perjury before a grand jury sitting to help the Congress determine whether the President committed impeachable offenses.

Mr. President, I have by no means decided whether President Clinton has done everything the House alleges. But if I am to assume all these allegations are correct, I cannot see how in good conscience I can support the motion to dismiss and permit the President to stay in office.●

SUPPORT OF THE MOTION TO DISMISS THE ARTICLES OF IMPEACHMENT AGAINST PRESIDENT CLINTON

● Mr. LIEBERMAN. Mr. President, each Member of the Senate is obligated today to render a judgment, a profound judgment, about the conduct of President William Jefferson Clinton and the call of the House of Representatives to remove him from office. A motion to dismiss the two articles of impeachment lodged against the President has been put before us, and so we must now determine whether there are sufficient grounds to continue with the impeachment trial, or whether we know enough to reach a conclusion and end these proceedings.

I know enough from the record the House forwarded to us and the public record to reach certain conclusions about the President's conduct. President Clinton had an extramarital sexual relationship with a young White House employee, which, though consensual, was reckless and immoral, and thus raised a series of questions about his judgment and his respect for the office. He then made false and misleading statements about that relationship to the American people, to a Federal district court judge in a civil deposition, and to a Federal grand jury; in so doing, he betrayed not only his family but the public's trust, and undermined his public credibility.

But the judgment we must now make is not about the rightness or wrongness of the President's relationship with Monica Lewinsky and his efforts to conceal it. Nor is that judgment about whether the President is guilty of committing a specific crime. That may be determined by a criminal court, which the Senate clearly is not, after he leaves office.

The question before us now is whether the President's wrongdoing—as outlined in the two articles of impeachment—was more than reprehensible, more than harmful, and in this case, more than strictly criminal. We must now decide whether the President's wrongdoing makes his continuance in office a threat to our government, our people, and the national interest. That to me is the extraordinarily high bar the Framers set for removal of a duly-elected President, and it is that standard we must apply to the facts to determine whether the President is guilty of ''high Crimes and Misdemeanors.''

This trial has now proceeded for 10 session days. Each side has had ample opportunity to present its case, illuminating the voluminous record from the House, and we Senators have been able to ask wide-ranging questions of both parties. I have listened intently throughout, and both the House Managers and the counsel for the President have been very impressive. The House Managers, for their part, have presented the facts and argued the Constitution so effectively that they impelled me more than once to seriously consider voting for removal.

But after much reflection and review of the extensive evidence before us, of the meaning of high crimes and misdemeanors, and, most importantly, of what I believe to be in the best interests of the nation, I have concluded that the facts do not meet the high standard the Founders established and do not justify removing this President from office.

It was for this reason that I decided today to vote in favor of dismissing the articles of impeachment against President Clinton, and against the motion to allow for the testimony of live witnesses. I plan to submit a more detailed statement explaining exactly how I arrived at these decisions when the final votes are taken on the articles of impeachment. But I do think it is important at this point to summarize my arguments for voting to end the trial now.

I start from the indisputable premise that the Founders intended impeachment to be a measure of extreme last resort, because it would disrupt the democratic process they so carefully calibrated and would supersede the right of the people to choose their leaders, which was at the heart of their vision of the new democracy they were creating. That is why I believe that the Constitutional standard in question here—''high Crimes and Misdemeanors''—demands clear and convincing evidence that the President committed offenses that, to borrow from the words of Alexander Hamilton and James Madison respectively, proceed from ''the abuse or violation of some public trust,'' and that demonstrate a ''loss of capacity or corruption.'' A review of the constitutional history convinces me that impeachment was not meant to supplant the criminal justice system but to provide a political remedy for offenses so egregious and damaging that the President can no longer be trusted to serve the national interest.

The House Managers therefore had the burden of proving in a clear and convincing way that the behavior on which the articles of impeachment are based has irreparably compromised the President's capacity to govern in the nation's best interest. I conclude that, as unsettling as their arguments have been, they have not met that burden.

I base that conclusion in part on the factual context of the President's actions. As the record makes abundantly clear, the President's false and misleading statements under oath and his broader deception and cover-up stemmed directly from his private sexual misconduct, something that no other sitting American president to my knowledge has ever been questioned about in a legal setting. On each occasion when I came close to the brink of deciding to vote for one of the articles of impeachment, I invariably came back to this question of context and asked myself: does this sordid story justify, for the first time in our nation's history, taking out of office the person the American people chose to lead the country? Each time I answered, ''no.''

The record shows that the President was not trying to conceal public malfeasance or some heinous crime, like murder, and I believe that distinction, while not determinative, does matter. The American people, according to most public surveys, also think that distinction matters—which helps us to understand why the overwhelming majority of them can simultaneously hold the views that the President has demeaned his office and yet should not be evicted from it.

In noting this, I recognize that it would be a dereliction of our duty to substitute public opinion polls for our reasoned judgment in resolving this Constitutional crisis. But it would also be a serious error to ignore the people's voice, because in exercising our authority as a court of impeachment we are standing in the place of the voters who re-elected the President two years ago.

In this case, the prevailing public opposition to impeachment has particular relevance, for it provides substantial evidence that the President's misconduct, while harmful to his moral authority and his personal credibility, has not been so harmful as to shatter the public's faith in his ability to fulfill his Presidential duties and act in their interest. Nearly two-thirds of them say repeatedly that they approve of the job that President Clinton is doing and that they oppose his removal, which means that, though they are deeply disaffected by his personal behavior, they do not believe that he has lost his capacity to govern in the national interest.

In reaching my conclusion, I first had to determine that the request of the House Managers to bring witnesses to the floor would not add to the record and the arguments that have been made, or change my conclusion or the outcome of this trial, which most Senators and observers agree will not end in the President's removal. It is true that witnesses may add demeanor evidence, but they will subtract from the Senate's demeanor, and unnecessarily extend the trial for some time, preventing the Senate from returning to the other pressing business of the nation.

Am I content to have this trial end in the articles failing to receive the required two-thirds vote of the Senate for removal? The truth is that nothing

about this terrible national experience leaves me comfortable. But an unequivocal, bipartisan statement of censure by Congress would, at least, fulfill our responsibility to our children and our posterity to speak to the common values the President has violated, and make clear what our expectations are for future Presidents. Such a censure would bring better closure to this demeaning and divisive episode, and help us begin to heal the injuries the President's misconduct and the impeachment process's partisanship have done to the American body politic, and to the soul of the nation.●

MOTION TO TAKE DEPOSITIONS OF WITNESSES IN COURT OF IMPEACHMENT OF WILLIAM JEFFERSON CLINTON

● Mr. ABRAHAM. Mr. President, there is a lot about this impeachment process that is new and unfamiliar to all of us. That is all the more reason why we should allow ourselves to be guided by the Constitution and historical precedents in deciding how we proceed. The Constitution's requirement that the Senate ''shall have the sole Power to try all Impeachments.'' certainly suggests that the Senate will ordinarily do more than simply look at the record made by the House in deciding whether to send us Articles of impeachment, and that has generally been the Senate's practice.

Moreover, the Senate sitting as a court of impeachment is charged with seeking the truth in this trial. If any Senators reasonably believe that hearing witnesses would assist in finding the truth, then I believe both the President and the House should have the opportunity to call witnesses. Based on the record before us and the arguments we have heard, it is clear that at least on some of the House's charges, there are factual issues in dispute that the witnesses whom this motion proposes to subpoena for depositions could help us resolve.

It is for this reason, Mr. President, that I support the motion to allow both sides to depose these three witnesses. I do not see why this limited discovery should in any way cause this matter to be drawn out for any extended period of time. Rather, I believe it can be conducted very expeditiously without in any way jeopardizing the Senate's ability to conduct other important legislative business.●

RCRA REFORM LEGISLATION

● Mr. LOTT. Mr. President, for years the Administration has expressed a need for targeted legislation which will provide necessary, regulatory flexibility for successful clean up goals of the Resource Conservation and Recovery Act (RCRA). The Environmental Protection Agency (EPA) has unsuccessfully tried several times to address those needs through regulatory reform. While those efforts have attempted to speed cleanup and make more rational requirements, these attempts have repeatedly been met with legal challenges. These challenges severely limit the Agency's ability to effectively address this concern. Furthermore, a General Accounting Office (GAO) study concluded that EPA cannot achieve comprehensive reform through the regulatory process. GAO also believes that such reform can best be achieved by revising the underlying law.

Indeed, my colleagues and I have been working with the Administration and stakeholders for several years to try to give EPA the flexibility it needs. We recognize that Americans are fed up with ineffective environmental programs that do little for cleanup. Americans want their hard-earned dollars used wisely and effectively.

RCRA's goals are very important. RCRA involves cleanup of properties contaminated with hazardous waste, at more than the 5000 sites. Therefore, the barriers to cleanup are a great concern. The GAO report echoes these concerns, noting that EPA believes that current RCRA requirements can lead parties to select cleanup remedies that are either too stringent or not stringent enough—given the risks posed by the wastes. Ultimately these requirements can discourage the cleanup of sites.

The current RCRA cleanup program potentially affects all state cleanups, including the cleanup of ''brownfield sites.'' Brownfields are abandoned, idled, or under-used industrial and commercial facilities where expansion or redevelopment is complicated by real or perceived environmental contamination. As Brownfield redevelopment activities have increased, it has come to our attention that the hazardous waste management and permitting requirements under RCRA either preclude the redevelopment of these properties all together or significantly add to the cost and time of their redevelopment.

Late last year, EPA attempted once more to address the need for regulatory flexibility to speed effective RCRA cleanups. This new rule, called the Hazardous Waste Identification Rule, addresses several of the disincentives to clean up. We applaud the Agency for its efforts. Nonetheless, EPA notes with certainty that additional reform is needed.

The Administration is sending a clear message. RCRA reforms are desired. EPA will do what it can, and should be commended for their most recent effort. However, legislative reforms are needed this year.

I commend Senators CHAFEE, SMITH, LAUTENBERG, BAUCUS, and BREAUX for their past efforts to address this problem. I have given them my full support in their plans to definitively fix the problem and given certainty to recent agency actions. Thank you for your leadership in recognizing the need for action. This effort addresses a real need, focusing on expediting clean ups. This need can be readily met if we continue to work in a bipartisan manner.●

● Mr. CHAFEE. Mr. President, there are over 6000 contaminated sites across the country waiting to be cleaned up under the Resource Conservation and Recovery Act (RCRA). These sites include active industrial facilities, unused urban lots well suited for redevelopment, and many other sites that have contaminated soil or groundwater. No one disputes that these sites should be cleaned up. But RCRA itself, and certain regulations implementing RCRA, are making it difficult—and unnecessarily costly—to get these sites cleaned up. As a result, cleanups at many sites are delayed for years and, in a number of cases, not performed at all. The waste remains in place, untreated and untouched.

This is an issue where legislative action can both improve the environment and save money. The Government Accounting Office (GAO) issued a report in late 1997 that identified three key requirements under RCRA that pose barriers to cleanups. The GAO concluded EPA's land disposal restrictions, minimum technological requirements for disposal facilities, and permitting requirements, when applied to remediation waste, can significantly increase the cost of a cleanup action and even act as an incentive for parties to abandon cleanups altogether. Tailoring these requirements to address the specific characteristics of remediation waste would eliminate this incentive, facilitating the actual cleanup of thousands of sites, and, according to GAO's estimate, save up $2 billion a year without negatively impacting human health or the environment.

This is an environmental problem that we can and should address. And it is one that we can resolve in a bipartisan manner.

During the 105th Congress, the Majority Leader, Senator BOB SMITH, and I worked with our colleagues on the Environment and Public Works Committee, the Administration, and interested parties to reform RCRA to remove the major regulatory obstacles that currently impede the timely remediation of many contaminated sites. There was a broad consensus that changes needed to be made to make RCRA work better to clean up sites in an environmentally protective manner more quickly and more cost effectively. Unfortunately, we ran out of time before we were able to reach agreement on specific legislation.

The Environmental Protection Agency has issued regulations, including the recently finalized ''Hazardous Waste Identification Rule for Contaminated Media,'' to address some of the regulatory burdens that we sought to eliminate through legislation. I applaud the Agency for its efforts. I believe, however, that there is still a need for legislation in this area to complete the reform the EPA has started. Therefore, I intend to make RCRA remediation waste legislation a priority for the Environment and Public Works Committee this year. Building on the progress