

truthful information which it has lawfully obtained, punishment may lawfully be imposed, if at all, only when narrowly tailored to a state interest of the highest order." *Florida Star v. B.J.F.*, 490 U.S. 524, 109 S. Ct. 2603 (1989).

Given the extraordinary newsworthiness of Speaker Gingrich's violation of a commitment he had just made as part of his plea bargain, it is hard to imagine the presence of a state interest of the "highest order" warranting the institution of criminal proceedings against Mr. McDermott or the newspapers.

In a case similar to Landmark Communications, a California appellate court has written, "[S]tate law cannot impose criminal or civil liability upon a nonparticipant for breach of the confidentiality required by [law]." *Nicholson v. McClatchy Newspapers*, 177 Cal. App. 3d 509, 223 Cal. Rptr. 58 (Cal. App. 3d Dist. 1986).

As a matter of common sense, the participants in the recorded conversation plainly had a diminished expectation of privacy when Rep. John A. Boehner, R-Ohio, joined the conversation on his car phone. Surely the others were aware that he was on a car phone. Surely they were aware that cellular phones may be recorded by nonparticipants with equipment that has been sold lawfully in thousands of stores throughout the country. If Speaker Gingrich was aware he was participating in a nonsecure communication and was then caught violating his commitments to the Ethics Committee, he and Ohio Republican Representative Boehner are principally to blame. Under these circumstances, any claim that the conduct of Jim McDermott (or the newspapers) was felonious would be reckless and irresponsible.

#### INTRODUCTION OF THE NATIONAL CLEAN WATER TRUST FUND ACT OF 1997

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 13, 1997*

Mr. VISCLOSKY. Mr. Speaker, today, I am introducing legislation to expedite the cleanup of our Nation's waters. This bill, the National Clean Water Trust Fund Act of 1997, would create a trust fund established from fines, penalties, and other moneys collected through enforcement of the Clean Water Act to help alleviate the problems for which the enforcement actions were taken. This legislation is identical to a measure I introduced with bipartisan support in the last Congress, and it was the model for an amendment that received 156 votes in 1995 during House consideration of legislation to reauthorize the Clean Water Act.

Currently, there is no guarantee that fines or other moneys that result from violations of the Clean Water Act will be used to correct water quality problems. Instead, some of the money goes into the general fund of the U.S. Treasury without any provision that it be used to improve the quality of our Nation's waters.

I am concerned that Environmental Protection Agency [EPA] enforcement activities are extracting large sums of money from industry and others through enforcement of the Clean Water Act, while we ignore the fundamental issue of how to pay for the cleanup of the water pollution problems for which the penalties were levied. If we are really serious about ensuring the successful implementation of the Clean Water Act, we should put these

enforcement funds to work and actually clean up our Nation's waters. It does not make sense for scarce resources to go into the bottomless pit of the Treasury's general fund, especially if we fail to solve our serious water quality problems due to lack of funds.

Specifically, my bill would establish a national clean water trust fund within the U.S. Treasury for fines, penalties, and other moneys, including consent decrees, obtained through enforcement of the clean Water Act that would otherwise be placed into Treasury's general fund. Under my proposal, the EPA Administrator would be authorized to prioritize and carry out projects to restore and recover waters of the United States using the funds collected from violations of the Clean Water Act. However, this legislation would not preempt citizen suits or in any way preclude EPA's authority to undertake and complete supplemental environmental projects [SEP's] as part of settlements related to violations of the Clean Water Act and/or other legislation.

For example, in 1993, Inland Steel announced a \$54.5 million multimedia consent decree, which included a \$26 million SEP and a \$3.5 million cash payment to the U.S. Treasury. I strongly support the use of SEP's to facilitate the cleanup of serious environmental problems, which are particularly prevalent in my congressional district. However, my bill would dedicate the cash payment to the Treasury to the clean water trust fund. The bill further specifies that remedial projects be within the same EPA region where enforcement action was taken. Northwest Indiana is in EPA region 5, and there are 10 EPA regions throughout the United States. Under my proposal, any funds collected from enforcement of the Clean Water Act in region 5 would go into the national clean water trust fund and, ideally, be used to clean up environmental impacts associated with the problem for which the fine was levied.

To illustrate how a national clean water trust fund would be effective in cleaning up our Nation's waters, I would like to highlight the magnitude of the fines that have been levied through enforcement of the Clean Water Act. Nationwide, in fiscal year 1996, EPA assessed \$85 million in penalties for violations of the Clean Water Act.

My bill also instructs EPA to coordinate its efforts with the States in prioritizing specific cleanup projects. Finally, to monitor the implementation of the national clean water trust fund, I have included a reporting requirement in my legislation. One year after enactment, and every 2 years thereafter, the EPA Administrator would make a report to Congress regarding the establishment of the trust fund.

My legislation has garnered the endorsement of several environmental organizations in northwest Indiana, including the Grand Calumet Task Force, the Indiana Division of the Izaak Walton League, and the Save the Dunes Council. Further, I am encouraged by the support within the national environmental community and the Northeast-Midwest Congressional Coalition for the concept of a National Clean Water Trust Fund. I would also like to point out that, in a 1992 report to Congress on the Clean Water Act enforcement mechanisms, and EPA workgroup recommended amending the Clean Water Act to establish a national clean water trust fund.

In reauthorizing the Clean Water Act, we have a unique opportunity to improve the qual-

ity of our Nation's waters. The establishment of a national clean water trust fund is an innovative step in that direction. By targeting funds accrued through enforcement of the Clean Water Act—that would otherwise go into the Treasury Department's general fund—we can put scarce resources to work and facilitate the cleanup of problem areas throughout the Great Lakes and across this country. I urge my colleagues to support this important legislation.

#### ADDRESS TO THE PARLIAMENT OF THE NAGORNO-KARABAGH RE- PUBLIC

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 13, 1997*

Mr. PALLONE. Mr. Speaker, as the cochair of the Congressional Caucus on Armenian Issues, I traveled to the Republics of Armenia and Nagorno-Karabagh in late January to learn more about the courageous struggle of the Armenian people as they try to build self-sustaining economies and protect their land and freedom.

In Armenia, I met with government officials to discuss the role of the United States and Armenia in preserving the security and economic viability of Nagorno-Karabagh, where peace is threatened by the territorial aggression of Azerbaijan.

Earlier in the week, on January 27, I was most honored to be the first Member of Congress from the United States to speak before the Nagorno-Karabagh Parliament. I am providing my colleagues with a text of the speech in hopes that it will help educate them to the serious problems faced by the Armenian people and enable Members to cast votes in the future that could ease the suffering in that troubled part of the world.

Mr. President, Mr. Foreign Minister, Mr. Chairman and ladies and gentlemen.

It is a great honor for me to address the elected legislature of the Republic of Nagorno-Karabagh. As an elected legislator myself, I see you as my colleagues and friends, fellow-Parliamentarians and fellow-democrats. Yet, to my deep regret, your service to your homeland is not generally granted the same recognition and respect that my status as an elected official of my country grants me around the world. This situation must change. You have earned the right to be accorded the respect of the international community as the legitimate representatives of your land and your people.

I hope that my visit to Karabagh, and especially my presence in your legislative chamber today, will contribute in some small way to a growing international recognition that the Republic of Nagorno-Karabagh is a reality.

Just about one year ago today, I had the privilege of meeting with President Kocharian and Foreign Minister Ghoukassian during their visit to Washington. While the President and Foreign Minister were accorded meetings with Members of Congress, I regret that they were not accorded the type of official welcome from the U.S. Administration that they deserve. Despite the lack of official recognition, the visit of the President and Foreign Minister did a great deal to advance the cause of the Republic of Nagorno-Karabagh, solidifying support among the Armenian-American community,

educating many U.S. foreign policy leaders, and forging new bonds of friendship and understanding. When we met, the President expressed his hope that he would be able to return the hospitality that was shown to him by friends of Karabagh during his visit to the U.S. last year. I am proud to accept that offer now. I appreciate the hospitality that has been shown to me, and I look forward to reporting back to the American people about the courageous struggle of the people of Karabagh to defend their land, their independence and their freedom.

Before I outline some of my ideas and hopes for how our two peoples can grow closer in friendship and partnership, let me tell you a little bit about myself and why I have come here to your seat of government. I represent the Sixth Congressional District of the State of New Jersey. The densely populated, ethnically diverse State I represent includes a significant number of Americans of Armenian descent. Survivors of one of history's most monstrous crimes, the Genocide perpetrated against the Armenian people by the Ottoman Turkish Empire, thousands of Armenians came to America in search of a new life. Many arrived with little more than the shirts on their backs. Yet these immigrants, these survivors, and their sons and daughters, grandsons and granddaughters, have flourished and thrived, becoming one of America's most successful, well-educated and affluent ethnic groups.

While there has for many years been widespread support for the Armenian people among U.S. lawmakers, I felt that these efforts lacked a certain focus and cohesion. So, two years ago, I founded an organization within the Congress of the United States known as the Congressional Caucus on Armenian Issues. I invited my colleague, Congressman John Porter of the State of Illinois to serve with me as co-chairman. Although I am a Democrat and Mr. Porter is a Republican, we put aside our partisan differences to work for common approaches to support the Armenian people. In just two years' time, the membership of the Caucus increased to 54—Democrats and Republicans, from all regions of the vast United States of America. Always there to support our efforts is the Armenian Assembly, whose support has made my visit here possible.

The Caucus has provided a forum to educate Congress and the public about developments in the Republics of Armenia and Nagorno-Karabagh, and a vehicle to advocate in support of the interests of the Armenian people.

From the time of the collapse of the Soviet Union, Americans have demonstrated their solidarity with the Armenian people—in the Diaspora, as well as in the Republics of Armenia and Nagorno-Karabagh. America has sought to provide support for the people of the newly declared Republic of Armenia, through humanitarian assistance, development aid, the leveraging of capital investment and the facilitation of cultural and educational contacts. The Freedom Support Act of 1992 contains many important provisions intended to engage the U.S. with the Republics of the former U.S.S.R. One provision of that law has made it possible for hundreds of Armenian students to visit the U.S., stay with families, go to schools and even come to Capitol Hill in Washington. Meeting with these bright young people, talking about democracy and hopes for the future, has been one of the real pleasures of my job.

Another very serious and significant provision of that landmark law, Section 907, prohibits direct U.S. Government assistance to the Government of the Republic of Azerbaijan until that country lifts its blockade of Armenia and Nagorno-Karabagh.

Preserving this law has been one of the major goals of the Congressional Caucus on

Armenian Issues. We have had to withstand very strong opposition from the well-financed Azerbaijan lobbying campaign. In the summer of 1995, during the debate on the Foreign Operations Appropriations bill, the legislation that provides for America to honor its commitments and protect its interests overseas, Congressional friends of Armenia were successful in maintaining the law. I want to pay particular tribute to my friend and colleague, Congressman Pete Visclosky of the State of Indiana, a member of the Armenian Issues Caucus, for his leadership in maintaining the ban on aid to Azerbaijan.

While I support diplomatic solutions, blockades not sanctioned by International bodies must be regarded as illegal. Current law prohibiting direct non-humanitarian U.S. government assistance to the Government of Azerbaijan is the correct policy. I will continue to lead the opposition to all attempts to weaken these sanctions until and unless Azerbaijan stops strangling Armenia and Karabagh.

I regret to report to date that the U.S. Government has not provided any direct humanitarian assistance to the people of Karabagh. As many of you are aware, in 1996 the House of Representatives overwhelmingly approved legislation that would have authorized direct U.S. humanitarian assistance to Karabagh. Unfortunately, the final version of the legislation that was signed into law did not allow for U.S. humanitarian assistance to be provided to Karabagh.

This was a mistake for several reasons. First, the fact that the final political status of Nagorno-Karabagh has not yet been determined should not be an obstacle to providing humanitarian assistance. The objective of humanitarian assistance is to save lives and is not intended to bestow political status or challenge the sovereignty of a state. Whatever the nature of a conflict, humanitarian operations must be clearly, distinguished from political and military efforts to achieve peace. Second, humanitarian assistance should be provided on the basis of need anywhere in the world. And I know that there are serious needs that are not being met in Karabagh. Third, in order to be an honest and impartial broker, the United States should provide humanitarian aid to all in the region who need it. Such a policy would send a strong message that the United States is dealing fairly with all sides. The unimpeded, unencumbered flow of humanitarian assistance is a universal principle. I will work in the coming year to ensure that U.S. humanitarian aid to Karabagh is provided on the basis of expected needs.

While on the subject of the delivery of humanitarian assistance, I wanted to point out another major initiative of the Congressional Caucus on Armenian Issues: passage of the Humanitarian Aid Corridor Act. This law states quite simply that countries which block the delivery of U.S. humanitarian assistance to another country will themselves be ineligible for receiving humanitarian assistance. While the legislation does not single out any country, it would clearly include the Republic of Turkey. Turkey is a recipient of huge amounts of U.S. military and civilian aid. Yet this country is engaged in the unconscionable blockading of the Republic of Armenia. The Corridor Act has become a matter of law. Unfortunately, a waiver provision in the law has made enforcement less effective. Our task is to step up enforcement, to keep the pressure on Turkey to do the right thing and lift the blockade. Removal of the blockade would go a long way toward relieving the suffering of the people of Armenia and Karabagh, and would form the first major confidence building measure to bring peace, stability and, ultimately, economic prosperity to the Caucasus region.

My friends, in America we have an expression that our differences amongst ourselves must end at the water's edge. Travelling as both a citizen and an elected representative of the United States of America, I am conscious of a certain obligation to defend the policies and positions that my country holds. Yet, as a citizen of a democracy, I believe in the need to speak out against those policies and positions with which I disagree. More than 20 years ago, when I was studying international law and diplomacy, I learned that there are two major guiding principles in resolving disputes: territorial integrity and self-determination. In the case of Karabagh, I am concerned that U.S. policy, and that of other nations, leans too heavily on the side of territorial integrity—even though the borders were drawn by the dictator Stalin to divide the historically Armenian region of Karabagh from the rest of the Armenian nation, and despite the fact that the Helsinki Final Act allots equal value to self-determination and territorial integrity. Of course, the economic clout of oil interests seeking to curry favor with Azerbaijan is a very strong factor influencing policy in the region. I am not opposed, in fact, I specifically support the exportation of Caspian Sea oil across Armenia—but not at the expense of the freedom and independence of the people of Karabagh. Indeed, upon my return home, it is my intention to meet with our new Secretary of State, the Honorable Madeleine Albright, to report on my findings and to urge greater support for the interests and needs of the people of Armenia and Nagorno-Karabagh. I have met on several occasions with the U.S. Special Negotiator for Karabagh, who recognizes that the situation in Karabagh is essentially without precedent and will require creative diplomacy to solve. I intend to maintain that dialogue. People of good will can have principled differences, yet continue to work toward a common ground. America truly wants to play a helpful role in resolving this dispute—and I mean an honorable resolution, not a solution dictated upon the people of Karabagh.

We must see to it that the people of Karabagh are guaranteed their security and right to self-determination. Never again should the Armenian people be subjected to the pogroms, massacres and deportations that occurred in Azerbaijan in 1988. It is my belief that if the question of Karabagh were settled on the basis of principles proposed by Azerbaijan, the people of Nagorno-Karabagh would be in constant fear of genocide, deportation and massacre. It seems to me that the only way to promote long-term peace and stability is to respect the right of self-determination for the people of Nagorno-Karabagh. Unfortunately, the international community almost categorically rejects all self-determination claims. This approach is not only ineffective, but it often can prolong conflicts. A blanket rejection of all self-determination claims does not take into account that self-determination movements, such as the Karabagh movement, are not all alike and therefore ought to be treated differently. With respect to the negotiations, the OSCE Minsk Group's mandate makes clear that the final status of Nagorno-Karabagh's status is to be negotiated. I believe that any predetermination by the negotiators jeopardizes prospects for a peaceful and negotiated settlement.

Furthermore, no substantial progress can be made in negotiations without the direct participation of Nagorno-Karabagh. Clearly, Azerbaijan's refusal to recognize Nagorno-Karabagh as a direct party to the conflict defies logic and precludes serious negotiations. Currently, a cease-fire is in effect, and I hope

it holds for the foreseeable future. Azerbaijan and Karabagh have exchanged prisoners of war and accomplished other agreements. Yet this cease-fire is fragile, and does not constitute the basis for a permanent solution. Azerbaijan's current refusal to recognize Nagorno-Karabagh as the second party to the dispute is neither constructive nor realistic. To the extent that the positions taken by the U.S. and the international community are contributing to Azerbaijan's intransigence, we must reassess those policies in light of the effect they might be having.

The Republic of Armenia must play a special role in the peace process. I am spending most of this week in Yerevan in meetings with government officials, and discussions over Armenia's future role as guarantor of Nagorno-Karabagh's security and economic viability, pursuant to international agreements.

The people of Armenia and Nagorno-Karabagh have turned adversity and devastation into advancement, economic progress and the hope for a future based on long-term peace. Surrounded by hostile neighbors, Armenia and Nagorno-Karabagh look to the United States and the international community for support in their commitment to democratic principles and a market economy. As the co-chair of the Congressional Caucus on Armenian Issues, I am here to learn more about the plight of the Karabagh people and to promote a peaceful solution to the conflict.

Clearly, the people of Karabagh have shown their courage and determination to fight for their homeland—to die for it, if necessary. Nagorno-Karabagh's Army of Defense has shown the ability to control strategic territory. Your sovereignty is not just a matter of future discussion or negotiation—it is a matter of fact. In establishing an independent homeland, you have won the war. My goal and my pledge is to help you win the peace.

HONORING VIKTOR  
CHERNOMYRDIN

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 13, 1997*

Mr. BERMAN. Mr. Speaker, last week an extraordinary event took place here in the United States. The Prime Minister of the Russian Federation, Viktor Chernomyrdin, was the special guest of a dinner hosted by the Russian Jewish Congress and attended by business and political Jewish leaders all across America. During the ceremony, Prime Minister Chernomyrdin was presented an award from the president of the Russian Jewish Congress, Mr. Vladimir Goussinsky, in recognition of his commitment and efforts to insure religious freedom and liberty in today's Russia, particularly the 1.5 million Jewish citizens now living in that country.

Many of my colleagues in the Senate and House also attended the dinner. Congressman TOM LANTOS who moderated and offered some poignant remarks about his own experience as a survivor of the Holocaust, was also presented an award along with former U.S. Senator Sam Nunn.

For many of us in Congress who attended the event and have been actively involved in Soviet Jewry over the years, this was a long-awaited and richly satisfying moment. It was not expected in our lifetime to see the estab-

lishment of a Russian Jewish Congress in Moscow, nor did we ever expect to see a Russian Prime Minister on our soil proclaiming support for the fundamental rights of the Jewish inhabitants of that country.

Mr. Speaker, the Russian people and their leaders are coping with the challenges and even hardships inherent in forming a democracy and market economy. It is not a pretty picture, to be sure, by what we see in the daily press. We know democracy is in its infant stage and largely untested as is the economy, which is undergoing a painful transformation and still lacks full public support. However, Russia has made surprising strides in respecting the inalienable rights of its citizens. Where once there was suppression of religious beliefs, we now see churches and synagogues being restored. The old state prohibition on immigration has been replaced with relative freedom of movement both inside and outside Russia.

The Russian Jewish Congress choose to publicly recognize Mr. Chernomyrdin's record in full view of United States Congressmen and high ranking officials and business and organizational leaders and present an award to him for his public commitment to preserving Jewish culture and rights in that country.

In presenting the special award, Mr. Goussinsky made reference to a recent event which took place at a sacred Site, which is the burial place for the millions who perished in what is in Russia called the Great Patriotic War. At this place a new synagogue has been built and at the commemoration ceremony, Prime Minister Chernomyrdin laid the first stone and concluded his remarks with the word "Shalom." Mr. Goussinsky also noted that in today's Russia there are still different opinions and attitudes and the fact that Prime Minister Chyernomyrdin would make such an appearance carried historic importance.

Mr. Speaker, I would like to add a second historic event, which is the establishment of the Russian Jewish Congress in January 1996. At the urging of Jewish leaders in the United States and Israel, Mr. Vladimir Goussinsky assumed the leadership for its formation and is now serving as its first president. As such, it is the first attempt to unite the country's foremost Jewish business, public, religious, political, academic and cultural leaders and will also give identity and purpose to the Jewish culture, which has so long been repressed in that nation. The congress has approximately forty branches throughout the Russian Federation that contribute to their own communities.

During 1966, the congress launched the construction of a Holocaust memorial synagogue as part of the national World War II Memorial Park in Moscow. The Congress held the ground-breaking ceremony for the Holocaust memorial synagogue in October of 1996, which was attended by Viktor Chernomyrdin. It was the first Jewish event in Russian history attended by a Russian Prime Minister.

I applaud Mr. Goussinsky, Rabbi Pinchas Goldschmidt and other leaders in Russia for their efforts to create self sustaining, proud and independent Jewish communities in Russia, just as they exist all over the world.

## ETHICS PROCESS REFORM

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 13, 1997*

Mr. HAMILTON. Mr. Speaker, today I am introducing, along with Representative DAVID DREIER, a resolution to reform the House ethics process by having private citizens help investigate charges of Member misconduct.

It has been clear for some time that the process under which the House considers disciplinary action against Members is in need of serious reform. Major breakdowns in the process over the last several months may mean that the House is finally ready to make the needed changes.

The reform that Representative DREIER and I are urging was developed during our work on the Joint Committee on the Organization of Congress, which we led during the 103d Congress. The joint committee was charged with considering and recommending institutional changes that would make Congress more effective and help restore public confidence in the institution. Ethics process reform was a major focus of the joint committee, and we considered it at length. The proposal that the joint committee recommended with broad, bipartisan support is the one we are introducing today.

Our proposal would help restore the integrity of the House ethics process by involving outsiders in the investigation of ethics complaints against Members. The Speaker and the minority leader would jointly appoint a pool of 20 independent factfinders to be called on by the Standards Committee for ethics investigations as needed, on a case-by-case basis. These individuals would be private citizens, and might include, for example, former Members or retired judges. Lobbyists and other individuals with business before the House would not be eligible. In a particular case, the Standards Committee could call upon four or six of these independent factfinders to investigate charges of misconduct against a Member. They could question witnesses, collect and examine evidence, and then report their findings of fact and recommendations to the full committee. The committee would then make recommendations to the full House, and the full House would make the final decision on whether sanctions are appropriate.

This proposal still retains an appropriate role for the Standards Committee and it does not remove from the House its constitutional responsibility to police its Members for official misconduct. It simply turns over the investigatory phase of the ethics process to private citizens. Involving outsiders in the process in a meaningful way has several advantages. First, it will help restore public confidence in the process by reducing the inherent conflicts of interest involved when Members judge fellow Members—either that they are protecting a friend and colleague or are misusing the ethics process to attack an opponent. Second, it will help ensure that ethics complaints are acted on by the House more quickly. The addition of ordinary citizens to the process would force action on cases that could be held up indefinitely under the current system. Third, it will alleviate the enormous time burdens on