

except that for publicly owned treatment works, municipal separate storm sewer systems, and municipal combined sewer overflows (including control facilities) and other wet weather control facilities, nothing in this Act shall be construed to authorize the use of water quality standards or permit effluent limitations which result in the finding of a violation upon failure of whole effluent toxicity tests or biological monitoring tests.”; and

(3) by adding at the end the following:

“(C) Where the permitting authority determines that the discharge from a publicly owned treatment works, a municipal separate storm sewer system, or municipal combined sewer overflows (including control facilities) or other wet weather control facilities causes, has the reasonable potential to cause, or contributes to an in-stream excursion above a narrative or numeric criterion for whole effluent toxicity, the permit may contain terms, conditions, or limitations requiring further analysis, identification evaluation, or reduction evaluation of such effluent toxicity. Such terms, conditions, or limitations meeting the requirements of this section may be utilized in conjunction with a municipal separate storm sewer system, or municipal combined sewer overflows (including control facilities) or other wet weather control facilities only upon a demonstration that such terms, conditions, or limitations are technically feasible accurately represent toxicity associated with wet weather conditions, and can materially assist in an identification evaluation or reduction evaluation of such toxicity.”

(b) INFORMATION ON WATER QUALITY CRITERIA.—Section 304(a)(8) of such Act (33 U.S.C. 1314(a)(8)) is amended by inserting “, consistent with subparagraphs (B) and (C) of section 303(c)(2),” after “publish”.

(c) USE OF BIOLOGICAL MONITORING OR WHOLE EFFLUENT TOXICITY TESTING.—Section 402 of such Act (33 U.S.C. 1342) is amended by adding at the end the following:

“(q) USE OF BIOLOGICAL MONITORING OR WHOLE EFFLUENT TOXICITY TESTING.—

“(1) IN GENERAL.—Where the Administrator determines that it is necessary in accordance with subparagraphs (B) and (C) of section 303(c)(2) to include biological monitoring, whole effluent toxicity testing, or assessment methods as a term, condition, or limitation in a permit issued to a publicly owned treatment works, a municipal separate storm sewer system, or a municipal combined sewer overflow (including a control facility) or other wet weather control facility) permit term, condition, or limitation shall be in accordance with such subparagraphs.

“(2) RESPONDING TO TEST FAILURES.—If a permit issued under this section contains terms, conditions, or limitations requiring biological monitoring or whole effluent toxicity testing designed to meet criteria for biological monitoring or whole effluent toxicity, the permit may establish procedures for further analysis, identification evaluation, or reduction evaluation of such toxicity. The permit shall allow the permittee to discontinue such procedures, subject to future reinitiation of such procedures upon a showing by the permitting authority of changed conditions, if the source of such toxicity cannot, after thorough investigation, be identified.

“(3) TEST FAILURE NOT A VIOLATION.—The failure of a biological monitoring test or a whole effluent toxicity test at a publicly owned treatment works, a municipal separate storm sewer system, or a municipal combined sewer overflow (including a control facility) or other wet weather control facility shall not result in a finding of a violation under this Act.”.

## ON IMPEACHMENT

### HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 6, 1999

Mrs. MINK of Hawaii. Mr. Speaker, my constituents who ask me to vote for impeachment do so on the assumption that the President has been found guilty of perjury.

They ask me to apply the law to the President the same as I would apply for ordinary citizens.

I have analyzed my views in accordance with this direction.

I say with no doubt whatsoever, that the Articles of Impeachment or the record which accompanied it make no specific finding of facts as to exactly what statement was given under oath that forms the basis of the crime of perjury.

There are many suggestions and innuendoes and assumptions, but there is no specific listing of proof upon which the Judiciary Committee relied to make its recommendation to impeach and remove the President from office.

The Judiciary Committee takes the position that they are not required to provide the House with any degree of specificity. They interpret their report on impeachment as merely a referral of various and sundry allegations to the Senate and accordingly forfeited their duty to examine the facts independently and decide exactly what facts support the allegations of perjury. I believe that this view of our Constitutional duty is an abdication of our sworn responsibility.

If this House is prepared to remove the President from office it must do so on the basis of specific findings of criminal behavior. It cannot be on generalized allegations with a hope that the Senate will determine whether crimes have been committed.

I agree with my constituents who ask us to apply the same law to the President as would be applied to ordinary people.

Ordinary citizens would be given the specific basis underlying the charge of perjury.

The President has not been provided this information. He has been presumed guilty of perjury because he will not admit to it. How does this square with the rule of law?

I believe that it is the duty of the courts under which the President was required to provide sworn testimony to review the statements and to make a prompt determination as to which of the charges of perjury is sustainable.

What if the Courts refuse to charge the President of the crime of perjury as some commentators suggest? If he is driven out of office before the Court makes this finding, how will this House remedy this ultimate penalty?

To vote for these Articles of Impeachment is to vote to remove the President from office without any of us knowing what exactly he testified to under oath amounted to perjury. At the minimum this must be elaborated in the Articles of Impeachment so that the Public and the Senate may know what the specific charges are and so that the President may defend himself.

When I vote against these Articles of Impeachment, I will do so because I cannot allow this House to avoid its Constitutional duty to enumerate its allegations of perjury before recommending impeachment.

No President is above the law. He is at least entitled to the same protection that applies to each of us if we should be charged with criminal conduct.

People who are charged with crimes must be informed of the specific charges.

Without that, the call for the rule of law is an empty and hollow gesture.

## IMPEACHMENT OF PRESIDENT CLINTON

### HON. JOHN F. TIERNEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 6, 1999

Mr. TIERNEY. Mr. Speaker, I shall be voting against each of the articles of impeachment. I am convinced that impeachment is not in the best interest of the country and its citizens. President Clinton's conduct—inappropriate and wrong as it was—does not reach the threshold necessary to constitute the kind of high crimes and misdemeanors envisioned by the founding fathers and subsequent interpreters of the Constitution.

I have reached this decision after reviewing applicable law and precedence, after considering the views of academics, and after weighing the comments of constituents. A vote for impeachment ought to be a matter of conscience, but it should also not be unmindful of the strong opinion of the governed. Impeachment in this case would essentially undo the results of two popular elections.

As my colleague HOWARD BERMAN has stated, “That the President's conduct is not impeachable does not mean that society condones his conduct. Rather, it means that the popular vote of the people should not be abrogated for this conduct—when the people clearly do not wish for this conduct to cause the abrogation. \* \* \* Conduct that may not be impeachable for the President \* \* \* is not necessarily conduct that is acceptable in the larger society.”

Indeed the President is not blameless for the sorry state of affairs now before us. His actions were, as he admitted, indefensible, and his obfuscation of facts has been “maddening.” It would be entirely appropriate, I believe, for either or both bodies of Congress to strongly rebuke the President for his conduct and his lack of judgment.

It is regrettable that the leadership of the majority party, in the face of overwhelming public sentiment not to impeach—and in defiance of a fair number of its own party who have said that impeachment is not the appropriate course—has seemingly chosen to politicize this most serious matter. There is reason to believe that enormous pressure has been exerted on rank and file members of the majority party to support impeachment. The Republican leadership has compounded the situation by refusing to allow for a vote on the motion to censure the President—something that again its own members have said should be permitted. Leading members of the majority would have us believe they are acting out of conscience. Yet they would deny other members that same right. This sets the stage for bitter and needlessly divisive recriminations in the months ahead as the 106th Congress begins to confront the issues on our national agenda.

This country and its citizens will pay the price for such a course. While the President must bear responsibility for his role in allowing this scenario to develop, we cannot undo the past, and the Republican party must bear responsibility for prolonging a situation that most American rightfully want to be brought to a close.

The accusations against the President are serious. So too are the consequences of subjecting the nation to a Senate tribunal. To those who argue that the President should not be treated differently than others accused of similar misdeeds, let them be reminded that the President would still be subject to prosecution once out of office. It should be noted there is a large body of opinion that the statements in question made under oath by the President are not generally pursued criminally given the context in which they were made. However, the history of Ken Starr's relentless pursuit of William Clinton suggest that the President might stand little chance of receiving an objective analysis on the question of whether or not to prosecute.

The world may ask—how did it come to this? The answer may well rest in a combination of factors—blatant partisanship, unreasonably strong personal animosity toward the President, a righteousness by those who appear to have lost any capacity for forgiveness, and a total disregard for the larger issues at stake.

There are those who may truly believe that the facts do, in fact, require impeachment. However the process by which any such determination might have been made was deeply flawed and strained credulity. House Judiciary Committee Chairman HENRY HYDE said at the outset that successful impeachment would require bipartisanship. By that standard alone, the results are a failure. Unfortunately, the House Judiciary Committee chose to follow the lead of so-called Independent Counsel Ken Starr, and utterly failed to develop any facts of its own that would bear on the allegations. The Committee made a mockery of the responsibilities that come with consideration of impeachment and debased the Constitutional criteria by which impeachment is justified.

From the outset, I opposed the process pursued by the Committee. As members of the Committee noted, the majority proceeded from allegations to a conclusion, ignoring fact-finding or rational inquiry. In short, the process was unfair. By denying the House the opportunity to vote on censure, and by introducing raw partisanship into a vote of conscience, the majority has compounded that unfairness. Attempts to inflict the maximum amount of pain on the President by insisting on impeachment—the ultimate “scarlet letter” as Mr. McCOLLUM put it—risks putting this country through an experience it need not endure. In view of the strong reasons not to impeach, and the strong public sentiments against such action, the partisan march toward impeachment is truly regretful.

HINDU NATIONALISTS DESTROY  
CHRISTIAN CHURCHES IN “SECULAR” INDIA

### HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 6, 1999*

Mr. TOWNS. Mr. Speaker, I was disturbed by recent reports that several Christian churches, prayer halls, and religious missions have recently been destroyed by Hindu extremists affiliated with the Vishwa Hindu Parishad (VHP), a militant Hindu organization. The Bharatiya Janata Party (BJP), the party that leads the governing coalition, is also part of the VHP.

The violence forced many Christian congregations to cancel New Year's celebrations for fear of offending the Hindu militants, which could lead to further violence. Is this the secularism that India boasts about? Clearly, there is no religious freedom for these Christians in India.

Unfortunately, these are just the latest incidents of violence against Christians in India. Four nuns were raped last year by a Hindu gang. The VHP described the rapists as “patriotic youth” and called the nuns “antinational elements.” To be Christian in secular India is to be an antinational element! At least three priests were killed in 1997 and 1998, and in 1997 police opened fire on a Christian festival that was promoting the theme “Jesus is the Answer.”

Apparently, the Hindu Nationalists are afraid that the Dalits, or “Untouchables”, the aboriginal people of South Asia who are at the bottom of the caste structure, are switching to other religions, primarily Christianity, thus improving their status. This undermines the caste structure which is the foundation of the Hindu social structure.

The Indian government has killed more than 200,000 Christians since 1947 and the Christians of Nagaland, in the eastern part of India, are involved in one of 17 freedom movements within India's borders. But the Christians are not the only ones oppressed for their religion.

India has murdered more than 250,000 Sikhs since 1984 and over 60,000 Muslims in Kashmir since 1988, as well as many thousands of other people. The holiest shrine in the Sikh religion, the Golden Temple in Amritsar, is still under occupation by plainclothes police, some 14 years after India's brutal military attack on the Golden Temple. The previous Jathedar of the Akal Takht, Gurdev Singh Kaunke, was killed in police custody by being torn in half. The police disposed of his body. He had been tortured before the Indian government decided to kill him.

The Babri mosque, the most sacred Muslim shrine in the state of Uttar Pradesh, was destroyed by the Hindu militants who advocate building a Hindu temple on the site. Yet India proudly boasts that it is a religiously tolerant, secular democracy.

This kind of religious oppression does not deserve American support. We should take tough measures to ensure that India learns to respect basic human rights. All U.S. aid to India should be cut off and we should openly declare U.S. support for self-determination for all the peoples of the subcontinent. By these measures we can help bring religious freedom and basic human rights to Christians, Sikhs, Muslims, and everyone else in South Asia.

Mr. Speaker, I would like to introduce Press reports on the attacks on Christian religious institutions into the RECORD.

[From the Washington Post, January 3, 1999]  
HINDUS BLAMED FOR ATTACKS ON CHRISTIANS

NEW DELHI.—India's main opposition Congress party said a wave of attacks on Christians appeared to be a campaign by Hindu right-wing groups to whip up conflict.

Police detained 45 Hindus Friday in connection with torching a Catholic prayer hall by mobs Wednesday. Four nuns and two priests were injured in the 10th reported attack against Christians since Christmas.

No one has claimed responsibility for the attacks in the western state of Gujarat, but Congress and Christian activists blame Hindu right-wing activists, including the Vishwa Hindu Parishad—World Hindu Council—and its affiliate, Bajrang Dal. Christians make up 2.3 percent of the 960 million people in politically secular India. More than 80 percent of the population are Hindus.

[From the Washington Post, December 31, 1998]

INDIAN CHRISTIANS CANCEL NEW YEAR SERVICES

MULCHAND, INDIAN.—Christian congregations in western India are canceling New Year prayer services this year, fearful of provoking more violence from radical Hindus who already have destroyed a dozen churches. The violence has put the governing Bharatiya Janata Party (BJP) in the awkward position of needing to protect India's Christian minority from groups affiliated with the Hindu nationalist party. Since Friday, mobs armed with axes, iron bars, hammers and stones have attacked 18 churches, prayer halls or Christian schools.

GENETIC INFORMATION NON-DISCRIMINATION IN HEALTH INSURANCE ACT OF 1999

### HON. LOUISE M. SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 6, 1999*

Ms. SLAUGHTER. Mr. Speaker, I am proud to introduce today H.R. 306, the Genetic Information Nondiscrimination in Health Insurance Act of 1999.

Over the past few years, genetic discoveries have proceeded at a pace undreamt of less than a decade ago. Genes have been identified that are linked to common disorders like colon cancer, heart disease, and breast cancer. Doctors and researchers are moving rapidly to develop gene therapies and specialized drugs that attack only cells carrying damaged DNA.

A tiny sample of blood, tissue, or hair can now reveal the most intimate secrets of an individual's present and future health. While this information holds tremendous promise for curing disease and alleviating human suffering, it also carries an equal potential for abuse.

As a result, I am reintroducing the Genetic Information Nondiscrimination in Health Insurance Act. This vital legislation would prevent health insurers from denying, canceling, refusing to renew, or changing the terms, premiums, or conditions of coverage on the basis of genetic information. It would prohibit insurance companies from requesting or requiring that a person reveal genetic information. Finally, it would protect the privacy of genetic information by requiring that an insurer obtain