

truthful information which it has lawfully obtained, punishment may lawfully be imposed, if at all, only when narrowly tailored to a state interest of the highest order." *Florida Star v. B.J.F.*, 490 U.S. 524, 109 S. Ct. 2603 (1989).

Given the extraordinary newsworthiness of Speaker Gingrich's violation of a commitment he had just made as part of his plea bargain, it is hard to imagine the presence of a state interest of the "highest order" warranting the institution of criminal proceedings against Mr. McDermott or the newspapers.

In a case similar to Landmark Communications, a California appellate court has written, "[S]tate law cannot impose criminal or civil liability upon a nonparticipant for breach of the confidentiality required by [law]." *Nicholson v. McClatchy Newspapers*, 177 Cal. App. 3d 509, 223 Cal. Rptr. 58 (Cal. App. 3d Dist. 1986).

As a matter of common sense, the participants in the recorded conversation plainly had a diminished expectation of privacy when Rep. John A. Boehner, R-Ohio, joined the conversation on his car phone. Surely the others were aware that he was on a car phone. Surely they were aware that cellular phones may be recorded by nonparticipants with equipment that has been sold lawfully in thousands of stores throughout the country. If Speaker Gingrich was aware he was participating in a nonsecure communication and was then caught violating his commitments to the Ethics Committee, he and Ohio Republican Representative Boehner are principally to blame. Under these circumstances, any claim that the conduct of Jim McDermott (or the newspapers) was felonious would be reckless and irresponsible.

#### INTRODUCTION OF THE NATIONAL CLEAN WATER TRUST FUND ACT OF 1997

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 13, 1997*

Mr. VISCLOSKY. Mr. Speaker, today, I am introducing legislation to expedite the cleanup of our Nation's waters. This bill, the National Clean Water Trust Fund Act of 1997, would create a trust fund established from fines, penalties, and other moneys collected through enforcement of the Clean Water Act to help alleviate the problems for which the enforcement actions were taken. This legislation is identical to a measure I introduced with bipartisan support in the last Congress, and it was the model for an amendment that received 156 votes in 1995 during House consideration of legislation to reauthorize the Clean Water Act.

Currently, there is no guarantee that fines or other moneys that result from violations of the Clean Water Act will be used to correct water quality problems. Instead, some of the money goes into the general fund of the U.S. Treasury without any provision that it be used to improve the quality of our Nation's waters.

I am concerned that Environmental Protection Agency [EPA] enforcement activities are extracting large sums of money from industry and others through enforcement of the Clean Water Act, while we ignore the fundamental issue of how to pay for the cleanup of the water pollution problems for which the penalties were levied. If we are really serious about ensuring the successful implementation of the Clean Water Act, we should put these

enforcement funds to work and actually clean up our Nation's waters. It does not make sense for scarce resources to go into the bottomless pit of the Treasury's general fund, especially if we fail to solve our serious water quality problems due to lack of funds.

Specifically, my bill would establish a national clean water trust fund within the U.S. Treasury for fines, penalties, and other moneys, including consent decrees, obtained through enforcement of the clean Water Act that would otherwise be placed into Treasury's general fund. Under my proposal, the EPA Administrator would be authorized to prioritize and carry out projects to restore and recover waters of the United States using the funds collected from violations of the Clean Water Act. However, this legislation would not preempt citizen suits or in any way preclude EPA's authority to undertake and complete supplemental environmental projects [SEP's] as part of settlements related to violations of the Clean Water Act and/or other legislation.

For example, in 1993, Inland Steel announced a \$54.5 million multimedia consent decree, which included a \$26 million SEP and a \$3.5 million cash payment to the U.S. Treasury. I strongly support the use of SEP's to facilitate the cleanup of serious environmental problems, which are particularly prevalent in my congressional district. However, my bill would dedicate the cash payment to the Treasury to the clean water trust fund. The bill further specifies that remedial projects be within the same EPA region where enforcement action was taken. Northwest Indiana is in EPA region 5, and there are 10 EPA regions throughout the United States. Under my proposal, any funds collected from enforcement of the Clean Water Act in region 5 would go into the national clean water trust fund and, ideally, be used to clean up environmental impacts associated with the problem for which the fine was levied.

To illustrate how a national clean water trust fund would be effective in cleaning up our Nation's waters, I would like to highlight the magnitude of the fines that have been levied through enforcement of the Clean Water Act. Nationwide, in fiscal year 1996, EPA assessed \$85 million in penalties for violations of the Clean Water Act.

My bill also instructs EPA to coordinate its efforts with the States in prioritizing specific cleanup projects. Finally, to monitor the implementation of the national clean water trust fund, I have included a reporting requirement in my legislation. One year after enactment, and every 2 years thereafter, the EPA Administrator would make a report to Congress regarding the establishment of the trust fund.

My legislation has garnered the endorsement of several environmental organizations in northwest Indiana, including the Grand Calumet Task Force, the Indiana Division of the Izaak Walton League, and the Save the Dunes Council. Further, I am encouraged by the support within the national environmental community and the Northeast-Midwest Congressional Coalition for the concept of a National Clean Water Trust Fund. I would also like to point out that, in a 1992 report to Congress on the Clean Water Act enforcement mechanisms, and EPA workgroup recommended amending the Clean Water Act to establish a national clean water trust fund.

In reauthorizing the Clean Water Act, we have a unique opportunity to improve the qual-

ity of our Nation's waters. The establishment of a national clean water trust fund is an innovative step in that direction. By targeting funds accrued through enforcement of the Clean Water Act—that would otherwise go into the Treasury Department's general fund—we can put scarce resources to work and facilitate the cleanup of problem areas throughout the Great Lakes and across this country. I urge my colleagues to support this important legislation.

#### ADDRESS TO THE PARLIAMENT OF THE NAGORNO-KARABAGH RE- PUBLIC

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 13, 1997*

Mr. PALLONE. Mr. Speaker, as the cochair of the Congressional Caucus on Armenian Issues, I traveled to the Republics of Armenia and Nagorno-Karabagh in late January to learn more about the courageous struggle of the Armenian people as they try to build self-sustaining economies and protect their land and freedom.

In Armenia, I met with government officials to discuss the role of the United States and Armenia in preserving the security and economic viability of Nagorno-Karabagh, where peace is threatened by the territorial aggression of Azerbaijan.

Earlier in the week, on January 27, I was most honored to be the first Member of Congress from the United States to speak before the Nagorno-Karabagh Parliament. I am providing my colleagues with a text of the speech in hopes that it will help educate them to the serious problems faced by the Armenian people and enable Members to cast votes in the future that could ease the suffering in that troubled part of the world.

Mr. President, Mr. Foreign Minister, Mr. Chairman and ladies and gentlemen.

It is a great honor for me to address the elected legislature of the Republic of Nagorno-Karabagh. As an elected legislator myself, I see you as my colleagues and friends, fellow-Parliamentarians and fellow-democrats. Yet, to my deep regret, your service to your homeland is not generally granted the same recognition and respect that my status as an elected official of my country grants me around the world. This situation must change. You have earned the right to be accorded the respect of the international community as the legitimate representatives of your land and your people.

I hope that my visit to Karabagh, and especially my presence in your legislative chamber today, will contribute in some small way to a growing international recognition that the Republic of Nagorno-Karabagh is a reality.

Just about one year ago today, I had the privilege of meeting with President Kocharian and Foreign Minister Ghoukassian during their visit to Washington. While the President and Foreign Minister were accorded meetings with Members of Congress, I regret that they were not accorded the type of official welcome from the U.S. Administration that they deserve. Despite the lack of official recognition, the visit of the President and Foreign Minister did a great deal to advance the cause of the Republic of Nagorno-Karabagh, solidifying support among the Armenian-American community,