

with the law firm of Kirkland & Ellis where he pulls down over a million dollars a year. Do we want an independent counsel who will investigate the matter and do his or her job as quickly as possible without distractions or do we want someone who fits the investigation in around other commitments so as not to diminish his high salary?

Mr. Starr's continued affiliation with his firm raises other troubling ethical questions—should an independent counsel be in the position of questioning individuals who are in turn questioning his own law firm about their prior activities—in this case the Resolution Trust Corporation?

It seems to me that the special court should at least consider such conflicts when appointing an independent counsel and my bill will require the court to consider such issues.

As important as these ethical questions are, an even greater problem is that these questions distract us from the main issue—the Whitewater investigation itself. In recent months you have not been able to read a single article about Whitewater before bumping into a discussion of Ken Starr's ethical jungle. Because the office of the independent counsel is so important and so high profile, those appointed to the position should not have even the appearance of conflicts.

My bill would require a court appointing an independent counsel to look at the potential counsel's past and present conflicts and to consider whether the counsel should work on the investigation full time.

I also want to note my grave disappointment over the politicization of efforts to revise the independent counsel law.

Last February, the Crime Subcommittee held a hearing on this matter and there appeared to be widespread bipartisan agreement that the statute is in need of revisions.

I hope that Chairman HYDE will consider this bill, and in the spirit of bipartisanship that was exhibited during the independent counsel hearing, schedule a markup as quickly as possible.

CONYERS' INDEPENDENT COUNSEL LAW— SECTION BY SECTION

SECTION 1. SHORT TITLE.

The title of the bill is the "Independent Counsel Accountability and Reform Act of 1997."

SEC. 2. EXTENSION.

This section reauthorizes the Independent Counsel Act.

SEC. 3. APPOINTMENT AUTHORITY.

This section requires at least one member of the division of the court appointing an independent counsel to have been named to the Federal bench by a President of a different political party than the other two members of the court.

This section gives the District Court for the District of Columbia jurisdiction over the special division.

This section provides that the members of the special division shall be bound by the Judicial Code of Conduct. It authorizes the judges appointing an independent counsel to seek comments about potential nominees, but requires them to memorialize, not the substance, but the fact of those communications.

This section requires the special division to consider whether: (1) a potential independent counsel has any conflicts of interest; (2) will devote him or her self to the investigation full time; and (3) the potential counsel has prosecutorial experience.

SEC. 4. BASIS FOR PRELIMINARY INVESTIGATION.

This section requires the Attorney General to conduct a preliminary investigation whenever she has received specific information from a credible source that an individual subject to the Independent Counsel Law has committed any federal felony or any federal misdemeanor for which there is an established pattern of prosecution.

SEC. 5. SUBPOENA POWER.

This section gives the Attorney General the power to issue subpoenas duces tecum when conducting a preliminary investigation.

SEC. 6. LEVEL OF EVIDENCE.

This section allows the Attorney General to determine that there is no basis for an investigation to continue if, by a preponderance of the evidence, she determines that the subject of the investigation lacked the requisite state of mind.

SEC. 7. PROSECUTORIAL JURISDICTION OF INDEPENDENT COUNSEL.

This section limits the scope of the independent counsel's investigation to those matters for which the Attorney General has requested the appointment of the counsel and matters directly related to such criminal violations, including perjury, obstruction of justice, destruction of the evidence, and intimidation of witnesses.

SEC. 8. CONSULTATION WITH THE DEPARTMENT OF JUSTICE.

This section allows an independent counsel to consult with the Department of Justice regarding the policies and practices of the Department is such consultation would not compromise the counsel's independence.

SEC. 9. AUTHORITIES AND DUTIES OF INDEPENDENT COUNSEL.

This section requires the independent counsel to comply with the Department of Justice's policies for handling the release of information relating to criminal proceedings.

This section requires the independent counsel to petition the court, after 2 years, for funding to continue the investigation. This section also requires the periodic reports filed by the independent counsel to include information justifying the office's expenditures.

SEC. 10. REMOVAL, TERMINATION AND PERIODIC REAPPOINTMENT OF INDEPENDENT COUNSEL.

This section adds the subject of the investigation to the list of those who can seek the termination of the independent counsel on the ground that the investigation has been completed or that it would be appropriate for the Department of Justice to complete the investigation or conduct any prosecution.

This section requires the independent counsel to petition the court for reappointment every 2 years and allows the court to appoint a new counsel if the court finds that appointed counsel is no longer the appropriate person to carry out the investigation.

SEC. 11. JOB PROTECTIONS FOR INDIVIDUALS UNDER INVESTIGATION.

This section protects individuals whose positions are not excepted from the competitive service on the basis of confidential, policy-determining, policymaking, or policy advocating character from being terminated for the sole reason that the person is the subject of an independent counsel investigation.

PROTECT CALIFORNIA'S COASTLINE WITH A MORATORIUM ON OIL AND GAS DEVELOPMENT

HON. RANDY "DUKE" CUNNINGHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. CUNNINGHAM. Mr. Speaker, I rise today to introduce legislation to extend the moratorium on oil and gas development in the Outer Continental Shelf [OCS] off the coast of California. This legislation is similar to H.R. 219 from the 104th Congress.

Californians strongly favor continuing this moratorium. The State of California has enacted a permanent ban on all new offshore oil development in State coastal waters. In addition, California Gov. Pete Wilson and State and local community leaders up and down California's coast have endorsed the continuation of this moratorium.

I believe that the environmental sensitivities along the entire California coastline make the region an inappropriate place to drill for oil using current technology. A 1989 National Academy of Sciences [NAS] study confirmed that new exploration and drilling on existing leases and on undeveloped leases in the same area would be detrimental to the environment. Cultivation of oil and gas off the coast of California could have a negative impact on California's \$27 billion-a-year tourism and fishing industries.

This legislation focuses on the entire State of California, and would prohibit the sale of new offshore leases in the southern California, central California, and northern California planning areas through the year 2007. New exploration and drilling on existing active leases and on undeveloped leases in the same areas would be prohibited until the environmental concerns raised by the 1989 National Academy of Sciences study are addressed, resolved, and approved by an independent peer review. This measure ensures that there will be no drilling or exploration along the California coast unless the most knowledgeable scientists inform us that it is absolutely safe to do so.

I am proud to be working to protect the beaches, tourism, and the will of the people of California. I ask my colleagues to join me in cosponsoring this legislation.

A BEACON-OF-HOPE FOR ALL
AMERICANS: EDENA C. GILL

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. OWENS. Mr. Speaker, with the 1996 election behind us, this nation has completed another cycle for the ongoing democratic process which makes America great. The electoral process and the public officials selected through this process are invaluable assets in our quest to promote the general welfare and to guarantee the right of life, liberty and the pursuit of happiness. It is important, however, Mr. Speaker, that we also give due recognition to the equally valuable contribution of non-elected leaders throughout our nation. The fabric of our society is generally enhanced

and enriched by the hard work done year after year by ordinary volunteer citizens. Especially in our inner city communities which suffer from long public policy neglect, local grassroots leaders provide invaluable service. These are men and women who engage in activities which generate hope. I salute all such heroes and heroines as BEACONS-OF-HOPE.

Edena C. Gill is one of these BEACONS-OF-HOPE residing in the central Brooklyn community of New York City and New York State. During the 1960's, Ms. Gill became involved in the Civil Rights Movement and was motivated by such mentors as Jitu Weusi, Al Vann and many others who were involved in the Ocean Hill Brownsville fight. She even worked with assemblyman Roger Green on his first campaign.

Currently, she is a member-at-large of the Thurgood Marshall Democratic Club; recording secretary for the Central Brooklyn Martin Luther King Commission; member of the 100 Women for Major R. Owens; and member of the First Baptist Church of Crown Heights. Among her other affiliations, Ms. Gill is involved with the National Association of Business and Professional Women's Club, Inc. where she serves as President. Elena Gill also became active with the Lefferts Avenue Mothers, an offshoot of the Lefferts Avenue Block Association. She joined the Melvin Walker Democratic Club which later became part of the Partners for Progress Democratic Club.

Married and a mother of two, sons Kyle and Gary, Edena Gill has distinguished her life as one of dedication to community, God and to family.

Edena Gill is a BEACONS-OF-HOPE for Central Brooklyn and for all Americans.

INTRODUCING NURSE PRACTITIONERS MEDICAID REIMBURSEMENT

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. RICHARDSON. Mr. Speaker, I am proud to introduce legislation to provide Medicaid coverage for all certified nurse practitioners and clinical nurse specialists for services they are legally authorized to perform.

Nurse practitioners provide vital primary care services to the underserved populations in our country. It is time we take full advantage of the quality, cost-effective primary care provided by nurse practitioners.

The legislation I am introducing would enable all nurse practitioners, regardless of specialty, to provide care to Medicaid recipients. Currently, patients are able to access the care of certain nurse practitioners such as family and pediatric nurse practitioners, but others such as adult and women's health nurse practitioners are not accessible.

Over 400 studies have confirmed that the health care provided by nurse practitioners in a variety of urban and rural primary care settings is of the highest quality. Nurse practitioners are particularly capable to provide health care to the indigent. Their educational programs emphasize the provision of care to patients who have limited financial resources. In a national survey conducted by the American Academy of Nurse Practitioners, over 60 percent of the patients seen by these providers

had family incomes of less than \$16,000 per year. Nurse practitioners rate as high in financial efficiency as they do in consumer satisfaction. Their ability to focus on preventative and curative medical services contribute to the quality as well as the cost-effectiveness of the care they provide.

It is well known that a majority of our underserved populations are located in rural and inner city settings across the Nation. While nurse practitioners are willing and able to provide services in these settings, not all nurse practitioners are currently being reimbursed by Medicaid for their services in these areas.

Nurse practitioners can play a central role in achieving our national goal of providing quality, cost-efficient health care for all citizens. I am hopeful this legislation will help to eliminate disparities in access to care for rural and inner city Medicaid populations by providing direct reimbursement to nurse practitioners and clinical nurse specialists who have proven their ability to deliver quality care in a cost effective manner.

DEFEND THE RIGHT TO LIFE

HON. JO ANN EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mrs. EMERSON. Mr. Speaker, I rise today to introduce a constitutional amendment for the protection of the right to life. Tragically, this most basic of human rights has been disregarded, set aside, abused, spurned, and sometimes altogether forgotten. Even more tragically, the U.S. Government has been a willing partner in this affair, and the sad consequence is the sacrifice of something far more important than just principle.

One of the things that sets America apart from the rest of the world is the fact that in this country, everyone is equal before the law. Regardless of race, religion, or background, each person has fundamental rights that are guaranteed by the law. However, we too often overlook the rights of perhaps the most vulnerable among us—the unborn. When abortion is legal and available on demand, then where are the rights of the unborn? When abortion is sanctioned and sometimes paid for by the Government, then how do we measure the degree to which life has been cheapened? When an innocent life is taken before its time, then how can one say that this is justice in America?

My amendment would establish beyond a doubt the fundamental right to life. Congress has an obligation to do what it has failed to do for so long, fully protect the unborn. I urge this body to move forward with this legislation to put an end to a most terrible injustice.

INTRODUCING THE SECOND NATIONAL BLUE RIBBON COMMISSION TO ELIMINATE WASTE IN GOVERNMENT—A NEW GRACE COMMISSION

HON. RANDY "DUKE" CUNNINGHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. CUNNINGHAM. Mr. Speaker, I rise today to introduce legislation to create the

Second National Blue Ribbon Commission to Eliminate Waste in Government Act. This legislation is similar to H.R. 217 from the 104th Congress. Building upon the example set by the Grace Commission in 1982–84, my legislation creates an independent private sector commission to help Congress eliminate Government waste.

The Grace Commission, officially established as the President's Private Sector on Cost Control in the Federal Government, marshaled the considerable private sector resources of more than 2,000 business professionals at no cost to the taxpayers. After 2 years of investigating the Federal Government for more cost-effective ways of doing the Nation's business, the Grace Commission delivered its final report to President Reagan in 1984. This effort yielded more than 2,000 commonsense, cost-cutting recommendations, two-thirds of which have become law and saved taxpayers nearly \$450 billion. In addition, this commission helped establish the private, nonpartisan organization known as Citizens Against Government Waste.

Building upon that example, my legislation establishes a commission to take several additional steps toward curbing waste in Government. First, the commission would survey the private sector for management and cost control methods to be used in the Federal Government. Second, the panel would conduct in-depth reviews of executive branch operations. Third, the panel would review and reevaluate past reports by agencies such as the Congressional Budget Office and the General Accounting Office.

This 12-member commission would be appointed by the President and the bipartisan leadership of Congress, with no more than six members of the same political party. After the thorough review, the commission would report its findings and recommendations to Congress. The commission's finding would serve as a basis for Congress to reduce waste and streamline Government operations.

I hope that all my colleagues will join me to promote greater fiscal responsibility and more effective Government by cosponsoring this legislation.

WILLIAM DAVIDSON'S GIFT TO CREATE THE FIRST SCHOOL FOR MANAGEMENT OF TECHNOLOGY IN ISRAEL

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. LANTOS. Mr. Speaker, I invite my colleagues to join me in commending Mr. William Davidson, president and CEO of Guardian Industries Corp., and managing partner of the National Basketball Association's Detroit Pistons Basketball Club. Bill Davidson has made a remarkable gift of \$30 million to establish a world-class business school at the Technion-Israel Institute of Technology in Haifa. Mr. Davidson's great vision and philanthropy will ensure that Israel will continue to develop and expand its highly advanced technology-based industries. Furthermore, the international business community will gain an unparalleled resource in the study of management of technology.