

to be pleased with how things work out.

Mr. BONIOR. I just want to point out once again, then I will stop, to my friend from New York, that the budget was supposed to have been done in April. Here we are pushing on October, and we still do not have a budget. The question of working on Saturday to finish the business of this House and of this country with respect to a budget obviously could make some sense, but if we are going to try to play games here and come in on Saturday to do a Tax/Social Security, raid on the Social Security trust fund, or if we are going to try to bring up fast track on a Saturday, I want the gentleman from New York and the leadership and you, Mr. Speaker, and others to understand that that is not going to be acceptable on this side of the aisle, and I suspect there are many Members on your side of the aisle. All we are looking for is assurances of fairness here. Given the fact that we have had difficulty with the question of fairness in the last two weeks, we regret that, we hope this will not continue but we regret it with respect to the question of the President in terms of how that has been dealt with. We hope, and I strongly want to emphasize, that these two issues need not be a part of the workday on Saturday if in fact we are in.

Mr. SOLOMON. With all due respect to the gentleman, we all have to have an effort of cooperation. I look back to the years of Ronald Reagan. We sat down and we worked on this budget. We worked on it when Democrats were in control of the House and Republicans were in control of the Senate; then when the Democrats had control of both houses. We worked together. That is what we should be doing now and getting this budget together. Let us just be frank about it. Saturday Members had better be prepared to be here. However, if there is no compelling reason to keep us here, we will not be.

ADJOURNMENT TO TUESDAY, SEPTEMBER 22, 1998

Mr. SOLOMON. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourns to meet at 10 a.m. on Tuesday, September 22, 1998.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

HOUR OF MEETING ON WEDNESDAY, SEPTEMBER 23, 1998

Mr. SOLOMON. Mr. Speaker, I ask unanimous consent that when the House adjourns on Tuesday, September 22, 1998, it adjourn to meet at 2 p.m. on Wednesday, September 23, 1998.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. SOLOMON. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

ANNOUNCEMENT OF INTENTION TO OFFER RESOLUTION RAISING QUESTION OF PRIVILEGES OF THE HOUSE

Mr. HASTINGS of Florida. Mr. Speaker, most respectfully I thank you for recognizing me and permitting me to act expeditiously in a matter that I wish to bring to the attention of the House.

Mr. Speaker, pursuant to rule IX, I hereby give notice of my intention to offer a resolution as a question of the privilege of the House.

The form of my resolution is as follows, and I shall try to be as expeditious as possible.

Impeaching Kenneth W. Starr, an independent counsel of the United States appointed pursuant to 28 United States Code section 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.

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, section 595(c)." As part of that Referral, Mr. Starr submitted a 445-page re-

port (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.

□ 1230

PARLIAMENTARY INQUIRY

Mr. HASTINGS of Florida. Mr. Speaker, may I make a parliamentary inquiry?

The SPEAKER. The gentleman may state his parliamentary inquiry.

Mr. HASTINGS of Florida. Mr. Speaker, if I may, this is a lengthy document, and unless the rules require all of it to be read into the RECORD, this Member has no great need to read it all, if that is permitted, and, if I would be permitted under leave, I would place it on the RECORD.

The SPEAKER. The form of a question of privilege should be read into the RECORD so all Members are notified.

Mr. HASTINGS of Florida. (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 onto 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 onto 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 exercise 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 whole 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 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 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 and his duties as an officer of the United States and acted in ways that were calculated to and did unconstitutionally undermine the office of the 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 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 the 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 and

humiliating 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 the people of the United States.

(2) Mr. Starr engaged in a willful and persistent course of conduct that was calculated to and did wrongfully demean, embarrass and defame an incumbent President of the United States and thereby undermine 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 jury 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, quote, talking points, unquote, outline to improperly influence the testimony of one or more persons scheduled to be deposed in a civil action. By his willful and persistent conduct and misrepresenting as well as improperly disclosing evidence that he had gathered, Mr. Starr committed high crimes and misdemeanors against the United States 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 an incumbent President of the United States. By including that 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 the 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.

Article III:

In his conduct of the office of independent counsel, Kenneth 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 officer of the United States and acted in ways that were calculated to and that did unconstitutionally arrogate onto himself powers that assigned to the federal courts that were calculated to and did undermine the institution of the grand jury established by the Constitution of the

United States of America and that were calculated to and did undermine and bring into disrepute the office of independent counsel and offices of all those charged with investigating and prosecuting crimes against the United States. The acts by which Mr. Starr violated his oath and duties and by which he undermined the federal courts and the grand jury and undermined and demeaned the office and role of all federal prosecutors include:

(1) Mr. Starr disclosed and authorized and approved the disclosure and misuse of grand jury materials in violation of Rule 6(e)(2) of the Federal Rules of Criminal Procedure and with contempt for the federal courts and for the rights of those who appear before grand juries of the United States and of those who are subjects of grand jury investigations.

(2) Throughout his investigations Mr. Starr abused the powers of his office and condoned the abuse of those powers to improperly intimidate and manipulate citizens of the United States who were interviewed or called to testify before a grand jury or who were actual or potential targets of his investigation and to deprive them of rights guaranteed to all citizens of the United States. Mr. Starr and subordinates for whose conduct he is responsible further abused and misused the powers of the office of independent counsel and the powers of the grand jury to improperly evade and needlessly intrude upon the privacy of individuals and to demean the rights guaranteed to all by the first and fifth amendments to the Constitution of the United States.

(3) Throughout his investigations, Mr. Starr has abused and misused and has authorized and approved the abuse and misuse of the powers of his office in ways that have demeaned the prosecutorial office and that have undermined and will undermine the ability of other prosecutorial offices of the United States to discharge their duty to take care that the laws of the United States be faithfully executed.

(4) In his conduct of the office of independent counsel, Mr. Starr has needlessly and unjustifiably expended and wasted funds of the United States. Over the past 4 years Mr. Starr has expended more than \$40 million in a relentless pursuit of investigations and prosecutions that he knew or should have known did not merit and could not justify such extraordinary expenditures.

By the conduct described in Article III of these Articles of Impeachment, Kenneth Starr committed high crimes and misdemeanors against the Constitution and the people of the United States.

In all of this, Kenneth 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.

Final article, Mr. Speaker, Article IV:

By his conduct as an officer of the United States of America, including the conduct described in Articles I through III of these articles of impeachment, Kenneth W. Starr has violated the oath he took to uphold and defend the Constitution of the United States of America. He has acted and persisted in acting in ways that were calculated to and did embarrass the United States and the people of the United States before the international community and that were calculated to and did undermine the ability of the Legislative Branch, the Executive Branch, and the Judicial Branch to effectively exercise the powers and discharge the duties assigned to each by the Constitution of the United States of America. He has unconstitutionally and improperly exercised powers that were not his to exercise and has acted in ways that were calculated to and did improperly demean a President of the United States and diminished the capacity of the President to effectively discharge the duties that the people of the United States elected him to perform. He has unconstitutionally and improperly exercised his powers and has acted in ways that were calculated to and did demean the House of Representatives and that have effectively deprived the House of Representatives of it is right to exercise its sole power of impeachment in a deliberate and bipartisan manner that was consistent with the procedures and precedents it had established in prior proceedings and inquiries to determine whether the President of the United States or any officer should be impeached. He has unlawfully and improperly exercised his powers in ways that demeaned the institution of the federal grand jury, that demonstrated contempt of the courts of the United States and the rules that govern their proceedings, and that demeaned the office of independent counsel and offices of all those charged with responsibility for seeing that the laws of the United States are faithfully executed. By his conduct as an independent counsel, Kenneth W. Starr has committed high crimes and misdemeanors against the Constitution and the people of the United States.

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.

□ 1300

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

Mr. Speaker, most respectfully, I gratefully thank my fellow colleagues for their patience in the House of Rep-

resentatives. That concludes my noticing of the privileged resolution that I most respectfully put before the body.

The SPEAKER. Under Rule XI, a resolution offered from the floor by a Member other than the majority leader or the minority leader as a question of the privileges of the House has immediate precedence only at a time designated by the Chair within 2 legislative days after the resolution is properly noticed.

Pending that designation, the form of the resolution noticed by the gentleman from Florida will appear in the RECORD at this point. The Chair will not at this point determine whether the resolution constitutes a question of privilege. That determination will be made at the time designated for consideration of the resolution.

ANNOUNCEMENT OF INTENTION TO OFFER RESOLUTION RAISING QUESTION OF PRIVILEGES OF THE HOUSE

Mr. CONDIT. Mr. Speaker, pursuant to clause 2 of rule IX, I hereby give notice of my intention, along with the gentleman from Florida (Mr. DEUTSCH) and the gentleman from Illinois (Mr. LAHOOD) a resolution which raises a question of the privileges of the House. The form of the resolution is as follows:

Ordering the immediate printing of the entire communication received on September 9, 1998, from an independent counsel.

Whereas the entire communication of the Office of the Independent Counsel received by the House of Representatives on September 9, 1998, includes information of fundamental constitutional importance;

Whereas the American people have a right to receive and review this communication in its entirety;

Whereas the House Committee on the Judiciary has failed to make the entire communication available to the American people; and

Whereas failure to make the entire communication available to the American people raises a question of privilege affecting the dignity and integrity of the proceedings of the House under Rule IX of the Rules of the House of Representatives: Now, therefore, be it

Resolved, That the entire communication received, including all appendices and related materials, on September 9, 1998, from an independent counsel, pursuant to section 595(c) of title 28, United States Code, shall be printed immediately as a document of the House of Representatives.

The SPEAKER. Under rule IX a resolution offered from the floor by a Member other than the majority leader or the minority leader as a question of the privileges of the House has immediate precedence only at a time designated by the Chair within 2 legislative days after the resolution is properly noticed.

Pending that designation, the form of the resolution noticed by the gen-

tleman from California will appear in the RECORD at this point.

The Chair will not at this point determine whether the resolution constitutes a question of privilege. That determination will be made at the time designated for consideration of the resolution.

PERMISSION TO HAVE UNTIL MIDNIGHT, SEPTEMBER 22, 1998 TO FILE CONFERENCE REPORT ON H.R. 3616, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1999

Mr. SPENCE. Mr. Speaker, I ask unanimous consent that the managers on the part of the House may have until midnight on September 22, 1998 to file the conference report on the bill, H.R. 3616, the National Defense Authorization Act for Fiscal Year 1999.

The SPEAKER pro tempore (Mr. SHIMKUS). Is there objection to the request of the gentleman from South Carolina?

There was no objection.

PROVIDING FOR CONSIDERATION OF MOTIONS TO SUSPEND THE RULES

Mr. MCINNIS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 544 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 544

Resolved, That it shall be in order at any time on Wednesday, September 23, 1998, for the Speaker to entertain motions that the House suspend the rules. The object of any motion to suspend the rules shall be announced from the floor at least two hours prior to its consideration. The Speaker or his designee shall consult with the Minority Leader or his designee on the designation of any matter for consideration pursuant to this resolution.

The SPEAKER pro tempore. The gentleman from Colorado (Mr. MCINNIS) is recognized for 1 hour.

Mr. MCINNIS. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Massachusetts (Mr. MOAKLEY), pending which I yield myself such time as I may consume. During the consideration of the resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, this rule truly is non-controversial. It simply allows that we have suspensions in order on September 23, 1998. It also provides that the object of any motion to suspend the rules shall be announced from the floor at least 2 hours prior to its consideration.

Mr. Speaker, I reserve the balance of my time.

Mr. MOAKLEY. Mr. Speaker, the gentleman is exactly right.

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

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