park, meet a celebrity, go on a shopping spree or to be a cowboy at a dude ranch, our volunteers make sure every detail of the wish experience—every expense, every phone call, every travel arrangement—is taken care of. We don't want families to have a worry in the world as our wish children live their fondest dreams.

The dedicated staff and more than 13,000 volunteers of the Make-A-Wish Foundation have accomplished this task for more than 50,000 children since 1980. From time to time, we grant wishes to children whose families receive Supplemental Security Insurance benefits. Because many wishes, such as one involving travel, include providing the family with enough spending money to sustain them through the experience, we have found that an unintended consequence of the SSI eligibility rules has forced families to choose between having their sick children's wishes granted or retaining their SSI benefits. To accept any spending money as part of the wish experience forces them to report increased income, resulting in a reduction—or in rare cases the elimination—of SSI benefits.

The effect of Section 7 of House Resolution 4558 on our wish families would be to relieve them from having to make the impossible choice between SSI benefits and a wish for their children. After all, these families have enough tough decisions to make. The Make-A-Wish Foundation appreciates the dedication and attention that Make-A-Wish volunteers in our communities, as well as members of Congress, have devoted to this issue.

Mr. LEVIN. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. FILNER).

Mr. FILNER. Mr. Speaker, I thank the gentleman for yielding me the time.

I thank the authors of H.R. 4558, the Noncitizen Benefit Clarification Act, for their efforts that brought us this legislation today. When we passed the welfare reform bill in 1996, at that time I cautioned my colleagues that we were reaching too far, that we were hurting people who genuinely needed assistance, and we would have to right the bill's wrong at some point.

I am glad that today we will rein in the overreaching arm of this so-called reform, correct the overbite of this legislation and bring comfort and aid to those unjustly affected.

Among its several corrections, this bill includes one that will immediately impact and assist residents in my congressional district in San Diego, California. When Congress approved that 1996 legislation, thousands of resident immigrants who had been receiving SSI benefits had their benefit eligibility rescinded. The bill overreached and mistakenly categorized these people as nonqualified aliens ineligible to receive SSI benefits.

As I said at the time and as the Social Security Administration has since verified, the benefits of thousands of qualified recipients were swept away by the extreme nature of the 1996 legislation. While Congress has sought to correct the situation and to help those individuals with short-term benefit extensions, today we will make that eligibility permanent.

This legislation is about guaranteeing humane treatment to people who need assistance and to protect them from the unintended effects of so-called welfare reform. I hope we will remember this serious error when next we try to reform a program that provides critical assistance to our citizens and residents.

I urge my colleagues to support this vital legislation.

Mr. UNDERWOOD. Mr. Speaker, the bill before us today, H.R. 4558, is important in that it clarifies the eligibility of immigrants in receiving Supplemental Security Income (SSI) benefits. As you know, the 1997 Balanced Budget Act permanently grandfathered most but not all noncitizens who were receiving SSI benefits when the welfare reform law was signed into law on August 22, 1996. About 22,000 ''nonqualified'' noncitizens were grandfathered through on September 30, 1998 in order to give the Social Security Administration adequate time to determine their status. This legislation would clarify that these individuals—many of whom are elderly or disabled and who claim citizenship but lack documentation or are not capable of documenting their immigration status—will continue to receive SSI benefits from the federal government.

While there should be strong and vigorous debate on the ensuring that those most in need of public assistance not fall through the safety net, perhaps it is not clearly known that not all U.S. citizens are eligible for participation in the SSI program. SSI is available to citizens who live in one of the 50 States; however, U.S. citizens residing in Guam, American Samoa, the U.S. Virgin Islands and Puerto Rico are not eligible for assistance under the SSI program. Given the fact that the cost of living is much higher in the territories than almost any mainland location, and given the fact that we have a permanent cap on Medicaid, I sincerely believe that there is a definite need to extend the SSI program to the territories.

Citizenship in this country and the privileges associated with it should not be measured by geographic choice in residency or the size of one's pocketbook. Whether one chooses to live in Hagatna, St. Croix or Peoria, a federally funded program should be accessible to everyone.

I urge my colleagues to pass H.R. 4558 and to extend the SSI program to the American citizens in the territories.

Mr. TOWNS. Mr. Speaker, I rise today in support of H.R. 4558 legislation which will ''grandfather'' SSI and Medicaid eligibility for those elderly and disabled legal immigrants who were receiving benefits on August 22, 1996 and are designated as ''not qualified'' under the 1996 welfare law.

Currently, over 12,000 such immigrants nationwide, most of whom are elderly, are scheduled to lose their SSI benefits on September 30, 1998. In New York State alone, approximately 1,865 people will lose these benefits. Many in New York, and the rest of the country, will also lose their Medicaid.

Many in this group are actually qualified immigrants eligible for continuing to receive SSI benefits, but are miscoded in the Social Security Administration (SSA) files and stand to lose their benefits because of administrative error. Eighty percent or more of those coded ''not qualified'' by SSA are in fact qualified immigrants whom the 1997 restoration was meant to benefit. Yet they will lose their benefits unless we, their elected officials, grandfather these individuals.

Those who would lose assistance include the most vulnerable immigrants in need, the elderly and disabled, many homebound and frail, who are least able to comprehend or respond to efforts to reach out and protect them. For example, a 100 year old woman in New York receiving 24 hour home care is at risk of losing her benefits. I know none of us wants this type of tragedy to occur.

I urge my colleagues on both sides of the aisle to join me in supporting and passing this legislation before the September 30th, 1998 deadline and avoid a needless crisis.

Mr. STARK. Mr. Speaker, I rise in support of H.R. 4558, the Noncitizen Benefit Clarification and Other Technical Amendments Act of 1998.

H.R. 4558 will extend Supplemental Security Income (SSI) benefits for nonqualified aliens who were receiving benefits before the enactment of welfare reform.

This group of about 12,000 aliens, all of whom are elderly or disabled or both, will lose SSI and Medicaid on October 1 of this year unless Congress votes to permanently extend their benefits. The vast majority of affected recipients reside in California.

The Federal Government has a responsibility to set guidelines that protect the vulnerable in this country. As a society, we have an obligation to support the elderly, the disabled and the poor. By gouging our food stamp program and denying benefits to legal immigrants, welfare reform doesn't even come close to those standards.

Welfare reform pushes more children into poverty and leaves more of the poor without the health care they need. I support this correction and believe we should be doing more to give the needy a helping hand.

Mr. CAMP. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. LEVIN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. CAMP) that the House suspend the rules and pass the bill, H.R. 4558, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

□ 1630

RECESS

The SPEAKER pro tempore (Mr. HANSEN). Pursuant to clause 12 of rule I, the Chair declares the House in recess until approximately 4:45 p.m.

Accordingly (at 4 o'clock and 30 minutes p.m.), the House stood in recess until approximately 4:45 p.m.

□ 1647

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. HANSEN) at 4 o'clock and 47 minutes p.m.

PRIVILEGES OF THE HOUSE—IMPEACHING KENNETH W. STARR

Mr. HASTINGS of Florida. Mr. Speaker, I rise to introduce a question of privilege pursuant to rule IX and call up House Resolution 545 for consideration.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read the resolution, as follows:

RESOLUTION

Impeaching Kenneth W. Starr, an independent counsel of the United States appointed pursuant to 28 United States Code §593(b), of high crimes and misdemeanors.

Resolved that Kenneth W. Starr, an independent counsel of the United States of America, is impeached for high crimes and misdemeanors, and that the following articles of impeachment be exhibited to the Senate;

Articles of Impeachment exhibited by the House of Representatives of the United States of America in the name of itself and of all the people of the United States of America, against Kenneth W. Starr, an independent counsel of the United States of America, in maintenance and support of its impeachment against him for high crimes and misdemeanors.

ARTICLE I

In his conduct of the office of independent counsel, Kenneth W. Starr has violated his oath and his statutory and constitutional duties as an officer of the United States and has acted in ways that were calculated to and that did usurp the sole power of impeachment that the Constitution of the United States vests exclusively in the House of Representatives and that were calculated to and did obstruct and impede the House of Representatives in the proper exercise of its sole power of impeachment. The acts by which Independent Counsel Starr violated his duties and attempted to and did usurp the sole power of impeachment and impede its proper exercise include:

(1) On September 9, 1998, Independent Counsel Kenneth W. Starr transmitted two copies of a ''Referral to the United States House of Representatives pursuant to Title 28, United States Code, §595(c).'' As part of that Referral, Mr. Starr submitted a 445-page report (the ''Starr Report'') that included an extended narration and analysis of evidence presented to a grand jury and of other material and that specified the grounds upon which Mr. Starr had concluded that a duly elected President of the United States should be impeached by the House of Representatives. By submitting the Starr Report, Mr. Starr usurped the sole power of impeachment and impeded the House in the proper exercise of that power in various ways, including the following:

(a) In preparing the Starr Report, Mr. Starr misused the powers granted and violated the duties assigned independent counsel under the provisions of Title 28 of the United States Code. Section 595(c) does not authorize or require independent counsel to submit a report narrating and analyzing the evidence and identifying the specific grounds on which independent counsel believes the House of Representatives should impeach the President of the United States. By submitting the Starr Report in the form he did, Mr. Starr misused his powers and preempted the proper exercise of the sole power of impeachment that the Constitution assigned to the House of Representatives. Mr. Starr thereby committed a high crime and misdemeanor against the Constitution and the people of the United States of America.

(b) In his preparation and submission of the Starr Report, Mr. Starr further misused his powers and violated his duties as independent counsel and arrogated unto himself and effectively preempted and undermined the proper exercise of power of impeachment that the Constitution allocated exclusively to the House of Representatives. Mr. Starr knew or should have known, and he acted to assure, that the House of Representatives would promptly release to the public any report that he transmitted to the House of Representatives under the authority of Section 595(c). With that knowledge, Mr. Starr prepared and transmitted a needlessly pornographic report calculated to inflame public opinion and to preclude the House of Representatives from following the procedures and observing the precedents it had established for the conduct of a bipartisan inquiry to determine whether a President of the United States had committed a high crime or misdemeanor in office meriting impeachment. Mr. Starr thereby committed a high crime and misdemeanor against the Constitution and the people of the United States.

(2) Independent Counsel Kenneth W. Starr further usurped and arrogated unto himself the powers that belong solely to the House of Representatives by using and threatening to use the subpoena powers of a federal grand jury to compel an incumbent President of the United States to testify before a federal grand jury as part of an investigation whose primary purpose had become and was the development of evidence that the President had committed high crimes and misdemeanors justifying his impeachment and removal from office. With respect to the President of the United States, the only means by which the holder of that office may be called to account for his conduct in office is through the exercise by the House of Representatives of the investigative powers that the constitutional assignment of the sole power of impeachment conferred upon it. Mr. Starr improperly used and manipulated the powers of the grand jury and his office to effectively impeach the President of the United States of America and to force the House of Representatives to ratify his decision. Mr. Starr thereby committed a high crime and misdemeanor against the Constitution and the people of the United States.

In all this, Kenneth W. Starr has acted in a manner contrary to his trust as an independent counsel of the United States and subversive of constitutional government, to the great prejudice of the cause of law and justice, and to the manifest injury of the people of the United States.

Wherefore Kenneth W. Starr, by such conduct, warrants impeachment and trial, and removal from office.

ARTICLE II

In his conduct of the office of independent counsel, Kenneth W. Starr violated the oath he took to support and defend the Constitution of the United States of America and his duties as an officer of the United States and acted in ways that were calculated to and that did unconstitutionally undermine the office of President of the United States and obstruct, impede, and impair the ability of an incumbent President of the United States to fully and effectively discharge the duties and responsibilities of his office on behalf and for the benefit of the people of the United States of America, by whom he had been duly elected. The acts by which Mr. Starr violated his oath and his duties and undermined the office of President and obstructed, impeded, and impaired the ability of the incumbent President to fully and effectively discharge the duties of that office include:

(1) Mr. Starr unlawfully and improperly disclosed and authorized disclosures of grand jury material for the purpose of embarrassing the President of the United States and distracting him from and impairing his ability to execute the duties of the office to which the people of the United States had elected him. Mr. Starr has thereby committed high crimes and misdemeanors against the Constitution and people of the United States.

(2) Mr. Starr engaged in a wilfull and persistent course of conduct that was calculated to and that did wrongfully demean, embarrass, and defame an incumbent President of the United States and that thereby undermined and impaired the President's ability to properly execute the duties of the office to which the people of the United States had elected him, including not only Mr. Starr's wrongful disclosures of grand fury material, but also other improper conduct, such as his actions and conduct calculated to suggest, without foundation, that the incumbent President had participated in preparing a so-called ''talking points'' outline to improperly influence the testimony of one or more persons scheduled to be deposed in a private civil action. By his wilful and persistent conduct in misrepresenting as well as improperly disclosing evidence that he had gathered, Mr. Starr committed high crimes and misdemeanors against the Constitution and the people of the United States of America.

(3) Mr. Starr intentionally, willfully, and improperly embarrassed the people and the President of the United States by including in the Starr Report an unnecessary and improper and extended detailed, salacious, and pornographic narrative account of the consensual sexual encounters that a grand jury witness testified she had with the incumbent President of the United States. By including the unnecessary and improper pornographic narrative, Mr. Starr intended to and did undermine and imperil the ability of the President to conduct the foreign relations of United States of America and otherwise to execute the duties of the office to which the people of the United States had elected him, and he knowingly and improperly embarrassed the United States as a nation. By including that narrative, knowing and intending that it would be published and disseminated, Mr. Starr committed a high crime and misdemeanor against the Constitution and the people of the United States of America.

In all of this, Kenneth W. Starr has acted in a manner contrary to his trust as an independent counsel of the United States and subversive of constitutional government, to the great prejudice of the cause of law and justice, and to the manifest injury of the people of the United States.

Wherefore Kenneth W. Starr, by such conduct, warrants impeachment and trial, and removal from office.

ARTICLE III

In his conduct of the office of independent counsel, Kenneth W. Starr violated the oath he took to support and defend the Constitution of the United States of America and the duties he had assumed as an office of the United States and acted in ways that were calculated to and that did unconstitutionally arrogate unto himself powers that the Constitution of the United States assigned