

Recently, Mr. Higginbotham urged the House Judiciary Committee not to impeach President Clinton. "Perjury has graduations. Some are serious, some are less," he testified. "If the president broke the 55-mph speed limit and said under oath he was going 49, that would not be an impeachable high crime. And neither is this."

Mr. Higginbotham is also acclaimed for his multivolume study of race, "Race and the American Legal Process." In those books, he examined how colonial law was linked to slavery and racism, and examined how the post emancipation legal system continued to perpetuate oppression of blacks.

At the time of his death, Higginbotham was working on an autobiography.

He leaves his wife, Evelyn Brooks Higginbotham, a professor of history and Afro-American studies at Harvard; two daughters, Karen and Nia; and two sons, Stephen and Kenneth.

#### RE-INTRODUCTION OF THE "CODE OF ELECTION ETHICS"

### HON. JOHN ELIAS BALDACCI

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 19, 1999*

Mr. BALDACCI. Mr. Speaker, most campaign reform efforts are focused on the financing aspect. This is an important issue, and I have been a strong proponent of moving forward with campaign finance reform. However, while the American people are tired of the abuses in our campaign finance system, they are equally tired of the negative campaigns that seem to have become the norm. The tone of campaigns—as well as their financing—has an impact on public trust in government and citizen participation in the electoral process.

For that reason, I am today re-introducing legislation that would encourage congressional candidates to abide by a "Code of Election Ethics." It is based on the Maine Code of Election Conduct, which was developed by the Margaret Chase Smith Center for Public Policy at the University of Maine and the Center for Global Ethics in Camden, Maine. During the 1996 and 1998 general elections, all Maine gubernatorial and congressional candidates agreed to abide by the state Code. The Code worked well, and Maine voters benefited from generally positive, issue-based campaigns. Maine's voter participation rate was among the highest in the nation.

This Code of Election Ethics asks candidates to be "honest, fair, respectful, responsible and compassionate" in their campaigns. The bill requires the Clerk of the House and the Secretary of the Senate to make public the names of candidates who have agreed to the Code.

I believe that the American people want a campaign system they can be proud of. This has to include two parts. First, we must clean up the way in which campaigns are financed. And second, we must elevate the level of the debate between candidates, to ensure that we engage in civilized and substantive campaigns. The Code of Election Ethics will serve as a reminder to candidates, and provide the public with a yardstick by which to measure the performance of candidates.

Something must be done to enhance people's confidence in government and faith in

our democracy. I believe this bill is a step in the right direction. I am proud to have Representatives ALLEN and HINCHEY joining me as original co-sponsors, and I hope that many of you will add your support to this effort to improve the quality of congressional campaigns.

#### SOFT MONEY BAN

### HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 19, 1999*

Mrs. MINK of Hawaii. Mr. Speaker, last session, we came close to passing meaningful campaign finance reform that would have put integrity back in our election laws. Unfortunately, the final bill died in the House and the 1998 elections were business as usual.

When we look at the numbers of the 1998 election, they tell us the whole story: that money decided the winners and losers of the elections.

According to the Center for Responsive Politics, in 94 percent of Senate races and 95 percent of U.S. House races, the candidate who spent the most money was the winner on election day. In the House of Representatives, incumbent re-election rate was 98 percent—the highest rate since 1988 and one of the highest this century. This re-election rate was directly attributed to the amount of money spent.

We have got to take a stand now. If we do not, the race for money will only continue to grow and grow.

We can argue on the numerous provisions that should be included in comprehensive campaign finance reform, but one thing we should all agree on is the banning of soft money to National Parties.

My bill simply does that. It places the same limits on the contributions to the National Parties as is currently in effect for contributions made to all candidates for federal office.

Let's ban soft money this year. Let's take a stand and restore confidence in our government.

#### INTRODUCTION OF LEGISLATION TO HELP MEDICARE BENEFICIARIES HURT BY Y2K COMPUTER DELAYS IN HOSPITAL OUTPATIENT DEPARTMENT PAYMENT REFORM

### HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 19, 1999*

Mr. STARK. Mr. Speaker, a number of Medicare provisions in the Balanced Budget Act have been delayed because of the Year 2000 computer "bug" problem. One delay involves postponing reforms in the way Medicare pays for beneficiaries who receive services in hospital outpatient departments (HOPDs).

This is as complicated and Byzantine an area of payment policy as exists in Medicare—but the bottom line is that the delay will cost seniors and the disabled \$460 million in 1999 compared to what they would have saved if the HOPD reform that Congress in-

tended and enacted had proceeded on course.

\$460 million is a lot of money for seniors facing medical problems. Hopefully, HCFA's Y2K corrections will proceed on schedule and beneficiaries can begin saving money in 2001 when the HOPD changes are implemented. But in case there are problems, seniors could continue to see higher costs than they should well into year 2000.

This is a relatively simple problem to fix. I am introducing a bill today that will deliver on the BBA's promise to seniors of nearly half a billion in savings in 1999. I urge the Ways and Means and Senate Finance Committees to consider this proposal on an emergency basis. It will have no cost of Medicare—but it will provide much needed relief from HOPD overcharges. It has the support of the Administration.

Following is a technical explanation of the problem and the solution. Again, Mr. Speaker, we should not get lost in the turgidness of the issue—we should just keep our eyes on the fact that the half billion in promised savings can still be achieved.

#### PROPOSAL TO REDUCE MEDICARE OUTPATIENT DEPARTMENT COINSURANCE

CURRENT LAW

Coinsurance for hospital outpatient department (OPD) services is currently based on 20 percent of a hospital's charge. Under the prospective payment system (PPS) for hospital OPD services, coinsurance will no longer be based on charges. Instead, base copayment amounts will be established for each group of services based on the national median of charges for services in the group in 1996 and updated to 1999. These copayment amounts will be frozen until such time as coinsurance represents 20 percent of the total fee schedule amount. If the OPD PPS were implemented in 1999, calculation of the copayment amounts in such a fashion would result in coinsurance savings of \$460 million for beneficiaries in 1999.

HCFA, however, will not be able to implement the OPD PPS in 1999 due to the intensive efforts and resources that must be devoted to achieving year 2000 compliance. It will be implemented as soon as possible after January 1, 2000. In the absence of the OPD PPS, coinsurance will continue to be based on 20 percent of charges.

PROPOSAL

Beginning on January 1, 1999 and until such time as the OPD PPS is implemented, coinsurance would be based on a specified percentage of charges, which will be lower than 20 percent. The specified percentage (e.g., 18% or 17.5%) would be calculated by the Secretary and specified in law so that the beneficiaries, in aggregate, would achieve coinsurance savings equal to \$460 million in 1999. These savings are equal to the amount that would have been saved by beneficiaries in 1999 if the OPD PPS were implemented.

The Medicare payment, however, would continue to be calculated as if coinsurance were still based on 20 percent of charges. In so doing, the beneficiary coinsurance savings are not passed on to the Medicare program as a cost. Instead, the loss will be absorbed by hospitals, which is the same outcome that would have occurred in 1999 under the OPD PPS.

Under this proposal, hospitals would not be able to recoup their losses by increasing their charges. In fact, increasing their charges would result in a further loss. This is because higher charges cause an increase in coinsurance but an offsetting reduction in

the Medicare payment since coinsurance is subtracted out in order to determine the Medicare payment. Furthermore, since the Medicare payment is calculated as if coinsurance is 20% (rather than 18%), the Medicare payment would go down by more than the increase in the coinsurance payment (which is based on a lower percentage).

SIKH LEADER WRITES ON  
REPRESSION OF CHRISTIANS

**HON. EDOLPHUS TOWNS**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 19, 1999*

Mr. TOWNS. Mr. Speaker, as you know, there has been a recent wave of attacks by Hindu Nationalists on Christian churches, prayer halls, and schools. This has followed the killings of priests, the raping of four nuns by a Hindu mob described by the Hindu Nationalist VHP as "patriotic youth." Just this week, more churches have been attacked. No action has been taken to stop the religious violence. This situation has made it clear to the world that India's claims of democracy and secularism are fraudulent.

In this light, it was encouraging to see a letter in the January 18 issue of the *Washington Times* by Dr. Gurmit Singh Aulakh, President of the council of Khalistan, that addresses this issue. We all know Dr. Aulakh to be a tough and fair advocate of independence for the Sikhs in Khalistan, who have also come under the tyranny of Indian "secularism." I would recommend to my colleagues that they read Dr. Aulakh's letter. It will give them a lot of information on the reality of religious repression in India. As Dr. Aulakh wrote, "These attacks show that religious freedom in India is a myth."

Christians, Sikhs, and Muslims have suffered at the hands of India's ruling elite. As the letter shows, they are all being murdered by the Indian government. That government has paid more than 41,000 cash bounties to police officers for killing Sikhs. Meanwhile, Amnesty International and other independent human-rights monitors have been kept out of India since 1978, even longer than Communist Cuba has kept them out.

A country that kills its minorities for their ethnic or religious identity is not a fit recipient of American support. As the only superpower and the leader of the world, we have a duty to do whatever we can to support the cause of freedom in South Asia.

We should cut off American aid and trade to India until human rights, including religious liberty, are secure and regularly practiced. We should declare India a violator of religious freedom and impose the sanctions appropriate to that status. And to ensure the safety of religious and political freedom in South Asia, we should declare our support for the 17 freedom movements within India's borders. We can start by calling for full self-determination for the Sikhs of Khalistan, the Muslims of Kashmir, and the Christians of Nagaland. These steps will help bring the people of South Asia the kind of freedom that we in America enjoy.

Mr. Speaker, I would like to introduce Dr. Aulakh's letter in the January 18 *Washington Times* into the RECORD.

[From the *Washington Times*, Jan. 18, 1999]

INDIA CONTINUES TO RESTRICT RELIGIOUS  
FREEDOM

(By Gurmit Singh Aulakh)

Thank you for your editorial ("Mother Teresa's children," Jan. 10) exposing more than 90 attacks on Christians since the Bharatiya Janata Party (BJP) came to power last year. These attacks show that religious freedom in India is a myth.

Just when we thought the recent wave of attacks on Christians in India was over, your editorial exposed the burning of two more churches by Hindu mobs affiliated with the Vishwa Hindu Parishad, part of the Rashtriya Swayamsevak Sangh, a militant Hindu nationalist organization that is also the parent organization of the ruling (BJP).

It is not just Christians who have suffered from persecution and violence in the hands of the Indian government. Sikhs and Muslims, among others, have been victimized as well. In August 1997, Narinder Singh, a spokesman for the Golden Temple in Amritsar, the center and seat of the Sikh religion, told National Public Radio: "The Indian government, all the time they boast that they're democratic, they're secular, but they have nothing to do with a democracy, they have nothing to do with secularism. They try to crush Sikhs just to please the majority."

The Indian government has killed more than 200,000 Christians since 1947. It has also murdered more than 250,000 Sikhs since 1984, over 60,000 Muslims in Kashmir since 1988 and tens of thousands of other religious and ethnic minorities. The most revered mosque in India has been destroyed to build a Hindu temple. Police murdered the highest Sikh spiritual and religious leader, Akal Takht Jathedar Gurdev Singh Kaunke, and human rights activist Jaswant Singh Khalra. There are police witnesses to both of these crimes. The U.S. State Department reported that between 1992 and 1994 the Indian government paid more than 41,000 cash bounties to police for killing Sikhs. Plainclothes police continue to occupy the Golden Temple. There have been more than 200 reported atrocities against Sikhs since the Akali/Dal/BJP government took power in March 1997.

It is not just the BJP that has practiced religious tyranny in pursuit of a Hindu theocracy in India. Many of these incidents came under the rule of the Congress Party. No matter who is in power, the minorities in India suffer from severe oppression. The only solution is to support self-determination for the peoples and nations of South Asia, so they can live in freedom, peace, prosperity and security.

India is not a single country; it is a polyglot empire that was thrown together by the British for their political convenience. Its breakup is inevitable. As the world's only superpower, the United States has a responsibility to make sure this process is peaceful, as it was for the Soviet Union and Czechoslovakia. Otherwise, a Bosnia will be created in South Asia.

Thank you for exposing the true nature of India's "secular democracy." Exposing these brutal practices will help bring true freedom to South Asia.

HOUSE CONSIDERATION OF H. RES.  
611—IMPEACHMENT RESOLUTION

**HON. WILLIAM J. COYNE**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 19, 1999*

Mr. COYNE. Mr. Speaker, I rise today in opposition to this resolution, to these articles of

impeachment, and to these unfair, partisan proceedings which deny Members the right to vote on the alternative of censure.

Mr. Speaker, we are all disappointed by the President's actions. The President himself has admitted that he acted improperly and then misled the public, his family, his staff, and others about those actions.

This debate today, however, is not simply about whether the President did something wrong, or even whether he did something illegal. Rather, the issue before us today is what, if any, action Congress should take in response. Specifically, the Members of the House are being asked whether we believe that President Clinton's actions were so egregious that he should be impeached and removed from office. I do not believe that these misdeeds merit impeachment.

Impeachment is a statement by Congress that the President is unable to carry out the responsibilities of his office, or that he cannot be trusted to do so. The Constitution specifies "Treason, Bribery, or other high Crimes and Misdemeanors" as the proper grounds for impeachment. Impeachment, by removing the nation's highest elected official, nullifies a vote made by the American people—in President Clinton's case twice—and I believe that it should only be undertaken in the most dire of circumstances. Impeachment has historically been understood to be an option that should only be exercised when continuation of the President in office presents a clear and serious threat to our nation or our constitutional form of government. I do not believe that the President's offenses reach the threshold for impeachment.

Rather, I believe that censure of the President by the House and Senate is a more appropriate punishment. Censure would reflect for all time Congress and the public's disapproval of the President's behavior, and it would balance the need to punish the President with the public's desire to have him finish out his term.

Some have suggested that censure would allow the president to escape punishment for his misdeeds. That isn't the case. Others argue that censure of President Clinton, like the censure of President Andrew Jackson, could be overturned and would therefore be meaningless. To them, I can only observe that Americans are not fools. I believe that Americans in coming years will judge President Clinton, as well as the Members of the 105th Congress, wisely and with the perspective that only time can bring to this contentious issue. Let us hope that each of us here today will be able to meet history's more objective scrutiny.

Consequently, I will vote today against impeachment. It is unfortunate and unfair that my colleagues and I will not be given the opportunity to vote on a censure motion. I believe that we should have that choice. The Republican leadership is apparently afraid that a number of their Members, if given the opportunity, would vote for censure and against impeachment.

I will vote in favor of any procedural motions to allow a vote on censure, but I have little hope that such efforts will prevail. The majority leadership has made it known that all Republicans must support procedural votes on impeachment and censure, and that they will face serious repercussions if they do not toe the line. That is unfortunate. Every Member should be allowed to freely vote his or her conscience on an important question like this.