

Next I have written to HCFA to alert them to the seriousness of this situation for my constituents. I want HCFA to wake up and see what is happening on the central coast of California.

What I see are seniors frightened that their health plans are being taken from them and frustrated that they have to switch plans or go back to basic Medicare with all its high costs and confusing rules. I join the Senate Finance Committee Chairman, BILL ROTH, in urging HCFA to look at its recent actions that may be adding to this crisis in rural America. HCFA needs to be flexible in how these new rules are implemented.

Finally, I have called on the governor of our great State to advise him of the powers of his office in this matter. Many Members may not be aware of a little-known provision in the Balanced Budget Act of 1997. It allows a governor to request that HCFA redefine the service areas that managed care companies must cover within their State. While service areas are now county by county, they could encompass several counties over the entire State.

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What that means is that the governor could require that managed care companies cover low-reimbursement, low-profit areas along with the high-reimbursement, high-profit areas. This simple tool, if wielded properly, could provide an incentive for managed care companies to increase coverage throughout States like California that have some high-profit areas and some low-profit areas.

Mr. Speaker, this Congress has made a lot of noise about increasing senior citizens' access to managed care and about controlling Medicare costs through increased use of managed care. Seniors in my district have expressed a desire to join HMOs, and we should make it easier for them to do so. And yet managed care companies are pulling out of my district, and others across the country, like rats deserting a sinking ship, and they are leaving frightened, frustrated and stranded seniors in their wake. This is simply wrong.

We must take action. The actions I have outlined above would ensure that seniors in my district and seniors across the country have access to reliable, quality and affordable health care. There is no excuse for not acting now, before this Congress goes home to campaign, before this Congress renames another post office, before we disintegrate into yet another partisan fight about this issue or that. We need to consider now this bipartisan issue facing seniors with Medicare and HMOs.

#### PURPOSE OF IMPEACHMENT PROCEEDINGS IN HOUSE

The SPEAKER pro tempore (Mr. PETRI). Under the Speaker's announced policy of January 21, 1997, the gen-

tleman from Arkansas (Mr. HUTCHINSON) is recognized during morning hour debates for 5 minutes.

Mr. HUTCHINSON. Mr. Speaker, for the last 2 weeks, the House Committee on the Judiciary has worked diligently to review the referral of the Independent Counsel, as directed by the resolution of this House and adopted by a bipartisan majority. Now, after completion of that important task, the committee can focus on its second responsibility: To determine whether there is reasonable cause to believe that impeachable offenses may have been committed.

If the committee, and later the House, says yes, there is reasonable cause to believe, that does not mean there should be an impeachment or that anyone is guilty. It simply says there is enough merit to have a formal inquiry and hearings. That is an effort to get all the facts from all the parties in an attempt to get at the truth. These steps should not be taken lightly, because they have serious ramifications, but it does not represent the final conclusion nor does it indicate the outcome of this constitutional process.

As the committee considers this issue, it is important to make three points.

First of all, there are those that say we need to define what is an impeachable offense before we even consider the referral of the Independent Counsel. But I would say it is not our responsibility to define the term "high crimes and misdemeanors" set forth in our Constitution. Our founding fathers did not define it, previous Congresses did not define it, and it is not our duty to define it for the uncertain future. Indeed, to get some kind of narrow restrictive standard would be an unwise precedent that could hamstring future Congresses from doing their duty.

It is our responsibility not to define it but to reach a conclusion; to conclude whether the allegations and the facts presented to us may constitute impeachable offenses. This point was made very clearly by the staff report of the House Committee on the Judiciary in 1974, prior to the Watergate impeachment hearings. The staff said, "This memorandum offers no fixed standards for determining whether grounds for impeachment exists. The framers did not write a fixed standard. Instead, they adopted from English history a standard sufficiently general and flexible to meet future circumstances and events, the nature and character of which they could not foresee."

That leads me to the second point. Even though we cannot define impeachable offenses to a greater degree than the Constitution, we should recognize the uniqueness of the language "high crimes and misdemeanors". While criminal conduct may constitute an impeachable offense, every crime may not rise to that level. The framers of the Constitution focused on the pub-

lic trust at stake, and impeachment is designed to address conduct that violates that high trust. If the House considers the report from the Independent Counsel in that way, we distinguish the important Constitutional concern from that of conduct which may be personal in character and not violative of the public trust.

Our founding fathers illustrated their intent that "high crimes and misdemeanors" embrace a breach of the public duty. The Constitution itself describes officeholders under the Constitution as those who hold an office of trust or profit, directly associating public office with a notion of trust. In the federalist papers, Alexander Hamilton was quoted as saying, "The subject of its impeachment jurisdiction are those offenses which proceed from the misconduct of public officers."

The third point I would emphasize is that the constitutional idea of impeachment is not about punishment. There are those, including some of my colleagues on the other side of the aisle, who say that impeachment is to punish officers for misconduct, if established. The purpose of an impeachment proceeding is not to punish, but the purpose is to repair the breach. This would occur either from the conclusion that the facts do not merit further inquiry, from an acquittal in the Senate, or from a conviction that may result from removal from office. Certainly there must be consequences to a finding that there has been a breach of the public trust, but pursuit of punishment should not be our motive.

In the end, the question we must ask ourselves is whether we are willing to close down the Constitutional process or whether we will seek out all the facts and bring this matter to a close. It is certainly a difficult time for our country, but if we remind ourselves of the principles established by the drafters of our Constitution, then we will keep our feet on solid ground throughout this proceeding and we will be judged well by history.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will remind all persons in the galleries that they are here as guests of the House, and that any manifestation of approval or disapproval of proceedings from the gallery is a violation of the rules of the House.

#### CONGRESS SHOULD PASS D.C. AP- PROPRIATION BILL SO CAPITAL CAN CONTINUE TO MAKE PROGRESS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentlewoman from the District of Columbia (Ms. NORTON) is recognized during morning hour debates for 5 minutes.

Ms. NORTON. Mr. Speaker, October 1st is fast approaching, this Thursday,

and we will be at the end of the fiscal year, with miles to go and much to do in order to fulfill our most basic responsibility, and that is to pass 13 appropriations bills.

As co-chair of the Women's Caucus, along with the gentlewoman from Connecticut (Mrs. NANCY JOHNSON), I am pleased that the House has gotten through four of the seven priority bills chosen by the Women's Caucus. That brings credit to this House. I hope that the House also will bring itself credit by the way it treats the capital of the United States.

The District's appropriation is one of those left hanging and unresolved. The city is not a Federal agency, and when it is on tenterhooks wondering whether its appropriation will go through or, as in the case of the CR, held to last year's spending limits, a living, breathing city suffers.

The problem with our bill comes from 10 hours during which attachments of every kind were put on our bill, attachments at war with the democratically voiced views of the residents of the District of Columbia: Adoption forbidden for unmarried couples, even though we have children languishing in foster care; vouchers once again put on our appropriation, although the President had not 3 months prior vetoed such a bill; a police helicopter of the Park Service funded out of D.C. funds; advisory neighborhood commissions defunded entirely, though they are the lifeline of neighborhood life in the District of Columbia to keep the services coming at the neighborhood level. The District deserves better.

This Friday, the District is about to break ground on a new convention center funded entirely by the private sector. Most such centers in this country are funded with public funds.

The schools have shown enormous progress. We now have perhaps more charter schools per capita than any other jurisdiction in the United States. We had a magnificent summer school called Summer Stars. To make sure that we eliminate social promotion, children went not only to catch up but to get ahead. Test scores were up significantly on the Stanford 9 even before summer school—scores up in every grade.

We have a new vigorous control board that is keeping the District's feet to the fire and preparing the District for the return of home rule. This is a city that has come back. We have just had an election with fresh leadership promised next year, vigorous new leadership committed to getting the city's House in total order, even more than is being done now.

This is the kind of progress that one would think that the Congress would want to encourage. Ten hours of attachments to our appropriation did just the opposite. It dispirited residents who have suffered greatly in the past few years and have taken great pride that their city is coming up and coming alive.

This is a time for the House and the Senate to encourage the capital, it is not the time to punish the residents of the Nation's capital. By October 1st we hope that this body will have shown that it does indeed take pride in the progress the Nation's capital is beginning to make.

#### ISSUES THAT CONCERN AND SOMETIMES CONFUSE THE AMERICAN PUBLIC

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from Illinois (Mr. EWING) is recognized during morning hour debates for 5 minutes.

Mr. EWING. Mr. Speaker, I come here today with some concerns. We all, over the weekend, had maybe time to watch the reporting of political events in America, and I come here, I guess, to speak to the people of this great country and to the people in my district about things that concern me; things that are going on in America today that concern all Americans.

There is in the political system today the effort by many, on both sides of the aisle, to put their spin out on what is happening in America. I guess the first point that bothers me is the spinning of all these issues. We want the American people to understand that we are here to do their business and to uphold the law. The American people, I believe, want justice and fairness. They want the laws of this country to be applied to all of us, equally. And sometimes, with all that is going on, we might find that the American public is confused about whether that is happening and whether, in fact, it will happen.

Our system works. We must give it time to work. I would like to say to people that I am talking about the debate here on the House floor, and the political rancor that sometimes seizes the Capitol and the parties. This is where we make our decision. This is where we decide where the compromise is. This is where we decide what is fair. We do not, any of us in this body, worry that we have to look down Pennsylvania Avenue and see tanks rolling up the street because someone in power decides that they are being unfairly treated by this body. This is where our system works.

The bottom line on the first point I want to make is, too much spin from any source, on any side, of what is going on in America today is wrong, and I believe and hope that the American people can see that.

The second point that I thought was brought up a lot on the Sunday talk shows dealt with attacks on the Congress. Some of those attacks came from the First Couple, attacks made mostly at fund-raising events around the country.

A little aside. My wife traveled to Washington on Friday evening, because we were in session, and her plane was delayed for several hours because of the arrival in Chicago of Air Force

One. That is disconcerting. This is one of the major airports in America, and we appear to have an imperialism that affects the chief executive. The rest of the country can cool their heels and wait while the First Family or the President comes in for a fundraiser. I think we should watch that in America.

We do not want an imperial presidency, we do not want maybe 1200 people going to China at the cost of \$40 million or more. We have to watch that. And it is very easy to get into a pattern where that becomes more and more the norm instead of the exception.

□ 1100

But some of the criticisms leveled at the Republican Congress dealt with education, improving education, affordable child care, expanding health care, protecting the environment, stabilizing the international economy.

I would just like to talk about each of those points for just a minute, to answer the criticism of the administration in regard to that.

Improving education. I would like to know what Dollars to the Classroom is, if that is not a big improvement to education. I can imagine that almost every teacher in America will be glad to see \$400 average go to their classroom for education. What we are doing with the reenactment and the renewal of the higher education bill is indeed very important. What we are doing with the \$500 child tax credit certainly makes child care more affordable.

Expanded health care. We passed a bill out of this House that provides more health care for more Americans than ever before, and we hope the Senate will soon move on that.

In closing, there is much been said about attacks on this Congress. I think there is much to be said for what we have done, and I appreciate the time to come here and speak about it.

#### HIGH CRIMES AND MISDEMEANORS

The SPEAKER pro tempore (Mr. PETRI). Under the Speaker's announced policy of January 21, 1997, the gentleman from Florida (Mr. STEARNS) is recognized during morning hour debates for 5 minutes.

Mr. STEARNS. Mr. Speaker, I come here on the floor today to talk about the definition and the meaning of "high crimes and misdemeanors." The Constitution states that the "President and all civil officers of the United States shall be removed from office on impeachment for conviction of treason, bribery, or other high crimes and misdemeanors."

This is the standard under which the House Judiciary Committee is currently evaluating Judge Starr's report. But Mr. Speaker, what exactly are high crimes and misdemeanors? To define "high crimes and misdemeanors" is to