

Virginia. All of those could be in danger by failing to do this.

We could lose the money for the anti-gang grant program, \$13 million for that, and \$27 million for the youth crime gun interdiction initiative. These are just some of the things, Mr. Speaker, that are jeopardized by the failure to pass this rule this evening.

Mr. Speaker, we should not let this rule go down, because we should not let this conference report go down. It is, as my good friend, the distinguished gentleman from Maryland (Mr. HOYER) just said, a good bill that we have worked hard on. I urge my colleagues to support the rule, support the conference report. Pass this tonight.

Mr. MCINNIS. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the yeas appeared to have it.

Mr. MCINNIS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 106, nays 294, not voting 34, as follows:

[Roll No. 475]

YEAS—106

Abercrombie	Frelinghuysen	Moran (KS)
Aderholt	Ganske	Morella
Archer	Gekas	Myrick
Army	Gibbons	Neal
Bass	Gilchrest	Nethercutt
Bateman	Gillmor	Northup
Bliley	Gilman	Olver
Blunt	Greenwood	Owens
Boehlert	Gutierrez	Parker
Boehner	Gutknecht	Pastor
Bonilla	Hastert	Paul
Boswell	Hastings (WA)	Paxon
Brown (FL)	Hobson	Porter
Burr	Houghton	Price (NC)
Burton	Hulshof	Radanovich
Camp	Hutchinson	Ramstad
Campbell	Istook	Rangel
Castle	Jenkins	Regula
Coble	Johnson (CT)	Ros-Lehtinen
Collins	Kelly	Salmon
Conyers	Kim	Scarborough
Cox	Kingston	Schumer
Davis (VA)	Knollenberg	Shays
DeLay	Kolbe	Solomon
Diaz-Balart	LaTourette	Spence
Dicks	Lazio	Stump
Doggett	Lewis (CA)	Taylor (NC)
Dreier	Linder	Upton
Dunn	Lowey	Weller
Ehrlich	McCarthy (NY)	White
English	McCollum	Wicker
Ensign	McCrery	Wilson
Everett	McInnis	Wolf
Foley	McKeon	Young (AK)
Forbes	Meek (FL)	
Fox	Miller (FL)	

NAYS—294

Ackerman	Baldacci	Bartlett
Allen	Ballenger	Barton
Andrews	Barcia	Becerra
Bachus	Barr	Bentsen
Baesler	Barrett (NE)	Bereuter
Baker	Barrett (WI)	Berman

Berry	Hill	Petri	King (NY)	Oxley	Tauzin
Bilbray	Hilleary	Pickering	Klug	Packard	Thomas
Bilirakis	Hilliard	Pickett	Livingston	Poshard	Towns
Bishop	Hinchey	Pitts	Martinez	Pryce (OH)	Walsh
Blagojevich	Hinojosa	Pombo	McDade	Roukema	Yates
Blumenauer	Hoekstra	Pomeroy	Moran (VA)	Shuster	Young (FL)
Bonior	Holden	Portman	Murtha	Smith (OR)	
Bono	Hooley	Quinn		Stark	
Borski	Horn	Rahall			
Boucher	Hostettler	Redmond			
Boyd	Hoyer	Reyes			
Brady (PA)	Hunter	Riggs			
Brady (TX)	Hyde	Riley			
Brown (CA)	Inglis	Rivers			
Brown (OH)	Jackson (IL)	Rodriguez			
Bryant	Jackson-Lee	Roemer			
Bunning	(TX)	Rogan			
Buyer	Jefferson	Rogers			
Calvert	John	Rohrabacher			
Canady	Johnson (WI)	Rothman			
Cannon	Johnson, E.B.	Roybal-Allard			
Capps	Johnson, Sam	Royce			
Cardin	Jones	Rush			
Carson	Kanjorski	Ryun			
Chabot	Kaptur	Sabo			
Chambliss	Kasich	Sanchez			
Chenoweth	Kennedy (MA)	Sanders			
Christensen	Kennedy (RI)	Sandlin			
Clayton	Kildee	Sanford			
Clyburn	Kilpatrick	Sawyer			
Coburn	Kind (WI)	Saxton			
Combest	Klecza	Schaefer, Dan			
Condit	Klink	Schaffer, Bob			
Cook	Kucinich	Scott			
Cooksey	LaFalce	Sensenbrenner			
Costello	LaHood	Serrano			
Coyne	Lampson	Sessions			
Cramer	Lantos	Shadegg			
Crane	Latham	Shaw			
Crapo	Leach	Sherman			
Cubin	Lee	Shimkus			
Cummings	Levin	Sisisky			
Cunningham	Lewis (GA)	Skaggs			
Danner	Lewis (KY)	Skeen			
Davis (FL)	Lipinski	Skelton			
Davis (IL)	LoBiondo	Slaughter			
DeGette	Lofgren	Smith (MI)			
Delahunt	Lucas	Smith (NJ)			
DeLauro	Luther	Smith (TX)			
Deutsch	Maloney (CT)	Smith, Adam			
Dickey	Maloney (NY)	Smith, Linda			
Dingell	Manton	Snowbarger			
Dixon	Manzullo	Snyder			
Dooley	Markey	Souder			
Doolittle	Mascara	Spratt			
Doyle	Matsui	Stabenow			
Duncan	McCarthy (MO)	Stearns			
Edwards	McDermott	Stenholm			
Ehlers	McGovern	Stokes			
Emerson	McHale	Strickland			
Engel	McHugh	Stupak			
Eshoo	McIntosh	Sununu			
Etheridge	McIntyre	Talent			
Evans	McKinney	Tanner			
Ewing	McNulty	Tauscher			
Farr	Meehan	Taylor (MS)			
Fattah	Meeks (NY)	Thompson			
Fazio	Menendez	Thornberry			
Filner	Metcalf	Thune			
Ford	Mica	Thurman			
Fossella	Millender-	Tiahrt			
Frank (MA)	McDonald	Tierney			
Franks (NJ)	Miller (CA)	Torres			
Frost	Minge	Traficant			
Furse	Mink	Turner			
Galleghy	Moakley	Velazquez			
Gejdenson	Mollohan	Vento			
Gephardt	Nadler	Visclosky			
Gephard	Neumann	Wamp			
Goode	Ney	Waters			
Goodlatte	Norwood	Watkins			
Gooding	Nussle	Watt (NC)			
Gordon	Oberstar	Watts (OK)			
Graham	Obey	Waxman			
Granger	Ortiz	Weldon (FL)			
Green	Pallone	Weldon (PA)			
Hall (TX)	Pappas	Wexler			
Hamilton	Pascrell	Weygand			
Hastings (FL)	Payne	Whitfield			
Hayworth	Pease	Wise			
Hefley	Pelosi	Woolsey			
Hefner	Peterson (MN)	Wynn			
Herger	Peterson (PA)				

NOT VOTING—34

Callahan	DeFazio	Hall (OH)
Clay	Fawell	Hansen
Clement	Fowler	Harman
Deal	Goss	Kennelly

King (NY)	Oxley	Tauzin
Klug	Packard	Thomas
Livingston	Poshard	Towns
Martinez	Pryce (OH)	Walsh
McDade	Roukema	Yates
Moran (VA)	Shuster	Young (FL)
Murtha	Smith (OR)	
	Stark	

□ 2107

Mr. MICA, Mr. SENSENBRENNER, Mrs. TAUSCHER, and Messrs. WAMP, EHLERS, HILL, CRANE, METCALF, PEASE and PICKERING changed their vote from "yea" to "nay."

Mrs. MCCARTHY of New York, and Messrs. LAZIO of New York, PASTOR, UPTON, SCHUMER, and MORAN of Kansas changed their vote from "nay" to "yea."

So the resolution was not agreed to. The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4274, DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION APPROPRIATIONS ACT, 1999

Mr. MCINNIS, from the Committee on Rules, submitted a privileged report (Rept. No. 105-762) on the resolution (H. Res. 564) providing for consideration of the bill (H.R. 4274) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1999, and for other purposes, which was referred to the House Calendar and ordered to be printed.

PERSONAL EXPLANATION

Mr. MORAN of Virginia. Mr. Speaker, I was unavoidably detained on the last vote. Had I been here, I would have voted "no."

□ 2115

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. GILCHREST). Under the Speaker's announced policy of January 7, 1997, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

TRIBUTE TO JUDGE CHARLES D'ARRIGO

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. FOSSELLA) is recognized for 5 minutes.

Mr. FOSSELLA. Mr. Speaker, since taking office last November, I have spoken before this House many times on the critical issues and decisions that face our nation. I would like to depart from my usual practice and speak before you this evening on an all-together different matter.

It is without question that the United States is the greatest nation in the history of the

World. In the span of a little more than 200 years, we have gone from a fledgling nation surrounded by the wilderness of nature and coldness of international isolation, to the World's only military and economic superpower. In that role the United States has been the sole protector of liberty and freedom during the World's darkest hours of this century and acted as a benevolent force to defeat and turn back the tide of fascism and communism. The greatness of America does not come from military strength or economic wealth. Rather, the greatness of America flows from the spirit of freedom and accomplishment brought about by the individuals who live in our land. I would like to take this opportunity to talk to you about one of those individuals—Judge Charles D'Arrigo.

In many ways Judge D'Arrigo exemplifies the typical American success story. The son of an immigrant father, Judge D'Arrigo attended Wagner College and Brooklyn Law School and served in the United States Army during the Second World War in the European Theater of Operations. From 1954 through 1973 he was engaged in the private practice of law, and in 1973 was elected a Judge of the Civil Court of the City of New York. In 1981, he became the Judge of the Surrogate's Court of Richard County, a position that he continues to hold and will until his retirement at the end of this year.

Being a Judge of the Surrogate Court is not an easy task. The duties of a Surrogate very often have to deal with the intimate personal and financial situation of a grieving family after the loss of a loved one. Many times those cases are compounded by acrimonious disputes. True to his nature, of always seeing the bright side of life, Judge D'Arrigo transformed his position to help young, loving couples become parents by performing hundreds of adoptions. Adoption Day in the Surrogate's Court has been turned into a Staten Island holiday season tradition. Although soft spoken, Judge D'Arrigo has stood as a champion of justice and acted as a fair and compassionate arbiter of the law. Universally respected, Judge D'Arrigo exudes the honor and integrity that highlight the importance of our justice system and the rule of law that protects individual liberty.

Judge D'Arrigo's civic pursuits extend far outside of the court room as well. With Norma, his lovely wife and partner of 49 years, the D'Arrigo's have participated in so many philanthropic endeavors, that their good works, most often without credit or accolades, are inseparably woven throughout the social fabric of our great Borough.

On the occasion of his retirement from the bench, I wish to congratulate Charles. To Norma I say, thank you for allowing us to have your husband for so long and I hope that you both enjoy this special time for many years to come.

It is my sincere hope that you both remain active participants in the community. Collectively, as a community, we would be at a loss without the gentle words, kind smiles and steely determination to perform good works that you both bring into any project.

My best wishes to Charles and Norma D'Arrigo, their three children, Shelton, Janice and Charles. And of course, their lovely granddaughter, Christin, and I thank the Speaker for indulging me in this personal commemoration.

REPUBLICAN 90-10 PLAN

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from Arizona (Mr. HAYWORTH) is recognized for 60 minutes as the designee of the majority leader.

Mr. HAYWORTH. Mr. Speaker, and for those who join us from coast to coast and beyond via C-SPAN, we make many historic decisions in this, the people's House, and one made last week is one of the most profound, with far-reaching consequences for the better, for our Nation and our people. Because, Mr. Speaker, last Saturday in this Chamber the majority passed a plan that said, quite simply, it is important that this Congress sets aside \$1,400,000,000,000 to save Social Security.

Now, it has been interesting to hear some of the debate that was bandied back and forth; to hear some of the commentators and pundits, but this historical fact is beyond dispute: Never before, Mr. Speaker, in the history of this assembly, did anyone step forward to set aside funds to save Social Security.

Oh, there were efforts to raise payroll taxes, and always it seemed the temptation of raising taxes was something to which previous majorities succumbed. But what this common sense conservative majority did in this Chamber last Saturday provides a common sense plan not only for Social Security but also for tax relief to the American people. Those of us in our common sense conservative majority call it the 90-10 plan, setting aside 90 percent of the projected surplus, again, \$1,400,000,000,000 for Social Security, and using a very modest amount, comparatively, for tax relief for the American people.

Mr. Speaker, I am joined tonight for this special order by one of my colleagues from the Committee on Ways and Means, my classmate who joined me in the new majority in that historic vote in November of 1994 as a newcomer to Congress in the 104th Congress, my seat mate now on the Committee on Ways and Means, one who has worked tirelessly to provide meaningful features of this tax relief plan. At this time I would yield to my good friend, the gentleman from Illinois (Mr. WELLER), to talk about what in essence is the centerpiece of this tax relief plan, this very prudent, this long-term profitable plan for the American Nation, the centerpiece of the feature being relief from the marriage penalty. I yield to my friend.

Mr. WELLER. Mr. Speaker, I thank my colleague for yielding me some time to talk about what I consider to be a big victory, not only for the people of Arizona and Illinois but people throughout this country. It is because of the Republican majority in the last 3½ years that for the first time in 28 years we have a balanced budget. Not only do we have a balanced budget but, beginning today, October 1st, we have a

surplus, more tax revenue coming into the Treasury than we are spending.

We have held the President as well as our own leadership's feet to the fires. That freshman class of 1994 said that we were going to come to Washington to change how Washington works. We have succeeded in balancing the budget, and I am proud of that. And it is kind of something new here in Washington, that we actually have more tax revenue coming in than we are spending. We are more than living within our means.

In fact, it is projected today by the Congressional Budget Office that we expect to see over the next 10 years, thanks to a fiscally conservative Congress, a \$1.6 trillion budget surplus. \$1,600,000,000,000 in extra surplus tax dollars that are now in the Treasury over the next 10 years because we have held the line on spending. That is a big victory.

I want to point out that the balanced budget that we pushed through Congress last year, and convinced the President to sign, contained no tax increases on the American people. No income tax increases. In fact, we gave, for the first time in 16 years, middle class tax relief to the folks back home.

The gentleman was pointing out, of course, what is a big victory for a lot of people, for all of us that are working Americans, those of us who want to see the contract with working families, the retirement contract that is Social Security, honored. And, of course, we recognize that for people like my mom and dad, and when I think of Social Security we always think about those closest to us, our family, and how government in its ways and actions affect people we love and care about.

When I think of Social Security, I think of my own mom and dad, and I think of my Aunt Mary, and my Aunt Eileen, my Uncle Jack, my Uncle Bob, and members of my family that are seniors, where Social Security is an important part of their lives and their friends and their neighbors. And for them Social Security is in good shape. But for the next generation, my brothers and my sister's generation, for the baby boomers and for those that follow, Social Security is in question.

Because of our concern in this Congress to save Social Security, to ensure that we honor the contract of Social Security for the next generation and future generations, I am proud that we set aside \$1,400,000,000,000 to save Social Security.

I mentioned earlier my sister Pat, when I think of the marriage tax penalty. And I have often asked this question in debate here in the House over the past year, and my colleague from Arizona and others have joined us in this fight to eliminate what we consider to be the most unfair provision in the Tax Code, and it is a simple question: Is it right, is it fair that under our current Tax Code a married working couple with two incomes pays higher taxes than an identical working couple, with an identical income, that