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

The legislative clerk read as follows:

A bill (H.R. 3452) to make certain laws applicable to the Executive Office of the President, and for other purposes.

Mr. NICKLES. I now ask for its second reading and would object to my own request on behalf of the other side of the aisle.

The PRESIDING OFFICER. The bill will remain at the desk pending its second reading on the next legislative day.

PROVIDING FOR THE SAFETY OF JOURNEYMEN BOXERS

Mr. NICKLES. Mr. President, I ask unanimous consent the Senate immediately proceed to consideration of H.R. 4167, which is at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 4167) to provide for the safety of journeymen boxers, and for other purposes.

Mr. NICKLES. Mr. President, I ask unanimous consent the bill be deemed read a third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill appear at this point in the RECORD.

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

The bill (H.R. 4167) was deemed read for a third time, and passed.

FALSE STATEMENTS ACCOUNTABILITY ACT OF 1996

Mr. NICKLES. Mr. President, I ask the Chair lay before the Senate a message from the House of Representatives on (H.R. 3166) to amend title 18, United States Code, with respect to the crime of false statement in a Government matter.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the House agree to the amendments of the Senate to the bill (H.R. 3166) entitled ''An Act to amend title 18, United States Code, with respect to the crime of false statement in a Government matter'', with the following House amendment to Senate amendments:

In lieu of the matter proposed to be inserted by the Senate amendment to the text of the bill, insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''False Statements Accountability Act of 1996''.

SEC. 2. RESTORING FALSE STATEMENTS PROHIBITION.

Section 1001 of title 18, United States Code, is amended to read as follows:

''§1001. Statements or entries generally

''(a) Except as otherwise provided in this section, whoever, in any matter within the jurisdiction of the executive, legislative, or judicial branch of the Government of the United States, knowingly and willfully—

''(1) falsifies, conceals, or covers up by any trick, scheme, or device a material fact;

''(2) makes any materially false, fictitious, or fraudulent statement or representation; or

''(3) makes or uses any false writing or document knowing the same to contain any materially false fictitious or fraudulent statement or entry;

shall be fined under this title or imprisoned nor more than 5 years, or both.

''(b) Subsection (a) does not apply to a party to a judicial proceeding, or that party's counsel, for statements, representations, writings or documents submitted by such party or counsel to a judge or magistrate in that proceeding.

''(c) With respect to any matter within the jurisdiction of the legislative branch, subsection (a) shall apply only to—

''(1) administrative matters, including a claim for payment, a matter related to the procurement of property or services, personnel or employment practices, or support services, or a document required by law, rule, or regulation to be submitted to the Congress or any office or officer within the legislative branch; or

''(2) any investigation or review, conducted pursuant to the authority of any committee, subcommittee, commission or office of the Congress, consistent with applicable rules of the House or Senate.''.

SEC. 3. CLARIFYING PROHIBITION ON OBSTRUCTING CONGRESS.

Section 1515 of title 18, United States Code, is amended—

(1) by redesignating subsection (b) as subsection (c); and

(2) by inserting after subsection (a) the following new subsection:

''(b) As used in section 1505, the term 'corruptly' means acting with an improper purpose, personally or by influencing another, including making a false or misleading statement, or withholding, concealing, altering, or destroying a document or other information.''.

SEC. 4. ENFORCING SENATE SUBPOENA.

Section 1365(a) of title 28, United States Code, is amended in the second sentence, by striking ''Federal Government acting within his official capacity'' and inserting ''executive branch of the Federal Government acting within his or her official capacity, except that this section shall apply if the refusal to comply is based on the assertion of a personal privilege or objection and is not based on a governmental privilege or objection the assertion of which has been authorized by the executive branch of the Federal Government''.

SEC. 5. COMPELLING TRUTHFUL TESTIMONY FROM IMMUNIZED WITNESS.

Section 6005 of title 18, United States Code, is amended—

(1) in subsection (a), by inserting ''or ancillary to'' after ''any proceeding before''; and

(2) in subsection (b)—

(A) in paragraphs (1) and (2), by inserting ''or ancillary to'' after ''a proceeding before'' each place that term appears; and

(B) in paragraph (3), by adding a period at the end.

Mr. SPECTER. Mr. President, I am pleased that the Senate is taking final action to enact the False Statements Accountability Act of 1996, legislation to overturn the Supreme Court's 1995 decision in Hubbard versus United States and restore the prohibition on making false statements to Congress.

The bill before us is in substance identical to the bill that passed the Senate on July 25, 1996, except in one respect. I do not want to reiterate all that I said at that time, so I will address at this time only the one substantive difference between the bill passed by the Senate and the current compromise we will vote on today.

As passed, the Senate bill provided blanket application to prohibit any false statement made to Congress or any component of Congress, including individual members and their offices. The coverage provided by the House bill was much narrower in scope. The trick was to reconcile the two approaches. Through detailed negotiations and the good faith of all concerned, we have been able to produce this compromise legislation, which restores the applicability of section 1001 of title 18 of the United States Code to the areas in which Congress most needs it.

First, the compromise covers false statements made in all administrative matters. This includes claims for payment, vouchers, and contracting proposals. The provision also covers all employment related matters, such as submitting a phony resume or making false claims before the Office of Compliance or Office of Fair Employment Practices. Also covered are all documents required by law, rule, or regulation to be submitted to Congress. This crucial provision will cover all filings under the Ethics in Government Act and the Lobbying Disclosure Act and provides a real deterrent to false filings under these two laws, among others. For this reason alone, this bill is one of the most important congressional reforms we will have taken during this Congress.

The compromise also applies the prohibition on false statements to an investigation or review conducted by any committee, subcommittee, commission, or office of the Congress. This provision will prohibit knowing and willful material false statements to entities like the General Accounting Office and the Congressional Budget Office. False statements to the Capitol Police will also be covered.

The greatest difficulty was in formulating the scope of the applicability of the false statement prohibition to committees and subcommittees of each House of Congress. Only committee or subcommittee investigations or reviews conducted pursuant to the authority of the particular committee or subcommittee, meaning within its jurisdiction, will receive the protection of section 1001, and then only so long as the investigation or review is conducted in a manner consistent with the rules of the House or Senate, as relevant. This provision will allow each House to determine for itself whether to limit the circumstances in which committee or subcommittee investigations or reviews will be covered by section 1001. We do not intend, however, for the Senate to need to change its rules before false statements made to a committee or subcommittee conducting a review of a policy within its jurisdiction be punishable under this act.

In having the bill cover any investigation, we intend to cover formal investigations conducted pursuant to the rules of particular committees of the Senate, many of which have specific rules covering investigations. Thus, an investigation will be a more formal inquiry into a particular matter within

the jurisdiction of a committee or subcommittee. Included in the definition of investigation are ancillary proceedings, such as depositions, and formal steps employed by certain committees that are a necessary prelude to an investigation, such as a preliminary inquiry and initial review employed by the Select Committee on Ethics.

The application of the bill to any review by a committee or subcommittee is broader. Under Rule XXVI (8) of the Standing Rules of the Senate, each committee ''shall review * * * on a continuing basis the application, administration, and execution of those laws, or parts of laws, the subject matter of which is within the legislative jurisdiction of that committee.'' By using review in this law, we intend to cover all such review conducted by committees and subcommittees of the Senate. Often, we refer to such reviews as oversight. The sponsors of the bill, who include the chairman and former chairman of the Committee on Governmental Affairs, and the chairman and former chairman of the Permanent Subcommittee on Investigations, among others, intend that the term ''review'' be read broadly to cover all committee oversight and inquiries into the current operation of federal law and policy, compliance with Federal law, or proposals to improve Federal law, policy, or administration. In addition, we intend to capture within the meaning of review matters within committee jurisdiction that are not directly legislative, such as confirmation proceedings.

We chose to limit the act to committees and subcommittees, and their staff, because these are the entities through which Congress conducts its inquiries and oversight; these are the entities that hold hearings; these are the entities that can issue and enforce legal process; these are the entities charged with developing legislation for consideration by each House of Congress. Thus, section 1001 will not apply to statements made to individual members not acting as part of a committee or subcommittee investigation or review. This restriction should alleviate any concern that constituents exercising their right to petition Congress would fear prosecution for inadvertent or minor misstatements. No first amendment rights will be chilled by this bill. Nor will the bill apply to the statement of opinion or argument, as only knowing and willful false statements of fact are meant to be covered.

This is an important bill. I am pleased that enough Members of both Houses saw the need to act quickly on this legislation, which I believe to be absolutely necessary to protect the constitutional interests of the Congress. I want to thank my colleagues and cosponsors, in particular Senator LEVIN, the lead cosponsor, for their efforts. I also want to thank Representative Bill Martini, sponsor of the House companion, for pushing so hard to get this done, and Chairman BILL MCCOLLUM of the House Subcommittee on Crime, and his staff, Paul McNulty and Dan Bryant, for working so hard to reach agreement on this bill.

Mr. LEVIN. Mr. President, as a sponsor of S. 1734, the Senate-passed version of this legislation, I am pleased to join Senator SPECTER in urging passage of this bill. The House passed this bill, which restores criminal penalties for knowing, willful, material false statements made to a Federal court or Congress, by rollcall vote without a single vote in opposition. I hope we can pass it here by unanimous consent.

For 40 years, title 18 United States Code, section 1001 has been a mainstay of our legal system, by criminalizing intentional false statements to the Federal Government. In 1955, the Supreme Court interpreted title 18 United States Code, section 1001 to prohibit knowing, willful, material false statements not only to the executive branch, but also to the judicial and legislative branches. Last year the Supreme Court, in Hubbard versus United States, reversed this precedent and held that Section 1001 prohibits false statements only to the executive branch, and not to the judiciary or legislative branches.

The Supreme Court based its decision on the wording of the statute which doesn't explicitly reference either the courts or Congress. The Court noted in Hubbard that it had failed to find in the statute's legislative history ''any indication that Congress even considered whether, section 1001, might apply outside the Executive Branch.''

The obvious result of the Hubbard decision has been to reduce parity among the three branches. And the new interbranch distinctions are difficult to justify, since there is no logical reason why the criminal status of a willful, material false statement should depend upon which branch of the Federal Government received it.

Senator SPECTER and I each introduced bills last year to supply that missing statutory reference. This year, we joined forces, along with a number of our colleagues, and introduced S. 1734. It was passed by the Senate on July 26 of this year with the support of the administration. We then worked out our differences with the House, and that's how we are able to bring this final product before the Senate. I want to associate myself with the remarks of Senator SPECTER in describing the differences between H.R. 3166 and S. 1734.

Provisions to bar false statements and compel testimony have been on the Federal statute books for 40 years or more. Recent court decisions and events have eroded the usefulness of some of these provisions as they apply to the courts and Congress. The bill before you is a bipartisan effort to redress some of the imbalances that have arisen among the branches in these areas. It rests on the premise that the courts and Congress ought to be treated as coequal to the executive branch when it comes to prohibitions on false statements.

I want to thank Senator SPECTER and his staff, Richard Hertling, for their dedication to this legislation. We have been able to solve problems that arose because of the truly bipartisan approach we had to this bill. I also want to thank Senator HATCH, chairman of the Judiciary Committee, for recognizing the significance of this legislation and acting promptly on it in committee to get it to the Senate floor, and I want to thank the Members in the House, Congressmen MARTINI, MCCOLLUM and HYDE, without whose assistance this bill wouldn't be at this point. I also want to thank Morgan Frankel and Mike Davidson. Morgan is currently Deputy Senate Legal Counsel and Mike recently left as Senate Legal Counsel. Their experience with the work of the Senate was valuable in working through a number of technical issues. I particularly want to thank Elise Bean of my staff who is as capable as they come and simply an excellent lawyer.

Mr. President, I urge my colleagues to join Senator SPECTER, myself, and our cosponsors in sending this bill to the President for his signature.

Mr. ROTH. Mr. President, I rise today to indicate my full support for this bill, which returns to the Federal false statements statute, 18 U.S.C. §1001, the simple but vital proposition that lying to Congress is as unacceptable as lying to any other part of the Government.

This legislation has enormous practical importance for the oversight and investigative work performed by the Senate. As the past chairman of the Governmental Affairs Committee and the current chairman of the Permanent Subcommittee on Investigations, I have chaired many oversight hearings and conducted numerous investigations that have probed the efficacy of Federal Government programs and initiatives. Oftentimes, the Committee and Subcommittee's work has uncovered serious problems, sometimes of a criminal dimension. In the best of circumstances, gathering facts that may not reflect well on an agency, or a program, or an individual is difficult. Willful deceit out of the mouths of witnesses or in the documents they provide to Congress can make that job nearly impossible.

Until Hubbard was decided last year, the threat of criminal sanctions under §1001 was a powerful deterrent to such deceit, and it was the source of appropriate punishment for those who lie to Congress. We need to return §1001 to Congress' investigative and oversight arsenal, and this legislation will do just that. That being the primary effect of the legislation, it also works well-crafted and necessary changes to other aspects of Congress's ability to investigate, and I support those as well.

Many years ago, Woodrow Wilson wrote, ''Unless Congress have and use

every means of acquainting itself with the acts and the disposition of the administrative agents of the government, the country must be helpless to learn how it is being served; and unless Congress both scrutinize these things and sift them by every form of discussion the country must remain in embarrassing, crippling ignorance of the very affairs which it is most important that it should understand and direct.'' It is for this fundamental reason—that Congress must be able to scrutinize accurately the matters before it—that I am proud to co-sponsor this legislation and urge my colleagues to support it.

Mr. BRYAN. Mr. President, today the Senate has agreed to pass a very important bill, the False Statements Penalty Restoration Act (H.R. 3166).

When Congress originally enacted the False Statements Act, the Federal perjury statute, 18 U.S.C. Sec. 1001, to impose felony criminal penalties on an individual who knowingly and willfully makes a false or fraudulent statement, it thought it had created a criminal law that applied to all three branches of Government, including Congress. And since 1955, when the U.S. Supreme Court specifically held that the statute applied to all three branches, this was the law of the land.

However, in 1995, the U.S. Supreme Court held that the statute did not apply to the judiciary branch, thus creating uncertainty about whether false statements made to Congress and by Members of Congress were now covered by the law.

To our constituents, it once again appeared that Members of Congress were a special class to which a particular law did not apply—and that may have been the case.

Since the 1995 Supreme Court decision, indictments charging individuals with making knowing and willful false statements on financial disclosure forms and other reports have been dismissed. This situation must not be allowed to continue for one day more.

Today's legislation makes clear that Congress is indeed subject to this important law, as it should be. It returns us to where the law was for the last 40 years.

As a former chair and vice chair of the Ethics Committee, I know this legislation has particular significance. Without this legislation, there are currently no sanctions for deliberately filing false information in connection with these Federal reporting documents. To ensure the integrity of these reporting requirements, this bill must be enacted so it is very clear there are penalties for knowing and willful violations.

This legislation also addresses needed clarification in the obstruction of justice statute, 18 U.S.C. Sec. 1505. This law makes it a Federal offense to impede or obstruct an investigation of a congressional committee. In 1991, the D.C. District Circuit Court of Appeals held, however, that the statute did not clearly prohibit an individual from personally lying to or obstructing Congress in its investigations.

Again, I know first hand from my Senate Ethics Committee experience how this court interpretation risks impairing the ability of the Ethics Committee, and other congressional investigations to maintain any integrity in its proceedings. If a person can lie, or induce another to lie for him without worry of being prosecuted for such action, of what consequence would be any congressional investigation.

This legislation corrects the 1991 Supreme Court decision. Any individual who tries to impede a congressional or other governmental investigation, regardless of whether the individual acts on his own, or through the actions of another individual is going to be penalized—period.

I am pleased to support this legislation to remedy these ambiguities in our statutes, and ensure the integrity of Congress' investigations, and the Federal reporting requirements. For the American public, this bill also ensures that no member of Congress is above the law.

The following is a more detailed explanation of the changes this legislation will make, and its particular impact on the work of the Senate Ethics Committee, and other congressional investigations.

The Federal perjury statute, 18 U.S.C. Sec. 1621, punishes knowing false and material testimony, only if given under oath, such as in formal committee hearings and depositions. The Ethics Committee necessarily uses a variety of other, less formal fact-gathering techniques in the conduct of its initial examinations of complaints and preliminary inquiries, in order to determine whether there are sufficient grounds to warrant receipt of formal testimony through depositions and hearings.

It is critical to the Ethics Committee's ability to fulfill its responsibility to the Senate to investigate allegations of misconduct, and to the subjects of allegations to investigate fairly, that the committee's preliminary judgments about potential wrongdoing be based on the most accurate information possible. The availability of a criminal sanction under section 1001 for knowing false and material statements to the committee is an important safeguard to preserve the quality of the committee's investigative functions.

The absence of section 1001 liability may push the Ethics Committee to initiate formal proceedings more often, and earlier, than it would otherwise, just to ensure it receives truthful information. This premature heightening of ethics inquiries risks imposing unwarranted and unfair injury to subjects' reputations and unnecessary expense to the Senate.

This bill would restore the applicability of section 1001 to false material statements to congressional committees during inquiries.

Individuals who have knowingly filed false financial disclosure statements have in the past been convicted of violating the false statements statute, 18 U.S.C. Sec. 1001. Following the U.S. Supreme Court's reinterpretation of section 1001 last year, executive branch officials are still subject to punishment for false statements under section 1001, but congressional filers cannot be punished under section 1001 for identical misconduct. While congressional filers may potentially remain subject to sanction under other criminal code provisions, the applicability of these other provisions is untested and uncertain. Members of Congress and their staffs should not receive any possibility of special treatment, but should face the same criminal sanction for their false financial disclosures as other government officials.

In addition, the Senate Code of Official Conduct and Federal law require the filing of a number of other reports and disclosure forms under various circumstances. These include reports of the acceptance of gifts from foreign governments, disclosure of employees' reimbursed travel expenses and authorization for such reimbursement, reports of designations of charitable contributions by registered lobbyists or foreign agents in lieu of honoraria, and reports of contributions to and expenditures from legal expense funds, among other matters for which reports or disclosure is required.

Without section 1001, there are currently no sanctions for deliberately filing false information in connection with any of these reporting requirements. For these disclosure and reporting requirements to fulfill the purpose for which they were established, there need to be clear penalties for willful violations of the rules by the filing of false reports.

The obstruction of justice statute, 18 U.S.C. Sec. 1505, makes it a Federal offense corruptly to impede or obstruct an investigation of a congressional committee. Historically, this provision has served to safeguard the integrity of congressional inquiries by providing a penalty for individuals who seek to obstruct a proper inquiry. In 1991, the D.C. Circuit Court of Appeals decision in the Poindexter case seriously eroded the protection of section 1505 by holding that, as applied to conduct undertaken by an individual witness him/herself, rather than through another individual, the law was unconstitutionally vague to be applied.

For a committee like the Senate Ethics Committee, which has the task of finding facts in sensitive and complicated cases involving potential misconduct of Senators, this narrowed interpretation raises serious risks of impairing the integrity of the committee's proceedings. In the case involving former Senator Bob Packwood, the Ethics Committee noted in its report that ''the committee is specifically empowered to obtain evidence from Members and others who are the subject of

committee inquiry, and it is entitled to rely on the integrity of such evidence. Indeed, the entire process is compromised and rendered wholly without value if persons subject to the committee's inquiry, or witnesses in an inquiry, are allowed to jeopardize the integrity of evidence coming before the committee.'' [Report at pages 142–43].

For many years, it has been understood that an individual who acts with improper or corrupt purpose to obstruct a committee or other Government investigation, whether by false or misleading testimony, the deliberate destruction or alteration of documents, or other nefarious means, commits wrongdoing subject to punishment under 18 U.S.C. section 1505. Now, after the Poindexter decision, a serious question exists whether an individual who engages in conduct to obstruct an investigation personally, rather than by persuading someone else to do so, may be called to account for such unacceptable conduct under section 1505.

It is my firm conviction that Congress has already acted legislatively through the present language of section 1505 to criminalize this conduct. However, since at least one court was apparently unclear on what Congress had in mind, it is important that we provide explicit guidance in the law so clear that no confusion will arise in the future.

This bill would correct the court's nonsensical interpretation of section 1505 by making clear that the statute prohibits witnesses from engaging with improper purpose in any of the variety of means by which individuals may seek to impede a congressional or other governmental investigation, whether doing so personally or through another individual, and whether by making false or misleading statements or withholding, concealing, altering, or destroying documents sought by congressional committees and other investigative bodies.

The Senate subpoena enforcement statute, 28 U.S.C. section 1365, provides the mechanism for Senate committees to go to court to seek assistance from the court in enforcing compliance with a subpoena of the committee. This system, which was enacted in 1978, permits a committee seeking necessary testimony or documents to apply to court, with the Senate's authorization, so that the witness may present his/her privilege or other basis not to comply with the Senate subpoena. If the court sustains the committee's position, it may order the witness to comply with the subpoena and thereby enable the committee to obtain the information it needs in a timely and fair manner.

Over the past 20 years, the availability of this system has proven extremely beneficial to Senate committees, including the Ethics Committee. The Ethics Committee utilized this process to obtain a judicial ruling on Senator Packwood's objections to providing portions of his diaries to the committee. In that case, the courts upheld the committee's position and Senator Packwood was ordered to turn over his diary materials, subject to the masking of privileged and personal information, which the committee respected. The process worked well and enabled the committee to obtain the evidence it needed to complete its responsibilities to the Senate and the public.

An ambiguity in the current statute, however, periodically threatens the ability of this salutary system to work to resolve controversies between Senate committees and witnesses. When the enforcement law was enacted, an exception was carved out for privilege assertions by the executive branch, so that the courts would not be called on to resolve disputes between the two political branches of Government. The drafting of that exception left some unfortunate doubt, however, as to its applicability when a witness who happened to be employed by the Federal Government was asserting a personal privilege or objection to a Senate subpoena, not a governmental privilege. The law was never intended to exclude such cases from judicial resolution and there is no good reason for so doing.

The ambiguity has created questions in some cases as to whether or not the Senate could utilize the civil enforcement mechanism to obtain judicial assistance with one of its committees' subpoenas. Even in the example, I described involving Senator Packwood, a question could have arisen whether, because he was a Senator, and, therefore, a Government officer, the exception precluded judicial enforcement of the Ethics Committee subpoena. Senator Packwood did not make such an argument, and the court did accept jurisdiction over the case.

However, the mere possibility of such a jurisdictional issue's arising creates an impediment to the swift and sure resolution of disputes over the entitlement of Senate committees to information they need. In the context of an important and sensitive ethics investigation, the risk of such a situation arising in the midst of an investigation is unacceptable. This bill would clarify section 1365 to make clear that the Senate may authorize committees to go to court to resolve subpoena disputes, whether with private individuals or Government employees, as long as the witness is raising a personal privilege or objection, rather than governmental privilege.

The final clarification in the bill involves the congressional immunity statute, 18 U.S.C. section 6005. Senate committees have power to confer use immunity, by vote of two-thirds of their membership, to compel witnesses to testify notwithstanding an assertion of Fifth Amendment privilege. Committees properly immunize witnesses very sparingly, only when they determine that receiving the testimony is necessary to the committee's task and that the possible adverse effect on future criminal prosecution is tolerable. Following the D.C. Circuit's decision in the North case, in particular, committees are on notice that conferral of use immunity to receive testimony in public hearings subject to television broadcast may have a dramatic impact on the ability of a prosecution to obtain a conviction for criminal wrongdoing. Since the North decision, Senate committees have proceeded exceedingly cautiously before agreeing to grant use immunity to a witness.

There are occasions, nonetheless, when immunity is appropriate and necessary to receive testimony from an essential witness. In such circumstances, committees have properly conferred use immunity. This has happened in the Senate on a total of 10 occasions since the North decision. All but 1 of these instances—that is, 9 times out of the 10—were in the context of Ethics Committee investigations, when immunity was necessary to obtain information about allegations of wrongdoing by a Senator.

One of the tools that the Ethics Committee has used in these instances in order to help make sure that there are not adverse repercussions on criminal prosecutions is its authority to receive the immunized testimony in private session, as in staff depositions. Indeed, eight of the nine witnesses who were immunized for testimony at staff depositions, not at public hearings. This procedure enables the Committee to receive information that it needs, but to do so in a forum that does not run the risk of spreading a witness' immunized testimony across the nation's television screens.

Unfortunately, the technical drafting of the immunity statute has apparently left a question in some people's minds as to whether the Senate's immunity poser extends to authorized staff depositions, or only to committee hearings. This was raised as a serious problem in the Iran-Contra investigation and any committee that ever seeks to receive testimony under immunity in a deposition runs the risk of the issue being raised there to block the testimony. The Ethics Committee is the committee that bears the greatest chance of facing this impediment in the future.

Accordingly, this bill contains a very simple, but important, amendment to make clear that the congressional immunity statute covers ancillary proceedings, like staff depositions, as well as committee hearings. Immunity still would be conferred only on a two-thirds vote of the full committee, and would be done so sparingly. However, with this change, there will be no questions that committees would be able to compel immunized testimony at staff depositions, rather than being forced to receive the testimony in a committee hearing, where it could possibly later taint a criminal prosecution.

Mr. NICKLES. I ask unanimous consent the Senate concur in the House amendment to the Senate amendments.

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

ORDERS FOR SATURDAY, SEPTEMBER 28, 1996

Mr. NICKLES. I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 10 a.m. on Saturday, September 28; further, immediately following the prayer, the Journal of proceedings be deemed approved to date, the morning hour be deemed to have expired, the time for the two leaders be reserved for their use later in the day, and there then be a period for the transaction of morning business, with statements limited to 5 minutes each.

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

PROGRAM

Mr. NICKLES. Following morning business on Saturday, the Senate will be awaiting House action on an omnibus appropriations bill, if produced from negotiations. The Senate may also be asked to turn to consideration of any other items cleared for action. Rollcall votes are therefore possible throughout the day on Saturday. The leadership will attempt to give adequate notice to Members in the event that rollcall votes prove to be necessary.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. NICKLES. If there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:54 p.m., adjourned until Saturday, September 28, 1996, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate September 27, 1996:

NATIONAL MEDIATION BOARD

MAGDALENA G. JACOBSEN, OF OREGON, TO BE A MEMBER OF THE NATIONAL MEDIATION BOARD FOR A TERM EXPIRING JULY 1, 1999. (REAPPOINTMENT)

IN THE COAST GUARD

THE FOLLOWING REGULAR OFFICERS OF THE U.S. COAST GUARD FOR PROMOTION TO THE GRADE OF LIEUTENANT COMMANDER:

BRIAN C. CONROY
RONALD J. MAGOON
ARLYN R. MADSEN, JR.
CHRIS J. THORNTON
KEITH F. CHRISTENSEN
DOUGLAS W. ANDERSON
TIMOTHY J. CUSTER
NATHALIE DREYFUS
SCOTT A. KITCHEN
KURT A. CLASON
JACK W. NIEMIEC
GREGORY W. MARTIN
RHONDA F. GADSDEN
NONA M. SMITH
GLEN B. FREEMAN
WILLIAM H. RYPKA
ROBERT C. LAFEAN
GERALD F. SHATINSKY
THOMAS J. CURLEY III
STEVEN M. HADLEY
JEROME R. CROOKS, JR.
JOHN F. EATON, JR.
CHARLES A. HOWARD
DAVID H. DOLLOFF
MARK A. HERNANDEZ
STEPHEN E. MAXWELL
ROBERT E. ASHTON
DAVID W. LUNT
ABRAHAM L. BOUGHNER
WILLIAM J. MILNE
GLENN F. GRAHL, JR.
GREGORY W. BLANDFORD
ANNE L. BURKHARDT
DOUGLAS C. LOWE
THOMAS M. MIELE
EDDIE JACKSON III
ANTHONY T. FURST
MATTHEW T. BELL, JR.
DUANE R. SMITH
MARC D. STEGMAN
KEVIN K. KLECKNER
WILLIAM G. HISHON
JAMES A. MAYORS
LARRY A. RAMIREZ
WYMAN W. BRIGGS
BENJAMINE A. EVANS
GWYN R. JOHNSON
TRACY L. SLACK
GEOFFREY L. ROWE
THOMAS C. HASTING, JR.
JOHN M. SHOUEY
WILLIAM H. OLIVER II
EDWARD R. WATKINS
TALMADGE SEAMAN
WILLIAM S. STRONG
MARK E. MATTA
RICHARD C. JOHNSON
JANIS E. NAGY
JAMES O. FITTON
SALVATORE G. PALMERI, JR.
TERRY D. CONVERSE
MARK D. RIZZO
MARK C. RILEY
SPENCER L. WOOD
ERIC A. GUSTAFSON
RICARDO RODRIQUEZ
CHRISTOPHER E. AUSTIN
RANDALL A. PERKINS III
RICHARD R. JACKSON, JR.
TIMOTHY B. O'NEAL
PETE V. ORTIZ, JR.
ROBERT P. MONARCH
PAUL D. LANG
EDWARD J. HANSEN, JR.
DONALD J. MARINELLO
PAUL E. FRANKLIN
CHARLES A. MILHOLLIN
STEVEN A. SEIBERLING
DENNIS D. DICKSON
SCOTTIE R. WOMACK
TIMOTHY R. SCOGGINS
RONALD H. NELSON
GENE W. ADGATE
HENRY M. HUDSON, JR.
BARRY J. WEST
FRANK D. GARDNER
JEFFREY W. JESSEE
RALPH MALCOLM, JR.
GEORGE A. ELDREDGE
DONALD N. MYERS
SCOTT E. DOUGLASS
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JOHN S. KENYON
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THOMAS D. COMBS III
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BEVERLY A. HAVLIK
DONNA A. KUEBLER
THOMAS H. FARRIS, JR.
TIMOTHY A. FRAZIER
TIMOTHY E. KARGES
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ROBERT M. CAMILLUCCI
ROBERT G. GARROTT
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SCOT A. MEMMOTT
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GREGORY P. HITCHEN
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JASON B. JOHNSON
ANITA K. ABBOTT
RAYMOND W. PULVER
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STUART M. MERRILL
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JOSEPH E. VORBACH
PETER W. GAUTIER
KEVIN E. LUNDAY
MATTHEW T. RUCKERT
BRIAN R. BEZIO
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CHRISTINE L. MACMILLIAN
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JOANNA M. NUNAN
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RICHARD J. RAKSNIS
PATRICK P. O'SHAUGHNESSY
MARC A. GRAY
ANTHONY POPIEL
GRAHAM S. STOWE
MATTHEW L. MURTHA
CHRISTOPHER P. CALHOUN
JAMES M. CASH
KYLE G. ANDERSON
DWIGHT T. MATHERS
JONATHAN P. MILKEY
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MATTHEW J. SZIGETY
ROBERT J. TARANTINO
RUSSEL C. LABODA
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ANDREW P. KIMOS
CRAIG S. SWIRBLISS
JOHN T. DAVIS
JOHN J. ARENSTAM
ANTHONY R. GENTILELLA
JOHN M. FITZGERALD
JOHN G. TURNER
KIRK D. JOHNSON
RAMONCITO R. MARIANO
DAVID R. BIRD
LEIGH A. ARCHBOLD
WILLIAM B. BREWER
DANA G. DOHERTY
WILLIAM G. KELLY

THE FOLLOWING RESERVE OFFICERS OF THE U.S. COAST GUARD FOR PROMOTION TO THE GRADE OF LIEUTENANT COMMANDER:

MONICA L. LOMBARDI
MICHAEL E. TOUSLEY
LATICIA J. ARGENTI
THOMAS F. LENNON
SLOAN A. TYLER
DONALD A. LACHANCE II
KAREN E. LLOYD

IN THE MARINE CORPS

THE FOLLOWING-NAMED OFFICER, ON THE ACTIVE-DUTY LIST, FOR PROMOTION TO THE GRADE OF COLONEL IN THE U.S. MARINE CORPS IN ACCORDANCE WITH SECTIONS 618 AND 628 OF TITLE 10, UNITED STATES CODE:

TODD H. GRIFFIS, 2756