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No. 25

## Senate

The Senate met at 10:07 a.m. and was called to order by the Chief Justice of the United States.

### TRIAL OF WILLIAM JEFFERSON CLINTON, PRESIDENT OF THE UNITED STATES

The CHIEF JUSTICE. The Senate will convene as a Court of Impeachment. The Chaplain will offer a prayer.

#### PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Holy God, who allows beginnings and brings an end, a time for healing, a time to mend, we ask You to pour out Your palpable, unifying power on this Senate. Today, may the Senators count on You more than they count votes. This is a time neither for gloating over victory nor for grimness over losing, but rather a period for grief over all that has brought us to this day. We are one Nation under You; we repent as a Nation; we turn from conditional ethics and seek to return to the absolutes of Your Commandments.

Thank You, Lord, for the clarion convictions expressed during this trial by so many Senators of both parties that morals do matter and character does count. May this shared, common commitment unite them as they lead this Nation. Now, as their chaplain, I hold them all before Your grace and mercy; as their friend, I intercede for their spiritual strength and courage. When the final votes are taken, hold them together in the oneness America so desperately needs them to exemplify. Help them to model rectitude and reconciliation. By Your power, the winner will be neither the Republicans nor the Democrats, but the American people. In Your holy Name. Amen.

The CHIEF JUSTICE. The Sergeant at Arms will make the proclamation.

The Sergeant at Arms, James W. Ziglar, made proclamation as follows:

Hear ye! Hear ye! Hear ye! All persons are commanded to keep silent, on pain of impris-

onment, while the Senate of the United States is sitting for the trial of the articles of impeachment exhibited by the House of Representatives against William Jefferson Clinton, President of the United States.

#### THE JOURNAL

The CHIEF JUSTICE. If there is no objection, the Journal of proceedings of the trial are approved to date.

The majority leader is recognized.

Mr. LOTT. Thank you, Mr. Chief Justice.

#### ORDER OF PROCEDURE

Mr. LOTT. This morning the Senate will resume final deliberations in closed session. Our best guess, at this time, leaves approximately 37 Senators still intending to speak. It is possible that we could conclude and have the final votes this afternoon or late this evening, but I don't think that is going to be possible at this time. When we do approach that point, I would like to do it in an orderly fashion, that Members and those who are interested will be given notice. We have some business we would have to conclude, also, after all the deliberations have been complete. I will confer throughout the day with Senator DASCHLE to see how it is going, and as soon as we can see clearly when we would want to actually move to the final vote, we will notify all the Senators.

We will also take a lunch break sometime today between 12 and 12:30, and we will have, of course, some breaks throughout the day to take some refreshments.

I yield the floor to allow the Chief Justice to close the session.

The CHIEF JUSTICE. The Senate will now go into closed session for final deliberations on the articles of impeachment. The Sergeant at Arms is directed to clear the galleries and close the doors of the Senate Chamber.

#### CLOSED SESSION

(At 10:11 a.m., the doors of the Chamber were closed. The proceedings of the Senate were held in closed session until 7:00 p.m., at which time the following occurred.)

#### OPEN SESSION

Mr. LOTT. Mr. Chief Justice, I ask unanimous consent that the Senate resume open session.

The CHIEF JUSTICE. Without objection, it is so ordered.

#### ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. LOTT. I ask unanimous consent that the Court of Impeachment stand in adjournment until 9:30 tomorrow morning, the Senate then immediately proceed to closed session. I ask unanimous consent the Senate now resume legislative session in order to conduct some housekeeping business.

The CHIEF JUSTICE. Without objection, it is so ordered.

Thereupon, at 7 p.m. the Senate, sitting as a Court of Impeachment, adjourned until Friday, February 12, 1999, at 9:30 a.m.

#### LEGISLATIVE SESSION

Mr. DASCHLE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ENZI). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### AUTHORIZING THE TAKING OF PHOTOGRAPHS IN THE CHAMBER OF THE U.S. SENATE

Mr. LOTT. Mr. President, I send a resolution to the desk regarding the taking of pictures in the Senate Chamber during the impeachment vote and ask unanimous consent the resolution be considered agreed to and the motion to reconsider be laid upon the table.

Mr. WELLSTONE. Mr. President, I object. I would like to have a voice vote.

Mrs. BOXER. Just a voice vote.

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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S1437

Mr. LOTT. Mr. President, I move that this resolution be adopted by the Senate.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 36) authorizing the taking of photographs in the Chamber of the United States Senate.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 36) was agreed to, as follows:

S. RES. 36

*Resolved*, That paragraph 1 of rule IV of the Rules for the Regulation of the Senate Wing of the United States Capitol (prohibiting the taking of pictures in the Senate Chamber) be temporarily suspended for the sole and specific purpose of permitting photographs to be taken on February 11 or 12, 1999, during the roll call vote on the Articles of Impeachment in the impeachment trial of the President of the United States.

SEC. 2. The Sergeant at Arms of the Senate is authorized and directed to make the necessary arrangements therefor, which arrangements shall provide for a minimum of disruption to Senate proceedings.

#### MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

##### EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the Committee on Health, Education, Labor, and Pensions.

(The nominations received today are printed at the end of the Senate proceedings.)

#### REPORT CONCERNING THE EMIGRATION LAWS AND POLICIES OF MONGOLIA—MESSAGE FROM THE PRESIDENT—PM 8

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Finance.

*To the Congress of the United States:*

On September 4, 1996, I determined and reported to the Congress that Mongolia was not in violation of the freedom of emigration criteria of sections 402(a) and 409(a) of the Trade Act of 1974, as amended. This action allowed for the continuation of normal trade relations status for Mongolia and certain other activities without the requirement of an annual waiver.

As required by law, I am submitting an updated report to the Congress concerning the emigration laws and policies of Mongolia. The report indicates continued Mongolian compliance with U.S. and international standards in the area of emigration.

WILLIAM J. CLINTON.

THE WHITE HOUSE, February 11, 1999.

#### MESSAGES FROM THE HOUSE

At 10:07 a.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate.

H.R. 169. An act to amend the Packers and Stockyards Act, 1921, to expand the pilot investigation for the collection of information regarding prices paid for the procurement of cattle and sheep for slaughter and of muscle cuts of beef and lamb to include swine and muscle cuts of swine.

H.R. 433. An act to restore the management and personnel authority of the Mayor of the District of Columbia.

H.R. 435. An act to make miscellaneous and technical changes to various trade law, and for other purposes.

H.R. 439. An act to amend chapter 35 of title 44, United States Code, popularly known as the Paperwork Reduction Act, to minimize the burden of Federal paperwork demands upon small business, educational and nonprofit institutions, Federal contractors, State and local governments, and other persons through the sponsorship and use of alternative information technologies.

H.R. 440. An act to make technical corrections to the Microloan Program.

The message also announced that the House has agreed to the following concurrent resolution, without amendment:

S. Con. Res. 6. Concurrent resolution 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.

#### EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of committees were submitted:

By Mr. MCCAIN, from the Committee on Commerce, Science, and Transportation:

William Clyburn, Jr., of South Carolina, to be a Member of the Surface Transportation Board for a term expiring December 31, 2000.

Wayne O. Burkes, of Mississippi, to be a Member of the Surface Transportation Board for a term expiring December 31, 2002.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

Mr. MCCAIN. Madam President, for the Committee on Commerce, Science, and Transportation, I also report favorably three nomination lists in the Coast Guard which were printed in full in the RECORD of February 3, 1999, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar, that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The nominations ordered to lie on the Secretary's desk were printed in the RECORD of February 3, 1999, at the end of the Senate proceedings.)

In the Coast Guard nomination of George W. Molessa, Jr., which was received by the Senate and appeared in the RECORD of February 3, 1999

In the Coast Guard nominations beginning James W. Kelly, and ending John J. Santucci, which nominations were received by the Senate and appeared in the RECORD of February 3, 1999

In the Coast Guard nominations beginning James E. Malene, and ending Steve M. Wischmann, which nominations were received by the Senate and appeared in the RECORD of February 3, 1999

#### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. BROWNBACK (for himself, Mr. GRAMS, Mr. SMITH of New Hampshire, Mr. ASHCROFT, Mr. INHOFE, Mr. KYL, Mr. ALLARD, Mr. HELMS, Mr. SESSIONS, Mr. ABRAHAM, Mr. NICKLES, Mr. SANTORUM, and Mr. HAGEL):

S. 410. A bill to provide for offsetting tax cuts whenever there is an elimination of a discretionary spending program; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, with instructions that if one Committee reports, the other Committee have thirty days to report or be discharged.

By Mr. DEWINE:

S. 411. A bill to provide for a process to authorize the use of clone pagers, and for other purposes; to the Committee on the Judiciary.

S. 412. A bill to reform criminal procedure, and for other purposes; to the Committee on the Judiciary.

S. 413. A bill to amend title 18, United States Code, to insert a general provision for criminal attempt; to the Committee on the Judiciary.

By Mr. GRASSLEY (for himself, Mr. JEFFORDS, Mr. CONRAD, Mr. LEAHY, Mr. MURKOWSKI, Mr. SMITH of Oregon, Mr. WELLSTONE, Mr. CHAFEE, Mr. BREAUX, Mr. GRAHAM, Mr. MACK, Mr. DASCHLE, Mr. DORGAN, and Mr. BURNS):

S. 414. A bill to amend the Internal Revenue Code of 1986 to provide a 5-year extension of the credit for producing electricity from wind, and for other purposes; to the Committee on Finance.

By Mr. KYL (for himself and Mr. MCCAIN):

S. 415. A bill to protect the permanent trust funds of the State of Arizona from erosion due to inflation and modify the basis on which distributions are made from those funds; to the Committee on Energy and Natural Resources.

By Mr. SMITH of Oregon (for himself and Mr. WYDEN):

S. 416. A bill to direct the Secretary of Agriculture to convey the city of Sisters, Oregon, a certain parcel of land for use in connection with a sewage treatment facility; to the Committee on Energy and Natural Resources.

By Mr. MOYNIHAN:

S. 417. A bill to amend title 28 of the United States Code to bar any civil trial involving the President until after the President vacates office, but to allow for sealed