

What is the likelihood that prolonging this trial to hear from these and possibly other witnesses will bring new details to light that could change the outcome of this trial? Regarding at least one witness—Ms. Lewinsky—we know from her interview by the Managers two weeks ago: virtually nil.

A third reason to oppose this motion is that witness testimony will invite the introduction of salacious details onto the Floor of the United States Senate—details with which we are already painfully familiar, and details about which any differences between the President and Ms. Lewinsky are immaterial and irrelevant to the charges contained in the Articles presented by the House Republican Managers.

The Managers tell us that they have no interest in raising any such details. But sexual misconduct is at the core of this case. Manager BRYANT admitted as much when he said on the Floor that the issue in Article I is “perjury about sex”. The same could be said about Article II—the issue is obstruction about sex.

Every question about perjury or obstruction, then, necessarily invites testimony about the sexual details of this scandal. Given the massive size of the record, I do not think we need to risk allowing the Senate to become a forum for that kind of speech. It will not bring dignity to this proceeding or credit to this institution.

If we somehow think that we can summon witnesses to appear in this trial and at the same time guarantee that the Senate will not become a kind of burlesque stage for the airing of this case’s tawdry factual essence, let me remind my colleagues of the frenzied circus that formed immediately upon the news that Ms. Lewinsky had arrived in Washington, D.C. for questioning by the Managers. Once the door to witnesses is opened, the Senate will be hard-pressed to keep that atmosphere from spilling into this trial and this body.

The fourth reason why we should not call witnesses is that they will prolong this process needlessly and extensively. Senator WARNER made the point well several days ago: it is questionable whether the list of witnesses, and the time required to hear from them, could be strictly limited because to do so might deny the President his right to defend himself.

The point was echoed by one of the attorneys for the President. He stated that he and his associates would be committing “malpractice” if they failed to seek the most aggressive possible discovery process should that course be opened to them.

That discovery process may reasonably be expected to include subpoenas for documents, interviews with corroborating witnesses, depositions, examinations and cross-examinations. As any person familiar with litigation knows, such a process is not easily restricted in time and scope. It could

take weeks, or longer, to conclude. During that time, Senators would not necessarily be free from the burdens of serving as triers of fact in the court of impeachment. They could well be called upon to make any number of evidentiary rulings. They could be called upon to comment publicly on matters raised during depositions—including on salacious matters that deserve no comment. In short, this process could drag on and on.

Fifth, and finally, let me say that I remain unconvinced by the argument of the Managers that witnesses are so critical here. They have failed convincingly to explain why witnesses are so indispensable in this trial if they were so dispensable during the impeachment proceedings in the other body.

During those proceedings, Mr. Manager HYDE said that “the most relevant witnesses have already testified at length about the matters in issue. And in the interest of finishing our expeditious inquiry, we will not require most of them to come before us to repeat their testimony.” Regarding Monica Lewinsky and Linda Tripp, he added that they “have already testified under oath. We have their testimony. We don’t need to reinvent the wheel.”

Likewise, Mr. Manager GEKAS stated during the House hearings that “bringing in witnesses to rehash testimony that’s already concretely in the record would be a waste of time and serve no purpose at all.”

The fervor with which the Managers call for witnesses now is not only inconsistent with their refusal to call them earlier. It is also inconsistent with their underlying assertion that the facts in evidence already prove the President’s criminal culpability. If the Managers have any doubt about whether their evidence was sufficient to prove guilt and justify removal, then they had a responsibility to resolve those doubts in the House of Representatives—before they came to this body and had us take an oath to do impartial justice. They should never have put us through this trial.

In conclusion, and at the risk of stating the obvious, we should remember that we, the members of the Senate, are the triers of fact here. We are the ones who control how this trial is to be conducted. Each side deserves to be treated fairly. But neither side deserves an unlimited and open-ended right to put forth their arguments.

I have never known a lawyer arguing a losing case to say he or she couldn’t benefit from one more day in court. The proper response to a lengthy trial and a weak case is not more length and more case—it’s an end to the case.

Does anyone seriously believe that the outcome of this proceeding will be changed by allowing a parade of witnesses?

Does anyone seriously believe that they will shed new and meaningful light on the key areas of this dispute?

After our historic, bipartisan agreement to begin this trial, after weeks of

the trial itself, after the opportunity to read a massive factual record, after the opportunity to ask over 100 questions—after all this, I do not believe that witnesses are now needed to demonstrate the Senate’s commitment to conduct this trial in a fair and thorough manner. The dignity of this proceeding and the decorum of this institution are not likely to be enhanced—and could well be damaged—by taking such a step.

In my view, the Managers’ motion to call witnesses is the expression of an increasingly desperate desire to breathe life into a case that—as the vote on the motion to dismiss demonstrated—has failed to convince anywhere close to two-thirds of the Senate as to its merit. They are eager for something, anything, to rescue the sinking ship that their impeachment has become.

Their motion, furthermore, is an expression of the partisan process that they began in the House and now seek to perpetuate in the Senate. Having lost five seats in the November elections, Republican leaders in the other body, including the Managers, knew that their best chance to impeach the President was during the lame duck session of the 105th Congress. So they eschewed a bipartisan inquiry, decided not to call witnesses, and forbade members from considering a censure resolution in that chamber—all so they could force a vote on articles of impeachment before the start of the 106th Congress. Two of the articles considered failed. Two others passed, but only by exceedingly slim margins: the Article alleging obstruction of justice would have failed if just five Representatives had voted differently; the Article alleging perjury would have failed if just eleven Representatives had cast their vote against impeachment.

Having rushed to judgment in the House, the Managers now rush to delay judgment in the Senate. Why? I think the reason is obvious: because they know that their case is weak. From the moment the Articles were drafted in the House, they have attempted to obscure that inescapable fact.

Each side of this dispute has now had ample opportunity to present its case. The time has come to bring this matter to a close, and return to the other compelling issues that we were elected to address. While I regret that the majority party in the Senate has decided to move forward with the calling of witnesses and gathering of additional information, I remain hopeful that we can conclude this trial at the earliest possible opportunity. ●

#### ADOPTION OF RULES OF PROCEDURE OF THE COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

● Mr. GRAMM. Mr. President, the Committee on Banking, Housing, and Urban Affairs held its organizational meeting for the 106th Congress on Tuesday, January 19, 1999. At that

meeting, the full committee adopted rules of procedure for the committee for the 106th Congress.

In accordance with Rule XXVI of the Standing Rules of the Senate, I am submitting those rules, as adopted, for printing in the CONGRESSIONAL RECORD. I ask that they be printed in the RECORD.

The rules follow:

**RULES OF PROCEDURE FOR THE COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS**

(Adopted in executive session, January 28, 1997)

**RULE 1.—REGULAR MEETING DATE FOR COMMITTEE**

The regular meeting day for the Committee to transact its business shall be the last Tuesday in each month that the Senate is in Session; except that if the Committee has met at any time during the month prior to the last Tuesday of the month, the regular meeting of the Committee may be canceled at the discretion of the Chairman.

**RULE 2.—COMMITTEE**

(a) *Investigations.*—No investigation shall be initiated by the Committee unless the Senate, or the full Committee, or the Chairman and Ranking Minority Member have specifically authorized such investigation.

(b) *Hearings.*—No hearing of the Committee shall be scheduled outside the District of Columbia except by agreement between the Chairman of the Committee and the Ranking Minority Member of the Committee or by a majority vote of the Committee.

(c) *Confidential testimony.*—No confidential testimony taken or confidential material presented at an executive session of the Committee or any report of the proceedings of such executive session shall be made public either in whole or in part or by way of summary, unless specifically authorized by the Chairman of the Committee and the Ranking Minority Member of the Committee or by a majority vote of the Committee.

(d) *Interrogation of witnesses.*—Committee interrogation of a witness shall be conducted only by members of the Committee or such professional staff as is authorized by the Chairman or the Ranking Minority Member of the Committee.

(e) *Prior notice of markup sessions.*—No session of the Committee or a Subcommittee for marking up any measure shall be held unless (1) each member of the Committee or the Subcommittee, as the case may be, has been notified in writing of the date, time, and place of such session and has been furnished a copy of the measure to be considered at least 3 business days prior to the commencement of such session, or (2) the Chairman of the Committee or Subcommittee determines that exigent circumstances exist requiring that the session be held sooner.

(f) *Prior notice of first degree amendments.*—It shall not be in order for the Committee or a Subcommittee to consider any amendment in the first degree proposed to any measure under consideration by the Committee or Subcommittee unless fifty written copies of such amendment have been delivered to the office of the Committee at least 2 business days prior to the meeting. It shall be in order, without prior notice, for a Senator to offer a motion to strike a single section of any measure under consideration. Such a motion to strike a section of the measure under consideration by the Committee or Subcommittee shall not be amendable. This section may be waived by a majority of the members of the Committee or Subcommittee voting, or by agreement of the Chairman and

Ranking Minority Member. This subsection shall apply only when the conditions of subsection (e)(1) have been met.

(g) *Cordon rule.*—Whenever a bill or joint resolution repealing or amending any statute or part thereof shall be before the Committee or Subcommittee, from initial consideration in hearings through final consideration, the Clerk shall place before each member of the Committee or Subcommittee a print of the statute or the part or section thereof to be amended or repealed showing by stricken-through type, the part or parts to be omitted, and in italics, the matter proposed to be added. In addition, whenever a member of the Committee or Subcommittee offers an amendment to a bill or joint resolution under consideration, those amendments shall be presented to the Committee or Subcommittee in a like form, showing by typographical devices the effect of the proposed amendment on existing law. The requirements of this subsection may be waived when, in the opinion of the Committee or Subcommittee Chairman, it is necessary to expedite the business of the Committee or Subcommittee.

**RULE 3.—SUBCOMMITTEES**

(a) *Authorization for.*—A Subcommittee of the Committee may be authorized only by the action of a majority of the Committee.

(b) *Membership.*—No member may be a member of more than three Subcommittees and no member may chair more than one Subcommittee. No member will receive assignment to a second Subcommittee until, in order of seniority, all members of the Committee have chosen assignments to one Subcommittee, and no member shall receive assignment to a third Subcommittee until, in order of seniority, all members have chosen assignments to two Subcommittees.

(c) *Investigations.*—No investigation shall be initiated by a Subcommittee unless the Senate or the full Committee has specifically authorized such investigation.

(d) *Hearings.*—No hearing of a Subcommittee shall be scheduled outside the District of Columbia without prior consultation with the Chairman and then only by agreement between the Chairman of the Subcommittee and the Ranking Minority Member of the Subcommittee or by a majority vote of the Subcommittee.

(e) *Confidential testimony.*—No confidential testimony taken or confidential material presented at an executive session of the Subcommittee or any report of the proceedings of such executive session shall be made public, either in whole or in part or by way of summary, unless specifically authorized by the Chairman of the Subcommittee and the Ranking Minority Member of the Subcommittee, or by a majority vote of the Subcommittee.

(f) *Interrogation of witnesses.*—Subcommittee interrogation of a witness shall be conducted only by members of the Subcommittee or such professional staff as is authorized by the Chairman or the Ranking Minority Member of the Subcommittee.

(g) *Special meetings.*—If at least three members of a Subcommittee desire that a special meeting of the Subcommittee be called by the Chairman of the Subcommittee, those members may file in the offices of the Committee their written request to the Chairman of the Subcommittee for that special meeting. Immediately upon the filing of the request, the Clerk of the Committee shall notify the Chairman of the Subcommittee of the filing of the request. If, within 3 calendar days after the filing of the request, the Chairman of the Subcommittee does not call the requested special meeting, to be held within 7 calendar days after the filing of the request, a majority of the members of the

Subcommittee may file in the offices of the Committee their written notice that a special meeting of the Subcommittee will be held, specifying the date and hour of that special meeting. The Subcommittee shall meet on that date and hour. Immediately upon the filing of the notice, the Clerk of the Committee shall notify all members of the Subcommittee that such special meeting will be held and inform them of its date and hour. If the Chairman of the Subcommittee is not present at any regular or special meeting of the Subcommittee, the Ranking Member of the majority party on the Subcommittee who is present shall preside at that meeting.

(h) *Voting.*—No measure or matter shall be recommended from a Subcommittee to the Committee unless a majority of the Subcommittee are actually present. The vote of the Subcommittee to recommend a measure or matter to the Committee shall require the concurrence of a majority of the members of the Subcommittee voting. On Subcommittee matters other than a vote to recommend a measure or matter to the Committee no record vote shall be taken unless a majority of the Subcommittee is actually present. Any absent member of a Subcommittee may affirmatively request that his or her vote to recommend a measure or matter to the Committee or his vote on any such other matters on which a record vote is taken, be cast by proxy. The proxy shall be in writing and shall be sufficiently clear to identify the subject matter and to inform the Subcommittee as to how the member wishes his or her vote to be recorded thereon. By written notice to the Chairman of the Subcommittee any time before the record vote on the measure or matter concerned is taken, the member may withdraw a proxy previously given. All proxies shall be kept in the files of the Committee.

**RULE 4.—WITNESSES**

(a) *Filing of statements.*—Any witness appearing before the Committee or Subcommittee (including any witness representing a Government agency) must file with the Committee or Subcommittee (24 hours preceding his or her appearance) 75 copies of his or her statement to the Committee or Subcommittee, and the statement must include a brief summary of the testimony. In the event that the witness fails to file a written statement and brief summary in accordance with this rule, the Chairman of the Committee or Subcommittee has the discretion to deny the witness the privilege of testifying before the Committee or Subcommittee until the witness has properly complied with the rule.

(b) *Length of statements.*—Written statements properly filed with the Committee or Subcommittee may be as lengthy as the witness desires and may contain such documents or other addenda as the witness feels is necessary to present properly his or her views to the Committee or Subcommittee. The brief summary included in the statement must be no more than 3 pages long. It shall be left to the discretion of the Chairman of the Committee or Subcommittee as to what portion of the documents presented to the Committee or Subcommittee shall be published in the printed transcript of the hearings.

(c) *Ten-minute duration.*—Oral statements of witnesses shall be based upon their filed statements but shall be limited to 10 minutes duration. This period may be limited or extended at the discretion of the Chairman presiding at the hearings.

(d) *Subpoena of witnesses.*—Witnesses may be subpoenaed by the Chairman of the Committee or a Subcommittee with the agreement of the Ranking Minority Member of

the Committee or Subcommittee or by a majority vote of the Committee or Subcommittee.

(e) *Counsel permitted.*—Any witness subpoenaed by the Committee or Subcommittee to a public or executive hearing may be accompanied by counsel of his or her own choosing who shall be permitted, while the witness is testifying, to advise him or her of his or her legal rights.

(f) *Expenses of witnesses.*—No witness shall be reimbursed for his or her appearance at a public or executive hearing before the Committee or Subcommittee unless such reimbursement is agreed to by the Chairman and Ranking Minority Member of the Committee.

(g) *Limits of questions.*—Questioning of a witness by members shall be limited to 5 minutes duration when 5 or more members are present and 10 minutes duration when less than 5 members are present, except that if a member is unable to finish his or her questioning in this period, he or she may be permitted further questions of the witness after all members have been given an opportunity to question the witness.

Additional opportunity to question a witness shall be limited to a duration of 5 minutes until all members have been given the opportunity of questioning the witness for a second time. This 5-minute period per member will be continued until all members have exhausted their questions of the witness.

#### RULE 5.—VOTING

(a) *Vote to report a measure or matter.*—No measure or matter shall be reported from the Committee unless a majority of the Committee is actually present. The vote of the Committee to report a measure or matter shall require the concurrence of a majority of the members of the Committee who are present.

Any absent member may affirmatively request that his or her vote to report a matter be cast by proxy. The proxy shall be sufficiently clear to identify the subject matter, and to inform the Committee as to how the member wishes his vote to be recorded thereon. By written notice to the Chairman any time before the record vote on the measure or matter concerned is taken, any member may withdraw a proxy previously given. All proxies shall be kept in the files of the Committee, along with the record of the rollcall vote of the members present and voting, as an official record of the vote on the measure or matter.

(b) *Vote on matters other than to report a measure or matter.*—On Committee matters other than a vote to report a measure or matter, no record vote shall be taken unless a majority of the Committee are actually present. On any such other matter, a member of the Committee may request that his or her vote may be cast by proxy. The proxy shall be in writing and shall be sufficiently clear to identify the subject matter, and to inform the Committee as to how the member wishes his or her vote to be recorded thereon. By written notice to the Chairman any time before the vote on such other matter is taken, the member may withdraw a proxy previously given. All proxies relating to such other matters shall be kept in the files of the Committee.

#### RULE 6.—QUORUM

No executive session of the Committee or a Subcommittee shall be called to order unless a majority of the Committee or Subcommittee, as the case may be, are actually present. Unless the Committee otherwise provides or is required by the Rules of the Senate, one member shall constitute a quorum for the receipt of evidence, the swearing in of witnesses, and the taking of testimony.

#### RULE 7.—STAFF PRESENT ON DAIS

Only members and the Clerk of the Committee shall be permitted on the dais during public or executive hearings, except that a member may have one staff person accompany him or her during such public or executive hearing on the dais. If a member desires a second staff person to accompany him or her on the dais he or she must make a request to the Chairman for that purpose.

#### RULE 8.—COINAGE LEGISLATION

At least 67 Senators must cosponsor any gold medal or commemorative coin bill or resolution before consideration by the Committee.

#### EXTRACTS FROM THE STANDING RULES OF THE SENATE

##### RULE XXV. STANDING COMMITTEES

1. The following standing committees shall be appointed at the commencement of each Congress, and shall continue and have the power to act until their successors are appointed, with leave to report by bill or otherwise on matters within their respective jurisdictions:

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(d)(1) Committee on Banking, Housing, and Urban Affairs, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

1. Banks, banking, and financial institutions.
2. Control of prices of commodities, rents, and services.
3. Deposit insurance.
4. Economic stabilization and defense production.
5. Export and foreign trade promotion.
6. Export controls.
7. Federal monetary policy, including Federal Reserve System.
8. Financial aid to commerce and industry.
9. Issuance and redemption of notes.
10. Money and credit, including currency and coinage.
11. Nursing home construction.
12. Public and private housing (including veterans' housing).
13. Renegotiation of Government contracts.
14. Urban development and urban mass transit.

(2) Such committee shall also study and review, on a comprehensive basis, matters relating to international economic policy as it affects United States monetary affairs, credit, and financial institutions; economic growth, urban affairs, and credit, and report thereon from time to time.

##### COMMITTEE PROCEDURES FOR PRESIDENTIAL NOMINEES

Procedures formally adopted by the U.S. Senate Committee on Banking, Housing, and Urban Affairs, February 4, 1981, establish a uniform questionnaire for all Presidential nominees whose confirmation hearings come before this Committee.

In addition, the procedures establish that:

(1) A confirmation hearing shall normally be held at least 5 days after receipt of the completed questionnaire by the Committee unless waived by a majority vote of the Committee.

(2) The Committee shall vote on the confirmation not less than 24 hours after the Committee has received transcripts of the hearing unless waived by unanimous consent.

(3) All nominees routinely shall testify under oath at their confirmation hearings.

This questionnaire shall be made a part of the public record except for financial information, which shall be kept confidential.

Nominees are requested to answer all questions, and to add additional pages where necessary. •

#### RICKI BATES

Mr. LOTT. Mr. President, I do want to notify Senators that we have been notified that Scott Bates' wife, Ricki, is undergoing orthopedic surgery. That, to our knowledge, has not been completed, but our prayers are with her. We wish her a speedy recovery.

#### ORDER OF PROCEDURE

Mr. LOTT. Mr. President, the business we have to do is to have a reading of a House bill and to do a resolution in behalf of our friend, Scott Bates.

#### MEASURE READ FOR THE FIRST TIME—H.R. 99

Mr. LOTT. Mr. President, I understand that H.R. 99 has been received from the House, and I ask it be read for the first time.

The PRESIDING OFFICER. The clerk will read the bill for the first time.

The assistant legislative clerk read as follows:

A. bill (H.R. 99) to amend title 49, United States Code, to extend Federal Aviation Administration programs through September 30, 1999, and for other purposes.

Mr. LOTT. Mr. President, I ask for a second reading, and I object to my own request.

The PRESIDING OFFICER. Objection is heard.

#### AUTHORIZING FLAGS LOCATED IN THE CAPITOL COMPLEX TO BE FLOWN AT HALF-STAFF IN MEMORY OF R. SCOTT BATES

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed to a Senate concurrent resolution which is at the desk, and I ask that the resolution be read in its entirety.

The PRESIDING OFFICER. The clerk will read the resolution.

The assistant legislative clerk read as follows:

A. concurrent resolution (S. Con. Res. 6) authorizing flags located in the Capitol complex to be flown at half-staff in memory of R. Scott Bates, Legislative Clerk of the United States Senate.

*Resolved by the Senate (the House of Representatives concurring).* That, as a mark of respect to the memory of R. Scott Bates, Legislative Clerk of the United States Senate, all flags of the United States located on Capitol Buildings or on the Capitol grounds shall be flown at half-staff on the day of his interment.