

the Constitution. The President, all of us, are fully entitled to the protection of that Constitution. It is not the President, it is not those on the Democratic side of the aisle in the Committee on the Judiciary deliberations that are trying to cut down the law. They are trying to protect the law. They are trying to see that the law is implemented the way it was written, and it was written to protect all of us.

If we allow Mr. Shippers, or anyone like him, to cut down the protection of law, then how will we be protected in turn? Yes, it is more than just the President's right to the rule of law being at stake here. What is at stake is whether or not we will, in turn, defend those laws. Because in doing so, we defend ourselves.

So, I recommend, Mr. Speaker, to you and all who are interested, that we take up Sir Thomas More's cross, the one he bore, the one which he paid his life for. And that was that we obey the law in such a way as not to lose our sense of humanity in the process.

Mr. Speaker, I commend to you, and I commend to all, Mr. Bolt's "A man for All Seasons." I commend to Mr. Shippers and his defenders that they not twist the words, but bring them into the reality that reflects the best that is in America and the best that is in our Constitution, and that is the protection of one and all.

A VERY PRODUCTIVE REPUBLICAN CONGRESS

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

Mr. MANZULLO. Mr. Speaker, government does not have to be as complicated as we here in Washington make it. In fact, the only thing that counts to the folks that we represent, and the district that I represent runs from the Mississippi River across the top of the State of Illinois to within one county of Lake Michigan, and the people there are just like the people in the rest of the United States.

They get up early in the morning, go to work, pack their lunch bags. Then on Friday night, the husband and wife will sit down and say, you know, we do not understand it. We are both working and yet we are taking home less money and it cost more to live than ever before.

What those people want is what most Americans want. They want a tax rate that is fair. They want a government that is efficient. They want to be able to use the fruits of their own labors.

That is why this very productive Republican Congress is allowing the taxpayers of this country the ability to keep more of their hard-earned dollars, as opposed to sending it to Washington to be wasted on one of the 10,000 Federal programs that are here.

I was at a luncheon for Scott Forge, a major forge back in our district in McHenry County, and talked to a great

number of the work force. I asked, "How many here have children under 17 years old?" And about half of them raised their hands. And I said, "Do you believe that you as parents can make a better decision as to how to spend money on those children than 535 Members of Congress 820 miles from here?" And they all said yes.

Then I said, "For those of you who raised your hands, for every child you have, this year you will pay \$400 less in income taxes and next year \$500 less in income taxes." And they looked at each other and I said, "Sir, how many children do you have?" And he said, "I have 4." I said, "Next year you will pay \$2,000 less in income tax," and the place started to cheer.

I asked, "How many here have kids in the first 2 years of college?" Several people raised their hands. I said, "Would you not be better off spending your money on your kids' college tuition as opposed to paying income tax?" They said yes. And I said, "That is exactly what this Republican Congress has done. They are called Hope scholarships. Up to \$1,500 per year for the first 2 years that you can use towards your kid's college education as opposed to paying taxes."

That really is the Republican message. A productive Congress is a Congress that does things for people, not for itself. Do my colleagues think it is productive just because a Congress meets more and more and more days and passes more and more and more laws?

Mr. Speaker, more laws usually mean bigger government, more regulations, and higher taxes to pay for those new programs.

So, while the Republicans are being assailed as a "Do Nothing Congress," we do nothing liberal on the Republican side. But we are doing everything possible for the working people out there. The people that I represent, the ones who are working that Scott Forge who get up very early in the morning and go to work and work there doing all kinds of great things with their hands.

I can look them in the eye and say, "I am your United States Representative of Congress in Washington, and I helped craft and I voted for legislation that lowers your taxes and allows to you keep more of your hard-earned dollars."

That is the message. That is the message that people in this country want to hear. It is a very simple message. I could talk about the President and all the new programs he wants to institute and this and that. But we have to ask, who is going to pay for it all? Do we really think that all the new things that he proposes are going to be free? Who is going to pay for it all?

That is what matters to the people that get up in the morning and go to Scott Forge and work very hard. And I would suggest that these are the people who count. These are the people who have made America, and these are the

people that are the beneficiaries of this Republican-led productive Congress.

EDUCATION

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from North Carolina (Mrs. CLAYTON) is recognized for 5 minutes.

Mrs. CLAYTON. Mr. Speaker, in time, the American people will grade this Congress on its performance toward improving education. Teachers, parents and even students will examine what this Congress has or has not done to make our educational systems better. Sadly, I must report that, as of tonight, this Congress is failing.

Why is this Congress failing, you might ask? This Congress is failing because we have done nothing to decrease class sizes or to repair deteriorating school buildings.

Schools across the Nation are struggling because student enrollments are dramatically increasing. Evidence shows that there is a direct correlation between class size and learning ability. Students in smaller classes, especially in early grades, make greater educational gains, and maintain those gains over time. Smaller classes are most advantageous for poor, minority, and rural community children. However, all children will benefit from smaller classes. In addition, the greatest impact on learning will only occur if the new teachers brought into the classroom are qualified teachers.

In these final days, Congress still has a chance to correct this deficiency and improve its grade. The Class-Size Reduction and Teacher Quality Act of 1998 can and should be passed before we leave for adjournment. We could even pass it in the Suspension Calendar.

This bill would help States and local school districts recruit, train, and hire 100,000 additional well-prepared teachers in order to reduce the average class size to 18 in grades 1 through 3. Creating 100,000 new positions for teachers is important in order to meet the increasing enrollments. The process will occur over the next ten years. The need for this legislation is paramount. America needs more teachers. More teachers is so critical to maintaining and improving our educational system.

In addition to working to increase the number of teachers and reduce class sizes, we must also work, before we leave for adjournment, to facilitate the rehabilitation and construction of school buildings, many of which are in a critical state of disrepair. Too many of our students in grades kindergarten through twelve are in overcrowded classrooms, with poor curriculums, limited equipment and deteriorating schools. Because 90 percent of our children attend public schools, we must strengthen and improve those schools, particularly school structures.

We have an all-time record school enrollment of 52.2 million students today. The strain on school systems and the impact on learning will be felt for years to come. Poor school buildings discourage learning, with leaky roofs, broken windows, peeling paint, inadequate heat in winter and poor cooling and ventilation in spring and summer.

According to a 1996 Report by the General Accounting Office, some sixty percent of the Nation's schools are in disrepair. American students are falling further and further behind

many of their counterparts in countries around the world.

There is a plan to repair our schools. Under this plan, federal tax credits would be used to help underwrite some \$22 billion in bonds that would be used to build and renovate public schools.

Mr. Speaker, we must make required reforms, improvement and sufficient investment to provide a quality education system where every child has a chance to learn, develop and contribute.

If we do nothing before we adjourn, our children will ask, why Congress did you fail us?

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

(Mr. COBURN addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Mrs. CAPP) is recognized for 5 minutes.

(Mrs. CAPP addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

CENSUS LAWSUITS

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

Mrs. MALONEY of New York. Mr. Speaker, I rise to discuss the census lawsuits that will be argued before the Supreme Court on November 30 of 1998. Mr. Speaker, you sued the Department of Commerce to prevent it from carrying out its plans to use statistical methods in the 2000 Census. A similar case was filed by private citizens, including the gentleman from Georgia (Mr. BARR).

Members must understand the importance of these cases, as my comments will demonstrate. I am confident that the Supreme Court will rule that the statutes and the Constitution permit the use of statistical methods. We must have the most accurate census possible and the use of statistical methods is the only way to ensure accuracy.

Mr. Speaker, I ran across a very good example of why statistical methods are the only real solution to an accurate census. It appeared this morning in the New York Times, and it talked about the Welcome Wagon. It stated that the Welcome Wagon, this is a program that used to welcome new residents to their neighborhoods and also do a little marketing for local merchants. The article says that the Welcome Wagon is closing its doors. Why? Because people are not home. They cannot find people at home to welcome when they move into the neighborhoods, so they are no longer going to be doing it. They will be reaching out through the mail and other ways.

Mr. Speaker, that is the problem with the census. Knocking on doors to

get information, many people are not home in America. That is the case in very simple terms.

Six months ago I came to this well to discuss procedural issues raised in the court cases. As many constitutional scholars suggest, the Supreme Court could rule on procedural grounds and dismiss the cases or remand them back to the District Court. The Supreme Court cannot give advisory opinions. The Constitution states that there must be a case in controversy in order for it to proceed on the merits.

Today, however, I want to switch from the procedural issues and focus on the merits of these lawsuits. The lawsuits filed by the Speaker and by Representative Barr ask the Court to review the Census Act and in particular two sections which discuss the use of statistical methods.

In addition to alleging that the Census Act prohibits the use of statistical methods, the Speaker and Representative BARR argue that the Constitution prohibits their use.

□ 2000

Because neither the Census Act nor the Constitution creates such a prohibition, the Commerce Department may and should use statistical methods in the 2000 census.

The Census Act does not prohibit the use of statistical methods for the purpose of apportionment. Two sections of the Census Act mention the use of statistical methods. Section 141 plainly allows for the broad use of statistics and section 195 states that statistics may be used. Yes, two district courts, the District court for the District of Columbia and the District court for the Eastern District of Virginia recently ruled otherwise. These are the two cases that the Supreme Court will hear on November 30 of this year.

Both of these courts erred in their rulings. First they ignored the plain meaning of each of the words of section 141 and 195. Section 141 gives the Secretary broad discretion to take the census in such manner as he chooses, including the use of sampling. Section 195 limits that broad discretion by stating that if he considers it feasible, the Secretary must use statistical sampling for nonapportionment purposes. However, for apportionment purposes, the Secretary's broad discretion remains as afforded by section 141.

Second, even if the courts determined that the Census Act provisions are unclear as to whether the use of statistical sampling is permissible, they should have deferred to the Census Bureau's reasonable interpretation of these provisions as required by law.

No one disputes the definition of 141, but the real issue is section 195.

Section 195 is clear with regard to the requirement of the Secretary to use statistical sampling for non-apportionment purposes if he deems it feasible. Obviously, Secretary Daley deems it feasible or we would not be where we are today. The question the courts reviewed was what Section 195 says with re-

gard to statistical sampling for apportionment purposes.

The Supreme Court has ruled on numerous occasions that if a statute is silent or ambiguous with respect to the specific issue, the question for the court is whether the agency's interpretation is a permissible construction of the statute. It should not decide whether the interpretation is the same interpretation that the court would have made. Therefore, the District of Columbia Court and the Virginia Courts failed to give the Bureau the discretion it deserved.

Three District Courts, the Eastern District of Michigan, the Eastern District of Pennsylvania and the District Court for the Eastern District of New York, have ruled correctly that the Census Act allows for the use of statistical methods. That is why I am pleased that the Supreme Court is reviewing the Speaker and BARR'S lawsuits.

The Constitution does not prohibit the use of statistical methods for the purposes of apportionment. Instead, it expressly delegates to Congress the authority to conduct the census "in such Manner as they by law shall direct." Congress passed such a law which give the Secretary of Commerce the authority to take the census. The Secretary of Commerce is doing just that, taking the census. The Secretary has chosen to take the census using the most modern technological advances available.

Now Congress no longer likes the law it passed and no longer wants the Secretary to have the authority to take the census. Congress has the right to change its mind but it must do it by law, not by the Appropriations process and not through the court system. Until Congress passes such a law, the Secretary has the authority to use statistical methods.

I should note that neither the District of Columbia Court nor the Eastern District of Virginia reviewed the constitutional issue. However, the Michigan, Pennsylvania and New York Courts did reach the constitutional issue and they all found that the use of statistical methods is constitutional.

Mr. Speaker, neither the Census Act nor the Constitution prohibits the use of modern technology in the taking of the census. I look forward to the Supreme Court explaining this fact to the House of Representatives and to the American people.

Mr. Speaker, I include for the RECORD the following:

[From the New York Times, Oct. 12, 1998]

WELCOME WAGON TO MAKE ITS VISITS VIA
POST OFFICE

(By Constance L. Hays)

The Welcome Wagon is rolling up the welcome mat.

Since the 1920's, Welcome Wagon's sales representatives, almost always women, have gone house to house visiting newlyweds and the newly moved-in, bearing greeting baskets laden with coupons, magnets, ballpoint pens and other items sponsored by the local locksmith, the town optometrist and other merchants. But these old-fashioned visits are coming to an end, in a testament to changing life styles or perhaps that traditional corporate desire to cut costs.

The owner of the Welcome Wagon, the Cendant Corporation, is dismissing most of its 2,200 representatives and will replace them with direct marketing through the mail.

So rather than a lengthy visit with the possibility of real-time conversation, each of