

A. No.

Q. Did he tell you how many times he visited with Monica Lewinsky?

A. No.

Q. Did he tell you how many times Monica Lewinsky visited him in the Oval Office complex?

A. No.

Q. Did he tell you how many times he was alone with Monica Lewinsky?

A. No.

Q. He never described to you any intimate physical activity he may have had with Monica Lewinsky?

A. Oh, no.

Q. Did the President ever tell you that he gave any gifts to Monica Lewinsky?

A. No.

Q. Did he tell you that Monica Lewinsky gave him any gifts?

A. No.

Q. Based on the President's story as he related on January 21st, would it have surprised you to know at that time that there was a repeated gift exchange between Monica Lewinsky and the President?

A. Well, I learned later about that, and I was surprised.

Q. The President never told you that he engaged in occasional sexual banter with her on the telephone?

A. No.

Q. He never told you about any cover stories that he and Monica Lewinsky may have developed to disguise a relationship?

A. No.

Q. He never suggested to you that there might be some physical evidence pointing to a physical relationship between he—between himself and Monica Lewinsky?

A. No.

Q. Did the President ever discuss his grand jury—or strike that.

Did the President ever discuss his deposition testimony with you in the Paula Jones case on that date?

A. Oh, no.

Q. Did he ever tell you that he denied under oath in his Paula Jones deposition that he had an affair with Monica Lewinsky?

A. No.

Q. Did the President ever tell you that he ministered to anyone else who then made a sexual advance toward him?

A. No.

Q. Mr. Blumenthal, after you testified before the grand jury, did you ever communicate to the President the questions that you were asked?

A. No.

Q. After you testified before the grand jury, did you ever communicate to the President the answers which you gave to those questions?

A. No.

Q. After you were subpoenaed to testify but before you testified before the Federal grand jury, did the President ever recant his earlier statements to you about Monica Lewinsky?

A. No.

Q. After you were subpoenaed but before you testified before the federal grand jury, did the President ever say that he did not want you to mislead the grand jury with a false statement?

A. No. We didn't have any subsequent conversation about this matter.

Q. So it would be fair also to say that after you were subpoenaed but before you testified before the Federal grand jury, the President never told you that he was not being truthful with you in that January 21st conversation about Monica Lewinsky?

A. Uh, he never spoke to me about that at all.

Q. The President never instructed you before your testimony before the grand jury not to relay his false account of his relationship with Monica Lewinsky?

A. We—we didn't speak about anything.

Q. And as to your testimony on all three appearances before the grand jury on February 26th, June 4th and June 25th, 1998—as an aside, by the way, let me just say I think this question has been asked of all the witnesses, so this is not peculiar to you—but as to those three grand jury appearances, do you adopt as truth your testimony on all three of those occasions?

A. Oh, yes.

MR. ROGAN: If I may have a moment?

SENATOR SPECTER: Of course. Would you like a short break?

MR. ROGAN: That might be convenient, Senator.

SENATOR SPECTER: All right. It's a little past 10. We'll take a 5-minute recess.

THE VIDEOGRAPHER: We're going off the record at 10 o'clock a.m.

[Recess.]

THE VIDEOGRAPHER: We're going back on the record at 10:12 a.m.

SENATOR SPECTER: We shall proceed; Mr. Graham questioning for the House Managers.

MR. GRAHAM: Thank you, Senator.

BY MR. GRAHAM:

Q. Again, Mr. Blumenthal, if I ask you something that's confusing, just slow me down and straighten me out here.

A. Thank you.

Q. Okay. I'm going to ask as direct, to-the-point questions as I can so we all can go home.

June 4th, 1998, when you testified to the grand jury, on page 49—I guess it's page 185 on tab 4.

MR. McDANIEL: Page 49?

MR. GRAHAM: Yes, sir.

MR. McDANIEL: Thank you.

BY MR. GRAHAM:

Q. That's where you start talking about the story that the President told you. Knowing what you know now, do you believe the President lied to you about his relationship with Ms. Lewinsky?

A. I do.

Q. I appreciate your honesty. You had raised executive privilege at some time in the past, I believe.

MR. McDANIEL: I object, Senator. Mr. Blumenthal was a passive vessel for the raising of executive privilege by the President. It's not his privilege to assert, so the question, I think, is misleading.

BY MR. GRAHAM:

Q. At any time—I'm sorry.

[Senators Specter and Edwards conferring.]

SENATOR SPECTER: Senator Edwards and I have conferred and believe that he can answer the question if he did not raise the privilege, so we will overrule the objection.

SENATOR EDWARDS: Either he asserted it or it was asserted on his behalf.

THE WITNESS: If you could repeat it, please.

BY MR. GRAHAM:

Q. I believe early on in your testimony and throughout your testimony to the grand jury, the idea of executive privilege covering your testimony or conversations with the President was raised. Is that correct?

A. It was.

Q. Do you believe the White House knew that this privilege would be asserted in your testimony? That was no surprise to them?

A. Uh—

MR. BREUER: I'm going to object. It's the White House's privilege to assert it could not have been surprised. It's a mischaracterization of the facts.

[Senators Specter and Edwards conferring.]

SENATOR SPECTER: Senator Edwards and I believe the objection is well-founded on the ground that he cannot testify as to what someone else knew. So would you rephrase the question? The objection will be sustained.

BY MR. GRAHAM:

Q. When executive privilege was asserted, do you know how it came about? Do you have any knowledge of how it came about?

A. What I recall is that I—in my first appearance before the grand jury, I was asked questions about my conversations with the President. And I went out into the hall, asked if I could go out in the hall, and I spoke with the White House legal counsel who was there, Cheryl Mills, and said, ''What do I say?''

Q. And she said?

A. And I was advised to assert privilege.

Q. So the executive privilege assertion came about from advice to you by White House counsel?

A. Yes.

Q. Now, you've stated, I think, very honestly, and I appreciate, that you were lied to by the President. Is it a fair statement, given your previous testimony concerning your 30-minute conversation, that the President was trying to portray himself as a victim of a relationship with Monica Lewinsky?

A. I think that's the import of his whole story.

Q. During this period of time, the Paula Jones lawsuit, other allegations about relationships with the President and other women were being made and found their way in the press. Is that correct?

A. Yes.

Q. Now, when you have these morning meetings and evening meetings about press strategy, I believe your previous testimony goes along the lines that any time a press report came out about a story between the President and a woman, that you would sit down and strategize about what to do. Is that correct?

A. Well, we would, uh, talk about what the White House spokesman would say about it.

Q. Does the name ''Kathleen Willey'' mean anything to you in that regard?

MR. BREUER: I'm going to object. It's beyond the scope of this deposition. In the proffer from the Managers, they explicitly state the areas that they want to go into, and they explicitly state that they want to speak to Mr. Blumenthal about his January 21, 1998, conversation with the President about Monica Lewinsky. And any aspects as to Kathleen Willey are—have nothing to do with the Articles of Impeachment, nor do they have anything to do with the proffer made by the Managers, and it's beyond the scope of this deposition.

SENATOR SPECTER: Just wait one second.

[Senators Specter and Edwards conferring.]

SENATOR SPECTER: Mr. Graham, as you know, the scope of the examination of Mr. Blumenthal is limited by the subject matters reflected in the Senate record. Are you able to substantiate the Senate record as a basis for asking the question?

MR. GRAHAM: I'm assuming, yes, Senator, that the grand jury testimony of Mr. Blumenthal is part of the Senate record. And on June 25th, 1998, on page 21, there's a discussion between Mr. Blumenthal and the Independent Counsel's Office about strategy meetings and other women, and in that testimony, he mentions that ''we discussed Paula Jones, Kathleen Willey, in our strategy meeting.''

And I think the question will not be as ominous as some may think it sounds. I think I can get right to the point pretty quickly about what I'm trying to do with—

SENATOR SPECTER: Well, would you make an offer of proof so that we can see what the scope is that you have in mind?

MR. GRAHAM: Basically, his testimony is that when a press report came about concerning Ms. Jones or Kathleen Willey or a relationship between the President and another woman, they sat down and strategized about how to respond to those press accounts, what to do and what to say—at least that's what his testimony indicates. And I just want to ask him, once the January 21st story about Ms. Lewinsky came out, how they discussed her in relationship to other strategy meetings.

SENATOR SPECTER: Mr. Breuer, how would you respond to Congressman Graham's statement that as he refers to a reference to Ms. Willey in the record?

MR. BREUER: Senator, I haven't seen the one reference, but I may—I would acknowledge that there may be one passing reference to Ms. Willey in the voluminous materials that are before us here in the grand jury, Senator. But it's clearly not germane to this deposition. It's clearly not germane to the proffer made by the Managers about why Mr. Sidney Blumenthal was a witness. It is clearly not germane to the Articles of Impeachment.

And, indeed, in Mr. Lindsey Graham's proffer just now, he said that he wants to go back and ask about the January 21 conversation. It's my view that Kathleen Willey is tangential, at best, and is not germane to this deposition and ought not to be inquired into.

SENATOR EDWARDS: And, Senator Specter, I would ask that we go off the record for this discussion, given the question of whether this is within the scope of the Senate record.

SENATOR SPECTER: We shall go off the record.

THE VIDEOGRAPHER: We're going off the record at 10:20 a.m.

[Discussion off the record.]

THE VIDEOGRAPHER: We're going back on the record at 10:48 a.m.

SENATOR SPECTER: Congressman Lindsey, you may proceed.

MR. GRAHAM: Thank you, sir.

BY MR. GRAHAM:

Q. Thank you for your patience, Mr. Blumenthal. I appreciate it.

A. Thank you.

Q. Let's get back to the—we'll approach this topic another way and we'll try to tie it up at the end here.

The January 21st article breaks, and I think it's in The Washington Post, is that correct, the January 21st article about Ms. Lewinsky being on tape, talking about her relationship with the President? Are you familiar with that article?

A. I'm familiar with an article on January 21st in The Washington Post.

Q. And what—what was the essence of that article, as you remember it?

A. If you have it there, I'd be happy to look at it.

Q. Yeah. Let's see if we can find it, what tab that is. Tab 7.

[Witness perusing document.]

THE WITNESS: Well—

BY MR. GRAHAM:

Q. If you'd like a chance to read it over, just take your time.

A. Yes. Thank you.

[Witness perusing document.]

THE WITNESS: It's a long article.

BY MR. GRAHAM:

Q. Yes, sir, it is, and just—

A. Yeah.

Q. —just take your time. I'm not going to give you a test on the article. I just wanted—

A. No. I just wanted to read it.

Q. —to refresh your memory. Absolutely, you take your time.

A. I hope you don't mind if I took the time here.

Q. No, sir. Are you—you're okay now?

A. I am.

Q. Okay. In essence, what this article is—is alleging is what we now know, the allegations that Ms. Lewinsky had a relationship with the President, that Mr. Jordan was trying to help her secure counsel, to file an affidavit saying they had no relationship, and the relationship on January 21st was being exposed through some tape recordings, supposedly, the Independent Counsel had access to between Ms. Lewinsky and Ms. Tripp. Is that correct?

A. Well, there are a lot of questions in there.

Q. Okay, yeah, and I'm sorry.

This article seems to suggest that Ms. Lewinsky is telling a friend—

A. Mm-hmm.

Q. —that she has a relationship with the President, a sexual relationship with the President.

A. Mm-hmm.

Q. You understand that from the article?

A. Yes.

Q. This article also alleges that an affidavit was filed by Ms. Lewinsky denying that relationship, and Mr. Jordan sought an attorney for her, a friend of the President. Is that correct?

A. It says she filed an affidavit, and I'm just looking for where it says that Jordan had secured the attorney.

Q. The very first paragraph, let me read it. ''The Independent Counsel Kenneth Starr has expanded his investigation of President Clinton to examine whether Clinton and his close friend, Vernon Jordan, encouraged a 24-year-old''—

A. Right.

Q. —''former White House intern to lie to lawyers for Paula Jones about whether the intern had an affair with the President, sources close to the investigation said yesterday.''

A. Right.

Q. So I guess that first paragraph kind of sums up the accusation.

A. I think—

Q. What type reaction did the White House have when this—as you recall—when this article came to light?

A. I—I think the White House was overwhelmed with press inquiries.

Q. Was there a sense of alarm that this was a bad story?

A. Yes.

Q. And wasn't there a sense of reassurance by the President himself that this was an untrue story?

A. The President did make a public statement that afternoon.

Q. And I believe White House officials on his behalf denied the essence of this story; is that correct?

A. Yes.

Q. And basically, you were passing along what somebody you trust and admire told you to be the case, and from the White House point of view, that was the response to this story, that we deny these allegations.

MR. McDANIEL: Senator, I really object to the question where we mix ''you'' and ''we'' and the ''White House.'' I'd like, if possible, for the question—if they want to know what Mr. Blumenthal did, to ask him what he did, and questions about what the White House did and what we and you did.

MR. GRAHAM: That's fair enough.

MR. McDANIEL: Okay, we thank you.

SENATOR SPECTER: We think that's well-founded.

MR. GRAHAM: Yes, and I agree. I agree that is well-founded.

BY MR. GRAHAM:

Q. Did you have any discussions with White House press people about the nature of this relationship after this article broke?

A. No.

Q. Did you have any discussions with White House lawyers after this article broke about the nature of the relationship?

A. No.

Q. After you had the conversation with the President, sometime the week of the 21st—I believe that's your testimony—shortly after the news story broke, this 30-minute conversation where he tells you about—

A. There's not a question.

Q. Okay. Is that correct? When did you have this conversation with the President? Do you recall?

A. Yes. It was in the early evening of January 21st.

Q. Early evening of January 21st?

A. Yes.

Q. The same day the story was reported?

A. Yes.

Q. Okay. So, from your point of view, this was something that needed to be addressed?

MR. McDANIEL: Your Honor, I—Senator, I object to the question about ''this'' is something that needs to be addressed. I don't understand what the ''this'' is, exactly, that the question refers to. Does it refer to the story? Does it refer to the President's statement to Mr. Blumenthal?

SENATOR SPECTER: Well, we think—Senator Edwards and I concur that the witness can answer the question. If he does not understand it, he can say so and then can have the question rephrased.

BY MR. GRAHAM:

Q. You have a conversation with the President on the same day the article comes out, and the conversation includes a discussion about the relationship between him and Ms. Lewinsky. Is that correct?

A. Yes.

Q. Okay. So it was certainly on people's minds, including the President, is that correct, the essence of this story?

MR. McDANIEL: I object to the question about whether it's on people's minds. I think he can answer about what he knew or about what he learned from people who spoke to him, but the question goes far beyond that.

BY MR. GRAHAM:

Q. Well, let me ask you this. We know it was on the President's mind.

SENATOR SPECTER: Senator Edwards and I think that, technically, that's correct, and perhaps you can avoid it by just pinpointing it just a little more.

MR. GRAHAM: Yes. We'll try to be laser-like in these questions.

BY MR. GRAHAM:

Q. You had a conversation with the President of the United States about his relationship with Ms. Lewinsky on the same day The Washington Post article came out. That's correct? Yes or no?

A. That—I—I—that's right.

Q. Okay. During that period of time, that day or any day thereafter, were you involved in any meeting with White House lawyers or press people where the conversation—or where the topic of Ms. Lewinsky's allegations or the—Ken Starr's allegations about Ms. Lewinsky came up?

A. I'm confused about which allegations you're talking about.

Q. That she had a relationship with the President, and they were trying to get her to file a false affidavit. Did that topic ever come up in your presence with the Press Secretary, White House press people or lawyers for the White House?

A. I think the whole story was discussed by senior staff in the White House.

Q. When did that begin to occur?

A. I'm sure we were discussing it on January 21st.

Q. Do you recall that every—

A. Every—everyone in the country was talking about it.

Q. Well, do you recall the tenor of that conversation? Do you recall the flavor of it? Can you describe it the best you can, about—was there a sense of alarm, shock? How would you describe it?

A. I think we felt overwhelmed by the crisis atmosphere.

Q. Did anybody ever suggest who is Monica Lewinsky, go find out about who she is and what she does?

A. No.

Q. So is it your testimony that this accusation comes out on January 21st, and the accusation being that a White House intern has an inappropriate relationship with the President, filed a false affidavit on his behalf, and nobody at this meeting suggested let's find out who Monica Lewinsky is and what's going on here?

A. Well, I wasn't referring to any meeting, but in any of my discussions with members of the White House staff, nobody discussed Monica Lewinsky's personal life or decided that we had to find out who she was.

Q. Could I turn you now to Tab 15, please? Okay.

MR. McDANIEL: Would you like him to read this?

MR. GRAHAM: Yes. Yes, please. Just take your time. And I am now referring to an AP story by Karen G-u-l-l-o. I don't want to mispronounce her name.

[Witness perusing document.]

THE WITNESS: I'm ready, Congressman.

BY MR. GRAHAM:

Q. Thank you.

And this article—do you know this reporter, by any chance?

A. I do know this reporter, but I did not know this reporter on January 30th.

Q. All right. Do you subsequently know—

A. Some months later, I met this reporter.

Q. And the basic essence of my question, Mr. Blumenthal, will be this report indicates some derogatory information about Ms. Lewinsky, and it also has some statements by White House Press Secretary and Ms. Lewis. And I want to ask how those two statements go together.

This report indicates that a White House aide called this reporter to suggest that Ms. Lewinsky's past included weight problems, and she was called ''The Stalker.'' And it says that ''Junior staff members, speaking on condition that they not be identified, said she was known as a flirt, wore her skirts too short, was '''a little bit weird'.'' And the next paragraph says: ''Little by little, ever since the allegations of an affair between President Clinton and Ms. Lewinsky surfaced 10 days ago, White House sources have waged a behind-the-scenes campaign to portray her as an untrustworthy climber obsessed with the President.''

Do you have any direct knowledge or indirect knowledge that such a campaign by White House aides or junior staff members ever existed?

A. No.

Q. Okay. Do you ever remember hearing Ms. Lewis or Mr. McCurry admonishing anyone in the White House about ''watch what you say about Ms. Lewinsky''?

A. No. I don't recall those incidents described in this article, but I do note that among senior advisors at one of the meetings that we held—it could have been in the morning or late afternoon—we felt very firmly that nobody should ever be a source to a reporter about a story about Monica Lewinsky's personal life, and I strongly agreed with that and that's what we decided.

Q. When did that meeting occur?

A. I'd say within a week of the story breaking.

Q. Who was at that meeting?

A. I don't recall exactly, but I would say that the list of names that I mentioned before.

Q. And that would be?

A. I may not get them all, but I would say Chuck Ruff, Cheryl Mills, Bruce Lindsey, Lanny Breuer, Jim Kennedy, Mike McCurry, Joe Lockhart, Adam Goldberg, Don Goldberg, Ann Lewis, Paul Begala, Rahm Emanuel, myself.

Q. And this occurred about a week after the January 21st article?

A. I don't recall the exact date.

Q. At least 7 days?

A. Within a week—

Q. Okay.

A. —I believe.

Q. Would it be fair to say that you were sitting there during this conversation and that you had previously been told by the President that he was in essence a victim of Ms. Lewinsky's sexual demands, and you said nothing to anyone?

MR. McDANIEL: Is the question, ''You said''—

THE WITNESS: I don't—

MR. McDANIEL: Is the question, ''You said nothing to anyone about what the President told you?''?

MR. GRAHAM: Right.

THE WITNESS: I never told any of my colleagues about what the President told me.

BY MR. GRAHAM:

Q. And this is after the President recants his story—recounts his story—to you, where he's visibly upset, feels like he's a victim, that he associates himself with a character who's being lied about, and you at no time suggested to your colleagues that there is something going on here with the President and Ms. Lewinsky you need to know about. Is that your testimony?

A. I never mentioned my conversation. I regarded that conversation as a private conversation in confidence, and I didn't mention it to my colleagues, I didn't mention it to my friends, I didn't mention it to my family, besides my wife.

Q. Did you mention it to any White House lawyers?

A. I mentioned it many months later to Lanny Breuer in preparation for one of my grand jury appearances, when I knew I would be questioned about it. And I certainly never mentioned it to any reporter.

Q. Do you know how, over a period of weeks, stories about Ms. Lewinsky being called a stalker, a fantasizer, obsessed with the President, called the name ''Elvira''—do you know how that got into the press?

A. Which—which—which question are you asking me? Which part of that?

Q. Okay. Do you have any idea how White House sources are associated with statements such as ''She's known as 'Elvira','' ''She's obsessed with the President,'' ''She's known as a flirt,'' ''She's the product of a troubled home, divorced parents,'' ''She's known as 'The Stalker'''? Do you have any idea how that got in the press?

MR. BREUER: I'm going to object. The document speaks for itself, but it's not clear that the terms that Mr. Lindsey has used are necessarily—any or all of them—are from a White House source. I object to the form and the characterization of the question.

MR. GRAHAM: The ones that I have indicated are associated with the White House as being the source of those statements and—

SENATOR SPECTER: Senator Edwards and I think that question is appropriate, and the objection is overruled.

THE WITNESS: I have no idea how anything came to be attributed to a White House source.

BY MR. GRAHAM:

Q. Do you know a Mr. Terry Lenzner?

A. I—I met him once.

Q. When did you meet him?

A. I met him outside the grand jury room.

Q. And who is he?

A. He's a private investigator.

Q. And who does he work for?

A. He works for many clients, including the President.

Q. Okay. Mr. Blumenthal, I appreciate your candor here.

Do you know Mr. Harry Evans?

A. Harold Evans?

Q. Yes, sir.

A. Yes, I do.

Q. Who is Mr. Harold Evans?

A. Harold Evans is—I don't know his exact title right now. He works for Mort Zuckerman, involving his publications, and he's the husband of my former editor, Tina Brown.

Q. Has he ever worked for the New York Daily News?

MR. BREUER: I'm going to object to this line of questioning. It seems well beyond the scope of this deposition. I have never heard of Mr. Harold Evans, and it's not clear to me that's anywhere in this voluminous record or any of these issues.

SENATOR SPECTER: Senator Edwards and I think it would be appropriate to have an offer of proof on this, Congressman Graham.

MR. GRAHAM: I'm going to ask Mr. Blumenthal if he has ever at any time passed on to Mr. Evans or anyone else raw notes, notes, work products from a Mr. Terry Lenzner about subjects of White House investigations to members of the press, to include Ms. Lewinsky.

SENATOR SPECTER: Relating to Monica Lewinsky?

MR. GRAHAM: Yes, and anyone else.

MR. McDANIEL: That's a good question. I think we don't have any objection to that question.

SENATOR SPECTER: Well, we still have to rule on it. Overruled. The objection is overruled.

MR. GRAHAM: All right. Now I think I know the answer.

[Laughter.]

BY MR. GRAHAM:

Q. So let's phrase it very clearly for the record here. You know Mr. Evans; correct?

A. I do.

Q. Have you at any time received any notes, work product from a Mr. Terry Lenzner about anybody?

A. No.

Q. Okay. So, therefore, you had nothing to pass on?

A. Right.

Q. Fair enough. Do you know a Mr. Gene Lyons?

A. Yes, I do.

Q. Who is Mr. Gene Lyons?

A. He is a columnist for the Arkansas Democrat Gazette.

Q. Are you familiar with his appearance on ''Meet the Press'' where he suggests in an article he wrote later that maybe the President is a victim similar to David Letterman in terms of somebody following him around, obsessed with him?

A. Is this one of the exhibits?

Q. Yes, sir.

A. I wonder if you could refer me to it.

Q. Sure. I can't read my writing.
BY MR. GRAHAM:
Q. Well, while we are looking for the exhibit, let me ask you this. Do you have any independent knowledge of him making such a statement?
A. Well, I'd like to see the exhibit so—
Q. Okay.
A. —so I could know exactly what he said.
Q. Okay.
MR. McDANIEL: If I might—Congressman, I don't know whether the one you're thinking of is—I note in Exhibit 20, there are—well, it's not a story by Mr. Lyons—
MR. GRAHAM: And that's it.
MR. McDANIEL: There are references to him in—in that story.
MR. GRAHAM: That's it. Thank you very much.
MR. McDANIEL: You're welcome.
MR. GRAHAM: I appreciate it.
THE WITNESS: This is 20?
BY MR. GRAHAM:
Q. Yes, sir.
A. Thank you.
Do you mind if I just read through it?
Q. Yes, sir. Take your time.
A. Thank you. [Witness perusing document.] I've read this.
Q. My question is that this article is a Boston Globe article, Saturday, February the 21st, and it references an appearance on ''Meet the Press'' by Mr. Gene Lyons. And I believe you know who Mr. Gene Lyons is; is that correct?
A. I do.
Q. Did you know who he was in January of 1998?
A. I did.
Q. And in this press appearance, it refers to it being the Sunday before the Saturday, February 21st, sometime in the middle of February.
He indicates on the show, at least this article recounts that he indicates, that the President could be in fact in '''a totally innocent relationship in which the President was, in a sense, the victim of someone, rather like the woman who followed David Letterman around.'''
Do you know how Mr. Lyons would come to that conclusion? I know word travels fast, but how would he know that? Do you have any independent knowledge of how he would know that?
A. What exactly is the question?
Q. Well, the question is Mr. Lyons is indicating in the middle of February that the truth of the matter may very well be that the President is in an ''innocent relationship in which the President was, in a sense, the victim of someone, rather like the woman who followed David Letterman around,'' and the question is that scenario of the President being a victim of someone obsessed seems rather like the conversation you had with the President on January the 21st. Do you know how Mr. Lyons would have had that take on things?
MR. McDANIEL: Well, I object to a question that sort of loads up premises, Senators. That question sort of, you know, says, well, this conversation is a lot like the one you had with the President, and then asks the question. And the danger to the witness is that he'll—by answering the question accepts the premise.
And I ask that if you want to ask him whether it's like the conversation with the President, that's a fair question, he'll answer it, but it ought to be broken out of there.
[Senators Specter and Edwards conferring.]
SENATOR SPECTER: Senator Edwards and I disagree on the ruling, so we're going to take Senator Edwards and ask you to rephrase the question since it—
[Laughter.]
MR. GRAHAM: Fair enough.
BY MR. GRAHAM:
Q. The characterization embodied here indicates this could be a totally innocent relationship in which the President was in a sense the victim of someone. Is it fair to say, Mr. Blumenthal, that is very much like the scenario the President painted to you when you talked with him on January the 21st?
A. It could be like that.
Q. Okay. And it goes on further: ''rather like the woman who followed David Letterman around.'' Is that very much like the characterization the President indicated to you between him and Ms. Lewinsky?
A. Could be.
Q. Did you ever at any time talk with Mr. Gene Lyons about Ms. Lewinsky or any other person that was the subject of a relationship with the President?
A. I did talk to Gene Lyons about Monica Lewinsky.
Q. Could you tell us what you told him?
A. He asked me my views, and I told him, in no uncertain terms, that I wouldn't talk about her personally. I talked about Monica Lewinsky with all sorts of people, my mother, my friends, about what was in the news stories every day, just like everyone else, but when it came to talking about her personally, I drew a line.
Q. So, when you talk to your mother and your friends and Mr. Lyons about Ms. Lewinsky, are you telling us that you have these conversations, and you know what the President has told you and you're not tempted to tell somebody the President is a victim of this lady, out of his own mouth?
A. Not only am I not tempted, I did not.
Q. You don't know how all this information came out? You have no knowledge of it at all?
MR. McDANIEL: I don't understand the question about—
MR. GRAHAM: About her being a stalker, her being obsessed with the President, the President being like David Letterman in relationship to her.
BY MR. GRAHAM:
Q. You had no knowledge of how that all happened in the press?
A. I have an idea how it started in the press.
Q. Well, please share that with us.
A. I believe it started on January 21st with the publication of an article in Newsweek by Michael Isikoff that was posted on the World Wide Web and faxed around to everyone in the news media, in Washington, New York, everywhere, and in the White House. And in that article, Michael Isikoff reported the contents of what became known as the talking points.
And there was a mystery at the time about who wrote the talking points. We know subsequently that Monica Lewinsky wrote the talking points. And in that document, the author of the talking points advises Linda Tripp that she might refer to someone who was stalking the ''P'', meaning the President, and after that story appeared, I believe there were a flood of stories and discussions about this, starting on ''Nightline'' that very night and ''Nightline'' the next night and so on. And that's my understanding from observing the media of how this started.
Q. How long have you been involved in the media yourself?
A. Before I joined the White House staff, I was a journalist for 27 years.
Q. Is it your testimony that the Isikoff article on the 21st explains how White House sources contact reporters in late January and mid-February trying to explain that the President is a victim of a stalker, an obsessed young lady, who is the product of a broken home? Is that your testimony?
A. No.
MR. BREUER: I'm going to object to the form of the question. There is no evidence that White House officials, both in January and in February, if at any time, contacted sources, press sources.
MR. GRAHAM: I will introduce these articles. The articles are dated with White House sources, unsolicited, calling about this event, saying these things in January and February.
MR. BREUER: Well—
SENATOR SPECTER: Senator Edwards and I agree that the question may be asked and answered. Overruled.
THE WITNESS: If you could restate it, please?
BY MR. GRAHAM:
Q. Is it your testimony that the White House sources that are being referred to by the press are a result of the 21st of January Isikoff article? That's not what you're saying, is it?
A. No.
MR. McDANIEL: Well—
MR. GRAHAM: Thank you.
MR. McDANIEL: —I don't think that there ought to be argument with Mr. Blumenthal. I think he ought to be asked a question and given an opportunity to answer it, and that's an argumentative question and followed up by, ''That's not what you're saying, is it?''
I also think the questions are remarkably imprecise, in that they do not specify what information it is this questioner is seeking to get Mr. Blumenthal to talk about, and in that regard, I think the questions are both irrelevant and unfair.
SENATOR EDWARDS: Are you objecting to a question that's already been asked and answered?
MR. McDANIEL: I might be, Senator, and I had that feeling when I heard Mr. Blumenthal say something, that I might be doing that.
MR. GRAHAM: That would be my reply. He understood what I asked, and he answered, and I'll accept his answer and we'll move on.
SENATOR SPECTER: Well, I think the objection is mooted at this point.
MR. GRAHAM: Okay.
SENATOR SPECTER: I do—I do think that to the extent you can be more precise, because these articles do contain—
MR. GRAHAM: Yes, sir.
SENATOR SPECTER: —a lot of information. We're still looking for that laser.
MR. GRAHAM: Yes, sir.
BY MR. GRAHAM:
Q. And these—and the reason this comes up, Mr. Isikoff—excuse me—Mr. Blumenthal, is you've referenced the Isikoff article on the 21st, and my question goes to White House sources indicating that Ms. Lewinsky is a stalker, the January 30th article, that she's obsessed with the President, that she wears tight skirts.
What I'm trying to say is that you—you are not saying—it is not your testimony—that those White House sources are picking up on the 21st article, are you?
A. I don't know about any White House sources on these stories.
Q. When you talked to Mr. Lyons, you never mentioned what time at all that Ms. Lewinsky was making demands on the President and he had to rebuff her?
A. Absolutely not.
Q. You never at one time told Mr. Lyons or anyone else that the President felt like that he was a victim much like the person in the novel, *Darkness at Noon*?
MR. McDANIEL: Well, I object to that question. This witness has testified that he told his wife and that he told White House counsel at a later date, and the question included anyone else. So I think it—
MR. GRAHAM: Yes. Strike that.
BY MR. GRAHAM:
Q. Excluding those two people?
A. Well, I believe I've asked—I've been asked, and answered that, and I haven't told anyone else.

Q. Was there—
A. I didn't tell anyone else.
Q. Was there ever an investigation at the White House about how these stories came out, supposedly?
A. No.
Q. Was anybody ever fired?
A. No.
MR. GRAHAM: Thank you, Mr. Blumenthal.
THE WITNESS: I thank you.
MR. ROGAN: No further questions.
MR. BREUER: Could we take a 5–minute break, Senator?
SENATOR SPECTER: We can. We will recess for 5 minutes.
THE VIDEOGRAPHER: We are going off the record at 11:24 a.m.
[Recess.]
THE VIDEOGRAPHER: We're going on the record at 11:40 a.m.
SENATOR SPECTER: Turn to White House counsel, Mr. Lanny Breuer.
MR. BREUER: Senators, the White House has no questions for Mr. Blumenthal.
SENATOR SPECTER: We had deferred one line of questions which had been subject objection and considerable conference, and we put it at the end of the transcript so it could be excised. Do you wish to—
MR. GRAHAM: Yes.
SENATOR SPECTER: —proceed further?
MR. BREUER: May we approach off the record, Senators?
SENATOR SPECTER: Off the record.
THE VIDEOGRAPHER: We're going off the record at 11:41 a.m.
[Discussion off the record.]
THE VIDEOGRAPHER: We are going back on the record at 12:10 p.m.
SENATOR SPECTER: The Senators have considered the matter, and in light of the references, albeit abbreviated, in the record and the generalization that answers—questions and answers would be permitted, reserving the final judgment to the full Senate, we will permit Congressman Graham to question on pattern and practice with respect to Ms. Willey.
MR. GRAHAM: Okay. Thank you.

FURTHER EXAMINATION BY HOUSE MANAGERS

BY MR. GRAHAM:
Q. Mr. Blumenthal, we're really close to the end here. If you could turn to Tab 5, page 193.
A. We have it.
Q. Okay, thank you.
And page 20, the last question, it's in the right-hand corner. I'll read the question, and we'll kind of follow the testimony. ''Have you ever had a discussion with people in the White House or been present during any meeting where the allegation has come up that other women are fabricating an affair with the President?''
Now, could you read the answer for me, please?
A. Sure. My—my answer in the grand jury is this: ''We've discussed news stories that arose out of the Jones case, which was dismissed by the judge as having no basis, in which there were allegations made against the President, and these were stories that were in the press.''
Q. ''And you''—''And did you discuss those with the President?''
You said, ''No.''
And the next question is: ''So what form did you discuss those news stories in?''
And your answer was?
A. ''In strategy meetings.''
Q. Okay. ''And that would include the daily meetings, the morning and the evening meetings?''
A. Yes.
Q. And your answer was ''Yes.''
Now, within that context, I want to walk through a bit how those strategy meetings came about and the purpose of the strategy meetings.
The next question goes as follows: ''And there were names of the women that you discussed in that context that there had been news stories about and public allegations of an affair with the President?''
And your answer was?
A. ''As I recall, we discussed Paula Jones, Kathleen Willey, we've discussed''—and the rest is redacted.
Q. Redacted—and that's fine, that's fine.
And the question later on, on line 24: ''When you say that that was a complete and utter fraudulent allegation—'', the answer is: ''In my view, yes.'' Right?
A. Well—
Q. About a woman?
MR. McDANIEL: Senator, I must object to this, because I believe that question, clearly from the context, refers to redacted material—
MR. GRAHAM: Right.
MR. McDANIEL: —which has been preserved as secret by the grand jury, and I think it's somewhat misleading to talk about a fraudulent allegation that the grand jury heard that Mr. Blumenthal testified about, which is clearly not in the record before the Senate.
SENATOR SPECTER: Well, it is unclear on the face of the record. So, Congressman Graham, if you could—
MR. GRAHAM: The point I'm trying—
SENATOR SPECTER: —excuse me, let me just finish—
MR. GRAHAM: Yes.
SENATOR SPECTER: —if you could specify on what is on the record that you've put in up to now.
MR. GRAHAM: Okay. What I'm reading from, Senator, is—is a question and answer and a redacted name, and the point I'm trying to make is ever who that person was, the allegation was considered to be fraudulent based on your prior testimony.
THE WITNESS: That was—that was my testimony, that it was my view.
BY MR. GRAHAM:
Q. And that leads to this question. Was there ever a discussion in these strategy meetings where there was an admission that the allegation was believed to be true against the President in terms of relationship with other women?
MR. BREUER: I'm going to object to the form of the question in that it's referring to other women. Even based on the discussion that went off the record, I think that what Mr. Graham is doing now is certainly beyond any record in this case.
SENATOR SPECTER: Senator Edwards would like to hear the question repeated.
MR. GRAHAM: The strategy meetings—
SENATOR SPECTER: Good idea?
MR. GRAHAM: Yes, sir.
BY MR. GRAHAM:
Q. The strategy meetings involved press accounts of allegations between the President and other women. The question is very simple. At any of those meetings, was it ever conceded that the President did have in fact a relationship?
MR. BREUER: Object. I object to the question for the reasons I just previously stated.
SENATOR SPECTER: Senator Edwards raises the concern that I think he's correct on, that we have limited it to Willey, Ms. Willey. So, if you would—if you would focus—
MR. GRAHAM: Absolutely.
SENATOR SPECTER: —there—
MR. GRAHAM: Absolutely.
SENATOR SPECTER: —it would be within your proffer and what we have permitted.
MR. GRAHAM: Yes, sir. Very well.
BY MR. GRAHAM:
Q. In regards to Ms. Willey, is it fair to say that the consensus of the group was that these allegations were not true?
A. I don't know.
Q. Do you recall Ms. Willey giving a ''60 Minutes'' interview?
A. Yes.
Q. Do you recall any discussions after the interview at a strategy meeting about Ms. Willey?
MR. BREUER: I want the record to be clear that the White House has a continuing objection as to this line of inquiry.
SENATOR SPECTER: The record will so note.
THE WITNESS: If you could repeat the question, please.
MR. GRAHAM: Yes.
THE WITNESS: Sorry.
BY MR. GRAHAM:
Q. After the ''60 Minutes'' interview, was there ever a strategy meeting about what she said?
A. At one of the morning or evening meetings, we discussed the ''60 Minutes'' interview.
Q. And can you—I—I know it's hard because these meetings go on a lot. How—do you know who was there on that occasion, who would be the players that would be there?
A. They would be the same as before. I'd be happy to enumerate them for you, if you want me to.
Q. But the same as you previously testified to?
A. Yes.
Q. Okay, that's fine.
Do you recall what the discussions were about in terms of how to respond to the ''60 Minutes'' story?
A. Yes.
Q. Could you tell us?
A. They were what our official spokes-people would say.
Q. Did they include anything else?
A. Yes.
Q. Could you please tell us?
A. There was a considerable complaining about how, in the ''60 Minutes'' broadcast, Bob Bennett was not given adequate time to speak and present his case, and how he was, as I recall, poorly lighted.
Q. Was there any discussion about what Ms. Willey said herself and how that should be responded to?
A. I don't recall exactly. We just spoke about what our official spokespeople should respond to.
Q. Did anybody ever discuss the fact that Ms. Willey may have had a checkered past?
A. No, absolutely not. We never discussed the personal lives of any woman in those meetings.
Q. Did it ever come up as to, well, here's what we know about Kathleen Willey and the President, or let's go see what we can find out about Kathleen Willey and the President?
A. No.
Q. Who had the letters that Kathleen Willey wrote to the President?
A. I don't know exactly. The White House had them.
Q. Isn't it fair to say that somebody found those letters, kept those letters, and was ready to respond with those letters, if needed to be?
MR. BREUER: I'm going to object to the form of the question that it's outside the proffer of the Manager.
[Senators Specter and Edwards conferring.]
MR. McDANIEL: Yes. I object to the compound nature of the question, and—
SENATOR SPECTER: Could you rephrase the question, Congressman Lindsey—
MR. GRAHAM: Yes, sir.
SENATOR SPECTER: —or, Graham?
MR. GRAHAM: Yes, sir.
SENATOR SPECTER: I think that would solve your problem.

BY MR. GRAHAM:
Q. There were letters written to Ms. Willey to the President that were released to the media. Is that correct?
A. Yes.
Q. Do you know who gathered those letters up and how they were gathered up?
MR. BREUER: Objection.
SENATOR SPECTER: Senator Edwards and I agree that the Congressman may ask the question. Overruled.
THE WITNESS: No.
BY MR. GRAHAM:
Q. Would it be fair to say, using common sense, that somebody was planning to answer Ms. Willey by having those letters to offer to the press?
MR. BREUER: Objection.
MR. McDANIEL: It's argumentative.
MR. BREUER: It certainly is.
SENATOR SPECTER: Would you repeat that question?
BY MR. GRAHAM:
Q. The question is: Mr. Blumenthal, do you believe it's a fair assumption to make that somebody in the White House made a conscious effort to go seek out the letters between the President and Ms. Willey and use in response to her allegations?
[Senators Specter and Edwards conferring.]
THE WITNESS: Well, that's an opin—
MS. MARSH: Wait, wait, wait.
MR. McDANIEL: Please, Mr. Blumenthal.
THE WITNESS: Yes.
SENATOR SPECTER: Senator Edwards says, and I agree with him, that you ought to direct it to somebody with specific knowledge so you don't—
BY MR. GRAHAM:
Q. Do you have any knowledge—
SENATOR SPECTER: —deal totally with speculation.
BY MR. GRAHAM:
Q. Do you have any specific knowledge of that event occurring, somebody gathering the letters up, having them ready to be able to respond to Ms. Willey if she ever said anything?
A. No.
Q. You have no knowledge whatsoever of how those letters came into the possession of the White House to be released to the press?
A. No, I don't. I don't know—
MR. GRAHAM: Thank you. I—
THE WITNESS: —who had them—
MR. GRAHAM: —don't have any—
THE WITNESS: —in the White House.
MR. GRAHAM: —further questions.

PROGRAM

Mr. LOTT. Under the order just granted, the Senate will meet again as the Court of Impeachment on Saturday. On Saturday, the Senate will hear presentations from the House managers and the White House counsel for not to exceed 6 hours. After those presentations, the Senate will resume its business on Monday for 6 hours, beginning at 1 p.m.

ADJOURNMENT UNTIL 10 A.M., SATURDAY, FEBRUARY 6, 1999

Mr. LOTT. Mr. Chief Justice, I now ask the Senate stand in adjournment under the previous order, and ask that all Senators remain at their desks until the Chief Justice departs the Chamber.

There being no objection, at 4:31 p.m., the Senate, sitting as a Court of Impeachment, adjourned until Saturday, February 6, 1999, at 10 a.m.

(Pursuant to an order of January 26, 1999, the following material was submitted at the desk during today's session:)

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting one nomination which was referred to the Committee on Agriculture, Nutrition, and Forestry.

(The nomination received today is printed at the end of the Senate proceedings.)

1998 ANNUAL REPORT OF THE COUNCIL OF ECONOMIC ADVISERS—MESSAGE FROM THE PRESIDENT—PM 3

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Joint Economic Committee.

ECONOMIC REPORT OF THE PRESIDENT

To the Congress of the United States:

I am pleased to report that the American economy today is healthy and strong. Our Nation is enjoying the longest peacetime economic expansion in its history, with almost 18 million new jobs since 1993, wages rising at twice the rate of inflation, the highest home ownership ever, the smallest welfare rolls in 30 years, and unemployment and inflation at their lowest levels in three decades.

This expansion, unlike recent previous ones, is both wide and deep. All income groups, from the richest to the poorest, have seen their incomes rise since 1993. The typical family income is up more than $3,500, adjusted for inflation. African-American and Hispanic households, who were left behind during the last expansion, have also seen substantial increases in income.

Our Nation's budget is balanced, for the first time in a generation, and we are entering the second year of an era of surpluses: our projections show that we will close out the 1999 fiscal year with a surplus of $79 billion, the largest in the history of the United States. We are on course for budget surpluses for many years to come.

These eeconomic successes are not accidental. They are the result of an economic strategy that we have pursued since 1993. It is a strategy that rests on three pillars: fiscal discipline, investments in education and technology, and expanding exports to the growing world market. Continuing with this proven strategy is the best way to maintain our prosperity and meet the challenges of the 21st century.

THE ADMINISTRATION'S ECONOMIC AGENDA

Our new economic strategy was rooted first and foremost in fiscal discipline. We made hard fiscal choices in 1993, sending signals to the market that we were serious about dealing with the budget deficits we had inherited. The market responded by lowering long-term interest rates. Lower interest rates in turn helped more people buy homes and borrow for college, helped more entrepreneurs to start businesses, and helped more existing businesses to invest in new technology and equipment. America's economic success has been fueled by the biggest boom in private sector investment in decades—more than $1 trillion in capital was freed for private sector investment. In past expansions, government bought more and spent more to drive the economy. During this expansion, government spending as a share of the economy has fallen.

The second part of our strategy has been to invest in our people. A global economy driven by information and fast-paced technological change creates ever greater demand for skilled workers. That is why, even as we balanced the budget, we substantially increased our annual investment in education and training. We have opened the doors of college to all Americans, with tax credits and more affordable student loans, with more work-study grants and more Pell grants, with education IRAs and the new HOPE Scholarship tax credit that more than 5 million Americans will receive this year. Even as we closed the budget gap, we have expanded the earned income tax credit for almost 20 million low-income working families, giving them hope and helping lift them our of poverty. Even as we cut government spending, we have raised investments in a welfare-to-work jobs initiative and invested $24 billion in our children's health initiative.

Third, to build the American economy, we have focused on opening foreign markets and expanding exports to our trading partners around the world. Until recently, fully one-third of the strong economic growth America has enjoyed in the 1990s has come from exports. That trade has been aided by 270 trade agreements we have signed in the past 6 years.

ADDRESSING OUR NATION'S ECONOMIC CHALLENGES

We have created a strong, healthy, and truly global economy—an economy that is a leader for growth in the world. But common sense, experience, and the example of our competitors abroad show us that we cannot afford to be complacent. Now, at this moment of great plenty, is precisely the time to face the challenges of the next century.

We must maintain our fiscal discipline by saving Social Security for the 21st century—thereby laying the foundations for future economic growth.

By 2030, the number of elderly Americans will double. This is a seismic demographic shift with great consequences for our Nation. We must keep Social Security a rock-solid guarantee. That is why I proposed in my State of the Union address that we invest the surplus to save Social Security. I proposed that we commit 62 percent of the budget surplus for the next 15 years to Social Security. I also proposed investing a small portion in the private sector. This will allow the trust fund to earn a higher return and keep Social Security sound until 2055.

But we must aim higher. We should put Social Security on a sound footing for the next 75 years. We should reduce poverty among elderly women, who are nearly twice as likely to be poor as other seniors. And we should eliminate the limits on what seniors on Social Security can earn. These changes will require difficult but fully achievable choices over and above the dedication of the surplus.

Once we have saved Social Security, we must fulfill our obligation to save and improve Medicare and invest in long-term health care. That is why I have called for broader, bipartisan reforms that keep Medicare secure until 2020 through additional savings and modernizing the program with market-oriented purchasing tools, while also providing a long-overdue prescription drug benefit.

By saving the money we will need to save Social Security and Medicare, over the next 15 years we will achieve the lowest ratio of publicly held debt to gross domestic product since 1917. This debt reduction will help keep future interest rates low or drive them even lower, fueling economic growth well into the 21st century.

To spur future growth, we must also encourage private retirement saving. In my State of the Union address I proposed that we use about 12 percent of the surplus to establish new Universal Savings Accounts—USA accounts. These will ensure that all Americans have the means to save. Americans could receive a flat tax credit to contribute to their USA accounts and additional tax credits to match a portion of their savings—with more help for lower income Americans. This is the right way to provide tax relief to the American people.

Education is also key to our Nation's future prosperity. That is why I proposed in my State of the Union address a plan to create 21st-century schools through greater investment and more accountability. Under my plan, States and school districts that accept Federal resources will be required to end social promotion, turn around or close failing schools, support high-quality teachers, and promote innovation, competition, and discipline. My plan also proposes increasing Federal investments to help States and school districts take responsibility for failing schools, to recruit and train new teachers, to expand after school and summer school programs, and to build or fix 5,000 schools.

At this time of continued turmoil in the international economy, we must do more to help create stability and open markets around the world. We must press forward with open trade. It would be a terrible mistake, at this time of economic fragility in so many regions, for the United States to build new walls of protectionism that could set off a chain reaction around the world, imperiling the growth upon which we depend. At the same time, we must do more to make sure that working people are lifted up by trade. We must do more to ensure that spirited economic competition among nations never becomes a race to the bottom in the area of environmental protections or labor standards.

Strengthening the foundations of trade means strengthening the architecture of international finance. The United States must continue to lead in stabilizing the world financial system. When nations around the world descend into economic disruption, consigning populations to poverty, it hurts them and it hurts us. These nations are our trading partners; they buy our products and can ship low-cost products to American consumers.

The U.S. proposal for containing financial contagion has been taken up around the world: interest rates are being cut here and abroad, America is meeting its obligations to the International Monetary Fund, and a new facility has been created at the World Bank to strengthen the social safety net in Asia. And agreement has been reached to establish a new precautionary line of credit, so nations with strong economic policies can quickly get the help they need before financial problems mushroom from concerns to crises.

We must do more to renew our cities and distressed rural areas. My Administration has pursued a new strategy, based on empowerment and investment, and we have seen its success. With the critical assistance of Empowerment Zones, unemployment rates in cities across the country have dropped dramatically. But we have more work to do to bring the spark of private enterprise to neighborhoods that have too long been without hope. That is why my budget includes an innovative ''New Markets'' initiative to spur $15 billion in new private sector capital investment in businesses in underserved areas through a package of tax credits and guarantees.

GOING FORWARD TOGETHER IN THE 21ST CENTURY

Now, on the verge of another American Century, our economy is at the pinnacle of power and success, but challenges remain. Technology and trade and the spread of information have transformed our economy, offering great opportunities but also posing great challenges. All Americans must be equipped with the skills to succeed and prosper in the new economy. America must have the courage to move forward and renew its ideas and institutions to meet new challenges. There are no limits to the world we can create, together, in the century to come.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *February 4, 1999.*

MESSAGES FROM THE HOUSE

At 1:00 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 68. An act to amend section 20 of the Small Business Act and make technical corrections in title III of the Small Business Investment Act.

H.R. 98. An act to amend chapter 443 of title 49, United States Code, to extend the aviation war risk insurance program and to amend the Centennial of Flight Commemoration Act to make technical and other corrections.

H.R. 99. An act to amend title 49, United States Code, to extend Federal Aviation Administration programs through September 30, 1999, and for other purposes.

H.R. 432. An act to designate the North/South Center as the Dante B. Fascell North-South Center.

The message also announced that the House agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 19. Concurrent resolution permitting the use of the Rotunda of the Capitol for a ceremony as part of the commemoration of the days of remembrance of victims of the Holocaust.

The message further announced that pursuant to section 8002 of the Internal Revenue code of 1986, the Committee on Ways and Means designated the following Members of the House to serve on the Joint Committee on Taxation for the 106th Congress: Mr. ARCHER, Mr. CRANE, Mr. THOMAS, Mr. RANGEL, and Mr. STARK.

The message also announced that pursuant to the provisions of 15 U.S.C. 1024(a), the Speaker appoints the following Member of the House of the Joint Economic Committee: Mr. SAXTON of New Jersey.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–1374. A communication from the President of the United States, transmitting, pursuant to law, a report on three rescissions of budget authority dated February 1, 1999; transmitted jointly, pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986, to the Committee on Appropriations, to the Committee on the Budget, to the Committee on Energy and Natural Resources, and to the Committee on Foreign Relations.

EC–1375. A communication from the Director of the Defense Security Cooperation Agency, transmitting, pursuant to law, a report on loans and guarantees issued under

the Arms Export Control Act as of September 30, 1998; to the Committee on Foreign Relations.

EC–1376. A communication from the Register of Copyrights, United States Copyright Office, Library of Congress, transmitting, pursuant to law, a schedule of proposed new copyright fees; to the Committee on the Judiciary.

EC–1377. A communication from the Chief of the Programs and Legislation Division, Office of Legislative Liaison, Department of the Air Force, transmitting, pursuant to law, notice of a cost comparison of the Base Operating Support functions at Lockland Air Force Base, Texas; to the Committee on Armed Services.

EC–1378. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medicare Program; Coverage of Ambulance Services and Vehicle and Staff Requirements'' (RIN0938–AH13) received on January 26, 1999; to the Committee on Finance.

EC–1379. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Weighted Average Interest Rate Update'' (Notice 99–7) received on January 25, 1999; to the Committee on Finance.

EC–1380. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Federal Insurance Contributions Act (FICA) Taxation of Amounts Under Employee Benefit Plans'' (RIN1545–AT27) received on January 28, 1999; to the Committee on Finance.

EC–1381. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Federal Unemployment Tax Act (FUTA) Taxation of Amounts Under Employee Benefit Plans'' (RIN1545–AT99) received on January 28, 1999; to the Committee on Finance.

EC–1382. A communication from the Federal Register Certifying Officer, Financial Management Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Acceptance of Bonds Secured By Government Obligations in Lieu of Bonds with Sureties'' (RIN1510–AA36) received on January 27, 1999; to the Committee on Finance.

EC–1383. A communication from the Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Marketing Order Regulating the Handling of Spearmint Oil Produced in the Far West; Salable Quantities and Allotment Percentages for the 1999–2000 Marketing Year'' (Docket FV–99–985–1 FR) received on January 26, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1384. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Azoxystrobin; Pesticide Tolerances for Emergency Exemptions'' (RIN2070–AB78) received on January 26, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1385. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Revocation of Tolerances for Canceled Food Uses; Correction'' (FRL6043–7) received on January 26, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1386. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Lambda-cyhalothrin; Pesticide Tolerances for Emergency Exemptions'' (FRL6056–2) received on January 26, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1387. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Fenbuconazole; Pesticide Tolerances for Emergency Exemptions'' (FRL6054–3) received on January 26, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1388. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Rescission of Cryolite Tolerance Revocations; Final Rule, Delay of Effective Date'' (FRL6058–7) received on January 26, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1389. A communication from the President of the United States, transmitting, pursuant to law, notice of the continuation of the national emergency with respect to grave acts of violence committed by foreign terrorists that disrupt the Middle East peace process is to continue in effect beyond January 23, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–1390. A communication from the Secretary of Commerce, transmitting, pursuant to law, the Bureau of Export Administration's report entitled ''Annual Report for Fiscal Year 1999'' and the ''1999 Report to Congress on Foreign Policy Export Controls''; to the Committee on Banking, Housing, and Urban Affairs.

EC–1391. A communication from the Vice Chair of the Import-Export Bank of the United States, transmitting, pursuant to law, notice of a financial guarantee to support the sale of certain Boeing aircraft to Ireland; to the Committee on Banking, Housing, and Urban Affairs.

EC–1392. A communication from the President and Chairman of the Import-Export Bank of the United States, transmitting, pursuant to law, the Bank's report on Sub-Saharan Africa and the Export-Import Bank of the United States; to the Committee on Banking, Housing, and Urban Affairs.

EC–1393. A communication from the General Counsel of the Department of the Treasury, transmitting, a draft of proposed legislation to authorize the Secretary of the Treasury to produce currency, postage stamps, and other security documents for foreign governments, and security documents for State governments and their political subdivisions; to the Committee on Banking, Housing, and Urban Affairs.

EC–1394. A communication from the Assistant Secretary for Export Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Exports of High Performance Computers; Post-shipment Verification Reporting Procedures'' (RIN0694–AB78) received on November 4, 1998; to the Committee on Banking, Housing, and Urban Affairs.

EC–1395. A communication from the Chief Counsel of the Office of Foreign Assets Control, Department of the Treasury, transmitting, pursuant to law, the report of a rule regarding the procedure for requests for removal from the list of blocked persons, groups, and vessels received on January 29, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–1396. A communication from the Director of the Congressional Budget Office, transmitting, pursuant to law, the Office's Sequestration Preview Report for Fiscal Year 2000; transmitted jointly, pursuant to the order of August 4, 1977, to the Committee on the Budget and to the Committee on Governmental Affairs.

EC–1397. A communication from the President of the United States, transmitting, pursuant to law, notice of an Agreement to extend the Mutual Fisheries Agreement to December 31, 2003; transmitted jointly, pursuant to 16 U.S.C. 1823(b), P.L. 94–265, to the Committee on Commerce, Science, and Transportation and to the Committee on Foreign Relations.

EC–1398. A communication from the Deputy Assistant Secretary for Policy, Pension and Welfare Benefits Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled ''Interim Rules for Group Health Plans and Health Insurance Issuers Under the Newborns' and Mothers' Health Protection Act'' (RIN1210–AA63) received on November 4, 1998; to the Committee on Finance.

EC–1399. A communication from the Regulatory Policy Officer, Bureau of Alcohol, Tobacco and Firearms, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Establishment of the San Francisco Bay Viticulture Area and the Realignment of the Boundary of the Central Coast Viticultural Area'' (RIN1512–AA07) received on January 27, 1999; to the Committee on Finance.

EC–1400. A communication from the President of the United States Institute of Peace, transmitting, pursuant to law, a report on the Institute's activities during the four year period following the end of the Cold War (1994–1997); to the Committee on Health, Education, Labor, and Pensions.

EC–1401. A communication from the Secretary of Housing and Urban Development, transmitting, pursuant to law, the Department's report under the Freedom of Information Act for fiscal year 1997; to the Committee on the Judiciary.

EC–1402. A communication from the Acting Assistant Attorney General, Department of Justice, transmitting, pursuant to law, the Department's report entitled ''Attacking Financial Institution Fraud: Fiscal Year 1996 (Second Quarterly Report)''; to the Committee on the Judiciary.

EC–1403. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Citrus Canker; Addition to Quarantined Areas'' (Docket 95–086–2) received on January 27, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1404. A communication from the Administrator of the Food Safety and Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Performance Standards for the Production of Certain Meat and Poultry Products'' (Docket 95–033F) received on January 28, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1405. A communication from the Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Dried Prunes Produced in California; Increased Assessment Rate'' (Docket FV99–993–1 FR) received on January 28, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1406. A communication from the Executive Director of the U.S. Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled ''Two-Part Documents for Commodity Pools'' received on November 4, 1998; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1407. A communication from the President of the United States, transmitting, pursuant to law, a 6-month periodic report on

the national emergency with respect to terrorists who threaten to disrupt the Middle East peace process (Executive Order 12947) dated January 27, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–1408. A communication from the Secretary of the United States Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled ''Custody of Investment Company Assets Outside the United States'' (RIN3235–AE98) received on January 29, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–1409. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, a list of international agreements other than treaties entered into by the United States (99–5 to 99–7); to the Committee on Foreign Relations.

EC–1410. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, the Department's report on the extent and disposition of U.S. contributions to international organizations for fiscal year 1997; to the Committee on Foreign Relations.

EC–1411. A communication from the Director of the Defense Security Cooperation Agency, transmitting, pursuant to law, the Agency's report on full-time USG employees who are performing services for which reimbursement is provided under the Arms Export Control Act; to the Committee on Foreign Relations.

EC–1412. A communication from the Acting Comptroller General of the United States, transmitting, pursuant to law, a list of reports issued or released by the General Accounting Office in September 1998; to the Committee on Governmental Affairs.

EC–1413. A communication from the Chair of the U.S. Architectural and Transportation Barriers Compliance Board, transmitting, pursuant to law, the Board's consolidated annual report under the Inspector General Act and the Federal Managers' Financial Integrity Act for fiscal year 1998; to the Committee on Governmental Affairs.

EC–1414. A communication from the Executive Director of the President's Committee on the Arts and the Humanities, transmitting, pursuant to law, a report on the Committee's recommendations to the President; to the Committee on Governmental Affairs.

EC–1415. A communication from the Secretary of Defense, transmitting, pursuant to law, the Department's report under the Inspector General Act for the period from April 1, 1998 through September 30, 1998; to the Committee on Governmental Affairs.

EC–1416. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. ACT 12–494, ''Uniform Per Student Funding Formula for Public Schools and Public Charter Schools and Tax Conformity Clarification Amendment Act of 1998''; to the Committee on Governmental Affairs.

EC–1417. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. ACT 12–495, ''Office of Citizen Complaint Review Establishment Act of 1998''; to the Committee on Governmental Affairs.

EC–1418. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. ACT 12–487, ''Summary of Abatement of Life-or-Health Threatening Conditions Amendment Act of 1998''; to the Committee on Governmental Affairs.

EC–1419. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. ACT 12–488, ''Alcoholic Beverage Control DC Arena Amendment Act of 1998''; to the Committee on Governmental Affairs.

EC–1420. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. ACT 12–490, ''Retired Police Officer Redeployment Temporary Amendment Act of 1998''; to the Committee on Governmental Affairs.

EC–1421. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. ACT 12–491, ''Criminal Background Investigation for the Protection of Children Temporary Act of 1998''; to the Committee on Governmental Affairs.

EC–1422. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. ACT 12–492, ''Metropolitan Police Department Civilianization Temporary Amendment Act of 1998''; to the Committee on Governmental Affairs.

EC–1423. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. ACT 12–493, ''Open Alcoholic Beverage Containers Amendment Act of 1998''; to the Committee on Governmental Affairs.

EC–1424. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. ACT 12–468, ''Prohibition on Abandoned Vehicles Amendment Act of 1998''; to the Committee on Governmental Affairs.

EC–1425. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. ACT 12–469, ''Closing of a Public Alley in Square 198, S.O. 90–260, Act of 1998''; to the Committee on Governmental Affairs.

EC–1426. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. ACT 12–471, ''ARCH Training Center Real Property Tax Exemption and Equitable Real Property Tax Exemption and Equitable Real Property Tax Relief Act of 1998''; to the Committee on Governmental Affairs.

EC–1427. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. ACT 12–473, ''Salvation Army Equitable Real Property Tax Relief Act of 1998''; to the Committee on Governmental Affairs.

EC–1428. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. ACT 12–475, ''Extension of Time to Dispose of District Owned Surplus Real Property Revised Temporary Amendment Act of 1998''; to the Committee on Governmental Affairs.

EC–1429. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. ACT 12–481, ''Regional Airports Authority Temporary Amendment Act of 1998''; to the Committee on Governmental Affairs.

EC–1430. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. ACT 12–486, ''Special Events Fee Adjustment Waiver Temporary Amendment Act of 1998''; to the Committee on Governmental Affairs.

EC–1431. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. ACT 12–485, ''Drug Prevention and Children at Risk Tax Check-off Temporary Act of 1998''; to the Committee on Governmental Affairs.

EC–1432. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. ACT 12–470, ''Drug-Related Nuisance Abatement Act of 1998''; to the Committee on Governmental Affairs.

EC–1433. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. ACT 12–474, ''Sex Offender Registration Risk Assessment Clarification and Convention Center Marketing Service Contracts Temporary Amendment Act of 1998''; to the Committee on Governmental Affairs.

EC–1434. A communication from the Chairman of the Appraisal Subcommittee, Federal Financial Institutions Examination Council, transmitting, pursuant to law, the Council's consolidated annual report under the Inspector General Act and the Federal Managers' Financial Integrity Act for fiscal year 1998; to the Committee on Governmental Affairs.

EC–1435. A communication from the Director of the Information Security Oversight Office, National Archives and Records Administration, transmitting, a copy of the Office's ''Report to the President'' for 1997; to the Committee on Governmental Affairs.

EC–1436. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. ACT 12–489, ''Holy Comforter-St. Cyprian Roman Catholic Church Equitable Real Property Tax Relief Act of 1998''; to the Committee on Governmental Affairs.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

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

S. 366. A bill to amend the National Trails System Act to designate El Camino Real de Tierra Adentro as a National Historic Trail; to the Committee on Energy and Natural Resources.

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

S. 367. A bill to amend the Radiation Exposure Compensation Act to provide for partial restitution to individuals who worked in uranium mines, mills, or transport which provided uranium for the use and benefit of the United States Government, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. COCHRAN (for himself and Mr. LOTT):

S. 368. A bill to authorize the minting and issuance of a commemorative coin in honor of the founding of Biloxi, Mississippi; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. CLELAND:

S. 369. A bill to provide States with the authority to permit certain employers of domestic workers to make annual wage reports; to the Committee on Finance.

By Mr. GRAHAM:

S. 370. A bill to designate the North/South Center as the Dante B. Fascell North-South Center; to the Committee on Foreign Relations.

By Mr. GRAHAM (for himself, Mr. DEWINE, Mr. COVERDELL, Mr. DOMENICI, Ms. LANDRIEU, Mr. DODD, Mr. HATCH, Mr. FRIST, Mr. MACK, and Mr. HAGEL):

S. 371. A bill to provide assistance to the countries in Central America and the Caribbean affected by Hurricane Mitch and Hurricane Georges, to provide additional trade benefits to certain beneficiary countries in the Caribbean, and for other purposes; to the Committee on Finance.

By Mr. BIDEN:

S. 372. A bill to make available funds under the Freedom Support Act to expand existing educational and professional exchanges with the Russian Federation to promote and

strengthen democratic government and civil society in that country, and to make available funds under that Act to conduct a study of the feasibility of creating a new foundation toward that end; to the Committee on Foreign Relations.

By Mr. HARKIN:

S. 373. A bill to prohibit the acquisition of products produced by forced or indentured child labor; to the Committee on Governmental Affairs.

By Mr. CHAFEE (for himself, Mr. GRAHAM, Mr. LIEBERMAN, Mr. SPECTER, Mr. BAUCUS, Mr. ROBB, and Mr. BAYH):

S. 374. A bill to amend the Public Health Service Act, the Employee Retirement Income Security Act of 1974, and the Internal Revenue Code of 1986 to protect consumers in managed care plans and other health coverage; to the Committee on Health, Education, Labor, and Pensions.

By Mr. STEVENS (for himself, Mr. INOUYE, Mr. MURKOWSKI, and Mr. AKAKA):

S. 375. A bill to create a rural business lending pilot program within the U.S. Small Business Administration, and for other purposes; to the Committee on Small Business.

By Mr. BURNS (for himself, Mr. MCCAIN, Mr. DORGAN, Mr. BRYAN, Mr. BROWNBACK, and Mr. CLELAND):

S. 376. A bill to amend the Communications Satellite Act of 1962 to promote competition and privatization in satellite communications, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. ENZI:

S. 377. A bill to eliminate the special reserve funds created for the Savings Association Insurance Fund and the Deposit Insurance Fund, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. KENNEDY (for himself and Mr. KERRY):

S. 378. A bill to provide for the non-preemption of State prescription drug benefit laws in connection with Medicare+Choice plans; to the Committee on Finance.

By Mr. ROCKEFELLER (for himself, Mr. DORGAN, Mr. WYDEN, Mr. HARKIN, and Mr. BINGAMAN):

S. 379. A bill to amend title 49, United States Code, to authorize the Secretary of Transportation to implement a pilot program to improve access to the national transportation system for small communities, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. CRAIG (for himself, Mr. BAUCUS, Mr. CRAPO, Mr. FRIST, Mr. ASHCROFT, Mr. THOMPSON, Mr. BURNS, Mr. BROWNBACK, Mr. INHOFE, Mr. HELMS, Mr. COCHRAN, Mr. ENZI, Mr. LOTT, Mr. THOMAS, Mr. GREGG, Mr. SESSIONS, and Mr. MURKOWSKI):

S. 380. A bill to reauthorize the Congressional Award Act; to the Committee on Governmental Affairs.

By Mr. INOUYE:

S. 381. A bill to allow certain individuals who provided service to the Armed Forces of the United States in the Philippines during World War II to receive a reduced SSI benefit after moving back to the Philippines; to the Committee on Finance.

By Mr. JOHNSON (for himself and Mr. DASCHLE):

S. 382. A bill to establish the Minuteman Missile National Historic Site in the State of South Dakota, and for other purposes; to the Committee on Energy and Natural Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. INOUYE:

S. Res. 32. A resolution to express the sense of the Senate reaffirming the cargo preference policy of the United States; to the Committee on Commerce, Science, and Transportation.

By Mr. BROWNBACK (for himself, Mr. WYDEN, Mr. MACK, Mr. SMITH of Oregon, Mr. HATCH, Mr. KERREY, Mr. FITZGERALD, Mr. HELMS, Mr. ASHCROFT, Mr. SCHUMER, Mr. TORRICELLI, Mr. GRAMS, and Mr. LAUTENBERG):

S. Con. Res. 5. A concurrent resolution expressing congressional opposition to the unilateral declaration of a Palestinian state and urging the President to assert clearly United States opposition to such a unilateral declaration of statehood; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

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

S. 366. A bill to amend the National Trails System Act to designate El Camino Real de Tierra Adentro as a National Historic Trail; to the Committee on Energy and Natural Resources.

CAMINO REAL DE TIERRA ADENTRO NATIONAL HISTORIC TRAIL

• Mr. BINGAMAN. Mr. President, I rise today to introduce a bill to amend the National Trails System Act to designate El Camino Real de Tierra Adentro as a National Historic Trail. Senator DOMENICI is once again a cosponsor of this legislation which enjoyed bipartisan support in both the Senate and in the House in the last Congress. I want to thank Senator DOMENICI for his continued support of this bill.

While we passed this bill last year in the Senate, it appeared that there just wasn t enough time for the House to go through its process on the bill at the end of the 105th Congress. My hope is that we will be able to move this bill through the Senate quickly this year and that the House will pass it as well.

While this legislation is important to my home state of New Mexico, it also contributes to the national dialogue on the history of this country and who we are as a people. In history classes across the country, children learn about the establishment of European settlements on the East Coast, and the east to west migration which occurred under the banner of Manifest Destiny. However, the story of the northward exploration and settlement of this country by the Spanish is often overlooked. This legislation recognizes this important chapter in American history.

In the 16th century, building upon a network of trade routes used by the indigenous Pueblos along the Rio Grande, Spanish explorers established a migration route into the interior of the continent which they called ''El Camino Real de Tierra Adentro'', the Royal Road of the Interior. In 1598, almost a decade before the first English colonists landed at Jamestown, Virginia, Don Juan de Onate led a Spanish expedition which established the northern portion of El Camino Real which became the main route for communication and trade between the colonial Spanish capital of Mexico City and the Spanish provincial capitals at San Juan de Los Caballeros, San Gabriel and then Santa Fe, New Mexico.

For the next 223 years, until 1821, El Camino Real facilitated the exploration, conquest, colonization, settlement, religious conversion, and military occupation of the Spanish colonial borderlands. In the 17th century, caravans of wagons and livestock struggled for months to cross the desert and bring supplies up El Camino Real to missions, mining towns and settlements in New Mexico. As with later Anglo settlers who travelled from St. Louis to California during the 1800s, the Spanish settlers faced very harsh conditions moving into what would become the American Southwest. On one section known as the Jornada del Muerto, or Journey of Death, they traveled for 90 miles without water, shelter, or firewood.

The Spanish influence from those persevering colonists can still be seen today in the ethnic and cultural traditions of the southwestern United States.

As we enter the 21st century, it's essential that we embrace the diversity of people and cultures that make up our country. It is the source of our dynamism and strength. The inclusion of this trail into the National Historic Trail system is an important step towards advancing our understanding of our rich cultural history.

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

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

S. 366

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''El Camino Real de Tierra Adentro National Historic Trail Act.''

SEC. 2. FINDINGS.

The Congress finds the following:

(1) El Camino Real de Tierra Adentro (the Royal Road of the Interior), served as the primary route between the colonial Spanish capital of Mexico City and the Spanish provincial capitals at San Juan de Los Caballeros (1598–1600), San Gabriel (1600–1609) and then Santa Fe (1610–1821).

(2) The portion of El Camino Real de Tierra Adentro that resided in what is now the United States extended between El Paso, Texas and present San Juan Pueblo, New Mexico, a distance of 404 miles;

(3) El Camino Real is a symbol of the cultural interaction between nations and ethnic groups and of the commercial exchange that made possible the development and growth of the borderland;

(4) American Indian groups, especially the Pueblo Indians of the Rio Grande, developed trails for trade long before Europeans arrived;

(5) In 1598, Juan de Oñate led a Spanish military expedition along those trails to establish the northern portion of El Camino Real;

(6) During the Mexican National Period and part of the U.S. Territorial Period, El Camino Real de Tierra Adentro facilitated the emigration of people to New Mexico and other areas that would become the United States;

(7) The exploration, conquest, colonization, settlement, religious conversion, and military occupation of a large area of the borderlands was made possible by this route, whose historical period extended from 1598 to 1882;

(8) American Indians, European emigrants, miners, ranchers, soldiers, and missionaries used El Camino Real during the historic development of the borderlands. These travelers promoted cultural interaction among Spaniards, other Europeans, American Indians, Mexicans, and Americans;

(9) El Camino Real fostered the spread of Catholicism, mining, an extensive network of commerce, and ethnic and cultural traditions including music, folklore, medicine, foods, architecture, language, place names, irrigation systems, and Spanish law.

SEC. 3. AUTHORIZATION AND ADMINISTRATION.

Section 5 (a) of the National Trails System Act (16 U.S.C. 1244 (a)) is amended—

(1) by designating the paragraphs relating to the California National Historic Trail, the Pony Express National Historic Trail, and the Selma to Montgomery National Historic Trail as paragraphs (18), (19), and (20), respectively; and

(2) by adding at the end the following:

''(21) EL CAMINO REAL DE TIERRA ADENTRO.—

''(A) El Camino Real de Tierra Adentro (the Royal Road of the Interior) National Historic Trail, a 404 mile long trail from the Rio Grande near El Paso, Texas to present San Juan Pueblo, New Mexico, as generally depicted on the maps entitled 'United States Route: El Camino Real de Tierra Adentro', contained in the report prepared pursuant to subsection (b) entitled 'National Historic Trail Feasibility Study and Environmental Assessment: El Camino Real de Tierra Adentro, Texas-New Mexico', dated March 1997.

''(B) MAP.—A map generally depicting the trail shall be on file and available for public inspection in the Office of the National Park Service, Department of Interior.

''(C) ADMINISTRATION.—The Trail shall be administered by the Secretary of the Interior.

''(D) LAND ACQUISITION.—No lands or interests therein outside the exterior boundaries of any federally administered area may be acquired by the Federal Government for El Camino Real de Tierra Adentro except with the consent of the owner thereof.

''(E) VOLUNTEER GROUPS; CONSULTATION.—The Secretary of the Interior shall—

''(i) encourage volunteer trail groups to participate in the development and maintenance of the trail; and

''(ii) consult with other affected Federal, State, and tribal agencies in the administration of the trail.

''(F) COORDINATION OF ACTIVITIES.—The Secretary of the Interior may coordinate with United States and Mexican public and non-governmental organizations, academic institutions, and, in consultation with the Secretary of State, the government of Mexico and its political subdivisions, for the purpose of exchanging trail information and research, fostering trail preservation and educational programs, providing technical assistance, and working to establish an international historic trail with complementary preservation and education programs in each nation.''.●

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

S. 367. A bill to amend the Radiation Exposure Compensation Act to provide for partial restitution to individuals who worked in uranium mines, mills, or transport which provided uranium for the use and benefit of the United States Government, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

THE RADIATION EXPOSURE COMPENSATION IMPROVEMENT ACT

● Mr. BINGAMAN. Mr. President, I rise today with my colleague, Senator DASCHLE, to introduce the Radiation Exposure Compensation Improvement Act of 1999.

Mr. President, the Radiation Exposure Compensation Act, or RECA, was originally enacted in 1990 as a means of compensating the individuals who suffered from exposure to radiation as a result of the U.S. government's nuclear testing program and federal uranium mining activities. While the government can never fully compensate for the loss of a life or a reduction in the quality of life, RECA serves as a cornerstone for the national apology Congress extended to those adversely affected by the various radiation tragedies. In keeping with the spirit of that apology, the legislation I introduce today will further correct existing injustices and provide compassionate compensation for those whose lives and health were sacrificed as part of our nation's effort to win the cold war.

During the period of 1947 to 1961, the Federal Government controlled all aspects of the production of nuclear fuel. One such aspect was the mining of uranium in New Mexico, Colorado, Arizona, and Utah. Even though the Federal Government had adequate knowledge of the hazards involved in uranium mining, these miners, many of whom were Native Americans, were sent into inadequately ventilated mines with virtually no instruction regarding the dangers of ionizing radiation. These miners had no idea of those dangers. Consequently, they inhaled radon particles that eventually yielded high doses of ionizing radiation. As a result, these miners have a substantially elevated cancer rate and incidence of incapacitating respiratory disease. The health effects of uranium mining in the fifties and sixties remain the single greatest concern of many former uranium miners and millers and their families and friends.

In 1990, I was pleased to co-sponsor the original RECA legislation here in the Senate to provide compassionate compensation to uranium miners. I was very optimistic that after years of waiting, some degree of redress would be given to the thousands of miners in my state of New Mexico. Subsequently, I chaired the Senate oversight hearing on this issue in Shiprock, N.M. for the Senate Labor and Human Resources Committee in 1993 and began to learn that while our efforts in 1990 were well intentioned they were not proving to be as effective as hoped. I additionally heard from many of my constituents that the program was not working as intended and that changes were necessary. To that end, I worked to facilitate changes in the regulatory and administrative areas.

Unfortunately, I have continued to hear from many of my constituents that the program still does not work as intended. I have received compelling letters of need from constituents telling of the many barriers in the current statute that lead to denial of compensation. Letters come from widows unable to access the current compensation. Miners tied to oxygen tanks, in respiratory distress or dying from cancer write to tell me how they have been denied compensation under the current act. Additionally, family members write of the pain of fathers who worked in uranium processing mills. They recount how their fathers came home covered in the ''yellow cake'' or uranium oxide that was floating in the air of the mills. The story of their fathers' cancers and painful breathing are vivid in these letters but the current act does not address their needs.

Their points are backed by others as well. In fact, my legislation incorporates findings by the Committee on the Biological Effects of Ionizing Radiation (BEIR) which has, since 1990, enlarged scientific evidence about radiogenic cancers and the health effects of radiation exposure. In other words, because of their good work, we know more now than we did in 1990 and we need to make sure the compensation we provide keeps pace with our medical knowledge. The government has the responsibility to compensate all those adversely affected and who have suffered health problems because they were not adequately informed of the risks they faced while mining, milling, and transporting uranium ore.

Mr. President, the legislation I am introducing today is a starting point for amending the current Act designed with specific elements to better serve the individuals who apply for compensation under the Act. The legislation is designed to simplify RECA and broaden the scope of individuals who are eligible for compensation.

Mr. President, I would like to cite several of the key provisions in the Radiation Exposure Compensation Improvement Act of 1999. Currently RECA covers those exposed to radiation released in underground uranium mines that were providing uranium for the primary use and benefit of the nuclear weapons program of the U.S. government. The legislation would make all uranium workers eligible for compensation including above ground miners, millers, and transport workers. I am very concerned about the need to expand compensation to the categories of workers not covered by the current

law, specifically those in above ground, open pit mines, mill workers, and those employed to transport uranium ore. There is overwhelming evidence that these workers have developed cancer and other diseases as a result of their exposure to uranium. While attempts have been made to get the scientific data necessary to substantiate the link between their work situation and their health problems, barriers have been encountered and I am told that data will not be readily available. I believe that it is necessary to move forward in this area and not deny further compensation awaiting study results that in the end may not be deemed to be statistically valid because of the difficulty in obtaining access to records and the millers themselves.

RECA currently covers individuals termed ''downwinders'' who were in the areas of Nevada, Utah, and Arizona affected by atmospheric nuclear testing in the 1950's. This bill expands the geographical area eligible for compensation to include the Navajo Reservation because, based on a recent report of the National Cancer Institute, Navajo children during the 1950's received extremely high Iodine-131 thyroid doses during the period of heaviest fallout from the Nevada Test site. In addition, the bill expands the compensable diseases for the downwind population by adding salivary gland, urinary bladder, brain, colon, and ovarian cancers.

Currently, the law has disproportionately high levels of radiation exposure requirements for miners to qualify for compensation as compared to the ''downwinders.'' My legislation would set a standard of proof for uranium workers that is more realistic given the availability of mining and mill data. The bill also removes the provision that only permits a claim for respiratory disease if the uranium mining occurred on a reservation. Thus, the bill will allow for further filing of a claim by those miners, millers, and transport workers who did not have a work history on a reservation. In addition, the bill would change the current law so that requirements for written medical documentation is updated to allow for use of high resolution CAT scans and allow for written diagnoses by physicians in either the Department of Veterans Affairs or the Indian Health Service to be considered conclusive.

In 1990, we joined together in a bipartisan, bicameral effort and assured passage of the Radiation Exposure Compensation Act (RECA). Now we put forward this comprehensive amendment to RECA to correct omission, make RECA consistent with current medical knowledge, and to address what have become administrative borrow stories for the claimants. I look forward to the debate in the Senate on this issue and hope that we can move to amend the current statute to ensure our original intent—fair and rapid compensation to those who served their country so well.

Mr. President, I ask unanimous consent to have the text of the Radiation Improvement Compensation Act printed in the RECORD.

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

S. 367

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

SECTION 1. SHORT TITLE; FINDINGS.

(a) SHORT TITLE.—This Act may be cited as the ''Radiation Exposure Compensation Improvement Act of 1999.''.

(b) FINDINGS.—Congress finds the following:

(1) The intent of the Radiation Exposure Compensation Act (42 U.S.C. 2210 note), enacted in 1990, was to apologize to victims of the weapons program of the Federal Government, but uranium workers who have applied for compensation under the Act have faced a disturbing number of challenges.

(2) The congressional oversight hearing conducted by the Committee on Labor and Human Resources of the Senate has shown that since passage of the Radiation Exposure Compensation Act, former uranium workers and their families have not received prompt and efficient compensation.

(3) There is no plausible justification for the Federal Government's failure to warn and protect the lives and health of uranium workers.

(4) Progress on implementing the Radiation Exposure Compensation Act has been impeded by criteria for compensation that is far more stringent than for other groups for which compensation is provided.

(5) The President's Advisory Committee on Human Radiation Experiments recommended that amendments to the Radiation Exposure Compensation should be made.

(6) Uranium millers, aboveground miners, and individuals who transported uranium ore should be provided compensation that is similar to that provided for underground uranium miners in cases in which those individuals suffered disease or resultant death as a result of the failure of the Federal Government to warn of health hazards.

SEC. 2. TRUST FUND.

Section 3(d) of the Radiation Exposure Compensation Act (42 U.S.C. 2210 note) is amended by striking ''of this Act'' and inserting ''of the Radiation Exposure Compensation Improvement Act of 1999.''.

SEC. 3. AFFECTED AREA; CLAIMS RELATING TO SPECIFIED DISEASES.

(a) AFFECTED AREA.—Section 4(b)(1) of the Radiation Exposure Compensation Act (42 U.S.C. 2210 note) is amended—

(1) by striking ''and'' at the end of subparagraph (B); and

(2) by adding at the end the following:

''(D) those parts of Arizona, Utah, and New Mexico comprising the Navajo Nation Reservation that were subjected to fallout from nuclear weapons testing conducted in Nevada; and''.

(b) CLAIMS RELATING TO SPECIFIED DISEASES.—Section 4(b)(2) of the Radiation Exposure Compensation Act (42 U.S.C. 2210 note) is amended—

(1) by striking ''the onset of the disease was between 2 and 30 years of first exposure,'' and inserting ''the onset of the disease was at least 2 years after first exposure, lung cancer (other than in situ lung cancer that is discovered during or after a post-mortem exam),'';

(2) by striking ''(provided initial exposure occurred by the age of 20)'' after ''thyroid'';

(3) by inserting ''male or'' before ''female breast'';

(4) by striking ''(provided initial exposure occurred prior to age 40)'' after ''female breast'';

(5) by striking ''(provided low alcohol consumption and not a heavy smoker)'' after ''esophagus'';

(6) by striking ''(provided initial exposure occurred before age 30)'' after ''stomach'';

(7) by striking ''(provided not a heavy smoker)'' after ''pharynx'';

(8) by striking ''(provided not a heavy smoker and low coffee consumption)'' after ''pancreas'';

(9) by inserting ''salivary gland, urinary bladder, brain, colon, ovary,'' after ''gall bladder,''; and

(10) by inserting before the period at the end the following: '', and chronic lymphocytic leukemia''.

SEC. 4. URANIUM MINING AND MILLING AND TRANSPORT.

(a) AMENDMENT TO HEADING.—Section 5 of the Radiation Exposure Compensation Act (42 U.S.C. 2210 note) is amended by striking the section heading and inserting the following:

''SEC. 5. CLAIMS RELATING TO URANIUM MINING OR MILLING OR TRANSPORT.''.

(b) MILLING.—Section 5(a) of the Radiation Exposure Compensation Act (42 U.S.C. 2210 note) is amended—

(1) by striking ''Any'' and inserting ''Any individual who was employed to transport or handle uranium ore or any''; and

(2) by inserting ''or in any other State in which uranium was mined, milled, or transported'' after ''Utah''.

(c) MINES.—Section 5(a) of the Radiation Exposure Compensation Act (42 U.S.C. 2210 note), as amended by subsection (a) of this section, is amended by striking ''a uranium mine'' and inserting ''a uranium mine (including a mine located aboveground or an open pit mine in which uranium miners worked, or a uranium mill)''.

(d) DATES.—Section 5(a) of the Radiation Exposure Compensation Act (42 U.S.C. 2210 note), as amended by subsections (b) and (c) of this section, is amended by striking ''January 1, 1947, and ending on December 31, 1971'' and inserting ''January 1, 1942, and ending on December 31, 1990''.

(e) AMENDMENT OF PERIOD OF EXPOSURE; EXPANSION OF COVERAGE; INCREASE IN COMPENSATION AWARDS; AND REMOVAL OF SMOKING DISTINCTION.—Section 5(a) of the Radiation Exposure Compensation Act (42 U.S.C. 2210 note), as amended by subsections (b) through (d) of this section, is amended—

(1) by striking paragraph (1) and all that follows through the end of the subsection and inserting the following:

''(2) COMPENSATION.—Any individual shall receive $200,000 for a claim made under this Act if—

''(A) that individual—

''(i) was exposed to 40 or more working level months of radiation and submits written medical documentation that the individual, after exposure developed—

''(I) lung cancer,

''(II) a nonmalignant respiratory disease, or

''(III) any other medical condition associated with uranium mining or milling, or

''(ii) worked in uranium mining, milling, or transport for a period of at least 1 year and submits written medical documentation that the individual, after exposure, developed—

''(I) lung cancer,

''(II) a nonmalignant respiratory disease, or

''(III) any other medical condition associated with uranium mining, milling, or transport,

''(B) the claim for that payment is filed with the Attorney General by or on behalf of that individual, and

''(C) the Attorney General determines, in accordance with section 6, that the claim meets the requirements of this Act.''.

(2) by striking ''(a) ELIGIBILITY OF INDIVIDUALS.—Any'' and inserting the following: ''(a) ELIGIBILITY.—

''(1) IN GENERAL.—Any''; and

(3) in paragraph (1), as so designated, by striking the dash at the end and inserting a period.

(f) CLAIMS RELATED TO HUMAN RADIATION EXPERIMENTATION AND DEATH RESULTING FROM CAUSE OTHER THAN RADIATION.—Section 5 of the Radiation Exposure Compensation Act (42 U.S.C. 2210 note) is amended—

(1) by redesignating subsection (b) as subsection (d); and

(2) by inserting after subsection (a) the following:

''(b) CLAIMS RELATING TO HUMAN USE RESEARCH AND DEATH RESULTING FROM NONRADIOLOGICAL CAUSES.—

''(1) IN GENERAL.—

''(A) PAYMENT.—Any individual described in subparagraph (B) shall receive $50,000 if—

''(i) a claim for that payment is filed with the Attorney General by or on behalf of that individual; and

''(ii) the Attorney General determines, in accordance with section 6, that the claim meets the requirements of this Act.

''(B) DESCRIPTION OF INDIVIDUALS.—An individual described in this subparagraph is an individual who—

''(i) was employed in a uranium mining, milling, or transport within any State referred to in subsection (a) at any time during the period referred to in that subsection, and

''(ii)(I) in the course of that employment, without the individual's knowledge or informed consent, was intentionally exposed to radiation for purposes of testing, research, study, or experimentation by the Federal Government (including any agency of the Federal Government) to determine the effects of that exposure on the human body; or

''(II) in the course of or arising out of the individual's employment, suffered death, that, because the individual or the estate of the individual was barred from pursuing recovery under a worker's compensation system or civil action available to similarly situated employees of mines or mills that are not uranium mines or mills, is not otherwise—

''(aa) compensable under subsection (a); or

''(bb) redressable.

''(2) PAYMENTS.—Payments under this subsection may be made only in accordance with section 6.''.

(g) OTHER INJURY OR DISABILITY.—Section 5 of the Radiation Exposure Compensation Act (42 U.S.C. 2210 note), as amended by subsection (f) of this section, is amended by adding after subsection (b) the following:

''(c) OTHER INJURY OR DISABILITY.—

''(1) IN GENERAL.—

''(A) PAYMENT.—Any individual described in subparagraph (B) shall receive $20,000 if—

''(i) a claim for that payment is filed with the Attorney General by or on behalf of that individual; and

''(ii) the Attorney General determines, in accordance with section 6, that the claim meets the requirements of this Act.

''(B) DESCRIPTION OF INDIVIDUALS.—An individual described in this subparagraph is an individual who—

''(i) was employed in a uranium mine or mill or transported uranium ore within any State referred to in subsection (a) at any time during the period referred to in that subsection; and

''(ii) submits written medical documentation that individual suffered injury or disability, arising out of or in the course of the individual's employment that, because the individual or the estate of the individual was barred from pursuing recovery under a worker's compensation system or civil action available to similarly situated employees of mines or mills that are not uranium mines or mills, is not otherwise—

''(I) compensable under subsection (a); or

''(II) redressable.

''(2) PAYMENTS.—Payments under this subsection may be made only in accordance with section 6.''.

(h) DEFINITIONS.—Subsection (d) of section 5 of the Radiation Exposure Compensation Act (42 U.S.C. 2210 note), as redesignated by subsection (f) of this section, is amended—

(1) in paragraph (1)—

(A) by striking ''radiation exposure'' and inserting ''exposure to radon and radon progeny''; and

(B) by inserting ''based on a 6-day workweek,'' after ''every work day for a month,'';

(2) by striking paragraph (2) and inserting the following:

''(2) the term 'affected Indian tribe' means any Indian tribe, band, nation, pueblo, or other organized group or community, that is recognized as eligible for special programs and services provided by the United States to Indian tribes because of their status as Native Americans, whose people engaged in uranium mining or milling or were employed where uranium mining or milling was conducted;'';

(3) by striking paragraphs (3) and (4); and

(4) by adding at the end the following:

''(3) the term 'course of employment' means—

''(A) any period of employment in a uranium mine or uranium mill before or after December 31, 1971, or

''(B) the cumulative period of employment in both a uranium mine and uranium mill in any case in which an individual was employed in both a uranium mine and a uranium mill;

''(4) the term 'lung cancer' means any physiological condition of the lung, trachea, and bronchus that is recognized under that name or nomenclature by the National Cancer Institute, including any in situ cancer;

''(5) the term 'nonmalignant respiratory disease' means fibrosis of the lung, pulmonary fibrosis, corpulmonale related to pulmonary fibrosis, or moderate or severe silicosis or pneumoconiosis;

''(6) the term 'other medical condition associated with uranium mining, milling, or uranium transport' means any medical condition associated with exposure to radiation, heavy metals, chemicals, or other toxic substances to which miners and millers are exposed in the mining and milling of uranium;

''(7) the term 'uranium mill' includes milling operations involving the processing of uranium ore or vanadium-uranium ore, including carbonate and acid leach plants;

''(8) the term 'uranium transport' means human physical contact involved in moving uranium ore from 1 site to another, including mechanical conveyance, physical shoveling, or driving a vehicle;

''(9) the term 'uranium mine' means any underground excavation, including dog holes, open pit, strip, rim, surface, or other aboveground mines, where uranium ore or vanadium-uranium ore was mined or otherwise extracted;

''(10) the term 'working level' means the concentration of the short half-life daughters (known as 'progeny') of radon that will release (1.3×10^5) million electron volts of alpha energy per liter of air; and

''(11) the term 'written medical documentation' for purposes of proving a nonmalignant respiratory disease means, in any case in which the claimant is living—

''(A) a chest x-ray administered in accordance with standard techniques and the interpretive reports thereof by 2 certified 'B' readers classifying the existence of the nonmalignant respiratory disease of category 1/0 or higher according to a 1989 report of the International Labour Office (known as the 'ILO'), or subsequent revisions;

''(B) a high resolution computed tomography scan (commonly known as an 'HCRT scan') and any interpretive report for that scan;

''(C) a pathology report of a tissue biopsy;

''(D) a pulmonary function test indicating restrictive lung function (as defined by the American Thoracic Society); or

''(E) an arterial blood gas study.''.

SEC. 5. DETERMINATION AND PAYMENT OF CLAIMS.

(a) DETERMINATION AND PAYMENT OF CLAIMS, GENERALLY.—Section 6 of the Radiation Exposure Compensation Act (42 U.S.C. 2210 note) is amended—

(1) in subsection (b)—

(A) in paragraph (1), by adding at the end the following: ''All reasonable doubt with regard to whether a claim meets the requirements of this Act shall be resolved in favor of the claimant.'';

(B) by redesignating paragraph (2) as paragraph (5); and

(C) by inserting after paragraph (1) the following:

''(2) EVIDENCE.—In support of a claim for compensation under section 5, the Attorney General shall permit the introduction of, and a claimant may use and rely upon, affidavits and other documentary evidence, including medical evidence, to the same extent as permitted by the Federal Rules of Evidence.

''(3) INTERPRETATION OF CHEST X-RAYS.—For purposes of this Act, a chest x-ray and the accompanying interpretive report required in support of a claim under section 5(a), shall—

''(A) be considered to be conclusive, and

''(B) be subject to a fair and random audit procedure established by the Attorney General.

''(4) CERTAIN WRITTEN DIAGNOSES.—

''(A) IN GENERAL.—For purposes of this Act, in any case in which a written diagnosis is made by a physician described in subparagraph (B) of a nonmalignant pulmonary disease or lung cancer of a claimant that is accompanied by written medical documentation that meets the definition of that term under subsection (b)(11), that written diagnosis shall be considered to be conclusive evidence of that disease.

''(B) DESCRIPTION OF PHYSICIANS.—A physician described in this subparagraph is a physician who—

''(i) is employed by—

''(I) the Indian Health Service of the Department of Health and Human Services, or

''(II) the Department of Veterans Affairs, and

''(ii) is responsible for examining or treating the claimant involved.'';

(2) in subsection (c)(2)—

(A) in subparagraph (A)(ii), by striking ''in a uranium mine'' and inserting ''in uranium mining, milling, or transport''; and

(B) in subparagraph (B)(ii), by striking ''by the Federal Government'' and inserting ''through the Department of Veterans Affairs'';

(3) in subsection (d)—

(A) by striking ''(d) ACTION ON CLAIMS.—The Attorney General'' and inserting the following:

''(d) ACTION ON CLAIMS.—

''(1) IN GENERAL.—The Attorney General''; and

(B) by adding at the end the following:

''(2) DETERMINATION OF PERIOD.—For purposes of determining the tolling of the 12-month period under paragraph (1), a claim under this Act shall be considered to have

been filed as of the date of the receipt of that claim by the Attorney General.

''(3) ADMINISTRATIVE REVIEW.—If the Attorney General denies a claim referred to in paragraph (1), the claimant shall be permitted a reasonable period of time in which to seek administrative review of the denial by the Attorney General.

''(4) FINAL DETERMINATION.—The Attorney General shall make a final determination with respect to any administrative review conducted under paragraph (3) not later than 90 days after the receipt of the claimant's request for that review.

''(5) EFFECT OF FAILURE TO RENDER A DETERMINATION.—If the Attorney General fails to render a determination during the 12-month period under paragraph (1), the claim shall be deemed awarded as a matter of law and paid.'';

(4) in subsection (e), by striking ''in a uranium mine'' and inserting ''uranium mining, milling, or transport'';

(5) in subsection (k), by adding at the end the following: ''With respect to any amendment made to this Act after the date of enactment of this Act, the Attorney General shall issue revised regulations, guidelines, and procedures to carry out that amendment not later than 180 days after the date of enactment of that amendment.''; and

(6) in subsection (*l*)—

(A) by striking ''(l) JUDICIAL REVIEW.—An individual'' and inserting the following:

''(l) JUDICIAL REVIEW.—

''(1) IN GENERAL.—An individual''; and

(B) by adding at the end the following:

''(2) ATTORNEY'S FEES.—If the court that conducts a review under paragraph (1) sets aside a denial of a claim under this Act as unlawful, the court shall award claimant reasonable attorney's fees and costs incurred with respect to the court's review.

''(3) INTEREST.—If, after a claimant is denied a claim under this Act, the claimant subsequently prevails upon remand of that claim, the claimant shall be awarded interest on the claim at a rate equal to 8 percent, calculated from the date of the initial denial of the claim.

''(4) TREATMENT OF ATTORNEY'S FEES, COSTS, AND INTEREST.—Any attorney's fees, costs, and interest awarded under this section shall—

''(A) be considered to be costs incurred by the Attorney General, and

''(B) not be paid from the Fund, or set off against, or otherwise deducted from, any payment to a claimant under this section.''.

(b) FURTHERANCE OF SPECIAL TRUST RESPONSIBILITY TO AFFECTED INDIAN TRIBES; SELF-DETERMINATION PROGRAM ELECTION.—In furtherance of, and consistent with, the trust responsibility of the United States to Native American uranium workers recognized by Congress in enacting the Radiation Exposure Compensation Act (42 U.S.C. 2210 note), section 6 of that Act, as amended by subsection (a) of this section, is amended—

(1) in subsection (a), by adding at the end the following: ''In establishing any such procedure, the Attorney General shall take into consideration and incorporate, to the fullest extent feasible, Native American law, tradition, and custom with respect to the submission and processing of claims by Native Americans.'';

(2) in subsection (b), by inserting after paragraph (3) the following:

''(4) PULMONARY FUNCTION STANDARDS.—In determining the pulmonary impairment of a claimant, the Attorney General shall evaluate the degree of impairment based on ethnic-specific pulmonary function standards.'';

(3) in subsection (b)(5)—

(A) by striking ''and'' at the end of subparagraph (B);

(B) by striking the period at the end of subparagraph (C) and inserting ''; and''; and

(C) by inserting after subparagraph (C) the following:

''(D) in consultation with any affected Indian tribe, establish guidelines for the determination of claims filed by Native American uranium miners, millers, and transport workers pursuant to section 5.'';

(4) in subsection (b), by adding after paragraph (5) the following:

''(6) SELF-DETERMINATION PROGRAM ELECTION.—

''(A) IN GENERAL.—The Attorney General on the request of any affected Indian tribe by tribal resolution, may enter into 1 or more self-determination contracts with a tribal organization of that Indian tribe pursuant to the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) to plan, conduct, and administer the disposition and award of claims under this Act to the extent that members of the affected Indian tribe are concerned.

''(B) APPROVAL.—(i) On the request of an affected Indian tribe to enter into a self-determination contract referred to in subparagraph (A), the Attorney General shall approve or reject the request in a manner consistent with section 102 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450f).

''(ii) The Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) shall apply to the approval and subsequent implementation of a self-determination contract entered into under clause (i) or any rejection of such a contract, if that contract is rejected.

''(C) USE OF FUNDS.—Notwithstanding any other provision of law, funds authorized for use by the Attorney General to carry out the functions of the Attorney General under subsection (i) may be used for the planning, training, implementation, and administration of any self-determination contract that the Attorney General enters into with an affected Indian tribe under this section.''; and

(5) in subsection (c)(4), by adding at the end the following:

''(D) APPLICATION OF NATIVE AMERICAN LAW.—In determining the eligibility of individuals to receive compensation under this Act by reason of marriage, relationship, or survivorship, the Attorney General shall take into consideration and give effect to established law, tradition, and custom of affected Indian tribes.''.

SEC. 6. CHOICE OF REMEDIES.

Section 7(b) of the Radiation Exposure Compensation Act (42 U.S.C. 2210 note) is amended to read as follows:

''(b) CHOICE OF REMEDIES.—

''(1) IN GENERAL.—Except as provided in paragraph (1), the payment of an award under any provision of this Act does not preclude the payment of an award under any other provision of this Act.

''(2) LIMITATION.—No individual may receive more than 1 award payment for any compensable cancer or other compensable disease.''.

SEC. 7. LIMITATION ON CLAIMS; RETROACTIVE APPLICATION OF AMENDMENTS.

Section 8 of the Radiation Exposure Compensation Act (42 U.S.C. 2210 note) is amended to read as follows:

''SEC. 8. LIMITATION ON CLAIMS.

''(a) BAR.—After the date that is 20 years after the date of enactment of the Radiation Exposure Compensation Improvement Act no claim may be filed under this Act.

''(b) APPLICABILITY OF AMENDMENTS.—The amendments made to this Act by the Radiation Exposure Compensation Improvement Act shall apply to any claim under this Act that is pending or commenced on or after October 5, 1990, without regard to whether payment for that claim could have been awarded before the date of enactment of the Radiation Exposure Compensation Improvement Act as the result of previous filing and prior payment under this Act.''.

SEC. 8. REPORT.

Section 12 of the Radiation Exposure Compensation Act (42 U.S.C. 2210 note) is amended—

(1) by striking the section heading and inserting the following:

''**SEC. 12. REPORTS.**'';

and

(2) by adding at the end the following:

''(c) URANIUM MILL AND MINE REPORT.—Not later than January 1, 2001, the Secretary of Health and Human Services in consultation with the Secretary of Energy shall prepare and submit to Congress a report that—

''(1) summarizes medical knowledge concerning adverse health effects sustained by residents of communities who reside adjacent to—

''(A) uranium mills or mill tailings,

''(B) aboveground uranium mines, or

''(C) open pit uranium mines; and

''(2) summarizes available information concerning the availability and accessibility of medical care that incorporates the best available standards of practice for individuals with malignancies and other compensable diseases relating to exposure to uranium as a result of uranium mining and milling activities;

''(3) summarizes the reclamation efforts with respect to uranium mines, mills, and mill tailings in Colorado, New Mexico, Arizona, Wyoming, and Utah; and

''(4) makes recommendations for further actions to ensure health and safety relating to the efforts referred to in paragraph (3).''.●

● Mr. DASCHLE. Mr. President, 9 years ago Congress took the landmark step of extending benefits through the Radiation Exposure Compensation Act of 1990 (RECA) to thousands of American victims of the Cold War who were unknowingly and wrongly exposed to life-threatening levels of radiation and other harmful materials as part of our nation's nuclear weapons program.

This law was long overdue, and was an important step by Congress to acknowledge the federal government's responsibility for its failure to warn or take adequate steps to protect victims of radioactive fallout from weapons testing and underground uranium miners who breathed harmful levels of radon as they worked to supply our nuclear weapons program. The law makes individuals who have developed cancer or other health problems as a result of their exposure to radiation eligible for up to $100,000 in compensation from the government.

In the 9 years since the passage of that bill, we have had time to reflect upon its strengths and its shortcomings. During that time, it has become overwhelmingly clear that we have not fully met our obligation to victims of our nuclear program. Most seriously, we have arbitrarily and unfairly limited compensation for underground miners to those in only 5 states, despite the fact that underground miners in other states such as South Dakota faced exactly the same risk to their health. This fact alone requires us to amend RECA so that we can right this wrong.

However, we have also excluded other groups of workers, and their surviving families, from compensation for serious health problems and, in some cases, deaths, that have resulted from their work to help defend our nation. Many of those who worked in uranium mills, for example, have developed serious respiratory problems as a result of exposure to uranium dusts and silica. Concerns have been raised about aboveground miners and uranium transportation workers as well.

It is the obligation of the 106th Congress to continue the work of the 101st. Not only is it incumbent upon us to extend the law to compensate underground miners unfairly left out of the original legislation, we need to extend the law to cover new groups of workers who face similar risks to their health. It is for that reason that I am joining with Senator BINGAMAN today to sponsor the Radiation Exposure Compensation Improvement Act of 1999. This legislation will expand RECA to cover underground miners in all states, as well as surface miners, transportation workers and uranium mill workers who have had health problems as a result of their work with uranium. I hope my colleagues will join us to pass this legislation quickly.

I also feel an obligation to correct the historical record. During my review of the scientific literature on the uranium industry and of testimony before Congress, I was concerned to see that South Dakota's former uranium industry has gone virtually unnoticed by the rest of the nation despite the fact that South Dakotans who worked in the industry appear to be suffering exactly the same long-term health consequences as residents of other states. For that reason, I would like to take a moment to outline the history of uranium mining and processing in my state.

Uranium was first discovered in South Dakota in the summer of 1951, along the fringe of the Black Hills where grasslands uplift into pine forest. As you know, 1951 was a difficult time in American history. The Cold War with the Soviet Union was deepening, and the United States was rapidly expanding its arsenal of nuclear weapons. To supply this new weapons program, the United States adopted a program of government price supports to create a domestic uranium industry under the jurisdiction of the Atomic Energy Commission (AEC).

Almost immediately, South Dakota became one of the AEC's suppliers. After uranium was discovered in South Dakota, the AEC established an office in Hot Springs to conduct airborne radiometric surveys, and small-scale prospecting began. South Dakota's first uranium ore was shipped by rail to Colorado for processing, until an ore-buying station was established by the AEC in the town of Edgemont in December of 1952. A uranium mill was constructed in Edgemont shortly afterwards.

Uranium mining and milling continued for nearly two decades in my state. According to the South Dakota School of Mines and Technology, there were over 100 uranium mines in the vicinity of Edgemont, of which at least 22 were underground. In their 20 years of operation between 1953 and 1973, these mines produced nearly 1 million short tons of ore and just over 3 million pounds of processed uranium.

Ore from South Dakota's mines was processed at the mill in Edgemont. According to a document provided to me by the Tennessee Valley Authority, which later acquired the mill and the responsibility for its cleanup, ''From 1956 through 1972 (when the uranium circuit was shut down and the mill stopped producing uranium concentrates), approximately 2,500,000 tons of mill tailings were produced onsite. Of this total, approximately 2,050,000 tons—82 percent—were produced under contract with the AEC for defense purposes. In fact, all of the uranium concentrates produced through December 31, 1966, and a portion of those produced until 1968 were sold to the AEC. The remaining 450,000 tons of mill tailings—18 percent—were produced under contracts for commercial sales.''

Mr. President, much of this information was difficult to come by, and to ensure that all those who need it in the future have full access to it.

As these records make clear, for over 20 years South Dakota played a significant role in supplying uranium for our nation's nuclear weapons program. Yet rarely will you find South Dakota mentioned in any of the debate over the long-term consequences of that program. I am determined to change that fact, and to ensure that all South Dakotans, and other individuals across the country, who are suffering from poor health, or who are surviving relatives of uranium workers who have died as a result of their work, are fairly compensated by the federal government for their losses.

As my colleagues know, in RECA Congress officially recognized that ''the lives and health of uranium miners and of individuals who were exposed to radiation were subjected to increased risk of injury and disease to serve the national security interests of the United States.'' However, the law only makes this determination for fallout victims and for underground uranium miners in 5 states. I believe it must be broadened to include underground uranium miners in all states. This is a matter of simple fairness. I can find no reasonable explanation for the failure of the law to include South Dakota and other states that had underground uranium mines whose workers would have been exposed to unsafe levels of radon. In addition, the law should be broadened to include uranium mill workers, surface miners and transportation workers to ensure that all those who may be suffering from health problems as a result of exposure to uranium dust or other harmful materials are compensated fairly. While there are strong grounds on which to expand the act to include all of these groups of workers, it is helpful to examine closely the evidence supporting the inclusion of one of these groups—mill workers—to better understand our reasons for seeking this change.

The grounds for expanding the act to include mill workers are largely the same as those which led Congress to pass RECA 9 years ago. The United States government, which created the domestic uranium industry through price supports in order to supply its nuclear weapons program, failed to adequately warn mill workers of potential risks to their health, to take reasonable measures to create a safe working environment, or to act on initial warnings and conduct long-term studies of mill workers to determine whether their health was being affected by their work.

The federal government recognized the potential risks of uranium production from the onset of our nuclear program, and in 1949 the Public Health Service (PHS) initiated a study of both underground miners and millers to determine whether they were suffering from any adverse health effects. Troublingly, a decision was also made by the federal government not to inform workers that their health could be at risk. As Senior District Judge Copple noted in his decision in Begay v. United States, ''In order to proceed with the epidemiological study, it was necessary to obtain the consent and voluntary cooperation of all mine operators. To do this, it was decided by PHS under the Surgeon General that the individual miners would not be told of possible potential hazards from radiation in the mines for fear that many miners would quit and others would be difficult to secure because of fear of cancer. This would seriously interrupt badly needed production of uranium.'' While the court's decision does not make clear whether that same decision applied to uranium millers, subsequent research has shown that over 80 percent of former mill workers felt they were not informed about the hazards of radiation during their employment.

The early results of this study, as described in a May 1952 report entitled, ''An Interim Report of a Health Study of the Uranium Mines and Mills,'' are disturbing. It notes that, ''In 1950, 13.8 percent of the white miners and 26.5 percent of the white millers showed more than the usual pulmonary fibrosis, as compared to 7.5 percent in a control group. In the same year, 20 percent of the Indian millers and 13.2 percent of the Indian miners showed more than the usual pulmonary fibrosis, as against none in the controls. Such a finding would indicate a tendency on the part of these individuals to develop silicosis from their exposure.'' Given these and other findings, the study notes the ''need for repeating the medical studies at frequent intervals.''

It is inexplicable to me that these critical follow-up studies which were so

strongly recommended by the Public Health Service took place only for underground uranium miners. No long-term, follow-up studies of uranium millers were conducted. This decision was made despite the fact that it was well established that uranium millers were being exposed to uranium dusts and silica, which increase the risk of non-malignant lung disease.

One of the reasons the health problems of mill workers appear to have been so neglected is that most officials assumed that risks could be controlled by adopting standards to prevent workers from breathing or swallowing dust produced by yellowcake or uranium ore. As the 1952 PHS study states, ''In general, it may be said that there are no health hazards in the mills which cannot be controlled by accepted industrial hygiene methods.'' Noting poor dust control in the mills, the PHS study concluded, ''Until adequate dust control has been established at this operation, the workers should be required to wear approved dust respirators. Daily baths and frequent changes of clothing by the workers in this area are also indicated.''

These recommendations appear to have been largely ignored. Recent studies of former uranium mill workers by Gary Madsen, Susan Dawson and Bryan Spykerman of the University of Utah paint a devastating picture of workplace conditions in uranium mills prior to the enforcement of stringent safety standards in the 1970's. Eighty percent of former mill workers interviewed by the researchers for one study said they were never informed about possible effects of radiation. Of workers who reported working in dusty conditions, 35 percent did not wear respirators, and 20 percent wore them infrequently or said they were not always available. Sixty-eight percent reported moderate to heavy amounts of dust on their clothing at work, and virtually all workers reported bringing their dust-covered clothes home to be washed. One respondent noted, ''We washed the clothes once a week. It was messy. We were expecting our first child. I had to shake my clothes outside. There was yellow sand left at the bottom of the washer. All of the clothes were washed together. Nobody told us the uranium was dangerous—a problem. My wife would get yellowcake on her. I would remove my coveralls in the kitchen. Put them in with the rest of the [family's] laundry.'' Others reported regularly seeing workers outside the mills with yellowcake under their fingernails or in their ears.

Mr. President, the dangerous conditions revealed by these studies show an inexcusable failure on the part of the federal government to ensure safe working conditions in an industry it created and controlled. And despite failing to enforce these standards or to even inform workers of the risk to their health, the government nonetheless decided to end long-term studies monitoring the health of mill workers. As a result, only a few studies have been conducted of the health impacts that uranium milling has had on workers. Dr. Larry Fine, Director of the Division of Surveillance, Hazard Evaluations and Field Studies of the National Institute for Occupational Safety and Health, summarized the results of these studies in recent testimony before Congress:

''Health concerns for uranium millers center on their exposures to uranium dusts and silica. Exposure to silica and relatively insoluble uranium compounds may increase the millers' risk of non-malignant respiratory disease, while exposure to relatively soluble forms of uranium may increase their risk of kidney disease. The two mortality studies of uranium millers have not had adequate population size or adequate time since exposure to detect even a moderate risk of lung cancer if present; neither study reported an elevated risk of lung cancer. One of the two completed mortality studies of millers found an increased risk for cancer of the lymphatic and hematopoietic organs (excluding leukemia), and the other found an increased risk for non-malignant respiratory disease and accidents. A non-significant excess in deaths from chronic kidney disease was also observed in the second study. There have been two medical studies of uranium millers, one of which found evidence for pulmonary fibrosis (possibly due to previous mining) and the other of which found evidence for kidney damage.''

I am deeply concerned by our failure to study uranium mill workers more thoroughly and by the indications given by the evidence we do have that these workers are suffering long-term health consequences as a result of their work on behalf of our country. Unfortunately, it may now be too late to gather more conclusive evidence. These workers are growing older and some are now dying. Their numbers have grown so small that it may no longer be possible to conduct the type of conclusive study that should have been done years ago. We owe these mill workers the benefit of the doubt and should make them or their surviving families eligible for the same compensation that underground miners receive.

Indeed, I have heard from many South Dakotans who have waited long enough for compensation. They tell me of former miners and mill workers who have died of cancer or who suffer from respiratory disease they believe is directly related to their exposure to harmful materials in their workplace.

One of the most tragic stories I have heard was written to me in a letter from Sharon Kane, a widow in Sturgis, South Dakota. After working for 11 years in Edgemont's uranium mill, her husband, Joe, developed severe respiratory problems and was forced to leave his work at the mill. Unfortunately, his health problems continued. Joe died of bone cancer in 1987.

It is difficult for me to understand why or how our country let this happen. However, it is now up to us to ensure that all those who have suffered as a result of our nation's actions are fairly compensated. We must expand RECA to include uranium mill workers and other groups of workers who are suffering as a result of their exposure to uranium dust or other materials. We also must ensure the law is expanded to include underground uranium miners in all states. By doing so we can make good on our debt to workers who have sacrificed their health—and sometimes their lives—during the height of the Cold War in order to protect their country.

I hope my colleagues will join me in the effort to meet these goals.

Mr. President, I ask unanimous consent that a document entitled, ''Brief History of Uranium Mining in South Dakota, 1951–1973,'' produced by the Mine Safety and Health Administration and a letter from Sharon Kane be printed in the RECORD.

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

BRIEF HISTORY OF URANIUM MINING IN SOUTH DAKOTA, 1951–1973

Carnotite deposits were discovered in 1951 near Edgemont, South Dakota, in the Lakota member of the Dakota sandstone formation. Under the Atomic Energy Commission Raw Materials Program, all phases of exploration, development, metallurgy, and research were extended on an accelerated basis in 1952. Airborne and ground exploration disclosed several new uranium ore deposits east and west of the original Craven Canyon discovery in South Dakota. In addition, Northwest of Edgemont in the Powder River Basin of Wyoming, the Geological Survey located several small but high-grade deposits. Intensive exploration efforts were also conducted by private interests, including Homestead Mining Company in the Black Hills and adjacent area in Wyoming.

In 1953 administration contracts for defense minerals exploration were awarded to Mining Research Corp., C. G. Ortmayer, and Oxide Metals Corp. in Fall River County. Contracts were also given to Vroua Company and C. E. Weir for exploring in Custer County,

Homestake Mining Company began mining uranium ore near Carlile, Crook County, Wyoming in January 1953. This mining product was trucked to Edgemont, South Dakota, where the Atomic Energy Commission had a buying station.

During 1955 the Office of Defense Mobilization issued a Certificate of Necessity for an uranium-ore processing plant project to Mines Development Company, Inc. This plant was in Edgemont, South Dakota. Although appreciable quantities of uranium were recognized in South Dakota lignites, only a small amount was mined. This was due to the lack of acceptable uranium-recovery processes for uranium extraction from coal bearing materials.

Uranium Research and Development Company was granted a contract in 1956 in Fall River County by the Defense Minerals Exploration Administration.

Mines Development, Inc. had their uranium mill in operation by 1956. The initial capacity was rated as 300 tons of ore per day.

Two groups, Anderson, Wesley, and Others in Harding County and McAlester Fuel Co. in

Fall River County were given contracts involving uranium in 1957. South Dakota produced 69,632 tons of ore, valued at $804,946. The average grade percent in terms of U_3O_8 was 0.17 which was the lowest of any uranium producing state. The average grade percent increased to 0.20 in 1958. The rating of the Edgemont Plant was increased to 400 tons of ore per day.

Uranium-ore production in the United States reached a new high in 1959 with South Dakota being the ninth producing state and in 1960 became eighth state producer. The Atomic Energy Commission negotiated for new mills for the South Dakota lignite area but interested firms couldn't reach an agreement.

In 1960, the Atomic Energy Commission revised its regulations for the protection of employees in atomic energy industries and the general public against hazards arising from the possession or use of AEC-licensed radioactive materials. The revisions are embodied in amendments to Title 10, Chapter 1, Part 20, of the Code of Federal Regulations entitled ''Standards for Protection Against Radiation''. The amendments became effective on January 1, 1961.

The highest year for production of uranium ore for the United States was in 1961 but the total production dropped by 1962. Based on the amount of ore shipped, South Dakota became the seventh state producer. The state maintained this rating in 1963 but was the sixth state producer for 1964 and 1965.

Around 1967, mining of uraniferous lignite in Harding County, South Dakota, ceased as the operation was no longer profitable. Mining of sandstone ores also declined, and Mines Development, Inc., a subsidiary of Susquehanna Corp., conducted extensive exploration in the Dakotas and Wyoming in an effort to find additional ore for their mill.

The uranium mine and mill production for South Dakota in 1968 and 1969 placed the state as the seventh largest producing state. The year 1971 was the first full year that the U_3O_8 market was entirely private. The Atomic Energy Commission (AEC) terminated its U_3O_8 purchasing program at year end 1970 after acquiring U_3O_8 valued at nearly $3 billion since the program's inception in 1948, including a large stock pile.

By 1973, the mining of uranium in South Dakota ceased to be profitable and production stopped.

SEPTEMBER 8, 1998.

Senator TOM DASCHLE,
Rapid City, SD.

DEAR SIR: This letter is to urge you to vote in favor of the ''Radiation Workers Justice Act of 1998'', HR 3539.

My story is very likely similar to many others recited in order to initiate this bill and R.E.C.A. of 1990, however, to me the issues are deeply personal and intimate.

My late husband Kasper Jerome Kane (known to friends and family as Joe), was employed at the uranium milling operation at Edgemont, S.D. from 1959 to 1970. After several years in the mill, Joe began experiencing upper respiratory problems, especially while on duty at the mill. A detailed medical examination revealed pulmonary changes and enlargement of the heart due to the stress of the pulmonary condition. Our physician advised Joe to find a new line of work and to leave the mill as soon as possible, which he did. When Joe left his job, he cited his health as the reason. Administration of the mill at that time did not receive this information favorably (of course) and denied any accountability.

Joe chose to work at the mill out of his sense of responsibility to provide for a wife and two children in the best manner he could. His tenacity for life alone allowed him to leave the mill and begin his own business. Joe was active in his community and well loved by his neighbors and friends.

Even though his quality of life may have been compromised by his respiratory problems, Joe remained active in the lives of his teenage children and his community at large, until he was diagnosed with multiple myeloma (cancer of the bone marrow) in 1987. There is no way to prepare a family for the heart wrenching events about to face my children, their father and me.

Over the next three years, we lost our business, our home, ranch, and finally my best friend, my husband. Economic loss can be measured and sometimes compensated.

When Joe finally succumbed to cancer in 1990 at age 53, after rituals of chemotherapy and radiation, his valiant battle was over.

I have moved on with life, but there is not a day that I do not miss him and each time I hug a grandchild, I know what they have missed. Joe Kane was a fighter and a family man. Dependable and lived the values he preached.

I hope the bill presented will offer solace to those affected by radiogenic conditions and hope to those yet to need it.

Thank you for listening to my story.

Sincerely,

SHARON D. KANE,
Sturgis, SD.●

By Mr. CLELAND:

S. 369. A bill to provide States with the authority to permit certain employers of domestic workers to make annual wage reports; to the Committee on Finance.

TAX LEGISLATION

● Mr. CLELAND. Mr. President, today I am proud to introduce legislation to remove a tax reporting burden currently imposed on employers of domestic workers. This bill authorizes states to permit certain employers of domestic workers to make annual wage reports. I am pleased to report that this provision is also included as Section 405 of S. 331, the Work Incentives Improvement Act of 1999.

In 1994, Congress approved important legislation reforming the imposition of Social Security and Medicare taxes on domestic employees (the so-called ''nanny tax''). These new rules introduced more rationality into the tax system, and reduced the reporting requirements of domestic employers. Unfortunately, the legislation did not go as far as many had intended. To this end, I am asking you to co-sponsor my legislation which will help relieve households of certain filing requirements.

The Social Security Domestic Employment Reform Act of 1994 (P.L. 103–387) aimed to ease reporting requirements. Under the Act, domestic employers no longer need to file quarterly returns regarding Social Security and Medicare taxes nor the annual federal unemployment tax (FUTA) return. Rather, all federal reporting is now consolidated on an annual Schedule H filed at the same time as the employer's personal income tax return.

Nevertheless, the goal of the 1994 Act—to substantially reduce reporting requirements for domestic employers—has not been fully accomplished for employers who endeavor to comply with all aspects of the law. Under federal law, a state labor commissioner still may not authorize annual rather than quarterly filing of state employment taxes. The Deficit Reduction Act of 1984 compels employers to report wages quarterly to the state. This Act requires quarterly reporting in order to make information more accessible to state agencies that investigate unemployment claims. However, the burden of this provision far outweighs its benefit. The number of household employer tax filings is relatively minuscule. Representatives from the Georgia Department of Labor and their counterparts in several other states are confident that the investigation of unemployment claims will not be hindered by annual rather than quarterly reporting requirements.

Under FUTA, employers make quarterly reports and payments to state unemployment agencies, then pay an additional sum of federal tax (now once a year, as part of Schedule H). While the liability of employers for domestic employees was changed for Social Security and Medicare purposes, to exclude workers under the age of 18 and workers earning less than $1,000 per year, the employers' responsibility under FUTA was not changed. More importantly, the 1994 Act did not eliminate the requirement that employers must report employee wages quarterly to the states.

Congress was not unmindful of the relationship of FUTA to Social Security taxes at the time it passed the 1994 Act. Besides eliminating the FUTA return for domestic employers, the Act also contained language, which authorizes the Secretary of the Treasury to enter agreements with the states to permit the federal government to collect unemployment taxes on behalf of the states, along with all other domestic employee taxes, once a year. That statute, if used, would eliminate the need for domestic employers to report to state unemployment agencies. To date, no state has entered such an agreement. This is because the Social Security Act did not alter the quarterly reporting requirement.

In short, the federal requirement of quarterly state employment tax reports for purely domestic employers should be eliminated. To ease the reporting burden on domestic employers, my legislation proposes that states be allowed to provide for annual filing of household employment taxes. Please join me in the effort to finish the job of rationalizing the taxpayer obligations for domestic employment taxes. I ask unanimous consent that a copy of the bill be printed in the RECORD.

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

S. 369

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

SECTION 1. AUTHORIZATION FOR STATE TO PERMIT ANNUAL WAGE REPORTS.

(a) IN GENERAL.—Section 1137(a)(3) of the Social Security Act (42 U.S.C. 1320b–7(a)(3)) is amended by inserting before the semicolon the following: '', and except that in the case of wage reports with respect to domestic service employment, a State may permit employers (as so defined) that make returns with respect to such service on a calendar year basis pursuant to section 3510 of the Internal Revenue Code of 1986 to make such reports on an annual basis''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to wage reports required to be submitted on and after the date of enactment of this Act.●

By Mr. GRAHAM (for himself, Mr. DEWINE, Mr. COVERDELL, Mr. DOMENICI, Ms. LANDRIEU, Mr. DODD, Mr. HATCH, Mr. FRIST, Mr. MACK, and Mr. HAGEL):

S. 371. A bill to provide assistance to the countries in Central America and the Caribbean affected by Hurricane Mitch and Hurricane Georges, to provide additional trade benefits to certain beneficiary countries in the Caribbean, and for other purposes; to the Committee on Finance.

THE CENTRAL AMERICAN AND CARIBBEAN RELIEF ACT OF 1999

● Mr. GRAHAM. Mr. President, I rise today to introduce the Central American and Caribbean Relief Act of 1999. I am joined in this by my colleagues Senators DEWINE, COVERDELL, DOMENICI, LANDRIEU, DODD, HATCH, FRIST, MACK, and HAGEL. This bill is a comprehensive disaster relief package that will help our Caribbean and Central American neighbors recover from the devastation caused by Hurricane Georges and Hurricane Mitch.

This past fall, two hurricanes ravaged our neighbors in Central America and the Caribbean, causing death and destruction that has not been seen in this hemisphere in over 200 years. First, Hurricane Georges hit the Puerto Rico, the Dominican Republic, Haiti, the Florida Keys, and the Gulf Coast of the United States in September of 1998, with a ferocity that resulted in 250 deaths and more than $1 billion in damage. Only a month later, Hurricane Mitch attacked Central America, killing more than 10,000 people and leaving 3 million homeless. Hurricane Mitch unleashed a series of destructive forces—floods, mudslides, disease—that have affected the lives of 3.2 million residents in five nations. In Honduras alone, over 30 percent of the population was displaced by Mitch. To put this in perspective, had the U.S. suffered comparable levels of damage, 80 million of our citizens would have been displaced. The scale of this disaster is truly astounding.

I had the opportunity to see this destruction for myself when I visited the region in January. I witnessed whole villages that were completely washed away, families crammed into open-air shelters, and children playing among the concrete remanents of bridges and buildings. I saw field after field destroyed by the heavy rains. The losses in the agricultural sector were staggering. In Honduras alone, an estimated 70% of the crops were destroyed, including 90% of the country's banana and grain crops. Because agriculture employs approximately half of the regional workforce, these losses have resulted in tremendous economic disruption.

The Central American and Caribbean Relief Act is a comprehensive plan that will help these struggling nations get back on their feet and rebuild their economies. First, the bill will expand the current trade benefits provided under the Caribbean Basin Initiative. During my recent visit to the region their was unanimous agreement, from the Presidents of the countries to members of the private sector, the CBI enhancement is the number one priority of their economic recovery plan. History shows that expanding trade with the Caribbean Basin helps our own economy, expanding U.S. exports to the region at the same time that we build important trading relations with our closest neighbors. Any disaster relief package that does not include CBI enhancement falls far short of the mark.

The second part of this package will continue and expand current humanitarian and disaster assistance activities in the region. This will help to rehabilitate agricultural production, rebuild bridges and roads, provide much needed housing, clear landmines, restore safe water and health care, and help prevent similar disasters in the future. This is a continuation of the heroic efforts that the U.S. Government has already undertaken in response to these hurricanes. U.S. forces have been there since the day the disaster struck, rescuing hundreds from certain death, moving 30 million pounds of relief supplies, and helping rebuild the regions critical infrastructure.

By working to improve economic development of the region, we will help prevent needless environmental damage, strengthen the development of democracy in the region, and protect against the proliferation of narcotics trafficking. An investment in the long-term recovery of the region, which is so important to the United States both economically and politically, will produce benefits for the entire Western Hemisphere.

The bill includes the following initiatives:

$600 million to expand funding for humanitarian efforts to meet needs for health, water/sanitation, road reconstruction, agricultural restoration, agricultural microcredit, food, shelter, disaster mitigation and other emergency relief;

Enhancement of the Caribbean Basin Initiative (CBI) to give the nation of Central America and the Caribbean the opportunity to quickly expand their economies and expand the manufacturing sector while they rebuild their agricultural base;

$16 million for bilateral debt forgiveness for Honduras;

A micro-credit initiative targeted at reviving agricultural production in the region;

$150 million to replenish Defense Department funds depleted in the immediate aftermath of the disaster, including the humanitarian relief fund that supports landmine detection and removal;

$70 million to expand New Horizons, a Department of defense program in the region that builds housing and roads, provides medical care, health services, and clean water to affected areas;

Authorization of an OPIC direct equity pilot program to assist U.S. businesses in the region, develop low income housing, and rebuild damaged infrastructure; and

$25 million for the Central American Emergency Trust Fund to be applied against multilateral debt and provide external financing needs.

As we move forward to address the devastation of this event, the choice facing the United States is clear: we can continue to provide emergency assistance to the region for the foreseeable future and prepare for waves of refugees, or we can act to implement a comprehensive disaster recovery program that will rebuild the economies of the affected nations, allowing them to provide for themselves. The choice is simple, because helping these nations recovery is in our own interest. Failure to act will hurt ourselves and our neighbors. The Central American and Caribbean Relief Act is an important opportunity for the United States to lend a hand to neighbors in need and help them get back on their feet.●

● Mr. DEWINE. Mr. President, today, the Senator from Florida, Mr. GRAHAM and I are introducing The Central American and Caribbean Relief Act of 1999. We are joined in this effort by the following original co-sponsors: Mr. COVERDELL, Mr. DOMENICI, Ms. LANDRIEU, Mr. DODD, Mr. HATCH, Mr. MACK, Mr. FRIST, and Mr. HAGEL. This important legislation is both timely and vital. I urge my colleagues to join us as co-sponsors and to work with us to pass it as soon as possible.

Last year, several of our neighboring countries suffered serious catastrophic natural disasters. First, Hurricane Georges struck Puerto Rico, the Dominican Republic and Haiti resulting in hundreds dead and billions of dollars in damage. These countries were just starting to recover when Hurricane Mitch rolled through various countries in Central America.

Hurricane Mitch left unspeakable devastation with over 9,000 dead, another 9,000 still missing, and millions homeless. The physical devastation will take decades to repair in Honduras and Nicaragua. And these countries are not alone: Guatemala, El Salvador, and Belize have suffered as well.

Mr. President, many senior officials in our government have visited these devastated regions—and I applaud their

interest and exhaustive efforts. I have visited this region numerous times within the past year and I plan to go back.

I applaud the extraordinary displays of teamwork, compassion, and generosity exhibited by the citizens of Ohio, as well as all Americans, in their effort to help the victims of Hurricane Mitch. Their unselfish donations to organizations such as the Northeast Ohio Salvation Army and the Ohio Hurricane Relief for Central America as well as the many other national and local relief agencies serve as an inspirational reminder of the global human community spirit we Americans so often display. And we certainly do not want to forget the quick response provided by our men in uniform, including Ohio's own 445th Air Reserve Wing, in saving lives and tackling the daunting task of helping to rebuild that region's infrastructure.

My concern, however, is that once Hurricane Mitch fades out of the headlines, there's a risk that this vitally important region itself will also disappear off America's sometimes limited radar screen of foreign policy attention. The time has come not to address the devastation that has passed, but to begin the development that is important to our hemisphere's future.

That is why the Central America and Caribbean Relief Act is so important. This act would provide (1) trade opportunities to help the region restore itself economically; (2) emergency assistance—feeding programs, and important and necessary infrastructure improvements; and (3) limited bilateral and multilateral debt reduction.

Mr. President, let me take a moment to comment on the highlights of this bill. First, this bill would provide several trade and investment initiatives. It will afford current beneficiaries of the Caribbean Basin Initiative similar treatment already afforded Mexican products under the North American Free Trade Agreement. It is important that these countries become more fully integrated into the international trading system, which also would benefit the U.S. through expanded export opportunities. The bill also would authorize additional funding for the Overseas Private Investment Corporation to enhance the ability of private enterprise to make its full contribution to the region's rebuilding and development process.

Second, this bill would provide bilateral assistance. I fully support the replenishment of funds exhausted by the Department of Defense in their humanitarian relief efforts. It is very important that our military's efforts in this area continue and that they maintain sufficient resources to effectively deploy against future natural disasters. We also included language based on the innovative ''Africa Seeds of Hope'' law, which I wrote and Congress passed last year. This language would authorize a micro-credit initiative targeted at reviving agricultural production in the region. This means that financial tools and resources would go directly to farmers and small businesses and bypass Government middlemen.

Finally, this bill would provide much needed debt relief. This debt relief clearly makes sense especially when keeping in mind that in many cases, the infrastructure these countries are paying for is precisely what has been destroyed by Hurricane Mitch—they are paying for what no longer exists.

Mr. President, let me explain why America should take the lead on this relief. Before the hurricanes, the people of Central America were emerging from a decade of civil war. Democracy has finally taken hold, but is not yet irreversible. The United States invested billions in the 1980s to expel communism from Central America. We succeeded. That investment—that partnership for democracy in Central America now hangs in the balance.

In the 1980s, it was fundamentally important to the entire hemisphere that Central America be a seedbed of reliable trading partners—not revolutionaries or brutal autocrats. The President's National Bipartisan Commission on Central America, chaired by Henry Kissinger, released a detailed report in 1984 that expressed our basic challenge. We needed then, and still need today, a comprehensive Central America policy—one that responds not to fleeting crises but to the basic needs of the region and the United States.

These needs do not change. They are the same three principles that formed the core of the philosophy of the Kissinger report: ''Democratic self-determination * * * encouragement of economic and social development that fairly benefits all * * * (and) cooperation in meeting threats to the security of the region.'' This report recognized how free markets and free societies work to strengthen each other.

U.S. policy has made excellent progress on all of these counts, but Hurricane Mitch provides a pointed reminder of how fragile—and reversible—the progress can be. History offers us a sober reminder that from misery, despair, and joblessness springs oppression. We must not forget that the seeds of the 1979 Sandinista Revolution in Nicaragua sprouted from the wreckage of the 1972 Managua earthquake. Indeed, it is only now that the old city center is being rebuilt where mangled, vacant buildings still stand as witness to Somoza's failed dictatorship.

Mr. President, today Nicaragua faces a new natural disaster—greater than that of 1972. The infrastructure in the northern provinces, the locus of revolutions throughout this century, is washed away. In Honduras, the government is confronted with thousands of miles of roads where not one bridge is left undamaged or undestroyed. At the devastated banana plantations of Honduras, 12,000 jobs hang in the balance. The tax base is non-existent because the businesses that provided the jobs are destroyed. The task facing these governments is enormous, and the resources to address these problems are meager.

People who cannot feed their families will turn to any source for assistance. Unless we partner with the people of Central America in the name of progress, the alternatives are clear. The pressure to emigrate to the United States could increase. Colombia's drug traffickers could oblige by putting dollars into their hands. And anti-democratic elements could use the devastation to serve their self-interests.

A peasant who has seen his home blown away and his employment gone will look for work wherever it is available. We saw a massive upsurge in migration during the tumultuous 1980's. The same is beginning to happen now. The number of Central Americans detained and expelled at Mexico's southern border has doubled recently. Mexican officials worry that this increase could be the beginning of a prolonged, large scale migration of Central Americans through Mexico to the United States.

Furthermore, a farmer who has seen his crop destroyed, and the only road to his markets washed away, will be liable to support revolutionary demagogues who vow convincingly that they can repair it. If the current elected governments are unable to repair the roads and give temporary assistance, that same farmer could become part of the next popular insurgency.

Central America is full of former revolutionaries who are capable of exploiting Mitch's misery to rebuild new insurgencies that will tax the resources of the current governments. Promises easily made by fast-talking demagogues can lead to future problems of the kind that we addressed and resolved in the 1980s.

Mr. President, the challenge we face in Central America remains the same as that posed by the Kissinger report: Do we want Central America to be our partner in building up a prosperous hemisphere—or a hotbed of revolutionary unrest? The choice is not entirely our own, but we can—and should—have a huge influence on behalf of freedom, prosperity, and stability. We must send an unmistakable signal to our Southern neighbors that our regional commitment is not tentative or fleeting. The U.S. has to seize the initiative over the long-term future of Central America—because if we don't, events will.

Mr. President, the Central American and Caribbean Relief Act is in our economic and national security interests. We must act and we must act now.●

● Mr. DOMENICI. Mr. President, just weeks after the calamity hit Central America last year, Senate Majority Leader LOTT asked me to lead to bipartisan fact-finding mission to the region. The objective of our trip was to assess Mitch's impact on the region's economy, priorities for U.S. aid, and the potential ramifications of this disaster on future trade with the region.

Senator FRIST joined me on this trip. His knowledge of health care and medicinal needs was a valuable addition to the trip. We were fortunate also to be joined by three individuals form the Administration: Secretary Andrew Cuomo, the Honorable Harriet Babbitt, Deputy Administrator at USAID, and the Honorable Josh Gotbaum, Office of Management and Budget.

I believe this tour was invaluable to all who participated. First, because of what we learned about the region and the devastation caused by Mitch. Second, because it expressed the spirit of bipartisanship that I hope will carry through in our efforts to help Central Americans rebuild and flourish as democratic neighbors.

As unlikely as it might sound, the ravages of Hurricane Mitch in Central America may have a silver lining. But the United States and other countries must act quickly and decisively. This is the message we heard form Central Americans themselves, as well as relief workers and American government officials, when we visited that storm-torn region in December. That's also the message I would like to convey to my Senate colleagues.

This relative optimism is remarkable. More than 10,000 lives were lost to the storm; 40 percent of the GDP in Nicaragua and Honduras was swept away; 3 million persons in the region now live in temporary shelters or without shelter at all. And, that's in a region with fewer people than the state of California!

Yet, even those 1,000 persons we saw crowded into a single small school, those 104 jammed in a cemetery chapel, agreed that a golden moment now exists to move forward in this historically troubled region.

The response from the United States already has been both effective and generous, with the first 30 days of the relief efforts exceeding the Berlin airlift. Our 6,000 military personnel have performed heroically, in a relatively unheralded but extraordinary operation. The military and other agencies delivered two thirds of the world's donations already in-region and have helped avoid the disease and starvation that usually takes root within a few weeks following such a calamity.

The response from Central American governments has been heartening, too. Don't forget that the United States has worked for more than a quarter of a century to help develop democratic movements in this region. If we fail to move quickly now, elements that oppose democracy could gain a foothold, rendering the sacrifices of money and arms of the past 25 years useless. Thus, we were gratified to hear all important government agencies and relief groups emphasize over and over again, ''We want your help, not forever, but so we can begin to help ourselves and continue building stable and democratic societies.''

As the initial relief phase of the effort comes to a close, and a period of reconstruction and rebuilding begins, the United States faces some tougher decisions about the nature of our assistance. These decisions are not simply whether we help our friends rebuild the bridges, houses, roads and towns they lost. We must also decide how we assist them in rebuilding the young and fragile institutions which are the products of the region's remarkable shift to democracy and functioning, growing economies.

Our policy must first offer debt relief under which these governments struggle. Nicaragua's government spends $220 million a year to pay its creditors and Honduras pays $341. Freeing up those resources, even temporarily, is more valuable to them than a simple infusion of cash.

Second, we must expeditiously pursue a reasonable option to allow these countries to strength mutually beneficial trade relationships. Relief and reconstruction are meaningless without an expectation of sustaining their benefits through the growth such trade will undoubtedly foster.

Third, we must push the European Union to uphold their promise to aid these countries by ending their discrimination against Central American bananas and other agricultural exports in favor to those from their former colonies.

Fourth, Central American governments must continue creating incentives for new investment and broader credit availability to the people through their own domestic legislation and regulation. The began on such a path before Mitch, and we must push and assist them in redoubling those efforts.

Finally, the need to rebuild the devastated infrastructure of the region cannot be underemphasized. Over 70 percent of the roads in Honduras were washed away. Crops cannot be harvested without roads to carry the produce. Poor water sanitation has brought about a public health nightmare. In addition to the direct assistance, we can offer the technology, financing and expertise at a level which these countries simply do not have at their disposal.

In pursuit of these goals, we commend the Administration for acting quickly and for using their authority to reprogram already enacted funds for the relief efforts. However, we must remember that the work is not done when the news cameras move to the next story, and a sustained, bipartisan effort with Congress will be required. This bill builds on the bipartisan necessary to formulate effective assistance to our neighbors in Central America and the Caribbean.

Carinal Obando y Bravo of Nicaragua best summed up for us the hope of the Central American people. Over 30 years they lived through natural disasters, wars, totalitarian governments, and now Mitch. Like before, he said the people will ''rise like a phoenix form the ashes.'' If we are committed and resourceful in that shared goal, we can help guarantee that the mythical image is not simply a myth.●

By Mr. BIDEN:

S. 372. A bill to make available funds under the Freedom Support Act to expand existing educational and professional exchanges with the Russian Federation to promote and strengthen democratic government and civil society in that country, and to make available funds under that Act to conduct a study of the feasibility of creating a new foundation toward that end; to the Committee on Foreign Relations.

RUSSIAN DEMOCRATIZATION ASSISTANCE ACT OF 1999

● Mr. BIDEN. Mr. President, today I introduce legislation designed to assist the transition to democracy, a free-market economy, and civil society in the Russian Federation.

Mr. President, the Russian Federation, which is currently undergoing severe political and economic crises, continues to possess thousands of nuclear warheads and the means to deliver them. If for no other reason, therefore, maintaining stability in Russia remains a vital national security concern of the United States.

I have stated in detail on earlier occasions my belief that for the foreseeable future the time has passed for massive infusions of economic assistance to Russia. Since the collapse of Soviet communism, the capitalist world has injected into Russia more than one hundred billion dollars in grants, loans, and credits. Ultimately, however, the Russians themselves must take responsibility for putting their own economic house in order.

With few exceptions, future American economic assistance to Russia should be predicated upon a systematic reform of its economic, tax, and criminal justice systems, and in greatly reducing the corruption that plagues nearly every facet of Russian life.

The one exception I mentioned last summer was emergency food assistance to forestall starvation during the brutal Russian winter. I am happy that the Administration under the lead of Secretary of Agriculture Glickman has embarked upon just such a rescue program.

But, Mr. President, in the absence of basic, large-scale economic aid, we must search for other means to assist Russia in its painful transition to democracy and free-enterprise capitalism.

We are often mesmerized by current problems. So it is important to remember that since the collapse of the Soviet Union at the end of 1991, the Russian Federation has, in fact, made significant progress in democratizing its government and society.

Building upon that progress, the continued development of democratic institutions and practice can, Mr. President, help to foster the stability in the Russian Federation that is squarely in America's national interest.

Educational and professional exchanges with the Russian Federation have proven to be an effective, and remarkably low-cost, mechanism for enhancing democratization in that country. Moreover, these exchanges hold the promise of long-term, lasting payoffs as the exchange participants move into positions of responsibility in public and private life.

With that in mind, Mr. President, I am introducing the Russian Democratization Assistance Act of 1999.

Recognizing that maintaining stability in the Russian Federation is a vital national security concern of the United States, this legislation authorizes the expansion of selected, already existing educational and professional exchanges with that country and authorizes a study of the feasibility of a Russia-based, internationally funded Foundation for Democracy.

Specifically, the legislation increases authorization for each of fiscal year 2000 and fiscal year 2001 for several programs with the Russian Federation that have a proven track-record of excellence. My colleagues will note the unusually low amounts of funding involved in each of these programs.

The annual authorization for the Russian portion of the Future Leaders Exchange Program, popularly known as the Bradley Scholarships after former Senator Bradley of New Jersey who sponsored the original legislation creating the program under the Freedom Support Act, will be increased to four million dollars from its current level of just over two million dollars. I am proud to have co-sponsored this program at its inception.

Under the Future Leaders Exchange Program, high school students from the former Soviet Union are selected in national, merit-based, open competitions to live for one academic year in the United States with a host family and to study at an American high school.

The United States Information Agency, now to be merged with the Department of State, works with two nonprofit organizations—the American Council of Teachers of Russian and Youth for Understanding—on the recruitment, selection, orientation, and travel of the foreign students, and with twelve youth exchange organizations around our country in their placement and monitoring. Alumni are encouraged to join organizations when they return home and to participate in follow-on activities coordinated by these two American organizations.

Mr. President, the Future Leaders Exchange is universally recognized as a huge success. And what an investment.

Annual authorized funding for the Russian portion of the Freedom Support Act Undergraduate Program would be increased to three million dollars from its current one-and-a-third million. In this program, foreign undergraduates are selected for one year of non-degree study in American universities, colleges, or community colleges in a variety of fields, including agriculture, business administration, communications and journalism, computer science, criminal justice studies, economics, education, environmental management, government, library and information sciences, public policy, and sociology.

The American Council of Teachers of Russian, and Youth for Understanding administer this program for the United States Government.

Another outstanding, highly relevant, program within the Freedom Support Act whose scope this legislation would increase is the Community Connections Program. The annual authorized funding for its Russian component would rise to fifteen million dollars from its current level of seven million.

In the Community Connections Program, entrepreneurs, local government officials, education officials, legal professionals, and non-governmental organization leaders are offered three-to-five week practical training opportunities in the United States. Forty local communities across this country host the participants, thereby creating grass-roots linkages between the United States and regions of Russia, which may enhance opportunities for exchanges to be sustained beyond the life of the assistance program.

A very small but highly topical program that my legislation would expand is the Freedom Support Act Fellowships in Contemporary Issues. The Russian component of this program currently receives only $370,000. This act would nearly triple that annual authorization to one million dollars.

Under the Contemporary Issues Program, government officials, leaders of non-governmental organizations, and private sector professionals from Russia receive three-month fellowships in the United States for research in several strategic areas. These include sustainable growth and development of economies in transition; democracy, human rights, and the rule of law; and the communications revolution and intellectual property rights.

This program is administered through a grant awarded to the International Research and Exchanges Board, an organization with decades of experience in exchanges with Eastern Europe and the former Soviet Union.

Finally, my legislation would greatly strengthen the Edmund S. Muskie Fellowship Program, named after our esteemed former colleague from Maine who later served the nation as Secretary of State. Annual authorized funding for the Russian portion of this program would rise to seven million dollars from its current level of nearly three-and-three-quarter million dollars.

Muskie Fellows receive fellowships for one-to-two years of graduate study at American universities in business administration, economics, law, or public administation. The program is administered by the American Council of Teachers of Russian and the American Council for Collaboration in Education and Language Study.

The Muskie Fellowship Program is particularly important, since it gives the next generation of Russian professors on-site exposure to American scholarship and American society. The so-called ''multiplier effect'' that these professors will have upon their students will last for decades.

Mr. President, the sum total authorization for these five innovative and highly successful exchange programs is only thirty million dollars per fiscal year. The benefits in enhancing democratization in Russia and in promoting Russian-American relations are significant. It is an investment in the future that we should make.

Mr. President, the second part of this legislation concerns a grant of fifty thousand dollars to conduct a feasibility study of a Russia-based, internationally funded foundation for democracy.

The assassination last November in St. Petersburg of Galina Starovoitova, a former Member of the State Duma and Russia's most prominent female politician, was universally perceived as a defining moment. Starovoitova's murder, as yet unsolved, is seen as symptomatic of the growing power of organized crime and nationalist and communist extremists to undermine the foundations of the fragile Russian democracy.

The shock of the assassination had not yet worn off when friends and admirers of Starovoitova around the world spontaneously began to consider ways to create something positive from the horror. Several individuals including Carl Gershman, President of the U.S. National Endowment for Democracy, and Michael McFaul, a Stanford professor who worked in Moscow for the Carnegie Endowment, have proposed creating a Russian democracy foundation in Starovoitova's name.

This Starovoitova foundation would be a non-governmental, non-partisan, strictly Russian but internationally funded center for the study and promotion of democratic practices. Its work would involve public education in a country where democracy increasingly is equated with crime, insider privatization, and mass poverty. The Starovoitova foundation could also train democratic activists for governmental and non-governmental service. Moreover, it might serve, in Professor McFaul's words, as a ''kind of Russian Civil Liberties Union,'' helping citizens defend their constitutional rights.

I have reason to believe that the Starovoitova foundation would find broad support within Russia and be able to attract funding from several other democratic countries around the world.

In a well-known phrase, Weimar Germany failed not because it had too many enemies, but because there were too few democrats. Weimar's tragic end need not be repeated in Russia. Galina

Starovoitova's murder already has motivated record numbers of voters to turn out for municipal elections in St. Petersburg with strong support for the democratic parties. The Starovoitova Foundation for Democracy could maintain this momentum, even as it memorializes a courageous politician.

The planning grant I am proposing would authorize the United States Government to engage an organization specializing in the study of Russia to investigate the depth and breadth of support for such an institution and, if there is the requisite support, the best way to proceed with organizing the foundation.

Mr. President, the Russian Democratization Assistance Act of 1999 is a targeted response to assist the Russian Federation as it struggles to move away from the legacy of seven decades of communist tyranny and misrule. It recognizes that Russia's problems are too large and too complex to be amenable to instant solutions. But by significantly expanding educational and professional exchanges with Russia, and by taking the first steps toward the creation of a foundation for democracy there, this legislation can make an important long-term contribution to democracy and stability.

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

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

S. 372

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Russian Democratization Assistance Act of 1999''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) The Russian Federation, which is currently undergoing severe political and economic crises, continues to possess thousands of nuclear warheads and the means to deliver them.

(2) Maintaining stability in Russia is a vital national security concern of the United States.

(3) Since the collapse of the Soviet Union at the end of 1991, the Russian Federation has made significant progress in democratizing its government and society.

(4) The continued development of democratic institutions and practice will foster stability in the Russian Federation.

(5) Educational and professional exchanges with the Russian Federation have proven to be an effective mechanism for enhancing democratization in that country.

SEC. 3. POLICY OF THE UNITED STATES.

It shall be the policy of the United States toward the Russian Federation—

(1) to promote and strengthen democratic government and civil society;

(2) to expand already existing educational and professional exchanges toward those ends; and

(3) to consider the feasibility of a Russia-based, internationally funded Foundation for Democracy to further democratic government and civil society.

SEC. 4. ALLOCATION OF FUNDS FOR INTERNATIONAL INFORMATIONAL AND EDUCATIONAL EXCHANGES WITH THE RUSSIAN FEDERATION.

Of the amount authorized to be appropriated to carry out chapter 11 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2295 et seq.; relating to support for the independent states of the former Soviet Union) for each of the fiscal years 2000 and 2001, the following amounts are authorized to be available for the following programs with the Russian Federation:

(1) For the ''Future Leaders Exchange'', $4,000,000.

(2) For the ''Freedom Support Act Undergraduate Program'', $3,000,000.

(3) For the ''Community Connections Program'', $15,000,000.

(4) For the ''Freedom Support Act Fellowships in Contemporary Issues'', $1,000,000.

SEC. 5. STUDY FOR ESTABLISHMENT OF RUSSIAN DEMOCRACY FOUNDATION.

(a) IN GENERAL.—The President is authorized to conduct a study of the feasibility of establishing a foundation for the promotion of democratic institutions in the Russian Federation.

(b) FOUNDATION TITLE.—It is the sense of Congress that any foundation established pursuant to subsection (a) should be known as the Starovoitova Foundation for Russian Democracy, in honor of Galina Starovoitova, a former member of the State Duma and Russia's leading female politician who was assassinated in St. Petersburg in November 1998.

(c) ALLOCATION OF FUNDS.—Of the amount authorized to be appropriated to carry out chapter 11 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2295 et seq.; relating to support for the independent states of the former Soviet Union) for fiscal year 2000, $50,000 is authorized to be available to carry out this section.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS FOR MUSKIE FELLOWSHIPS WITH THE RUSSIAN FEDERATION.

(a) IN GENERAL.—There is authorized to be appropriated to the President $7,000,000 for each of the fiscal years 2000 and 2001 to carry out the Edmund S. Muskie Fellowship Program under section 227 of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (22 U.S.C. 2452 note) with the Russian Federation.

(b) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to subsection (a) are authorized to remain available until expended.●

By Mr. HARKIN:

S. 373. A bill to prohibit the acquisition of products produced by forced or indentured child labor; to the Committee on Governmental Affairs.

THE INDENTURED CHILD LABOR PREVENTION ACT

● Mr. HARKIN. Mr. President, I ask unanimous consent that a copy of S. 373, the Forced and Indentured Child Labor Prevention Act, be printed in the RECORD.

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

S. 373

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Forced and Indentured Child Labor Prevention Act''.

SEC. 2. PROHIBITION OF ACQUISITION OF PRODUCTS PRODUCED BY FORCED OR INDENTURED CHILD LABOR.

(a) PROHIBITION.—The head of an executive agency (as defined in section 105 of title 5, United States Code) may not acquire an item that appears on a list published under subsection (b) unless the source of the item certifies to the head of the executive agency that forced or indentured child labor was not used to mine, produce, or manufacture the item.

(b) PUBLICATION OF LIST OF PROHIBITED ITEMS.—

(1) IN GENERAL.—The Secretary of Labor, in consultation with the Secretary of the Treasury and the Secretary of State, shall publish in the Federal Register every other year a list of items that such officials have identified that might have been mined, produced, or manufactured by forced or indentured child labor.

(2) DATE OF PUBLICATION.—The first list shall be published under paragraph (1) not later than 120 days after the date of the enactment of this Act.

(c) REQUIRED CONTRACT CLAUSES.—

(1) IN GENERAL.—The head of an executive agency shall include in each solicitation of offers for a contract for the procurement of an item included on a list published under subsection (b) the following clauses:

(A) A clause that requires the contractor to certify to the contracting officer that the contractor or, in the case of an incorporated contractor, a responsible official of the contractor has made a good faith effort to determine whether forced or indentured child labor was used to mine, produce, or manufacture any item furnished under the contract and that, on the basis of those efforts, the contractor is unaware of any such use of child labor.

(B) A clause that obligates the contractor to cooperate fully to provide access for the head of the executive agency or the inspector general of the executive agency to the contractor's records, documents, persons, or premises if requested by the official for the purpose of determining whether forced or indentured child labor was used to mine, produce, or manufacture any item furnished under the contract.

(2) APPLICATION OF SUBSECTION.—This subsection shall apply with respect to acquisitions for a total amount in excess of the micro-purchase threshold (as defined in section 32(f) of the Office of Federal Procurement Policy Act (41 U.S.C. 428(f)), including acquisitions of commercial items for such an amount notwithstanding section 34 of the Office of Federal Procurement Act (41 U.S.C. 430).

(d) INVESTIGATIONS.—Whenever a contracting officer of an executive agency has reason to believe that a contractor has submitted a false certification under subsection (a) or (c)(1)(A) or has failed to provide cooperation in accordance with the obligation imposed pursuant to subsection (c)(1)(B), the head of the executive agency shall refer the matter, for investigation, to the Inspector General of the executive agency and, as the head of the executive agency determines appropriate, to the Attorney General and the Secretary of the Treasury.

(e) REMEDIES.—

(1) IN GENERAL.—The head of an executive agency may impose remedies as provided in this subsection in the case of a contractor under a contract of the executive agency if the head of the executive agency finds that the contractor—

(A) has furnished under the contract items that have been mined, produced, or manufactured by forced or indentured child labor or uses forced or indentured child labor in mining, production, or manufacturing operations of the contractor;

(B) has submitted a false certification under subparagraph (A) of subsection (c)(1); or

(C) has failed to provide cooperation in accordance with the obligation imposed pursuant to subparagraph (B) of such subsection.

(2) TERMINATION OF CONTRACTS.—The head of the executive agency, in the sole discretion of the head of the executive agency, may terminate a contract on the basis of any finding described in paragraph (1).

(3) DEBARMENT OR SUSPENSION.—The head of an executive agency may debar or suspend a contractor from eligibility for Federal contracts on the basis of a finding that the contractor has engaged in an act described in paragraph (1)(A). The period of the debarment or suspension may not exceed 3 years.

(4) INCLUSION ON LIST.—The Administrator of General Services shall include on the List of Parties Excluded from Federal Procurement and Nonprocurement Programs (maintained by the Administrator as described in the Federal Acquisition Regulation) each person that is debarred, suspended, proposed for debarment or suspension, or declared ineligible by the head of an executive agency or the Comptroller General on the basis that the person uses forced or indentured child labor to mine, produce, or manufacture any item.

(5) OTHER REMEDIES.—This subsection shall not be construed to limit the use of other remedies available to the head of an executive agency or any other official of the Federal Government on the basis of a finding described in paragraph (1).

(f) REPORT.—Each year, the Administrator of General Services, with the assistance of the heads of other executive agencies, shall review the actions taken under this section and submit to Congress a report on those actions.

(g) IMPLEMENTATION IN THE FEDERAL ACQUISITION REGULATION.—

(1) IN GENERAL.—The Federal Acquisition Regulation shall be revised within 180 days after the date of enactment of this Act—

(A) to provide for the implementation of this section; and

(B) to include the use of forced or indentured child labor in mining, production, or manufacturing as a cause on the lists of causes for debarment and suspension from contracting with executive agencies that are set forth in the regulation.

(2) PUBLICATION.—The revisions of the Federal Acquisition Regulation shall be published in the Federal Register promptly after the final revisions are issued.

(h) EXCEPTION.—

(1) IN GENERAL.—This section shall not apply to a contract that is for the procurement of any product, or any article, material, or supply contained in a product, that is mined, produced, or manufactured in any foreign country or instrumentality, if—

(A) the foreign country or instrumentality is—

(i) a party to the Agreement on Government Procurement annexed to the WTO Agreement; or

(ii) a party to the North American Free Trade Agreement; and

(B) the contract is of a value that is equal to or greater than the United States threshold specified in the Agreement on Government Procurement annexed to the WTO Agreement or the North American Free Trade Agreement, whichever is applicable.

(2) WTO AGREEMENT.—For purposes of this subsection, the term ''WTO Agreement'' means the Agreement Establishing the World Trade Organization, entered into on April 15, 1994.

(i) APPLICABILITY.—

(1) IN GENERAL.—Except as provided in subsection (c)(2), the requirements of this section apply on and after the date determined under paragraph (2) to any solicitation that is issued, any unsolicited proposal that is received, and any contract that is entered into by an executive agency pursuant to such a solicitation or proposal on or after such date.

(2) DATE.—The date referred to is paragraph (1) is the date that is 30 days after the date of the publication of the revisions of the Federal Acquisition Regulation under subsection (g)(2).●

By Mr. CHAFEE (for himself, Mr. GRAHAM, Mr. LIEBERMAN, Mr. SPECTER, Mr. BAUCUS, Mr. ROBB, and Mr. BAYH):

S. 374. A bill to amend the Public Health Service Act, the Employee Retirement Income Security Act of 1974, and the Internal Revenue Code of 1986 to protect consumers in managed care plans and other health coverage; to the Committee on Health, Education, Labor, and Pensions.

THE PROMOTING RESPONSIBLE MANAGED CARE ACT OF 1999

● Mr. CHAFEE. Mr. President. I am pleased to be joined this morning by Senators GRAHAM, LIEBERMAN, SPECTER, BAUCUS, ROBB and BAYH in introducing the ''Promoting Responsible Managed Care Act of 1999.'' In introducing our bill from last year, we are especially pleased to have Senators ROBB and BAYH join us as original cosponsors.

As you know, the Senate was unable to consider this important issue before the close of the 105th Congress. Nonetheless, each party developed and introduced legislation, and the House actually passed a bill proposed by the Republican majority. To encourage discussion across the aisle, this group of Senators introduced a bipartisan reform bill—the only one thus far.

In crafting our legislation, we omitted or modified those provisions which were anathema to either side. Thus, for example, we excluded Medical Savings Accounts, a feature of the Senate Republican Task Force bill, because this provision is a non-starter with Democrats. Likewise, we proposed allowing injured parties to seek redress in federal court as an alternative to the state court provision in the Democratic bill because that is a non-starter with Republicans.

Well, here it is, the 106th Congress. Why have the prospects brightened for legislation to improve the quality of managed care? First, voters sent a clear message on election day: they want action, not gridlock. Second, the Democrats gained five more seats in the House—the very margin by which that body rejected the ''Patient Bill of Rights'' last year. Third, both Speaker HASTERT and Senate Majority Leader LOTT have instructed their respective committees of jurisdiction to get down to work. Fourth, the President is anxious to begin a bipartisan dialogue.

Perhaps more important than any of these developments, though, is the fact that consumers want assurances they will actually get the medical care they need, when they need it. Regrettably, many have learned this is not always the case.

The opponents of reform have had a field day mischaracterizing what the managed care quality debate is about. It is not, as they allege, about erasing the gains managed care has made in bringing down costs and coordinating patient services. It is not about forcing plans to cover unnecessary, outmoded or harmful practices. Nor is it about forcing plans to pay for any service or treatment which is not a covered benefit. And, it is certainly not about giving doctors a blank check.

In fact, this debate is about making sure patients get what they pay for. It's about ensuring that patients receive medically necessary care; that an objective standard and credible medical evidence are used to guide physicians and insurers in making treatment and coverage determinations; that patients' medical records and the judgments of their physicians are given due consideration; and, that managed care plans do not base their medical decisions on practice guidelines developed by industry actuaries, but rather credible, independent, scientific bodies.

On a more tangible level, this legislation is about making sure that the infant suffering from chronic ear infections is fitted with drainage tubes—rather than being prescribed yet another round of ineffective antibiotics—to ameliorate the condition and prevent hearing loss. It is about making sure that the patient with a broken hip is not relegated to a wheelchair in perpetuity, but rather given the hip replacement surgery and physical therapy that prudent medical practice dictates.

Make no mistake about it: Without provisions to ensure that plans are held to the objective, time-tested standard of professional medical practice, federal legislation giving patients access to an external appeals process will be nothing more than a false promise.

The ''Promoting Responsible Managed Care Act'' would restore needed balance to our managed care system while preserving its benefits. Moreover, it would do so using the very same framework established by Congress with the enactment of the so-called Kassebaum-Kennedy law in 1996. That statute—which extends portability and guaranteed issue protections to patients—has two very important benefits. First, it applies to all privately insured Americans—not just those 48 million enrolled in self-funded ERISA plans. Second, it preserves states' rights to occupy the field if they so choose.

Thus, our bill would establish a minimum floor of federal patient protections for all 161 million privately insured Americans. Yet, it would also protect state authority to go beyond this federal floor, and would preserve the good work states have already undertaken in this area. It would also encourage states which have taken little or no action to do the right thing. Despite the flurry of activity, only 15

states have adopted the most basic patient protection—an external review procedure.

As the process moves ahead, we look forward to working with the Finance Committee and the Health, Education, Labor, and Pensions Committee to formulate legislation which will help to restore consumer confidence in managed care, and to ensure that patients receive all medically necessary and appropriate care.

Mr. President, I ask unanimous consent that the following documents be printed in the RECORD: a summary of the bill, a one-page description of our enforcement provisions, a three-page document on what national health organizations say about our bill, and a white paper entitled, ''Medical Necessity: The Real Issue in the Quality Debate.''

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

PROMOTING RESPONSIBLE MANAGED CARE ACT OF 1999

PRINCIPLES

Today, a majority of the U.S. population is enrolled in some form of managed care—a system which has enabled employers, insurers and taxpayers to achieve significant savings in the delivery of health care services. However, there is growing anxiety among many Americans that insurance health plan accountants—not doctors—are determining what services and treatments they receive. Congress has an opportunity to enact legislation this year which will ensure that patients receive the benefits and services to which they are entitled, without compromising the savings and coordination of care that can be achieved through managed care. However, to ensure the most effective result, legislation must embody the following principles:

It must be bipartisan and balanced.

It must offer all 161 million privately insured Americans—not just those in self-funded ERISA plans—a floor of basic federal patient protections.

It must include an objective standard of what constitutes medically necessary or appropriate care to ensure a meaningful external appeals process. Furthermore, that standard must be informed by valid and reliable evidence to support the treatment and coverage determinations made by providers and plans.

It must establish credible federal enforcement remedies to ensure that managed care plans play by the rules and that individuals harmed by such entities are justly compensated.

It should encourage managed care plans to compete on the basis of quality—not just price. ''Report card'' information will provide consumers with the information they need to make informed choices based on plan performance.

SUMMARY

The ''Promoting Responsible Managed Care Act of 1999'' blends the best features of both the Democratic and Republican plans. The legislation would restore public confidence in managed care through a comprehensive set of policy changes that would apply to all private health plans in the country. These include strengthened federal enforcement to ensure managed care plans play by the rules; compensation for individuals harmed by the decisions of managed care plans; an independent external system for processing complaints and appealing adverse decisions; information requirements to allow competition based on quality; and, a reasonable set of patient protection standards to ensure patients have access to appropriate medical care.

Scope of protection

Basic protections for all privately insured Americans. All private insurance plans would be required to meet basic federal patient protections regardless of whether they are regulated at the state or federal level. This approach follows the blueprint established with the enactment of the Health Insurance Portability and Accountability Act of 1996, which allows states to build upon a basic framework of federal protections.

Enforcement and compensation

Strengthened federal enforcement to ensure managed care plans play by the rules. To ensure compliance with the bill's provisions, current federal law would be strengthened by giving the Secretaries of Labor and Health & Human Services enhanced authorities to enjoin managed care plans from denying medically necessary care and to levy fines (up to $50,000 for individual cases and up to $250,000 for a pattern of wrongful conduct). This provision would ensure that enforcement of federal law is not dependent upon individuals bringing court cases to enforce plan compliance. Rather, it provides for real federal enforcement of new federal protections.

Compensation for individuals harmed by the decisions of managed care plans. All privately insured individuals would have access to federal courts for economic loss resulting from injury caused by the improper denial of care by managed care plans. Economic loss would be defined as any pecuniary loss caused by the decision of the managed care plan, and would include lost earnings or other benefits related to employment, medical expenses, and business or employment opportunities. Awards for economic loss would be uncapped and attorneys fees could be awarded at the discretion of the court.

Coverage determination, grievance and appeals

Coverage determinations. Plans would be required to make decisions as to whether to provide benefits, or payments for benefits, in a timely manner. The plan must have a process for making expedited determinations in cases in which the standard deadlines could seriously jeopardize the patient's life, health, ability to regain or maintain maximum function or (in the case of a child under the age of 6) development

Internal appeals. Patients would be assured the right to appeal the following: failure to cover emergency services, the denial, reduction or termination of benefits, or any decision regarding the clinical necessity, appropriateness, efficacy, or efficiency of health care services, procedures or settings. The plan would be required to have a timely internal review system, using health care professionals independent of the case at hand, and procedures for expediting decisions in cases in which the standard timeline could seriously jeopardize the covered individual's life, health, ability to regain or maintain maximum function, or (in the case of a child under the age of 6) development.

External appeals. Individuals would be assured access to an external, independent appeals process for cases of sufficient seriousness or which exceed a certain monetary threshold that were not resolved to the patient's satisfaction through the internal appeals process. The external appeal entity, not the plan, would have the authority to decide whether a particular plan decision is in fact externally appealable. In addition to the patient's medical record and the treating physician's proposed treatment, the range of evidence that is permissible in an external review would include valid and reliable research, studies and other evidence from impartial experts in the relevant field—the same types of evidence typically used by the courts in adjudicating health care quality cases. The external appeal process would require a fair, ''de novo'' determination, the plan would pay the costs of the process, and any decision would be binding on the plan.

Consumer information

Comparative information. Consumers would be given uniform comparative information on quality measures in order to make informed choices. Data would include: patient satisfaction, delivery of health care services such as immunizations, and resulting changes in beneficiary health. Variations would be allowed based on plan type.

Plan information. Patients would be provided with information on benefits, cost-sharing, access to services, grievance and appeals, etc. A grant program would be authorized to provide enrollees with information about their coverage options, and with grievance and appeals processes.

Confidentiality of enrollee records. Plans would be required to have procedures to safeguard the privacy of individually identifiable information.

Quality assurance. Plans would be required to establish an internal quality assurance program. Accredited plans would be deemed to have met this requirement, and variations would be allowed based on plan type.

Patient protection standards

Emergency services. Coverage of emergency services would be based upon the ''prudent layperson'' standard, and, importantly, would include reimbursement for post-stabilization and maintenance care. Prior authorization of services would be prohibited.

Enrollee choice of health professionals and providers. Patients would be assured that plans would: Allow women to obtain obstetrical/gynecological services without a referral from a primary care provider; allow plan enrollees to choose pediatricians as the primary care provider for their children; have a sufficient number, distribution and variety of providers; allow enrollees to choose any provider within the plan's network, who is available to accept such individual (unless the plan informs enrollee of limitations on choice); provide access to specialists, pursuant to a treatment plan; and in the case of a contract termination, allow continuation of care for a set period of time for chronic and terminal illnesses, pregnancies, and institutional care.

Access to approved services. Plans would be required to cover routine patient costs incurred through participation in an approved clinical trial. In addition, they would be required to use plan physicians and pharmacists in development of formularies, disclose formulary restrictions, and provide an exception process for non-formulary treatments when medically necessary.

Nondiscrimination in delivery of services. Discrimination on the basis of race, religion, sex, disability and other characteristics would be prohibited.

Prohibition of interference with certain medical communications. Plans would be prohibited from using ''gag rules'' to restrict physicians from discussing health status and legal treatment options with patients.

Provider incentive plans. Plans would be barred from using financial incentives as an inducement to physicians for reducing or limiting the provision of medically necessary services.

Provider participation. Plans would be required to provide a written description of their physician and provider selection procedures. This process would include a verification of a health care provider's license, and

plans would be barred from discriminating against providers based on race, religion and other characteristics.

Appropriate standards of care for mastectomy patients. Plans would be required to cover the length of hospital stay for a mastectomy, lumpectomy or lymph node dissection that is determined by the physician to be appropriate for the patient and consistent with generally accepted principles of professional medical practice.

Professional standard of medical necessity. Health plans would be prohibited from arbitrarily interfering with the decision of the treating physician if the services are medically necessary and a covered benefit. Medically necessary services are defined to be those which are consistent with generally accepted principles of professional medical practice. This professional standard of medical necessity has been a well-settled standard in our legal system for over two centuries, and is necessary to ensure a meaningful external appeals process. Treatment and coverage decisions would be measured against the same standard of medical necessity, and providers and insurers would both be guided by the same evidentiary requirements (described under external appeals).

PROMOTING RESPONSIBLE MANAGED CARE ACT OF 1999—ENFORCEMENT AND COMPENSATION MECHANISMS

Strengthened federal enforcement to ensure managed care plans play by the rules. To ensure compliance with the bill's provisions, current federal law would be strengthened by giving the Secretaries of Labor and Health & Human Services enhanced authorities to enjoin managed care plans from denying medically necessary care.

In addition, the Secretaries of Labor and Health & Human Services would be given new authority to levy substantial monetary penalties on managed care plans for wrongful conduct. Fines could be awarded as follows:

For failures on the part of plans that result in an unreasonable denial or delay in benefits that seriously jeopardize the individual's life, health, or ability to regain or maintain maximum function (or in the case of a child under the age of 6) development: Up to $50,000 for each individual involved in the case of a failure that does not reflect a pattern or practice of wrongful conduct and up to $250,000 if the failure reflects a pattern or practice of wrongful conduct.

For failures on the part of plans not described above: Up to $10,000 for each individual involved in the case of a failure that does not reflect a pattern or practice of wrongful conduct and up to $50,000 if the failure reflects a pattern or practice of wrongful conduct.

In the case of failures not corrected within the first week, the maximum amount of the penalties in all cases would be increased by $10,000 for each full succeeding week in which the failure is not corrected.

These provisions would ensure that enforcement of federal law is not dependent upon individuals bringing court cases to enforce plan compliance. Rather, it provides for real federal enforcement of new federal protections.

Compensation for individuals harmed by the decisions of managed care plans. All privately insured individuals would have access to federal courts for economic loss resulting from injury caused by the improper denial of care by managed care plans. Economic loss would be defined as any pecuniary loss caused by the decision of the managed care plan, and would include the loss of earnings or other benefits related to employment, medical expenses, and business or employment opportunities. Awards for economic loss would be uncapped and attorneys' fees could be awarded at the discretion of the court.

WHAT ORGANIZATIONS ARE SAYING ABOUT THE PROMOTING RESPONSIBLE MANAGED CARE ACT OF 1999

National Association of Children's Hospitals, Inc: ''The National Association of Children's Hospitals, which represents more than 100 children's hospitals across the country, strongly supports your legislation—and its provisions that ensure children's unique health care needs are protected as families seek access to appropriate pediatric health care in their health plans.''

National Mental Health Association: ''On behalf of the National Mental Health Association and its 330 affiliates nationwide, I am writing to express strong support for the Promoting Responsible Managed Care Act of 1999. . . . NMHA was particularly gratified to learn that you included language in your important compromise legislation which guarantees access to psychotropic medications. . . . Finally—alone among all the managed care bills introduced in this session of Congress—your legislation prohibits the involuntary disenrollment of adults with severe and persistent mental illnesses and children with serious mental and emotional disturbances.''

National Alliance for the Mentally Ill: ''On behalf of the 185,000 members and 1,140 affiliates of the National Alliance for the Mentally Ill, I am writing to express our strong support for the bipartisan managed care consumer protection legislation you . . . are developing. . . . Thank you for your efforts on behalf of people with severe mental illnesses. Your bipartisan approach to this difficult issue is an important step forward in placing the interests of consumers and families ahead of politics. NAMI looks forward to working with you to ensure passage of meaningful managed care consumer protection legislation in the 106th Congress.''

American Protestant Health Alliance: ''Your proposal strikes a balance which is most appropriate. As each of us is aware, often we have missed the opportunity to enact health policy changes, only to return later and achieve fewer gains than we might have earlier. It would be tragic if we allowed this year's opportunity to escape our grasp. We are pleased to stand with you in support of your proposal.''

American Academy of Pediatrics: ''As experts in the care of children, we believe that [your] legislation makes important strides toward ensuring that children get the medical attention they need and deserve. . . . Children are not little adults. Their care should be provided by physician specialists who are appropriately educated in the unique physical and developmental issues surrounding the care of infants, children, adolescents, and young adults. We are particularly pleased that you recognize this and have included access to appropriate pediatric specialists, as well as other protections for children, as key provisions of your legislation.''

American Cancer Society: ''. . . I commend you on your bipartisan effort to craft patient protection legislation that meets the needs of cancer patients under managed care. . . . Your legislation grants patients access to specialists, ensures continuity of care . . . and permits for specialists to serve as the primary care physician for a patient who is undergoing treatment for a serious or life-threatening illness. Most importantly, your bill promotes access to clinical trials for patients for whom satisfactory treatment is not available or standard therapy has not proven most effective. . . . We appreciate that your bill addresses all four of ACS' priorities in a way that will help assure that individuals affected or potentially affected by cancer will be assured improved access to quality care.''

American College of Physicians/American Society of Internal Medicine: ''We believe your bill contains necessary patient protections, as well as provisions designed to foster quality improvement, and therefore has the potential to improve the quality of care patients receive. The College is particularly pleased that your proposal covers all Americans, rather than only those individuals who are insured by large employers under ERISA. . . . We also appreciate that you have taken steps to address the concerns about making all health plans . . . accountable in a court of law for medical decisions that may result in death or injury to a patient.''

National Association of Chain Drug Stores: ''. . . we applaud your efforts . . . in crafting a bipartisan managed care proposal. . . . Your bill, 'Promoting Responsible Managed Care Act' takes a realistic step in improving the health care system for all Americans.''

Council of Jewish Federations: ''Your provisions on continuity of care also provide landmark protections for consumers in our community and in the broader community as well. Overall, your legislation provides important safeguards for consumers and providers that are involved in managed care.''

Families USA: ''We are pleased that your bill . . . would establish many protections important to consumers, such as access to specialists, prescription drugs and consumer assistance. In addition, your external appeals language addresses many consumer concerns in this area.''

Catholic Health Association: ''The Catholic Health Association of the United States (CHA) applauds your bipartisan leadership in Congress to help enact legislation this year protecting consumers who receive health care through managed care plans. The Chafee-Graham-Lieberman bill is a sound piece of legislation.''

National Association of Community Health Centers: ''We appreciate the bipartisan efforts you have undertaken to correct the deficiencies in the managed care system. . . . We applaud your inclusion of standards for the determination of medical necessity (Section 102) that are based on generally accepted principles of medical practice. . . . We also appreciate your inclusion of federally qualified health centers (FQHCs) as providers that may be included in the network.''

American College of Emergency Physicians: ''The American College of Emergency Physicians . . . is pleased to support your bill, the 'Promoting Responsible Managed Care Act of 1999.' We . . . are particularly pleased that your legislation would apply to all private insurance plans. . . . We also commend your leadership in proposing a bipartisan solution. . . . We strongly support provisions in the bill that would prevent health plans from denying patients coverage for legitimate emergency services.''

National Association of Public Hospitals & Health Systems: ''This legislation provides consumers with the information to make informed decisions about their managed care plans, offers consumers protections from disincentives to provide care, and provides consumers with meaningful claims review, appeals and grievance procedures. We applaud your leadership in this area and we look forward to working with you to shape final legislation. We note that many of the patient protections contained in your legislation are already applicable to [Medicaid and Medicare], and we believe that a nationwide level playing field is desirable for all patients and all payers. For these reasons . . . we believe

that many of the consumer protections in your legislation are necessary to prevent abuses and improve quality in managed care.''

Mental Health Liaison Group (14 national organizations): ''. . . we are writing to commend you for the introduction of [your legislation]. [It] takes a significant step forward in protecting children and adults with mental disorders who are now served by managed care health plans. . . . By establishing a clear grievance and appeals process, assuring access to mental health specialists, and assuring the availability of emergency services, your bill begins to establish the consumer protections necessary for the delivery of quality mental health care to every American.''

Medical Necessity: The Real Issue in the Quality Debate[1]

ISSUE

Without an objective standard of what constitutes medically necessary or appropriate care, federal legislation to ensure that patients receive the care for which they have paid will not be effective. For example, absent such a standard, what measures would an external appeals body use in determining whether a treatment or coverage decision was appropriate?

Thus, federal legislation should incorporate the professional standard of medical necessity. This has been a well-settled standard in our legal system for over two centuries, and is commonly defined as ''a service or benefit consistent with generally accepted principles of professional medical practice.'' In fact, many insurance contracts in force today include some version of this standard (see attached table).

BACKGROUND

The advent of managed care has blurred the lines between coverage and treatment decisions, since for all but the wealthiest Americans, an insurer's decision regarding coverage effectively determines whether the individual will receive care.

As a consequence, the quality of coverage decisions, that is to say—the standard used to decide a coverage question and the evidence considered in deciding whether the care that is sought meets the standard—becomes the central issue in the managed care debate.

As insurers began to move significantly into the coverage decision-making arena in the 1970s, they adopted the same standard used by the courts in adjudicating health care quality cases—the professional standard of medical necessity.

TRENDS IN THE MARKETPLACE

A review of recent cases (see attached table) suggests that while most insurers use this professional standard, some are beginning to write other standards into their contracts. Courts must abide by these standards unless they conflict with other statutes.

There are also indications that some insurers may be seeking, by contract, to limit the evidence they will consider in making their coverage determinations, instead relying only on the results of generalized studies (some of which may be of questionable value) that have some, but not conclusive, bearing on a given patient's case.

The cases also indicate that some insurers are attempting to make their decisions unreviewable by using terms such as, ''as determined by us.''

The result of these trends is arbitrary decision-making (based either on bad evidence, or no evidence at all) which, by failing to take into account individual patient needs, diminishes health care quality, and does not constitute good professional practice.

It is not possible for consumers to see these contracts under normal circumstances. However, when individuals challenge denials of coverage or treatment, contract clauses affecting millions of persons become public as part of the court decision.

A close examination of the contract provisions in the attached cases reveals, in some instances, the use of extraordinary standards that pose a significant departure from the professional standard of practice:

In *Fuja*, *Bedrick*, *Heasley*, and *McGraw*, all of the contracts underlying these cases omit coverage for ''conditions.'' Prudent medical professionals would not deny care for conditions, nor is it likely that there are any scientific studies which indicate that treatment of children and adults with ''conditions'' such as cerebal palsy, multiple sclerosis, or a developmental or congenital health problem, is not ''medically necessary.''

In *Metrahealth*, the contract requires a showing that care be ''absolutely essential and indispensable'' prior to its coverage. This verges on an emergency coverage definition and is at odds with the approach taken by prudent medical professionals.

In *Dowden*, use of the term ''essential'' achieves a similar result.

In *Dahl-Elmers*, the contract requires a showing that the care ''could not have been omitted without adversely affecting the insured person's condition or the quality of medical care.'' It is doubtful there are any scientific studies that demonstrate how much care can be withheld before a patient deteriorates. In fact, such a study would be unethical even to undertake. Thus, there is virtually no scientific evidence to support denial of coverage under this standard.

The standards employed in these contracts are in complete conflict with prudent medical practice by health professionals who rely on solid evidence of effectiveness. No reasonable physician would withhold treatment until a patient's condition satisfied any one of these standards.

These cases deal implicitly with the issue made explicit in *Harris* v. *Mutual of Omaha*, which is discussed in the New England Journal of Medicine article from which this paper was adapted. Specifically, because such contracts do not contain any evidentiary standards to inform purchasers of what constitutes reasonable medical practice, insurers are effectively free to use or disregard the evidence of their choosing. This freedom to ignore relevant evidence, such as the opinion of treating physicians, goes to the heart of *Harris*.

RECOMMENDATIONS

Because coverage standards and evidence are absolutely central, albeit poorly understood concepts, protecting against the diminution of quality of care should not be left to the marketplace. Neither consumers, nor employee benefit managers, have the expertise to recognize the implications of the language which appears in these contracts.

In light of these trends and their impact on health care quality, federal legislation should incorporate the professional standard of medical necessity as the framework against which a patient's medical care will be decided.

In addition, the legislation should specify the types of evidence that will be considered in determining whether the professional standard has been met in treatment and coverage decisions. In addition to the patient's medical record and the treating physician's proposed treatment, the courts have typically relied upon valid and reliable research, studies and other evidence from impartial experts in the relevant field.

Thus, enacting the professional standard of medical necessity into federal law would balance the interests of patients, providers and insurers. Treatment and coverage decisions would be measured against the same standard of medical necessity, and providers and insurers would both be guided by the same evidentiary requirements.

EXAMPLES OF MEDICAL NECESSITY CLAUSES IN EMPLOYEE HEALTH BENEFIT CONTRACTS

Case name	Contractual definition of medical necessity
Friends Hospital v. *MetraHealth Service Corp.,* 9 F. Supp.2d 528 (E.D. Penn. 1998).	''A health care facility admission, level of care, procedure, service or supply is medically necessary if it is absolutely essential and indispensable for assuring the health and safety of the patient as determined by the * * * plan * * * with review and advice of competent medical professionals.''
McGraw v. *Prudential Ins. Co. of America,* 137 F.3d 1253 (10th Cir. 1998)	''To be considered 'needed', a service or supply must be determined by Prudential to meet all of these tests: (a) It is ordered by a Doctor (b) It is recognized throughout the Doctor's profession as safe and effective, is required for the diagnosis or treatment of the particular sickness or Injury, and is employed appropriately in a manner and setting consistent with generally accepted United States medical standards. (c) It is neither Educational nor Experimental nor Investigational in nature.''
Gates v. *King & Blue Cross & Blue Shield of Virginia,* Inc., 129 F.3d 1259 (4th Cir. 1997).	''The Plan defines medically necessary as: Services, drugs, supplies, or equipment provided by a hospital or covered provider of health care services that the carrier determines: (a) are appropriate to diagnose or treat the patient's condition, illness or injury; (b) are consistent with standards of good medical practice in the U.S. (c) are not primarily for the personal comfort or convenience of the patient, the family, or the provider
Dowden v. *Blue Cross & Blue Shield of Texas, Inc.,* 126 F.3d 641 (5th Cir. 1997).	Services that are ''essential to, consistent with and provided for the diagnosis or the direct care and treatment of the condition, sickness, disease, injury, or bodily malfunction,'' and treatments ''consistent with accepted standards of medical practice.''
Bedrick v. *Travelers Ins. Co.,* 93 F.3d 149 (4th Cir. 1996)	1. Services that are appropriate and required for the diagnosis or treatment of the accidental injury or sickness; 2. It is safe and effective according to accepted clinical evidence reported by generally recognized medical professionals and publications; There is not a less intrusive or more appropriate diagnostic or treatment alternative that could have been used in lieu of the service or supply given.

[1]This paper was adapted from two sources. The first is an article which appeared in the New England Journal of Medicine, January 21, 1999, titled, ''Who Should Determine When Health Care Is Medically Necessary?'' authored by Sara Rosenbaum, J.D., George Washington University School of Public Health and Health Services, David M. Frankford, J.D., Rutgers University School of Law, Brad Moore, M.D., M.P.H., and Phyllis Borzi, J.D., George Washington University Medical Center. The second source is a special analysis of recent ERISA coverage decisions prepared by professor Rosenbaum.

EXAMPLES OF MEDICAL NECESSITY CLAUSES IN EMPLOYEE HEALTH BENEFIT CONTRACTS—Continued

Case name	Contractual definition of medical necessity
Florence Nightingale Nursing Svc., Inc. v. *Blue Cross/Blue Shield of Alabama,* 41 F.3d 1476 (11th Cir. 1995).	The services and supplies furnished must ''be appropriate and necessary for the symptoms, diagnosis, or treatment of the Member's condition, disease, ailment, or injury; and be provided for the diagnosis or direct care of Member's medical condition; and be in accordance with standards of good medical practice accepted by the organized medical community * * * *
Trustees of the NW Laundry and Dry Cleaners Health & Welfare Trust Fund v. *Burzynski,* 27 F.3d 153 (5th Cir. 1994).	1. The treatment must be ''appropriate and consistent with the diagnosis (in accord with accepted standards of community practice).'' 2. Treatments ''could not be omitted without adversely affecting the covered person's condition or the quality of medical care.''
Fuja v. *Benefit Trust Life Ins. Co.,* 18 F.3d 1405 (7th Cir. 1994)	Services that are ''required and appropriate for care of the Sickness or the Injury; and that are given in accordance with generally accepted principles of medical practices in the U.S. at the time furnished; and are not deemed to be experimental, educational or investigational. . .
Lee v. *Blue Cross/Blue Shield of Alabama,* 10 F.3d 1547 (10th Cir. 1994)	''Appropriate and necessary for treatment of the insured's condition, provided for the diagnosis or care of the insured's condition, in accordance with standards of good medical practice, and not solely for the insured's convenience.''
Heil v. *Nationwide Life Inc. Co.,* 9 F.3d 107 (6th Cir. 1993)	Services for which there is ''general acceptance by the medical profession as appropriate for a covered condition and [that] are determined safe, effective, and non-investigational by professional standards.''
Heasely v. *Belden & Blake Corp.,* 2 F.3d 1249 (3rd Cir. 1993)	Services and procedures ''considered necessary to the amelioration of sickness or injury by generally accepted standards of medical practice in the local community.''
Dahl-Eimers v. *Mutual of Omaha Life Inc. Co.,* 986 F.2d 1379 (11th Cir. 1993)	(a) ''Appropriate and consistent with the diagnosis in accord with accepted standards of community practice; (b) Not considered experimental; and (c) Could not have been omitted without adversely affecting the injured person's condition or the quality of medical care.''•

By Mr. STEVENS (for himself, Mr. INOUYE, Mr. MURKOWSKI, and Mr. AKAKA):

S. 375. A bill to create a rural business lending pilot program within the U.S. Small Business Administration, and for other purposes; to the Committee on Small Business.

• Mr. STEVENS. Mr. President, I have in the past brought to the attention of the Senate one of the most significant economic problems facing Alaska—the underdevelopment of the business sector in the rural areas of Alaska. Today I am introducing the Rural Business Lending Act to help fix this problem in my state and in Hawaii. Senators INOUYE, MURKOWSKI, and AKAKA join me as cosponsors.

Many of my colleagues have heard me speak of Alaska's vast size, of our lack of a highway system, and of the problems faced by small Alaska communities because of their remoteness and because they are islands surrounded by a sea of federal land. Our economic problems are in some ways more like the problems of third-world countries than the problems of towns in the contiguous 48 states. More than 130 Alaska villages and communities have populations under 3,000, and almost 80 percent of these communities are not connected to any road or highway system. They can be reached only by small plane or boat. Many do not have a bank branch office or any other lending source.

The nearest banks—which, even within Alaska are likely to be hundreds of miles away—often cannot make loans in rural communities due to the cost of servicing the loans, the cost of transportation, higher credit risks and other unknown risks, the seasonality of the economy, and the collateral limitations inherent to remote real estate. Most Alaska villages have few, if any, privately- or independently-owned small businesses.

The Rural Business Lending Act would attempt to help with these problems. The bill would create a pilot loan guarantee program in Alaska and Hawaii administered by the U.S. Small Business Administration (SBA). The pilot program is modeled after the SBA 7(a) program that was in effect prior to changes made in 1995. These changes dramatically reduced small business lending by banks and other financial institutions in Alaska. Among other things, the changes: (1) decreased the portion of a loan that SBA could guarantee under the 7(a) Program, from 90 percent of the loan amount down to a sliding scale of only up to 80 percent; and (2) increased the guarantee fee for 7(a) loans from 2 percent of the loan amount up to a sliding scale of between 2 percent and 3.875 percent. Another change was that the SBA discontinued servicing loans that have gone into default. This change is particularly detrimental in Alaska and Hawaii, because of the transportation costs involved in servicing a loan, and in small Alaska communities because it is difficult for the employee of a bank branch to take action against his neighbor on a loan.

Before these changes went into effect, the SBA 7(a) lending program provided much of the critical financing for rural Alaska businesses. For instance, the SBA guaranteed 315 loans totaling $29 million with fiscal year 1995 funds—170 of which went to businesses in what we consider rural areas of Alaska (generally not on the road system). By comparison, the SBA guaranteed only 88 loans in Alaska—and only 48 in rural areas—with fiscal year 1998 funds, after the changes had gone into effect. The total amount of the loans between fiscal year 1995 and fiscal year 1998 decreased by over 60 percent, from $29 million down to $10 million. It appears this downward trend is continuing during the Fiscal Year 1999 cycle.

Prior to the changes, the National Bank of Alaska was one of SBA's biggest 7(a) lending program participants, having made over 91 loans totaling more than $15 million during the fiscal year 1995 cycle. Three years later, during the fiscal year 1998 cycle, the National Bank of Alaska made no loans under the 7(a) program. There is no question that the changes have negatively affected the availability of loan funds and credit in rural Alaska and other rural areas.

The bill I am introducing today is intended to make the 7(a) program more viable in the rural parts of Alaska and Hawaii. The Rural Business Lending Act would create a 3-year ''Rural Business Lending Program'' in the 49th and 50th states that would be similar to 7(a) Program before the 1995 changes. It would allow up to 90 percent of loan amounts to be guaranteed, cap the guarantee fee at 1 percent, require the SBA to service loans on which it honors a guarantee, and allow the SBA to waive annual loan fees (one-half of one percent of the outstanding loan balance under existing law) if necessary to increase lending. Loans under the ''Rural Business Lending Program'' would be available only in communities with a population of 9,000 or fewer. The program would be required to be administered from the SBA's Alaska and Hawaii offices, where the unique characteristics and needs of rural small businesses are more likely to be understood. The SBA would be required to report to Congress after two years on the effectiveness of the program so that consideration could be given to making it permanent or expanding it to other areas.

This legislation will ensure that small businesses in rural Alaska and Hawaii have similar access to the national 7(a) Program that other small businesses have. The national 7(a) program should not provide opportunities only to businesses in urban settings. The changes in the Act are intended to revive the SBA 7(a) Program in rural parts of Alaska and Hawaii, creating a model that perhaps can be applied more broadly in the future. I look forward to working with other Senators on the enactment of this legislation that is so critical to small businesses in Alaska and Hawaii, and ultimately perhaps, to small businesses in rural areas throughout the United States.•

By Mr. BURNS (for himself, Mr. MCCAIN, Mr. DORGAN, Mr. BRYAN, Mr. BROWNBACK, and Mr. CLELAND):

S. 376. A bill to amend the Communications Satellite Act of 1962 to promote competition and privatization in satellite communications, and for other purposes; to the Committee on Commerce, Science, and Transportation.

OPEN-MARKET REORGANIZATION FOR THE BETTERMENT OF INTERNATIONAL TELECOMMUNICATIONS (ORBIT) ACT

• Mr. BURNS. Mr. President, I rise today to introduce the ''Open-market Reorganization for the Betterment of International Telecommunications (ORBIT)'' bill, an important piece of

legislation that will modernize our nation's laws and policies regarding the provision of international satellite communications services. I also thank the help and hard work of my colleagues who are original cosponsors of this bill, including the Chairman of the Commerce Committee, Senator MCCAIN, and Senator BROWNBACK, Senator BRYAN, Senator DORGAN and Senator CLELAND.

Dramatic technological and marketplace changes have reshaped global satellite communications in the thirty-six years since enactment of the Communications Satellite Act of 1962. These changes necessitate that we update our nation's satellite laws to establish a new policy framework for vibrant international satellite communications in the 21st century.

The bill I introduce today reflects a reasoned and balanced approach that will enable more private companies, as opposed to government entities, to bring advanced satellite communications service to every corner of the globe—including poor, remote and lesser developed countries. This bill puts the full weight of the United States squarely behind the privatization of INTELSAT, an intergovernmental organization embracing 142 countries, which, in turn, will transform the international satellite communications marketplace into a more robust and genuinely competitive arena. The beneficiaries of this legislation will be American companies and their workers who will have new opportunities to offer satellite communications services worldwide and consumers who will be able to enjoy a choice among multiple service providers of ever more advanced communications services at lower cost.

When the Soviet Union launched Sputnik in 1957, the United States responded immediately and aggressively to recapture the lead in the advancement of satellite technology. Our nation understood the tremendous potential of satellite technology, but at the same time recognized that because of the cost, risk and uncertainty, no individual company would develop it alone. Therefore, the U.S. enacted the Communications Satellite Act of 1962 which created COMSAT, a private company, to develop by itself, or presumably with the assistance of other foreign entities, a commercial worldwide satellite communications system. Subsequently, the international treaty organization, INTELSAT, was created to provide mainly telephone and data services around the world. COMSAT and INTELSAT have worked together over the last three decades to introduce satellite communications services here and abroad.

The INTELSAT/COMSAT experiment has been a magnificent success. INTELSAT, has grown to include 142 member countries, utilizing a network of 24 satellites that offer voice, data and video services around the world. In the last fifteen years, technological advances, improved large-scale financing options, and enriched market conditions have created a favorable climate for new companies to provide services that only INTELSAT had previously been able to offer. However, while the success of INTELSAT has spurred multiple private commercial companies to penetrate the global satellite market, these private companies have expressed serious concern about the existence of INTELSAT, in its present form, and the unlevel playing field upon which they must compete with INTELSAT. My legislation addresses their concerns.

This legislation prods INTELSAT to transform itself from a multi-governmentally owned and controlled monopoly to a fully privatized company. The legislation articulates the new United States policy that INTELSAT must privatize as soon as possible, but no later than January 1, 2002 and it creates a process to encourage and verify that this privatization effort occurs in a pro-competitive manner.

This legislation puts clear and specific restrictions on INTELSAT's ability to expand its service offerings into new areas, such as direct broadcast satellite services and Ka-band communications, pending privatization. At the same time, it preserves INTELSAT's ability to provide its customers services they currently enjoy. INTELSAT customers are not artificially denied services to which they already have access.

INTELSAT also is offered incentives to privatize. One of INTELSAT's most important business objectives is to obtain direct access to the lucrative U.S. domestic market. My legislation does not hand this over to INTELSAT and the other 141 member countries without commercial reform. Rather, it withholds this desired benefit until privatization is complete. I should add that with the introduction of this legislation, I call on the FCC to halt its pending rulemaking to allow Intelsat to directly access the U.S. market before privatization. This rulemaking undermines a central tenet of this bill, and would exceed the agency's authority in any event. I urge the FCC to let Congress resolve this issue through the legislative process.

This legislation provides the President of the United States with the authority to certify that INTELSAT has privatized in a sufficiently pro-competitive manner that it will not harm competition in the U.S. satellite marketplace. The President is required to consider a whole array of criteria such as the owner structure of INTELSAT, its independence from the intergovernmental organization, and its relinquishment of privileges and immunities. These criteria will ensure that INTELSAT is transformed into a commercially competitive company without any unfair advantages. If the privatization does not occur within the time frame provided in my legislation, January 1, 2002, the President is required to withdraw the U.S. from INTELSAT.

I believe that the House and the Senate, working constructively together, can enact international satellite competition legislation this year. In particular, I want to commend the Chairman of the House Commerce Committee, Representative BLILEY, for all the good work he did last Congress in passing H.R. 1872 through the House. I am confident that our shared objectives will enable us to resolve differences on a number of specific issues and obtain the broad, bipartisan support needed to move this legislation quickly. I especially look forward to working with my colleagues on both sides of the aisle in the Senate to reaching swift agreement on this bill which will enhance America's competitive position as we enter the 21st century.●

By Mr. ENZI:

S. 377. A bill to eliminate the special reserve funds created for the Savings Association Insurance Fund and the Deposit Insurance Fund, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

SAIF SPECIAL RESERVE ELIMINATION BILL

● Mr. ENZI. Mr. President, I rise to introduce legislation on behalf of myself and the Senator from South Dakota, Senator JOHNSON. This legislation would eliminate the Savings Association Insurance Fund (SAIF) special reserve. The Federal Deposit Insurance Corporation (FDIC) has indicated that this is one of their top priorities. We feel this legislation is important because capitalization of the special reserve could potentially destabilize the SAIF.

The Special Reserve of the Savings Association Insurance Fund (SAIF) was established on January 1, 1999. It was created by the Deposit Insurance Act of 1996 to provide a backup to the SAIF and further protect the taxpayers from another costly bailout of failed financial institutions. The law stipulated that the amount in the SAIF special reserve should equal the amount by which the SAIF reserve ratio exceeded the designated reserve ratio on January 1, 1999. The designated reserve ratio is 1.25 percent of estimated insured deposits. As a result, on January first of this year, about $1 billion was transferred from the SAIF to the special reserve of the SAIF. Now the SAIF, because it does not include the amount set aside in the special reserve, is capitalized at 1.25 percent of insured deposits.

The problem with this newly established special reserve is that it has the potential to destabilize the SAIF. Since $1 billion was transferred into the special reserve, thereby reducing the SAIF to the minimum required reserve level of 1.25 percent, the chances that the reserve ratio could drop below that level due to adverse circumstances has increased significantly. If this ever occurs, the FDIC may assess new insurance premiums since the 1996 amendments do not allow the special reserve

funds to be used in the calculation of the SAIF. And new premium on thrifts resulting from the special reserve would be unfair and discriminatory.

In addition, the special reserve funds cannot be used unless the SAIF reachers a dangerously low level. Current law does not allow the FDIC to access the funds in the special reserve until the reserve ratio reaches 0.625 percent of the designated ratio, and the FDIC expects the ratio to remain at or below that level for each of the next four quarters. This does not allow the FDIC to properly manage the SAIF.

The Enzi/Johnson bill also makes conforming and technical amendments requested by the FDIC. These changes would delete provisions of the Deposit Insurance Act of 1996 relating to the merger of the two deposit insurance funds. The Bank Insurance Fund (BIF) and the SAIF were not merged by the target date of January 1, 1999, because savings associations are still in existence. Therefore, these provisions are unnecessary.

In conclusion, I urge my colleagues to pass this vitally important legislation before a change in the SAIF would create a budgetary impact. It represents an appropriate solution to what could be a major deposit insurance problem.●

By Mr. ROCKEFELLER (for himself, Mr. DORGAN, Mr. WYDEN, Mr. HARKIN, and Mr. BINGAMAN):

S. 379. A bill to amend title 49, United States Code, to authorize the Secretary of Transportation to implement a pilot program to improve access to the national transportation system for small communities, and for other purposes; to the Committee on Commerce, Science, and Transportation.

THE AIR SERVICE RESTORATION ACT OF 1999

● Mr. ROCKEFELLER. Mr. President, today I am pleased to introduce the Air Service Restoration Act of 1999, together with my colleagues Senators DORGAN, WYDEN, HARKIN and BINGAMAN.

In the past several years there has been a growing debate in the Congress and across the nation about the state of our aviation industry. The primary concerns heard again and again are that a decline in air service to small and rural communities and increasing consolidation among airlines and in certain essential markets are hurting consumers and stifling economic development.

I know these concerns well from the experience of my home State of West Virginia. By virtually any measure West Virginia is the State that has been hardest hit by air service declines in the twenty years since deregulation. With the notable exception of a few important upgrades and new opportunities in the last year, West Virginia's air service has been far inferior to that provided other communities—the planes are uncomfortable, the prices are high, and the schedules are thin and subject to frequent cancellations. As a result, at a time when the rest of the nation has experienced a 75 percent increase in air traffic, passenger enplanements statewide in West Virginia have declined by nearly 40 percent.

The real tragedy of poor air service isn't passenger inconvenience or frustration, however, it's the negative impact on economic development. In today's global marketplace air service has become the single most important mode of transportation. When it comes to economic growth, there is no substitute for good air service, and the lack of quality, affordable service can and does hold us back, stunting economic growth in West Virginia just as it does in small and rural communities across the country. We must act now to stem this tide—to restore and promote air service to under-served areas—or we will never be able to close the gap in a meaningful and sustained way.

This legislation is designed not only to build on the successes of airline deregulation but also to take responsibility for its failures. It contains four major provisions:

First, the centerpiece of the bill is a five-year $100 million pilot program for up to 40 small and under-served communities, with grants of up to $500,000 to each community for local initiatives to attract and promote service.

Second, the Department of Transportation would have the authority to facilitate links between pilot communities and major airports by requiring joint fares and interline agreements between dominant airlines at hub airports and new service providers at under-served airports.

Third, to address a key infrastructure concern of small and rural airports, the bill establishes a pilot program allowing communities facing the loss of an air traffic control tower to instead share the cost of funding the tower, on a contract basis, in proportion to the cost-benefit ratio of the tower.

Fourth, the bill calls on the Department of Transportation to review airline industry marketing practices—practices which many believe are exacerbating the decline in air service to small communities—and, if necessary, promulgate regulations to curb abuses.

The legislation we introduce today should begin to afford small and rural community air service the priority they deserve in our national transportation policy. It is similar to a bill I and my colleagues introduced last year, many provisions of which were adopted by the full Senate in the failed FAA and AIP reauthorization bill of 1998. Variations on some of these provisions have also been included in the 1999 reauthorization bill introduced last month by Senators MCCAIN, HOLLINGS, GORTON and myself. I am hopeful that we will successfully enact this legislation, to protect and restore small community air service, this year.

Admittedly, airline deregulation has been a real success story in much of the nation, with lower fares, better service, and more choices for many passengers, as well as tremendous financial success and stability for commercial airlines. But as I have said in the past, airline deregulation has handed out the benefits of air travel unevenly, and we face today an ever-widening gap between the air transportation ''haves'' and ''have-nots''. We in the Congress have a responsibility to foster and maintain a truly national air transportation system, and we fail our small and rural communities when we leave them with the choice between high-cost, poor-quality service or no service at all.

This legislation and this year offer a real opportunity to re-double our efforts to connect small and rural communities to our air transportation system in a meaningful way. I commend the efforts of Senators DORGAN, WYDEN, HARKIN and BINGAMAN to solve this daunting national problem, and I hope our colleagues will join us in the endeavor.

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

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

S. 379

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Air Service Restoration Act''.

SEC. 2. FINDINGS.

The Congress finds that—

(1) a national transportation system providing safe, high quality service to all areas of the United States is essential to interstate commerce and the economic well-being of cities and towns throughout the United States;

(2) taxpayers throughout the United States have supported and helped to fund the United States aviation infrastructure and have a right to expect that aviation services will be provided in an equitable and fair manner to every region of the country;

(3) some communities have not benefited from airline deregulation and access to essential airports and air services has been limited;

(4) air service to a number of small communities has suffered since deregulation;

(5) studies by the Department of Transportation have documented that, since the airline industry was deregulated in 1978—

(A) 34 small communities have lost service and many small communities have had jet aircraft service replaced by turboprop aircraft service;

(B) out of a total of 320 small communities, the number of small communities being served by major air carriers declined from 213 in 1978 to 33 in 1995;

(C) the number of small communities receiving service to only one major hub airport increased from 79 in 1978 to 134 in 1995; and

(D) the number of small communities receiving multiple-carrier service decreased from 136 in 1978 to 122 in 1995; and

(6) improving air service to small- and medium-sized communities that have not benefited from fare reductions and improved

service since deregulation will likely entail a range of Federal, State, regional, local, and private sector initiatives.

SEC. 3. PURPOSE.

The purpose of this Act is to facilitate, through a pilot program, incentives and projects that will help communities to improve their access to the essential airport facilities of the national air transportation system through public-private partnerships and to identify and establish ways to overcome the unique policy, economic, geographic, and marketplace factors that may inhibit the availability of quality, affordable air service to small communities.

SEC. 4. ESTABLISHMENT OF SMALL COMMUNITY AVIATION DEVELOPMENT PROGRAM

Section 102 is amended by adding at the end thereof the following:

''(g) SMALL COMMUNITY AIR SERVICE DEVELOPMENT PROGRAM.—

''(1) ESTABLISHMENT.—The Secretary shall establish a 5-year pilot aviation development program to be administered by a program director designated by the Secretary.

''(2) FUNCTIONS.—The program director shall—

''(A) function as a facilitator between small communities and air carriers;

''(B) carry out section 41743 of this title;

''(C) carry out the airline service restoration program under sections 41744, 41745, and 41746 of this title;

''(D) ensure that the Bureau of Transportation Statistics collects data on passenger information to assess the service needs of small communities;

''(E) work with and coordinate efforts with other Federal, State, and local agencies to increase the viability of service to small communities and the creation of aviation development zones; and

''(F) provide policy recommendations to the Secretary and the Congress that will ensure that small communities have access to quality, affordable air transportation services.

''(3) REPORTS.—The program director shall provide an annual report to the Secretary and the Congress beginning in 2000 that—

''(A) analyzes the availability of air transportation services in small communities, including, but not limited to, an assessment of the air fares charged for air transportation services in small communities compared to air fares charged for air transportation services in larger metropolitan areas and an assessment of the levels of service, measured by types of aircraft used, the availability of seats, and scheduling of flights, provided to small communities.

''(B) identifies the policy, economic, geographic and marketplace factors that inhibit the availability of quality, affordable air transportation services to small communities; and

''(C) provides policy recommendations to address the policy, economic, geographic and marketplace factors inhibiting the availability of quality, affordable air transportation services to small communities.''.

SEC. 5. COMMUNITY-CARRIER AIR SERVICE PROGRAM.

(a) IN GENERAL.—Subchapter II of chapter 417 is amended by adding at the end thereof the following:

''§ 41743. Air service program for small communities

''(a) COMMUNITIES PROGRAM.—Under advisory guidelines prescribed by the Secretary of Transportation, a small community or a consortia of small communities or a State may develop an assessment of its air service requirements, in such form as the program director designated by the Secretary under section 102(g) may require, and submit the assessment and service proposal to the program director.

''(b) SELECTION OF PARTICIPANTS.—In selecting community programs for participation in the communities program under subsection (a), the program director shall apply criteria, including geographical diversity and the presentation of unique circumstances, that will demonstrate the feasibility of the program. For purposes of this subsection, the application of geographical diversity criteria means criteria that—

''(1) will promote the development of a national air transportation system; and

''(2) will involve the participation of communities in all regions of the country.

''(c) CARRIERS PROGRAM.—The program director shall invite part 121 air carriers and regional/commuter carriers (as such terms are defined in section 41715(d) of this title) to offer service proposals in response to, or in conjunction with, community aircraft service assessments submitted to the office under subsection (a). A service proposal under this paragraph shall include—

''(1) an assessment of potential daily passenger traffic, revenues, and costs necessary for the carrier to offer the service;

''(2) a forecast of the minimum percentage of that traffic the carrier would require the community to garner in order for the carrier to start up and maintain the service; and

''(3) the costs and benefits of providing jet service by regional or other jet aircraft.

''(d) PROGRAM SUPPORT FUNCTION.—The program director shall work with small communities and air carriers, taking into account their proposals and needs, to facilitate the initiation of service. The program director—

''(1) may work with communities to develop innovative means and incentives for the initiation of service;

''(2) may obligate funds authorized under section 6 of the Air Service Restoration Act to carry out this section;

''(3) shall continue to work with both the carriers and the communities to develop a combination of community incentives and carrier service levels that—

''(A) are acceptable to communities and carriers; and

''(B) do not conflict with other Federal or State programs to facilitate air transportation to the communities;

''(4) designate an airport in the program as an Air Service Development Zone and work with the community on means to attract business to the area surrounding the airport, to develop land use options for the area, and provide data, working with the Department of Commerce and other agencies;

''(5) take such other action under this chapter as may be appropriate.

''(e) LIMITATIONS.—

''(1) COMMUNITY SUPPORT.—The program director may not provide financial assistance under subsection (c)(2) to any community unless the program director determines that—

''(A) a public-private partnership exists at the community level to carry out the community's proposal;

''(B) the community will make a substantial financial contribution that is appropriate for that community's resources, but of not less than 25 percent of the cost of the project in any event;

''(C) the community has established an open process for soliciting air service proposals; and

''(D) the community will accord similar benefits to air carriers that are similarly situated.

''(2) AMOUNT.—The program director may not obligate more than $100,000,000 of the amounts authorized under section 6 of the Air Service Restoration Act over the 5 years of the program.

''(3) NUMBER OF PARTICIPANTS.—The program established under subsection (a) shall not involve more than 40 communities or consortia of communities.

''(f) REPORT.—The program director shall report through the Secretary to the Congress annually on the progress made under this section during the preceding year in expanding commercial aviation service to smaller communities.

''§ 41744. Pilot program project authority

''(a) IN GENERAL.—The program director designated by the Secretary of Transportation under section 102(g)(1) shall establish a 5-year pilot program—

''(1) to assist communities and States with inadequate access to the national transportation system to improve their access to that system; and

''(2) to facilitate better air service link-ups to support the improved access.

''(b) PROJECT AUTHORITY.—Under the pilot program established pursuant to subsection (a), the program director may—

''(1) out of amounts authorized under section 6 of the Air Service Restoration Act, provide financial assistance by way of grants to small communities or consortia of small communities under section 41743 of up to $500,000 per year; and

''(2) take such other action as may be appropriate.

''(c) OTHER ACTION.—Under the pilot program established pursuant to subsection (a), the program director may facilitate service by—

''(1) working with airports and air carriers to ensure that appropriate facilities are made available at essential airports;

''(2) collecting data on air carrier service to small communities; and

''(3) providing policy recommendations to the Secretary to stimulate air service and competition to small communities.

''(d) ADDITIONAL ACTION.—Unsder the pilot program established pursuant to subsection (a), the Secretary shall work with air carriers providing service to participating communities and major air carriers serving large hub airports (as defined in section 41731(a)(3)) to facilitate joint fare arrangements consistent with normal industry practice.

''§ 41745. Assistance to communities for service

''(a) IN GENERAL.—Financial assistance provided under section 41743 during any fiscal year as part of the pilot program established under section 41744(a) shall be implement for not more than—

''(1) 4 communities within any State at any given time; and

''(2) 40 communities in the entire program at any time.

For purposes of this subsection, a consortium of communities shall be treated as a single community.

''(b) ELIGIBILITY.—In order to participate in a pilot project under this subchapter, a State, community, or group of communities shall apply to the Secretary in such form and at such time, and shall supply such information, as the Secretary may require, and shall demonstrate to the satisfaction of the Secretary that—

''(1) the applicant has an identifiable need for access, or improved access, to the national air transportation system that would benefit the public;

''(2) the pilot project will provide material benefits to a broad section of the travelling public, businesses, educational institutions, and other enterprises whose access to the national air transportation system is limited;

''(3) the pilot project will not impede competition; and

(4) the applicant has established, or will establish, public-private partnerships in connection with the pilot project to facilitate service to the public.

''(c) COORDINATION WITH OTHER PROVISIONS OF SUBCHAPTER.—The Secretary shall carry out the 5-year pilot program authorized by this subchapter in such a manner as to complement action taken under the other provisions of this subchapter. To the extent the Secretary determines to be appropriate, the Secretary may adopt criteria for implementation of the 5-year pilot program that are the same as, or similar to, the criteria developed under the preceding sections of this subchapter for determining which airports are eligible under those sections. The Secretary shall also, to the extent possible, provide incentives where no direct, viable, and feasible alternative service exists, taking into account geographical diversity and appropriate market definitions.

''(d) MAXIMIZATION OF PARTICIPATION.—The Secretary shall structure the program established pursuant to section 41744(a) in a way designed to—

''(1) permit the participation of the maximum feasible number of communities and States over a 5-year period by limiting the number of years of participation or otherwise; and

''(2) obtain the greatest possible leverage from the financial resources available to the Secretary and the applicant by—

''(A) progressively decreasing, on a project-by-project basis, any Federal financial incentives provided under this chapter over the 5-year period; and

''(B) terminating as early as feasible Federal financial incentives for any project determined by the Secretary after its implementation to be—

''(i) viable without further support under this subchapter; or

''(ii) failing to meet the purposes of this chapter or criteria established by the Secretary under the pilot program.

''(e) SUCCESS BONUS.—If Federal financial incentives to a community are terminated under subsection (d)(2)(B) because of the success of the program in that community, then that community may receive a one-time incentive grant to ensure the continued success of that program.

''(f) PROGRAM TO TERMINATE IN 5 YEARS.—No new financial assistance may be provided under this subchapter for any fiscal year beginning more than 5 years after the date of enactment of the Air Service Restoration Act.

''§ 41746. Additional authority

''In carrying out this chapter, the Secretary—

''(1) may provide assistance to States and communities in the design and application phase of any project under this chapter, and oversee the implementation of any such project;

''(2) may assist States and communities in putting together projects under this chapter to utilize private sector resources, other Federal resources, or a combination of public and private resources;

''(3) may accord priority to service by jet aircraft;

''(4) take such action as may be necessary to ensure that financial resources, facilities, and administrative arrangements made under this chapter are used to carry out the purposes of the Air Service Restoration Act; and

''(5) shall work with the Federal Aviation Administration on airport and air traffic control needs of communities in the program.

''§ 41747. Air traffic control services pilot program

''(a) IN GENERAL.—To further facilitate the use of, and improve the safety at, small airports, the Administrator of the Federal Aviation Administration shall establish a pilot program to contract for Level I air traffic control services at 20 facilities not eligible for participation in the Federal Contract Tower Program.

''(b) PROGRAM COMPONENTS.—In carrying out the pilot program established under subsection (a), the Administrator may—

''(1) utilize current, actual, site-specific data, forecast estimates, or airport system plan data provided by a facility owner or operator;

''(2) take into consideration unique aviation safety, weather, strategic national interest, disaster relief, medical and other emergency management relief services, status of regional airline service, and related factors at the facility;

''(3) approve for participation any facility willing to fund a pro rata share of the operating costs used by the Federal Aviation Administration to calculate, and, as necessary, a 1:1 benefit-to-cost ration, as required for eligibility under the Federal Contract Tower Program; and

''(4) approve for participation no more than 3 facilities willing to fund a pro rata share of construction costs for an air traffic control tower so as to achieve, at a minimum, a 1:1 benefit-to-cost ratio, as required for eligibility under the Federal Contract Tower Program, and for each of such facilities the Federal share of construction costs does not exceed $1,000,000.

''(c) REPORT.—One year before the pilot program established under subsection (a) terminates, the Administrator shall report to the Congress on the effectiveness of the program, with particular emphasis on the safety and economic benefits provided to program participants and the national air transportation system.''.

(b) CONFORMING AMENDMENT.—The chapter analysis for subchapter II of chapter 417 is amended by inserting after the item relating to section 41742 the following:

''41743. Air service program for small communities.
''41744. Pilot program project authority.
''41745. Assistance to communities for service.
''41746. Additional authority.
''41747. Air traffic control services pilot program.''.

(c) WAIVER OF LOCAL CONTRIBUTION.—Section 41736(b) is amended by inserting after paragraph (4) the following:

''Paragraph (4) does not apply to any community approved for service under this section during the period beginning October 1, 1991, and ending December 31, 1997.''.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Transportation such sums as may be necessary to carry out section 41747 of title 49, United States Code.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

To carry out sections 41743 through 41746 of title 49, United States Code, for the 4 fiscal-year period beginning with fiscal year 2000 there are authorized to be appropriated to the Secretary of Transportation not more than $100,000,000.

SEC. 7. MARKETING PRACTICES.

Section 41712 is amended by—

(1) inserting ''(a) IN GENERAL.—'' before ''On''; and

(2) adding at the end thereof the following:

''(b) MARKETING PRACTICES THAT ADVERSELY AFFECT SERVICE TO SMALL OR MEDIUM COMMUNITIES.—Within 180 days after the date of enactment of the Air Service Restoration Act, the Secretary shall review the marketing practices of air carriers that may inhibit the availability of quality, affordable air transportation services to small and medium-sized communities, including—

''(1) marketing arrangements between airlines and travel agents;

''(2) code-sharing partnerships;

''(3) computer reservation system displays;

''(4) gate arrangements at airports;

''(5) exclusive dealing arrangements; and

''(6) any other marketing practice that may have the same effect.

''(c) REGULATIONS.—If the Secretary finds, after conducting the review required by subsection (b), that marketing practices inhibit the availability of such service to such communities, then, after public notice and an opportunity for comment, the Secretary shall promulgate regulations that address the problem.''.

SEC. 8. NONDISCRIMINATORY INTERLINE INTERCONNECTION REQUIREMENTS.

(a) IN GENERAL.—Subchapter I of chapter 417 is amended by adding at the end thereof the following:

''§ 41717. Interline agreements for domestic transportation

''(a) NONDISCRIMINATORY REQUIREMENTS.—If a major air carrier that provides air service to an essential airport facility has any agreement involving ticketing, baggage and ground handling, and terminal and gate access with another carrier, it shall provide the same services to any requesting air carrier that offers service to a community selected for participation in the program under section 41743 under similar terms and conditions and on a nondiscriminatory basis within 30 days after receiving the request, as long as the requesting air carrier meets such safety, service, financial, and maintenance requirements, if any, as the Secretary may by regulation establish consistent with public convenience and necessity. The Secretary must review any proposed agreement to determine if the requesting carrier meets operational requirements consistent with the rules, procedures, and policies of the major carrier. This agreement may be terminated by either party in the event of failure to meet the standards and conditions outlined in the agreement.

''(b) DEFINITIONS.—In this section the term 'essential airport facility' means a large hub airport (as defined in section 41731(a)(3)) in the contiguous 48 States in which one carrier has more than 50 percent of such airport's total annual enplanements.''.

(b) CLERICAL AMENDMENT.—The chapter analysis for subchapter I of chapter 417 is amended by adding at the end thereof the following:

''41717. Interline agreements for domestic transportation.''.●

● Mr. DORGAN. Mr. President, I am pleased to introduce legislation today, along with other colleagues, that is designed to inject more airline competition and improve air service to small communities. Since the deregulation of the airline industry two decades ago, hundreds of small communities have experienced service degradation and many have lost service altogether. Vast geographic regions of our country have suffered unacceptable geographic isolation as the airlines have withdrawn service in smaller communities. This trend needs the serious attention of the Congress and the Department of Transportation.

Included in this legislation are several provisions designed to promote airline competition and develop air service to the many rural areas of the country that have suffered the consequences of laissez-faire deregulation. The consequence can be summed up in one phrase: ''unregulated monopolies.''

Unregulated monopolies result in a number of effects: (1) higher prices and fewer choices for consumers and (2) the elimination of competition and the establishment of entry barriers that make competition a nearly impossible task.

While deregulation has been a wonderful success for the people who travel between the major metropolitan areas of the country, it has been an unmitigated disaster for most rural areas and smaller communities. Transportation Department studies have documented that 167 communities has lost air service in the past two decades and hundreds have suffered service degradation manifested by loss of jet service or loss of access to a major hub airport.

In a report by the General Accounting Office issued in October, 1997 entitled, ''Airline Deregulation: Barriers to Entry Continue to Limit Competition in Several Key Domestic Markets'' [GAO/RCED–97–4], operating limitations and marketing practices of large, dominate carriers restrict entry and competition to an extent not anticipated by Congress when it deregulated the airline industry. The GAO identified a number of entry barriers and anti-competitive practices which are stifling competition and contributing to higher fares. The GAO issued a similar report in 1990 and the 1996 report said that not only has the situation not improved for new entrants, but things have gotten worse.

These mega carriers have created theifdoms, securing dominate market shares at regional hubs. Since deregulation, all major airlines have created hub-and-spoke systems where they funnel arrivals and departures though hub airports where they dominate traffic. Today, all but 3 hubs are dominated by a single airline where the carrier has between 60 and 90 percent of all the arrivals, departures, and passengers at the hub.

The fact is that deregulation has lead to greater concentration and stifling competition. The legislative history of the Civil Aeronautics Act of 1938 shows that Congress was as deeply concerned about destructive competition as it was with the monopolization of air transportation services. Thus, the CAA sought to ensure that a competitive economic environment existed. As we can see, deregulation is realizing the fears anticipated by the Congress in 1938. Competition has not become the general rule. Rather, competition is the exception in an unregulated market controlled largely by regional monopolies.

Deregulation has also resulted in disproportionate air fares. It has been demonstrated that hub concentration has translated into higher fares and rural communities that are dependent upon concentrated hubs have seen higher fares.

Studies from DOT and the GAO have demonstrated that in the 15 out of 18 hubs in which a single carrier controls more than 50% of the traffic, passengers are paying more than the industry norm. The GAO studied 1988 fares at 15 concentrated airports and compared those with fares at 38 competitive hub airports. The GAO found that fares at the concentrated hubs were 27% higher.

The difference between regulation and deregulation is not a change from monopoly control to free market competition. Rather, the change is from having regulated monopolies serving 93% of the market to deregulated monopolies serving 85% of the market, according to Dempsey. Today, nearly two-thirds of our nation's city-pairs are unregulated monopolies where a monopoly carrier can charge whatever they wish in 2 our of 3 city-pairs in the domestic market.

A January 1991 GAO Report on Fares and Concentration at Small-City Airports found that passengers flying from small-city airports on average paid 34 percent more when they flew to a major airport dominated by one or two airlines than when they flew to a major airport that was not concentrated. The report also found that when both the small airport and the major hub were concentrated, fares were 42 percent higher than if there was competition at both ends.

A July 1993 GAO Report on Airline Competition concluded that airline passengers generally pay higher fares at 14 concentrated airports than at airports with more competition. The report found that fares at concentrated airports were about 22 percent higher than fares at 35 less concentrated airports. The same report found that the number of destinations served directly by only one airline rose 56 percent to 64 percent from 1985 to 1992, while the number of destinations served by 3 or more airlines fell from 19% to 11% during that same period. This report confirmed similar conclusion reached in previous GAO studies conducted in 1989 and 1990.

The fact is that deregulation, while paving the road to concentration and consolidation, has allowed regional monopolies to control prices in non-competitive markets. While the entrance of low cost carriers has introduced competition in dense markets, the main difference between today and pre-deregulation is that the monopolies are unregulated.

Concentration, not competition, is the current trend in the airline industry. In 1938, when the Federal Government began to regulate air transportation services, there were 16 carriers who accounted for all the total traffic in the U.S. domestic market. By 1978 (the year Congress passed deregulation legislation) the same 16 carriers (reduced to 11 through mergers) still accounted for 94% of the total traffic.

Today, those same 11 carriers (now reduced to 7 through mergers and bankruptcies) account for over 80% of the total traffic [measured in terms of revenue passenger miles]. When these 7 carriers (American; Continental; Delta; Northwest; United; and US Air) are combined with their code-share partner, they account for more than 95% of the total air traffics in the domestic U.S.

One expert estimated in 1992 that since deregulation, over 120 new airlines appeared. However, more than 200 have gone bankrupt or been acquired in mergers.

Between 1970 and 1988, there were 51 airline mergers and acquisitions—20 of those were approved by the Department of Transportation after 1985, when it assumed all jurisdiction over merger and acquisition requests. In fact, DOT approved every airline merger submitted to it after it assumed jurisdiction over mergers from the Civil Aeronautics Board in 1984. Fifteen independent airlines operating at the beginning of 1986 had been merged into six mega carriers by the end of 1987. And, these six carriers increased their market share from 71.3% in 1978 to 80.5% in 1990.

At a hearing last year in the Senate Commerce Committee, Alfred Kahn, the father of airline deregulation, testified and offered some interesting reflections on the results of airline deregulation. I recounted for him the unprecedented concentration in the market that was fostered by the deregulation he helped create and asked him if he foresaw this and if the competition he expected to merge has been realized. He responded with great disappointment saying that the industry concentration has perverted the purpose of deregulation and he pinned much of the blame for this result on the mergers. He said: ''While I do not want to mention anyone by name, but one of the problems is that there was one Secretary of Transportation who never met a merger she did not like.''

These mega carriers have created competition free zones, securing dominate market shares at regional hubs. Since deregulation, all major airlines have created hub-and-spoke systems where they funnel arrivals and departures though hub airports where they dominate traffic. Today, all but 3 hubs are dominated by a single airline where the carrier has between 60 and 90 percent of all the arrivals, departures, and passengers at the hub.

The non-aggression pacts between the major airline carriers are also being manifested in code-share partnerships—which are virtual mergers—where they pledge not to compete but to combine their route systems to further solidify their control over their regional monopolies.

Northwest has announced a deal with Continental; while United and Delta are teaming up; and American and US Air are establishing a partnership. While code-share partnerships are not mergers, but the impact on market concentration may be the same.

The proposed partnerships between the major carriers (and their code-share partners) will have the following shares of the U.S. domestic market:

Delta/United: 35 percent; American/US Air: 26 percent; and Northwest/Continental: 21 percent for a total of 82 percent.

In contrast, the rest of the carriers share less than 20% combined—the largest share of which is Southwest Airlines at 6.4%.

This legislation would establish the Small Community Air Service Development Program which could go a long way to address the small community air service problems. Earlier this year, Senator MCCAIN and others introduced S. 82, the ''Air Transportation Improvement Act,'' which contains provisions establishing this program. However, the authorization level proposed in that legislation does not provide adequate enough resources for this demonstration program to make much of a difference. Thus, this bill would establish a 5-year pilot program, authorized at $20 million per year—which is half the amount currently provided annually to the Essential Air Service Program. In contrast, S. 82 provides only $30 million total over a 4-year period. At that level, very few communities will be able to participate and their air service deficiencies will unfortunately continue.

In addition, the bill requires the Department of Transportation to review the marketing practices of the major airlines and to take action to rectify problems that impede air service to small and medium sized communities. Numerous GAO reports have highlighted the anti-competitive nature of some airline policies toward travel agents; bias in computer reservation systems; and certain gate arrangements at some airports. These barriers to entry need to be addressed and this legislation would address those problems.

This measure also includes a provision to facilitate air service to underserved communities and encourage airline competition through non-discriminatory interconnection requirements between air carriers. This provision simply imposes a nondiscrimination requirement on air carriers with market dominance at large hub airports—which are the bottleneck access points to the national air transportation system—with respect to interline agreements in order to allow competitors to interconnect into the large hub airports. Interline arrangements will allow passengers to move more efficiently between carriers when transferring between while maintaining the independent identities of competing carriers.

Barriers to competition in the airline industry have grown more insurmountable under the hub and spoke system where the major carriers dominate the large hubs, granting them regional monopolies. These dominate carriers are selective with their cooperation with other carriers; limiting their interline and joint fare agreements only to carriers that will not directly compete with them. In a circumstance where a major airline dominates access to the large hub airports, carriers not afforded the cooperation of the major airlines face an insurmountable barrier to entry.

The principle of this amendment is simple: if an air carrier has market dominance at a large hub airport, then that carrier cannot discriminate amongst carriers with whom it provides cooperation to allow passengers to transfer between each carrier's network at the dominate hub. This amendment would not impose any code-sharing or other business agreements on marketing or promotion. Rather, it requires cooperation and prevents anti-competitive discrimination with respect to interline agreements between carriers.

The principle underlying this provision is similar to the fundamental principle driving local competition in telecommunications markets. When Congress de-regulated the telecommunications industry three years ago, the fundamental element to promote competition in that legislation was the requirement that the incumbent carriers would be required, by law, to allow their competitors to interconnect into their network. In a situation where the incumbent dominates or controls the local bottleneck (in phone service it is the local loop and in aviation it is the large hub airports through which most all air traffic flows) the only way to permit competition is to require interconnection. If the incumbent carriers are permitted to exclude passengers from competing airlines to flow between their system and that of their competitors, the major carriers that dominate the hubs will ensure that there is no possibility of successful competition.

The interline provision is similar to the interconnection requirements imposed upon local phone monopolies. In order to develop competition in the local market, we had to impose, by law, the requirement that the monopoly must allow its competitors to interconnect into their networks. The interline provision is the aviation equivalent of that requirement (except that under this provision, the only requirement is that dominant carriers who control access to the air service bottlenecks cannot discriminate amongst the carriers it provides cooperation to permit passengers to transfer between networks). In light of what has been required of other industries under the goal of promoting competition (e.g., telecommunications), a non-discriminatory interline requirement makes sense if one wants to see a competitive industry.

This provision is not about re-regulation—it is about fulfilling the goal of deregulation by encouraging competition and allowing competition to be the regulator. Fostering competition is a mandate of the Airline Deregulation Act. This amendment is consistent with the mandate under current law that the Secretary foster competition. Under the Airline Deregulation Act, Section 40101 of Title 49, U.S.C., the Department of Transportation is directed to: avoid unreasonable industry concentration [Sec. 40101(a)(10)]; encourage, develop, and maintain an air transportation system relying on actual and potential competition [Sec. 40101(a)(12)]; and encourage entry into air transportation markets by new and existing carriers [Sec. 40101(a)(13)].

The interline provision will strengthen the economic viability of air service to small rural communities and enhance the ability of regional commuters and new entrants to provide essential air service. It also will prevent the major airlines from engaging in the anti-competitive behavior of excluding smaller and new entrants from the national air transportation network.

When the Congress eliminated the old Civil Aeronautics Board (CAB) in 1984, there was concern, at that time, about the abuses employed by the major airlines to selectively use interline agreements as an unfair competitive practice. During the debate on the Conference Report on the CAB Sunset Act, Congressman Norman Mineta said:

> In recent months there have also been concerns that the larger carriers in the industry might use the right to interline with them as a device to restrict competition. This could be accomplished by selective refusals to interline or by selective refusals on reasonable terms, based on competitive considerations. Under section 411 of the Federal Aviation Act, the CAB has authority to act against unfair competitive practices arising from agreements to interline. The conference bill transfers this authority to the Department of Transportation and we expect the Department to carefully monitor interlining practices to be sure that there are no abuses. This will help preserve the system of interlining and the major benefits it brings to consumers.

The only way to allow for competition in this environment is to impose conditions on the major carriers to cooperate with their competitors. Interline and joint fares are necessary to ensure that the dominant carriers will not kill potential competitors by denying them access to the essential facilities of the air transportation industry: the major hubs. These facilities have been built with public funds and all carriers should have access to those facilities. Interline and joint fares will help create that access.

This legislation is not a silver bullet that will alleviate all the air service problems facing certain parts of the country. However, it does carefully target certain known problems that impede airline competition and it establishes a badly needed program to assist small communities in improving their air service. I hope my colleagues will support this legislation.●

By Mr. CRAIG (for himself, Mr. BAUCUS, Mr. CRAPO, Mr. FRIST, Mr. ASHCROFT, Mr. THOMPSON, Mr. BURNS, Mr. BROWNBACK, Mr. INHOFE, Mr. HELMS, Mr. COCHRAN, Mr. ENZI, Mr. LOTT, Mr. THOMAS, Mr. GREGG, Mr. SESSIONS, and Mr. MURKOWSKI):

S. 380. A bill to reauthorize the Congressional Award Act; to the Committee on Governmental Affairs.

THE CONGRESSIONAL AWARD REAUTHORIZATION ACT OF 1999

● Mr. CRAIG. Mr. President, I join my colleague from Montana, Mr. BAUCUS, today to introduce the Congressional Award Reauthorization Act of 1999—a bill to reauthorize the Congressional Award program for another five years.

The Congressional Award program was first authorized and signed into law in 1979. Since then it has received the support of Congress and Presidents Carter, Reagan, Bush, and Clinton for one very simple reason—it helps encourage and recognize excellence among America's young people.

The program is non-competitive; participants challenge only themselves. Young people from all walks of life and levels of ability can work to earn a Congressional Award. Participants range from the academically and physically gifted, to those with severe physical, mental, and socio-economic challenges.

The Congressional Award is an earned award; young people are not selected for it. Participants strive for either a Bronze, Silver, or Gold Award. At each level, 50% of the required minimum hours to earn the Award are in Volunteer Service (a minimum of 100 hours for Bronze, 200 for Silver, and 400 for Gold). Since the inception of the program, the minimum number of volunteer hours for recipients has exceeded one million hours. All of this time was spent improving individual's lives and each of our communities.

Congressional Award recipients receive no material reward through the program for their efforts except for the medal and certificate which are presented to them in recognition of, and thanks for, what they have done.

There are currently around 2000 young people from across the country pursing the award, with more entering the program each day. Each of these young people exemplify the qualities of commitment to service and citizenship that our country embodies, and which we promote through our own service in Congress. We believe the least we can do for them is encourage them in their efforts and recognize their achievements through the Congressional Award program.

The program is one of the best investments Congress can make. It requires no annual appropriation—all of its funding is raised from private sources—yet it does so much for so many people.

The authorization for the Congressional Award program expires this year. The bill I introduce today will reauthorize the program for five years and make two minor changes in the way the program is administered. I encourage each one of my colleagues to show their support for every young person who has received or is working on a Congressional Award by supporting this legislation.

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

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

S. 380

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

SECTION 1. CONGRESSIONAL AWARD ACT AMENDMENTS OF 1999.

(a) CHANGE OF ANNUAL REPORTING DATE.—Section 3(e) of the Congressional Award Act (2 U.S.C. 802(e)) is amended in the first sentence by striking ''April 1'' and inserting ''June 1''.

(b) MEMBERSHIP REQUIREMENTS.—Section 4(a)(1) of the Congressional Award Act (2 U.S.C. 803(a)(1)) is amended—

(1) in subparagraphs (A) and (D), by striking ''Member of the Congressional Award Association'' and inserting ''recipient of the Congressional Award''; and

(2) in subparagraphs (B) and (C), by striking ''representative of a local Congressional Award Council'' and inserting ''a local Congressional Award program volunteer''.

(c) EXTENSION OF REQUIREMENTS REGARDING FINANCIAL OPERATIONS OF CONGRESSIONAL AWARD PROGRAM; NONCOMPLIANCE WITH REQUIREMENTS.—Section 5(c)(2)(A) of the Congressional Award Act (2 U.S.C. 804(c)(2)(A)) is amended by striking ''and 1998'' and inserting ''1998, 1999, 2000, 2001, 2002, 2003, and 2004''.

(d) TERMINATION.—Section 9 of the Congressional Award Act (2 U.S.C. 808) is amended by striking ''October 1, 1999'' and inserting October 1, 2004''.●

By Mr. INOUYE:

S. 381. A bill to allow certain individuals who provided service to the Armed Forces of the United States in the Philippines during World War II to receive a reduced SSI benefit after moving back to the Philippines.

VETERANS LEGISLATION

● Mr. INOUYE. Mr. President, I rise to introduce a bill that would allow Filipino World War II veterans to receive 75 percent of their Supplemental Security Income (SSI) benefits after moving back to the Philippines. The reduced benefits reflect the lower cost of living and per capita income in the Philippines. In order to be eligible, Filipino veterans must be receiving SSI benefits as of the date of enactment of this legislation, and must have served in the Philippine Commonwealth Army and recognized guerilla units during World War II before December 31, 1946. Under current law, individuals who receive SSI benefits must relinquish those benefits should they choose to reside outside the United States.

There are approximately 25,000 Filipino veterans who became naturalized citizens under the Immigration Act of 1990. Due to their age, the 1990 Act was subsequently amended to allow these veterans to be naturalized in the Philippines. It is unclear how many Filipino veterans reside in the United States as a result of the 1990 Act. However, some veterans came with the expectation of receiving pension benefits and a recognition of their military service. Instead, many are on welfare, living in poverty-stricken areas, and financially unable to petition their families to immigrate to the United States. Passage of this measure would help provide for these veterans upon return to their families in the Philippines.

As some of my colleagues know, I am an advocate for the Filipino veterans of World War II. I have sponsored several measures on their behalf to correct an injustice and seek equal treatment for their valiant military service in our Armed Forces. Members of the Philippine Commonwealth Army were called into the service of the United States Forces of the Far East, and under the command of General Douglas MacArthur joined our American soldiers in fighting some of the fiercest battles of World War II. Regretfully, the Congress betrayed our Filipino allies by enacting the Rescission Act of 1946. The 1946 Act, now codified as 38 U.S.C. 107 deems the military service of Filipino veterans as not active service for purposes of any law of the United States conferring rights, privileges or benefits. The measure I introduce today will not diminish my efforts to correct this injustice. As long as it takes, I will continue to seek equal treatment on behalf of the Filipino veterans of World War II.

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

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

S. 381

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

SECTION 1. PROVISION OF REDUCED SSI BENEFIT TO CERTAIN INDIVIDUALS WHO PROVIDED SERVICE TO THE ARMED FORCES OF THE UNITED STATES IN THE PHILIPPINES DURING WORLD WAR II AFTER THEY MOVE BACK TO THE PHILIPPINES.

(a) IN GENERAL.—Notwithstanding sections 1611(b), 1611(f)(1), and 1614(a)(1)(B)(i) of the Social Security Act (42 U.S.C. 1382(b), (f)(1), 1382c(a)(1)(B)(i))—

(1) the eligibility of a qualified individual for benefits under the supplemental security income program under title XVI of such Act (42 U.S.C. 1381 et seq.) shall not terminate by reason of a change in the place of residence of the individual to the Philippines; and

(2) the benefits payable to the individual under such program shall be reduced by 25 percent for so long as the place of residence of the individual is in the Philippines.

(b) QUALIFIED INDIVIDUAL DEFINED.—In subsection (a), the term ''qualified individual'' means an individual who—

(1) as of the date of enactment of this Act, is receiving benefits under the supplemental security income program under title XVI of the Social Security Act (42 U.S.C. 1381 et seq.); and

(2) before December 31, 1946, served in the organized military forces of the Government of the Commonwealth of the Philippines while such forces were in the service of the Armed Forces of the United States pursuant to the military order of the President dated July 26, 1941, including among such military forces organized guerrilla forces under commanders appointed, designated, or subsequently recognized by the Commander in Chief, Southwest Pacific Area, or other competent military authority in the Army of the United States.●

ADDITIONAL COSPONSORS

S. 3

At the request of Mr. GRAMS, the names of the Senator from Oklahoma (Mr. INHOFE), the Senator from New Hampshire (Mr. SMITH), and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of S. 3, a bill to amend the Internal Revenue Code of 1986 to reduce individual income tax rates by 10 percent.

S. 5

At the request of Mr. DEWINE, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 5, a bill to reduce the transportation and distribution of illegal drugs and to strengthen domestic demand reduction, and for other purposes.

S. 7

At the request of Mr. DASCHLE, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 7, a bill to modernize public schools for the 21st century.

S. 10

At the request of Mr. DASCHLE, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 10, a bill to provide health protection and needed assistance for older Americans, including access to health insurance for 55 to 65 year olds, assistance for individuals with long-term care needs, and social services for older Americans.

S. 13

At the request of Mr. SESSIONS, the name of the Senator from New Jersey (Mr. TORRICELLI) was added as a cosponsor of S. 13, a bill to amend the Internal Revenue Code of 1986 to provide additional tax incentives for education.

S. 14

At the request of Mr. COVERDELL, the names of the Senator from Idaho (Mr. CRAIG), and the Senator from Missouri (Mr. ASHCROFT) were added as cosponsors of S. 14, a bill to amend the Internal Revenue Code of 1986 to expand the use of education individual retirement accounts, and for other purposes.

S. 33

At the request of Mr. THURMOND, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 33, a bill to amend title II of the Americans with Disabilities Act of 1990 and section 504 of the Rehabilitation Act of 1973 to exclude prisoners from the requirements of that title and section.

S. 74

At the request of Mr. DASCHLE, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 74, a bill to amend the Fair Labor Standards Act of 1938 to provide more effective remedies to victims of discrimination in the payment of wages on the basis of sex, and for other purposes.

S. 98

At the request of Mr. MCCAIN, the names of the Senator from Hawaii (Mr. INOUYE), the Senator from Nebraska (Mr. HAGEL), and the Senator from Tennessee (Mr. FRIST) were added as cosponsors of S. 98, a bill to authorize appropriations for the Surface Transportation Board for fiscal years 1999, 2000, 2001, and 2002, and for other purposes.

S. 147

At the request of Mr. ABRAHAM, the name of the Senator from North Carolina (Mr. HELMS) was added as a cosponsor of S. 147, a bill to provide for a reduction in regulatory costs by maintaining Federal average fuel economy standards applicable to automobiles in effect at current levels until changed by law, and for other purposes.

S. 170

At the request of Mr. SMITH, the names of the Senator from Pennsylvania (Mr. SANTORUM), and the Senator from Nebraska (Mr. KERREY) were added as cosponsors of S. 170, a bill to permit revocation by members of the clergy of their exemption from Social Security coverage.

S. 185

At the request of Mr. ASHCROFT, the names of the Senator from Hawaii (Mr. INOUYE), the Senator from North Dakota (Mr. CONRAD), and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of S. 185, a bill to establish a Chief Agricultural Negotiator in the Office of the United States Trade Representative.

S. 211

At the request of Mr. MOYNIHAN, the names of the Senator from Maryland (Mr. SARBANES), the Senator from Nebraska (Mr. KERREY), and the Senator from New Jersey (Mr. TORRICELLI) were added as cosponsors of S. 211, a bill to amend the Internal Revenue Code of 1986 to make permanent the exclusion for employer-provided educational assistance programs, and for other purposes.

S. 247

At the request of Mr. HATCH, the names of the Senator from Vermont (Mr. JEFFORDS), and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of S. 247, a bill to amend title 17, United States Code, to reform the copyright law with respect to satellite retransmissions of broadcast signals, and for other purposes.

S. 258

At the request of Mr. MCCAIN, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. 258, a bill to authorize additional rounds of base closures and realignments under the Defense Base Closure and Realignment Act of 1990 in 2001 and 2003, and for other purposes.

S. 314

At the request of Mr. BOND, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 314, a bill to provide for a loan guarantee program to address the Year 2000 computer problems of small business concerns, and for other purposes.

S. 315

At the request of Mr. ASHCROFT, the names of the Senator from South Dakota (Mr. JOHNSON), the Senator from Idaho (Mr. CRAPO), the Senator from Kansas (Mr. BROWNBACK), and the Senator from North Dakota (Mr. CONRAD) were added as cosponsors of S. 315, a bill to amend the Agricultural Trade Act of 1978 to require the President to report to Congress on any selective embargo on agricultural commodities, to provide a termination date for the embargo, to provide greater assurances for contract sanctity, and for other purposes.

S. 322

At the request of Mr. CAMPBELL, the names of the Senator from Louisiana (Ms. LANDRIEU), the Senator from Minnesota (Mr. GRAMS), the Senator from Vermont (Mr. JEFFORDS), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Oregon (Mr. SMITH), the Senator from Nebraska (Mr. KERREY), and the Senator from West Virginia (Mr. ROCKEFELLER) were added as cosponsors of S. 322, a bill to amend title 4, United States Code, to add the Martin Luther King Jr. holiday to the list of days on which the flag should especially be displayed.

S. 327

At the request of Mr. HAGEL, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 327, a bill to exempt agricultural products, medicines, and medical products from U.S. economic sanctions.

S. 331

At the request of Mr. JEFFORDS, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 331, a bill to amend the Social Security Act to expand the availability of health care coverage for working individuals with disabilities, to establish a Ticket to Work and Self-Sufficiency Program in the Social Security Administration to provide such individuals with meaningful opportunities to work, and for other purposes.

S. 343

At the request of Mr. BOND, the name of the Senator from Missouri (Mr. ASHCROFT) was added as a cosponsor of S. 343, a bill to amend the Internal Revenue Code of 1986 to allow a deduction for 100 percent of the health insurance costs of self-employed individuals.

S. 344

At the request of Mr. BOND, the name of the Senator from Missouri (Mr. ASHCROFT) was added as a cosponsor of S. 344, A biil to amend the Internal Revenue Code of 1986 to provide a safe harbor for determining that certain individuals are not employees.

S. 346

At the request of Mrs. HUTCHISON, the name of the Senator from Illinois (Mr. FITZGERALD) was added as a cosponsor of S. 346, a bill to amend title XIX of the Social Security Act to prohibit the recoupment of funds recovered by States from one or more tobacco manufacturers.

SENATE CONCURRENT RESOLUTION 5—EXPRESSING CONGRESSIONAL OPPOSITION TO THE UNILATERAL DECLARATION OF A PALESTINIAN STATE AND URGING THE PRESIDENT TO ASSERT CLEARLY UNITED STATES OPPOSITION TO SUCH A UNILATERAL DECLARATION OF STATEHOOD

Mr. MURKOWSKI (for himself, Mr. WYDEN, Mr. MACK, Mr. SMITH of Oregon, Mr. HATCH, Mr. KERREY of Nebraska, Mr. FITZGERALD, Mr. HELMS, Mr. ASHCROFT, Mr. SCHUMER, Mr. TORRICELLI, Mr. GRAMS, and Mr. LAUTENBERG) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 5

Whereas at the heart of the Oslo peace process lies the basic, irrevocable commitment made by Palestinian Chairman Yasir Arafat that, in his words, ''all outstanding issues relating to permanent status will be resolved through negotiations'';

Whereas resolving the political status of the territory controlled by the Palestinian Authority while ensuring Israel's security is one of the central issues of the Israeli-Palestinian conflict;

Whereas a declaration of statehood by the Palestinians outside the framework of negotiations would, therefore, constitute a most fundamental violation of the Oslo process;

Whereas Yasir Arafat and other Palestinian leaders have repeatedly threatened to declare unilaterally the establishment of a Palestinian state;

Whereas the unilateral declaration of a Palestinian state would introduce a dramatically destabilizing element into the Middle East, risking Israeli countermeasures, a quick descent into violence, and an end to the entire peace process; and

Whereas in light of continuing statements by Palestinian leaders, United States opposition to any unilateral Palestinian declaration of statehood should be made clear and unambiguous: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That—

(1) the final political status of the territory controlled by the Palestinian Authority can only be determined through negotiations and agreement between Israel and the Palestinian Authority;

(2) any attempt to establish Palestinian statehood outside the negotiating process will invoke the strongest congressional opposition; and

(3) the President should unequivocally assert United States opposition to the unilateral declaration of a Palestinian State, making clear that such a declaration would be a grievous violation of the Oslo accords and that a declared state would not be recognized by the United States.

SENATE RESOLUTION 32—TO EXPRESS THE SENSE OF THE SENATE REAFFIRMING THE CARGO PREFERENCE POLICY OF THE UNITED STATES

Mr. INOUYE submitted the following resolution; which was referred to the Committee on Commerce, Science, and Transportation:

S. RES. 32

Resolved,

Whereas the maritime policy of the United States expressly provides that the United States have a merchant marine sufficient to carry a substantial portion of the international waterborne commerce of the United States;

Whereas the maritime policy of the United States expressly provides that the United States have a merchant marine sufficient to serve as a fourth arm of defense in time of war and national emergency;

Whereas the Federal Government has expressly recognized the vital role of the United States merchant marine during Operation Desert Shield and Operation Desert Storm;

Whereas cargo reservation programs of Federal agencies are intended to support the privately owned and operated United States-flag merchant marine by requiring a certain percentage of government-impelled cargo to be carried on United States-flag vessels;

Whereas when Congress enacted Federal cargo reservation laws Congress contemplated that Federal agencies would incur higher program costs to use the United States-flag vessels required under such laws;

Whereas section 2631 of title 10, United States Code, requires that all United States military cargo be carried on United States-flag vessels;

Whereas Federal law requires that cargo purchased with loan funds and guarantees from the Export-Import Bank of the United States established under section 635 of title 12, United States Code, be carried on United States-flag vessels;

Whereas section 901b of the Merchant Marine Act, 1936 (46 U.S.C. App. 1241f) requires that 75 percent of the gross tonnage of certain agricultural exports that are the subject of an export activity of the Commodity Credit Corporation or the Secretary of Agriculture be carried on United States-flag vessels;

Whereas section 901(b) of such Act (46 U.S.C. App. 1241(b)) requires that at least 50 percent of the gross tonnage of other ocean borne cargo generated directly or indirectly by the Federal Government be carried on United States-flag vessels;

Whereas cargo reservation programs are very important for the shipowners of the United States who require compensation for maintaining a United States-flag fleet;

Whereas the United States-flag vessels that carry reserved cargo provide quality jobs for seafarers of the United States;

Whereas, according to the most recent statistics from the Maritime Administration, in 1997, cargo reservation programs generated $900,000,000 in revenue to the United States fleet and accounted for one-third of all revenue from United States-flag foreign trade cargo;

Whereas the Maritime Administration has indicated that the total volume of cargoes moving under the programs subject to Federal cargo reservation laws is declining and will continue to decline;

Whereas, in 1970 Congress found that the degree of compliance by Federal agencies with the requirements of the cargo reservation laws was chaotic, uneven, and varied from agency to agency;

Whereas, to ensure maximum compliance by all agencies with Federal cargo reservation laws, Congress enacted the Merchant Marine Act of 1970 (Public Law 91–469) to centralize monitoring and compliance authority for all cargo reservation programs to the Maritime Administration;

Whereas, notwithstanding section 901(b) of the Merchant Marine Act, 1936 (46 U.S.C. App. 1241(b)), and the purpose and policy of the Federal cargo reservation programs, compliance by Federal agencies with Federal cargo reservation laws continues to be inadequate;

Whereas the Maritime Administrator cited the limited enforcement powers of the Maritime Administration with respect to Federal agencies that fail to comply with section 901(b) of the Merchant Marine Act, 1936 (46 U.S.C. App. 1241(b)) and other Federal cargo reservation laws; and

Whereas the Maritime Administrator recommended that Congress grant the Maritime Administration the authority to settle any cargo reservation disputes that may arise between a ship operator and a Federal agency: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) each Federal agency shall administer programs of the Federal agency that are subject to Federal cargo reservation laws (including regulations of the Maritime Administration) to ensure that such programs are in compliance with the intent and purpose of such cargo reservation laws; and

(2) the Maritime Administration shall closely and strictly monitor any cargo that is subject to such cargo reservation laws and shall provide directions and decisions to such Federal agencies as will ensure maximum compliance with the cargo preference laws.

• Mr. INOUYE. Mr. President, the law of the land, specifically section (1) of the Merchant Marine Act of 1936, declares that the United States shall have a merchant marine sufficient to, among other things, carry a substantial portion of our international waterborne commerce and to serve as a fourth arm of defense in time of war and national emergency.

The importance of these requirements has been dramatically illustrated by the vital role of our merchant marine in World War II, Korea, Vietnam, during operations Desert Shield and Desert Storm, and most recently in Haiti, Somalia, and Bosnia.

While the privately owned and operated U.S.-flag merchant marine has performed so magnificently and effectively in times of crisis, it has also made extraordinary efforts to ensure that a substantial portion of commercial cargo bound to and from the United States moves on U.S. vessels. Given the chronic overtonnaging in international shipping, cut-throat competition, and the competitive edge our trading partners give their national flags, this has not been easy. In addition to competition with subsidized foreign carriers, U.S.-flag carriers are forced to complete with flag of convenience carriers. Over two-thirds of the

international vessels operating in commerce are operating under flags of convenience. Flag of convenience registries include such major maritime powers as Panama, Liberia, the Marshall Islands, and Vanuatu. These registries only require their vessel owners to pay registration fees. Shipowners are not required to pay tax on revenues earned and employees do not have to pay income tax. Further, the shipowner has little or no obligation to comply with the law of the nation of registry.

Nevertheless, if our commercial fleet is to continue to be an effective auxiliary in times of war or national emergency, it must first be commercially viable in times of peace. Otherwise, there will be no merchant fleet when the need arises.

I think we all would agree that there is a substantial national interest in promoting our merchant fleet. I think, also, that we would all agree that U.S. national security and economic security interests should not be held hostage by insufficient U.S.-controlled sealift assets. Given the diminution of the flag fleets of our NATO allies it will be more important in the future to sustain a viable U.S.-flag presence. Indeed, several laws of our land recognize that national interest and spell out specifically how the U.S. government is to go about promoting it. Federal laws require that U.S. military cargo, cargo purchased with loan funds and guarantees from the Export-Import Bank, 75 percent of concessionary agricultural cargo, and at least 50 percent of all other international ocean borne cargo generated directly or indirectly by the federal government be carried on U.S.-flag vessels. The alarming news is that according to the Maritime Administration (MARAD) the total volume of cargo moving under these programs is declining and will continue to do so.

According to a report by Nathan Associates, Inc., the 1992 economic impact of cargo preference for the United States was 40,000 direct, indirect and induced jobs; $2.2 billion in direct, indirect and induced household earnings; $354 million in direct, indirect and induced federal personal and business income tax revenues—$1.20 for every dollar of government outlay on cargo preference; and $1.2 billion in foreign exchange.

It is, therefore, imperative that U.S.-flag vessels carry every ton of cargo which these programs and the law intend, and in fact require, them to carry. This brings me to the reason for the resolution I am submitting today. These are two substantial problems which threaten the viability of these programs and, therefore, the viability of our merchant fleet.

Several agencies administering cargo reservation programs continue to evade the spirit and letter of the reservation laws by finding the law inapplicable to a particular program or employing other loopholes.

This problem of evasion and uneven confidence led the Congress to amend the Merchant Marine Act of 1970 to centralize monitoring and compliance authority for all cargo reservation programs in the MARAD. Nevertheless, the problem remains. Critics of the MARAD maintain the agency is too timid, and does not discharge its obligation aggressively. The MARAD, on the other hand, says it has limited enforcement powers over those government agencies which are not in compliance.

Recently, the United States District Court for the District of Columbia entered an unopposed order upon consideration of the joint motion of the parties in Farrell Lines Incorporated versus United States Department of Agriculture (USDA) and Sea-Land Service, Inc. The order affirms the appropriate roles of the MARAD in administering the cargo preference laws with respect to Food for Progress and Section 416(b) programs, and the USDA in complying with those laws and the MARAD's policies and regulations implementing them.

Mr. President, the resolution I am submitting today expresses the sense of the Senate that all of these federal agencies must fully comply with both the intent and purpose of existing cargo reservation laws, and that the MARAD should provide directions and decisions to these agencies to ensure maximum compliance with these laws.●

ADDITIONAL STATEMENTS

STATES' RIGHTS PROTECTION ACT OF 1999

● Mr. ABRAHAM. Mr. President, I rise as an original cosponsor of the ''States' Rights Protection Act of 1999.'' This legislation will prevent a grave injustice that could do significant damage to our states, and to our federal system.

Several years ago, Mr. President, a number of states commenced lawsuits against American tobacco companies. The states sought damages on the basis of a number of claims, including violation of consumer fraud and other State consumer protection laws, antitrust violations and unjust enrichment. Some suits included claims for tobacco-related health care costs incurred by the states, and some did not.

Eventually all 50 states became parties in one way or another to anti-tobacco lawsuits. Last November a major settlement was reached, involving 46 states. That settlement included no funds of any kind to be allocated for State medicaid costs.

The federal government in Washington did not initiate these suits. The federal government in Washington provided no financial assistance to the states in furtherance of their suits. Yet now, after the states and the tobacco companies have agreed on a financial settlement, the Clinton Administration is seeking to divert a significant portion of that settlement to its own use.

The federal Health Care Financing Administration (HCFA) has stated that it wants to ''recoup'' some of the states' settlement funds. They claim to have a right to these funds under a Medicaid law which the federal government has traditionally used to recover its share of ''overpayments.'' These overpayments typically arise when providers overbill Medicaid.

Mr. President, HCFA's claims cannot stand. The law to which they refer was intended to prevent fraud and other forms of overbilling. It was not intended to allow the federal government to seize huge amounts of money to which it has no proper title. States have obtained a legal right to this money. They gained this right through a properly constructed and affirmed legal settlement of lawsuits filed against product manufacturers, on behalf of all their residents, asserting a consumer protection and various other causes of action.

There is no federal medical claim involved. Thus HCFA has no right to these monies, and neither does any agency of the federal government.

The Administration's pursuit of monies from this settlement amounts to nothing more or less than a raw assertion of federal power. We must oppose it for the good of our states and for the good of our form of limited, federal government.

Ours is a limited government, Mr. President. It is limited in that the Constitution delegates only certain powers to the federal branches and their officials. Our Constitution includes a number of what James Madison called ''auxiliary precautions'' to keep federal officials within their proper bounds, thereby protecting our liberties. But Madison recognized that the primary check on those who would overstep their proper bounds must be the determination of elected officials to see that the Constitution's terms are respected.

A federal government that simply steps in to take money from the states is not respecting our Constitution. That federal government is taking us far down a dangerous path toward unrestrained central power. We must see that this does not happen.

In addition, Mr. President, as a practical matter it would be a mistake to allow the federal government to commandeer these funds. To begin with, were the federal government in Washington to take these funds from the states under the weak legal pretense put forward by the HCFA, the result would be long, wasteful litigation. That litigation will benefit no one, instead it will poison intergovernmental relations for years to come.

Indeed, if the HCFA begins to seize state settlement funds, it will do so by cutting federal Medicaid payments to the states. This will make it much more difficult for states to provide health care for children from low and moderate income families, the disabled and millions of others who depend on Medicaid. The real victims of this

money grab will be the weakest members of our society, those least able to take care of themselves.

Of course, the Administration claims that it will use the states' money to benefit everyone. It seeks to take $18.9 billion of the states' money over the next five years. No doubt the Administration will find attractive programs on which to spend this money. But the federal government already consumes more than 20 percent of our national income. We do not need yet another federal tax and spend policy.

As a nation what we need is more innovative policy making at the state and local level. And that is what these monies will produce, if only we will leave them in their proper place.

A number of states already have acted in reliance on the tobacco settlement, putting forward proposals and new programs that will greatly benefit their people.

For example, in my state of Michigan, Governor John Engler in his state of the state address a few short weeks ago proposed to endow a Michigan Merit Award Trust Fund with Michigan's share of the tobacco settlement.

Under this program, every Michigan high school graduate who masters reading, writing, math and science will receive a Michigan Merit Award—a $2,500 scholarship that can be used for further study at a Michigan school of that student's choice.

In addition, all Michigan students who pass the 7th and 8th grade tests in reading, writing, math and science administered by the state will be awarded $500. That means, Mr. President, that any Michigan student successfully completing secondary schooling will receive $3,000 for further education.

The young people of Michigan will benefit tremendously from this program, Mr. President. Their motivation to do well in school will be significantly increased, as will their ability to afford and succeed in higher education.

We need programs like Michigan's to help kids do well in school and get ahead in life. The federal government should be learning from these kinds of programs and working to show other states how well they can work. It should not be taking money out of the pockets of Michigan's young people to put into the pockets of Washington bureaucrats.

We must protect the rights and the people of our states by seeing to it that tobacco settlement money stays where it belongs, and where it will do the most good—in the states.

I urge my colleagues to support this bipartisan legislation.●

THE PUBLIC SCHOOL MODERNIZATION ACT

● Mr. LAUTENBERG. Mr. President, I rise today to update my colleagues on the status of the Public School Modernization Act, which I introduced on January 19 as S. 223. The bill already has 15 cosponsors and I expect the list to continue to grow.

Mr. President, I was very pleased to see that the President's Budget for Fiscal Year 2000 will call for $25 billion in nationwide bond authority through the Public School Modernization Act. This is a higher total than first contemplated in my bill, S. 223, but I want to make it clear to my colleagues that my cosponsors and I will gladly update the numbers when my bill reaches the Senate floor as an amendment or a stand alone measure.

The President's FY 2000 Budget illustrates why the Public School Modernization Act is a great return on our Federal investment. The five year cost of this program will be $3.7 billion, but it will create nearly $25 billion in new bond authority for school districts all over the country. Of this authority, $22.4 billion will be through the School Modernization Bond Program and $2.4 billion will come through the Qualified Zone Academy Bond Program. In addition, $400 million of bond authority will go to Native American tribes or tribal organizations for BIA funded schools.

Mr. President, I urge the Senate to support this effort to invest in our children's future. I ask all of my collegues to join me in cosponsoring S. 223, the Public School Modernization Act of 1999.●

HUTCHISON/GRAHAM STATE TOBACCO SETTLEMENT

● Mr. MACK. Mr. President, I rise today in support of S. 346, a bill to amend title XIX of the Social Security Act to prohibit the recoupment of funds recovered by states from one or more tobacco manufacturers. Starting in 1989, several states filed lawsuits against tobacco companies to recover the costs of smoking related illnesses borne by states. The lawsuits led to final settlements between each state and the tobacco industry.

Now, after providing no assistance to states in their legal battles, the Administration, through the Health Care Financing Administration, is attempting to claim a portion of this money. It is my opinion that this money belongs to the individual states, and should be spent as each state sees fit. This legislation accomplishes exactly that goal.

The Health Care Financing Administration's pursuit of these monies also could jeopardize state programs all over the country. In Florida, Governor Jeb Bush announced an endowment, funded by tobacco monies, to insure the financial health of vital programs for children and seniors. The endowment fund is named in honor of the late Governor Lawton Chiles, who played a key role in obtaining the tobacco settlement for the people of Florida. Other programs, funded by the settlement, have already been put in place in Florida, and would be jeopardized if the funds were suddenly not available.

Additionally, the Health Care Financing Administration's plan to obtain these funds by witholding federal Medicaid payments to the states could very well affect the states' ability to provide much needed care for the millions of Americans who depend on Medicaid.

The Administration's attempt to dictate how the money should be spent demonstrates a disregard for state budgeting process. I hope that my colleagues will support this bi-partisan bill that protects state tobacco settlements from federal recoupment.●

REMARKS ON HUMAN RIGHTS SITUATION IN PERU

● Mr. WELLSTONE. Mr. President, I rise today to express my deep concern over the apparent disregard for international standards of fairness and openness in the legal process in Peru. President Fujimori is visiting Washington today and is being congratulated by the President on resolving Peru's border dispute with Ecuador. During his visit, I think it is important to point out that under his rule democratic principles have been threatened in Peru and the basic civil rights of the Peruvian people have not been properly respected.

In his inaugural speech in July of 1990, President Fujimori stated that ''the unrestricted respect and promotion of human rights'' would be a priority of his government. His promises, though, quickly proved suspect as he solidified his control over what has been described as ''an authoritarian civilian military government''.

In April of 1992 he annulled Peru's constitution, dissolved the Legislature and purged most of the judiciary, most forcefully and notably those courts responsible for ensuring the civil rights of its citizens. Since this time independent monitoring groups like Amnesty International have documented numerous extrajudicial executions of peasant men, women and children, perpetrated by Peru's military and police forces who later attempted to conceal their actions. These executions have been determined by respected independent human rights organizations to have been orchestrated from the highest levels of the current Peruvian government, including two of President Fujimori's top advisors.

Human rights workers and journalists in Peru have been subjected to intimidation, death threats, abductions, and torturous interrogation and imprisonment by the Peruvian government in response to their attempts to hold responsible those who committed these atrocities.

President Fujimori's systematic dismantling of Peru's legislative and judicial systems has resulted in impunity for those who commit these acts of aggression. To investigate and determine accountability in these cases, the military has often served both as prosecutor and judge, keeping their identities

secret and under direct control of the executive branch. These ''faceless judges'' have also punished, without proper recourse or due process, and in direct violation of international law, those who challenge or call attention to their actions. According to the State Department's most recent human rights report the Peruvian government has eliminated the use of faceless tribunals, but much damage has already been done and many condemned by the faceless judges remain incarcerated.

I am especially concerned about the failure to respect due process in one case in particular. One individual who has directly suffered from the transgressions of Fujimori's authoritarian government is American journalist Lori Berenson. Her journalistic coverage of Peru's economically and politically disaffected was not popular with the Peruvian government. While working in Peru in January of 1996 she was arrested and charged with involvement with terrorist organizations. According to human rights groups, she was tried without due process, little evidence, and without being allowed a defense. She was convicted of ''treason against the fatherland'' and sentenced to imprisonment for life.

The handling of this case has drawn widespread condemnation from human rights groups, the U.S. State Department, and even high ranking Peruvian officials. Many have pointed out that, by depriving Ms. Berenson of her right to defend herself in a fair trial by an impartial jury, the Peruvian government was in direct violation of numerous international treaties guaranteeing the legal rights of prisoners. The Commission of International Jurists, the Inter-American Court of Human Rights and the United Nations Human Rights Committee are among the many respected organizations who have condemned Peru's actions and have urged that immediate measures be taken to abolish these practices which undermine internationally recognized fair trial standards.

Today, Lori Berenson remains incarcerated in a country with notoriously harsh prison conditions where she has been held in the total isolation of solitary confinement since October 7 of last year. According to her father she is suffering serious health problems. Amnesty International charges that the conditions under which she is imprisoned contravene the U.N. Convention against Torture and other Cruel, Inhuman, or Degrading Treatment or Punishment, a Convention to which Peru is a party.

I wanted to take this opportunity to urge President Fujimori to grant Lori Berenson a fair, open, and just trial as prescribed under international conventions. And I call on him to honor his pledge to all the Peruvian people to make the respect of basic legal, civil, and human rights a priority in his government.●

1998 KANSAS WHEAT MAN OF THE YEAR

● Mr. BROWNBACK. Mr. President, today, I rise to recognize the 1998 Kansas Wheat Man of the Year, Dr. Rollie Sears. Dr. Sears is a world-renowned wheat breeder and a Professor in the Department of Agronomy at Kansas State University. His colleagues describe him as much more than a college professor.

Throughout the wheat industry, Mr. Sears is known for his many contributions to the development of new wheat varieties. Dr. Sears was again in the spotlight in 1998 when he released two new varieties of hard white wheat along with the indication that shortly there was more to come.

Mr. President, today I join with the Kansas Wheat Association in honoring a man who works to develop, and improve the wheat industry. I congratulate Dr. Sears for his outstanding contributions to wheat growers and I wish him continued success.●

TRIBUTE TO MONSIGNOR JOHN QUINN OF MANCHESTER, NH

● Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to Monsignor John P. Quinn of Manchester, New Hampshire, on his retirement from Catholic Charities. Monsignor Quinn has been Dioceasan Director of New Hampshire Catholic Charities since 1976.

Monsignor Quinn was ordained on May 18, 1969 and has served many functions in the Diocese. He first served as Associate Pastor at St. Anne's Parish in Manchester. Most recently he served as Secretary to the Bishop in charge of Community Service and Director of New Hampshire Catholic Charities. He leaves these posts to occupy the position of Secretary to the Bishop in charge of Finance and Real Estate and to become the Finance Officer of the Diocese.

Furthermore, Monsignor Quinn has continuously exhibited his unselfish dedication to the community. Having volunteered in various organizations such as the Trinity High School Board, the Manchester Police Department and the New Hampshire Social Welfare Council, Monsignor Quinn is an exemplary model for community service.

As a lifelong Catholic, I would like to congratulate Monsignor Quinn on all of his accomplishments and thank him for his service to Catholic Charities and his continued service to the Diocese. I wish him well in all of his future endeavors. I am honored to represent him in the United States Senate.●

EDUCATION FLEXIBILITY ACT OF 1999

● Mr. JEFFORDS. Mr. President, on January 27th, the Committee on Health, Education, Labor, and Pensions approved S. 280, the Education Flexibility Partnership Act of 1999. Given the conflicts presented by meetings related to the impeachment trial, our Democratic colleagues were unable to attend the executive session.

When this legislation was considered in the last Congress, it was adopted on a 17–1 vote with Senator WELLSTONE in opposition. Senator WELLSTONE remains opposed to this legislation, and provided the committee with a proxy so that he could be so recorded again this year. However, due to a misunderstanding and the absence of the Ranking Democratic Member, I did not exercise his proxy. I do want the record to indicate that Senator WELLSTONE remains opposed to this legislation.●

RULES OF THE COMMITTEE ON INDIAN AFFAIRS

● Mr. CAMPBELL. Mr. President, Senate Standing Rule XXVI requires each committee to adopt rules to govern the procedures of the Committee and to publish those rules in the CONGRESSIONAL RECORD not later than March 1 of the first year of each Congress. On January 6, 1999, the Committee on Indian Affairs held a business meeting during which the members of the Committee unanimously adopted rules to govern the procedures of the Committee. Consistent with Standing Rule XXVI, today I am submitting for printing in the CONGRESSIONAL RECORD a copy of the Rules of the Senate Committee on Indian Affairs.

The rules follow:

RULES OF THE COMMITTEE ON INDIAN AFFAIRS

COMMITTEE RULES

Rule 1. The Standing Rules of the Senate, Senate Resolution 4, and the provisions of the Legislative Reorganization Act of 1946, as amended by the Legislative Reorganization Act of 1970, to the extent the provisions of such Act are applicable to the Committee on Indian Affairs and supplemented by these rules, are adopted as the rules of the Committee.

MEETINGS OF THE COMMITTEE

Rule 2. The Committee shall meet on the first Tuesday of each month while the Congress is in session for the purpose of conducting business, unless for the convenience of the Members, the Chairman shall set some other day for a meeting. Additional meetings may be called by the Chairman as he may deem necessary.

OPEN HEARINGS AND MEETINGS

Rule 3. Hearings and business meetings of the Committee shall be open to the public except when the Chairman by a majority vote orders a closed hearing or meeting.

HEARING PROCEDURE

Rule 4(a). Public notice shall be given of the date, place and subject matter of any hearing to be held by the Committee at least one week in advance of such hearing unless the Chairman of the Committee determines that the hearing is noncontroversial or that special circumstances require expedited procedures and a majority of the Committee involved concurs. In no case shall a hearing be conducted with less than 24 hours notice.

(b). Each witness who is to appear before the Committee shall file with the Committee, at least 72 hours in advance of the hearing, an original and 75 printed copies of his

or her written testimony. In addition, each witness shall provide an electronic copy of the testimony on a computer disk formatted and suitable for use by the Committee.

(c). Each member shall be limited to five (5) minutes in questioning of any witness until such time as all Members who so desire have had an opportunity to question the witness unless the Committee shall decide otherwise.

(d). The Chairman and Vice Chairman or the Ranking Majority and Minority Members present at the hearing may each appoint one Committee staff member to question each witness. Such staff member may question the witness only after all Members present have completed their questioning of the witness or at such time as the Chairman and Vice Chairman or the Ranking Majority and Minority Members present may agree.

BUSINESS MEETING AGENDA

Rule 5(a). A legislative measure or subject shall be included in the agenda of the next following business meeting of the Committee if a written request by a Member for such inclusion has been filed with the Chairman of the Committee at least one week prior to such meeting. Nothing in this rule shall be construed to limit the authority of the Chairman of the Committee to include legislative measures or subject on the Committee agenda in the absence of such request.

(b). Notice of, and the agenda for, any business meeting of the Committee shall be provided to each Member and made available to the public at least two days prior to such meeting, and no new items may be added after the agenda is published except by the approval of a majority of the Members of the Committee. The Clerk shall promptly notify absent Members of any action taken by the Committee on matters not included in the published agenda.

QUORUM

Rule 6(a). Except as provided in subsections (b) and (c), eight (8) Members shall constitute a quorum for the conduct of business of the Committee. Consistent with Senate rules, a quorum is presumed to be present unless the absence of a quorum is noted by a Member.

(b). A measure may be ordered reported from the Committee unless an objection is made by a Member, in which case a recorded vote of the Members shall be required.

(c). One Member shall constitute a quorum for the purpose of conducting a hearing or taking testimony on any measure before the Committee.

VOTING

Rule 7(a). A recorded vote of the Members shall be taken upon the request of any Member.

(b). Proxy voting shall be permitted on all matters, except that proxies may not be counted for the purpose of determining the presence of a quorum. Unless further limited, a proxy shall be exercised only for the date for which it is given and upon the terms published in the agenda for that date.

SWORN TESTIMONY AND FINANCIAL STATEMENTS

Rule 8. Witnesses in Committee hearings may be required to give testimony under oath whenever the Chairman or Vice Chairman of the Committee deems it to be necessary. At any hearing to confirm a Presidential nomination, the testimony of the nominee, and at the request of any Member, any other witness, shall be under oath. Every nominee shall submit a financial statement, on forms to be perfected by the Committee, which shall be sworn to by the nominee as to its completeness and accuracy. All such statements shall be made public by the Committee unless the Committee, in executive session, determines that special circumstances require a full or partial exception to this rule. Members of the Committee are urged to make public a complete disclosure of their financial interests on forms to be perfected by the Committee in the manner required in the case of Presidential nominees.

CONFIDENTIAL TESTIMONY

Rule 9. No confidential testimony taken by, or confidential material presented to the Committee or any report of the proceedings of a closed Committee hearing or business meeting shall be made public in whole or in part by way of summary, unless authorized by a majority of the Members of the Committee at a business meeting called for the purpose of making such a determination.

DEFAMATORY STATEMENTS

Rule 10. Any person whose name is mentioned or who is specifically identified in, or who believes that testimony or other evidence presented at, an open Committee hearing tends to defame him or her or otherwise adversely affect his or her reputation may file with the Committee for its consideration and action a sworn statement of facts relevant to such testimony of evidence.

BROADCASTING OF HEARINGS OR MEETINGS

Rule 11. Any meeting or hearing by the Committee which is open to the public may be covered in whole or in part by television, radio broadcast, or still photography. Photographers and reporters using mechanical recording, filming, or broadcasting devices shall position their equipment so as not to interfere with the sight, vision, and hearing of Members and staff on the dais or with the orderly process of the meeting or hearing.

AMENDING THE RULES

Rule 12. These rules may be amended only by a vote of a majority of all the Members of the Committee in a business meeting of the Committee; Provided, that no vote may be taken on any proposed amendment unless such amendment is reproduced in full in the Committee agenda for such meeting at least seven (7) days in advance of such meeting.●

NOMINATIONS

Executive nominations received by the Secretary of the Senate on February 3, 1999:

IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES ARMY AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK (*)) UNDER TITLE 10, U.S.C., SECTIONS 531, 624, 628, AND 3064:

To be lieutenant colonel

TIM O. REUTTER, 0000
JOHN R. SWANSON, 0000

To be major

*DAVID A. ERICKSON, 0000
*JOHN M. GRIFFIN, 0000

EXECUTIVE NOMINATION RECEIVED BY THE SECRETARY OF THE SENATE FEBRUARY 4, 1999, UNDER AUTHORITY OF THE ORDER OF THE SENATE OF JANUARY 6, 1999:

COMMODITY FUTURES TRADING COMMISSION

THOMAS J. ERICKSON, OF THE DISTRICT OF COLUMBIA, TO BE A COMMISSIONER OF THE COMMODITY FUTURES TRADING COMMISSION FOR THE TERM EXPIRING APRIL 13, 2003, VICE JOHN E. TULL, JR., TERM EXPIRED.