The Chair recognizes the gentlewoman from the District of Columbia (Ms. NORTON) for 5 minutes.

OVERTURN SUPREME COURT DECISION DENYING DAMAGES TO NINTH GRADER WHO WAS SEXUALLY ABUSED BY HER TEACHER

Ms. NORTON. Mr. Speaker, the Supreme Court begins its session today and has announced a set of cases it will decide, among them another troublesome sexual harassment case, this one called Davis versus Monroe County Board of Education. It involves student-on-student sexual harassment under Title IX. We have here a student who was making As and Bs but fell to failing grades, to writing suicide notes, a fifth grader, after 5 months of groping of her breasts and other parts of her body. There were constant complaints from her parents, there were vulgar comments and the rest, until finally the parents simply sued the school after the school ignored the complaints. We have a split in the circuits based on how we have written Title IX, two circuits saying damages are recoverable, two circuits are saying they are not. Well, Mr. Speaker, I hope there will be no split here in this body. If the Supreme Court rules that Title IX does not cover this kind of action, we must take action next term.

Why do I raise this now? Because the Court has already moved in an unacceptable direction on a not dissimilar case last term in the case of Gebser versus Largo Vista School District. There we had a ninth grader whose teacher sexually assaulted and harassed her, and yet the Supreme Court set a standard that makes it almost impossible for a parent and a child to recover against a school system. The reason, the Court said, was that, quote, ''the statutory text of Title IX does not shed light on Congress' intent with respect to the scope of available remedies.'' Understand that this was a child who beginning in the eighth grade had her teacher during Advanced Placement classtime initiate sexual relations with her and at other times and otherwise engage in sexual activity with this youngster.

This decision is a virtual summons to Congress. Justice Stevens thought that Title IX did cover damages. That was not the majority, however. Instead the Court set an absolutely absurd standard that the school had to have actual notice or a deliberate indifference by an official with authority to implement correction measures before damages could be obtained.

What we are left with now is an indefensible distinction in our law. If a principal sexually harasses a teacher, even though the superintendent knew nothing about it, damages are forthcoming under Title VII. We must make sure that teachers who are sexually harassed by other teachers or by their superiors do not have rights superior to when a teacher harasses a student or a student harasses another student. We must protect students at least as much as we protect teachers from sexual harassment. I am already writing a bill to remedy the finding that sexual harassment by a teacher on a student cannot yield damages.

Mr. Speaker, if the court fails again, this time in a case involving outrageous student on student sexual harassment, this House will have a second provision to correct next term.

VA PSYCHIATRIST LIES ABOUT SEXUAL MISCONDUCT AND IS CONVICTED AND SENTENCED

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from Florida (Mr. STEARNS) is recognized during morning hour debates for 5 minutes.

(Mr. STEARNS asked and was given permission to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, often times in life while you are looking at a problem, you find there is a parallel set of activities that are occurring at the same time while you are looking at your present problem. I have such a case this morning, I think, which is a good example.

Last April the U.S. Department of Justice charged a staff psychiatrist, a female at a VA Medical Center, with obstruction of justice. It seems that in 1992 a male patient sued the female psychiatrist at the VA alleging that the psychiatrist committed medical malpractice when she engaged in sexual relationships with him during an office visit in 1991.

Now, what happened is the psychiatrist requested that the United States Justice Department certify that under the Federal Tort Claims Act that the Justice Department would defend her and substitute itself as a defendant because the alleged misconduct occurred within the scope of her employment. She was a psychiatrist for the VA Medical Center, and she felt the suit should be covered under the Federal Torts Claim Act and that the Justice Department should defend her.

So in 1992, attorneys from the U.S. Attorney's Office interviewed her, talked to her about the case. She denied engaging in a sexual relationship with the patient. The U.S. Attorney, therefore, based upon her testimony, certified that she, the psychiatrist, for her conduct would be certified through the dates of the alleged office incident. So to the extent that the psychiatrist was, quote, certified she would not have been liable for any damages.

On July 13–14, 1995, Chief Magistrate Judge Mikel Williams conducted a hearing to determine the scope of the female psychiatrist's employment at the VA. During the hearing she testified falsely under oath about what had happened between the male patient and her during his visit on June 27, 1991. In so doing, she violated the obstruction of justice statute, Title 18, United States Code, Section 1503. She is scheduled to be sentenced this year before the Honorable Edward J. Lodge.

Okay, now we are here in 1998. As I mentioned Judge Mikel Williams conducted a hearing to determine the scope of the female psychiatrist's employment at the VA and what occurred at this hearing. But in so doing, it turns out she was not telling the truth, and she violated the obstruction of justice statute, which is Title 18, United States Code, Section 1503.

So here we are, Mr. Speaker. She testified falsely under oath about what happened during the patient's visit in 1991. So in so doing, she was charged with violating the Federal statute, and in effect she was lying about her misconduct and her sexual relationship with this patient who came in to see her. In this case, she lied about sex under oath and violated a Federal statute and was convicted and sentenced. I might add these activities occurred in a Federal building, on federal time, and while she was on a federal salary.

Today our Committee on the Judiciary is meeting to discuss something that parallels this case. They have a constitutional duty to the public to investigate and remedy breaches of public trust. Of course it will be painful, but they have a responsibility to ensure that future holders of the Presidency, whoever they might be, have to be accountable for their statements. To neglect to do so would be to debase our Constitution.

Let me conclude by referring to the former Representative Peter Rodino, Jr., who was Chairman of the House Committee on the Judiciary during the Watergate scandals. This is what he said.

> We cannot turn away out of partisanship or convenience from problems that now are our responsibility to consider.

So I bring to the attention of my colleagues a very similar case to what is being discussed today by the Judiciary Committee involving not telling the truth about a sexual affair and obstructing justice. I put that into the RECORD, Mr. Speaker, because I think it is helpful to know this information. It shows the U.S. Justice Department prosecuting a federal employee for lying under oath about sexual misconduct and obtaining a conviction. Isn't that what we are talking about today at the judiciary hearing. Often times there are past activities that can be used to judge the present activities.

AMERICA'S ROLE AS THE LEADER IN THE GLOBAL ECONOMY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from Oregon (Mr. BLUMENAUER) is recognized during morning hour debates for 5 minutes.

Mr. BLUMENAUER. Mr. Speaker, at a time when the eyes of the capital and the news media are focused on the Judiciary deliberations and the scope and authority of impeachment inquiry, when others are struggling to deal with the slaughter in Kosovo, it is hard perhaps for us to give attention to the