Mr. BRYAN. If the good Senator would yield for a minute?

Mr. KERRY. I ask unanimous consent that I be permitted to yield for 1 minute to the Senator and that then the floor would be returned to me.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BRYAN. I thank the distinguished Senator from Massachusetts.

I wish to respond to the gracious statement by the chairman of the Energy Committee. Although we have had strong differences on this issue, the differences have been professional, not personal. He has been very professional in the way in which he has handled this matter. He has extended us every courtesy. I appreciate that. I think his conduct and deportment reflect the highest traditions of the Senate. I publicly acknowledge that. Even though, in combat, we were forceful in our advocacy, as was he, this is something that is intensely personal to us. The Senator understands that. But I do thank him very much for his graciousness and professionalism.

I yield the floor and thank the Senator from Massachusetts.

Mr. KERRY. Mr. President, I ask unanimous consent that I may proceed as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE BUDGET

Mr. KERRY. Mr. President, as we approach the budget debate this year, I think it is important for us to take a moment ahead of time to think about the broad outline of what we spend money on and also what we do not spend money on—how we allocate the priorities of this budget—because the budget is, after all, the most concrete, clearest expression of the priorities and intentions of the Congress.

I would like to walk through that for a moment, if I can, and then make a proposal to my colleagues, which I hope might, in the context of this year's surplus and the choices we face, be attractive.

The reality is, of the $1.8 trillion we will spend this year, the largest single expense, as we all know, goes to Social Security. The Federal Government is going to spend $400 billion or 22 percent of the Federal budget on monthly retirement and disability payments for about 45 million Americans who are either senior citizens or disabled.

The second largest commitment will be made to Medicare, nearly $220 billion or 12 percent of the Federal budget, ensuring that virtually every individual over the age of 65 receives health insurance benefits covering hospitalization, physician services, home health care, limited nursing home care, and laboratory tests, and providing health benefits to roughly 5 million disabled people.

In those two expenditures alone, we have spent a little over one-third of our budget on Social Security and Medicare. Of the remaining $1.2 trillion of that budget, we will spend $115 billion or about 6.5 percent of the budget on Medicaid. Those are, obviously, the health care benefits we provide to the least able to afford health insurance. In addition, we will spend about $110 billion or a little over 6 percent of the budget on Federal, civilian, and military retirement and disability benefits as well as veterans benefits.

When you throw in the other mandatory entitlement programs—such as foster care, unemployment compensation, farm price supports, food stamps, and supplemental security income, which is, as everybody knows, an income safety net for the poorest people in America—we then reach over $1 trillion in Federal spending.

This year, of the $1.8 trillion Federal budget, over $1 trillion will go towards the mandatory entitlement programs that, while vitally important, are on autopilot. We are not going to make individual judgments about them except to the degree we decide we need to shore up the Medicare program or shore up the Social Security program. They are basically on autopilot in terms of their existence. The consensus of the Congress wants them; the country wants them. We support them. They don't need to be renewed, and they don't need to be reauthorized. They obviously are not appropriated on an annual basis.

When we talk about the budget that we, as Members of Congress, are going to be dealing with in terms of discretionary spending, where we will make long-term investments, where we have some flexibility, we are dealing with about $800 billion.

All of us understand what happens very quickly to that remaining portion of the budget, to those $800 billion. Two hundred twenty-four billion or 12 percent of the Federal budget will go almost immediately to interest payments on the national debt. We are grateful that having reached the point of having a surplus, and with the President's proposal, we can see an end to the payments of interest on the national debt by the year 2013. But for the moment, 12 percent of the Federal budget this year is going to go to pay interest on the national debt. Those payments are not optional.

Putting that spending aside, we are now left with about one-third of the overall Federal budget or $600 billion which we now can use to cover all other Government functions. But that disappears very quickly. Two hundred eighty-three billion of that budget will be spent on national defense this year, nearly 16 percent of the Federal budget. Another 2.5 percent of the budget will be spent building highways, channeling harbors, financing mass transit, all to a cost of about $45 billion this year. Then you factor in housing assistance, nutrition programs, at a cost of about $42 billion, that is another 12 plus percent of the budget. And less than 2 percent of all the budget will go to health research, public health programs, searching for a cure to cancer, for HIV–AIDS, licensing new drugs for the marketplace, programs to attack teen smoking, services for the mentally ill.

One and a half percent of the budget will go to crime control, putting cops on the street, fighting drug trafficking, and barely 1 percent of the budget will go to foreign aid. Many Americans labor under the perception that somehow foreign aid is this vast proportion of the Federal budget. In fact, foreign aid is a significantly less percentage and real expenditure than it was under Ronald Reagan. I think we spent two or three times as much under Ronald Reagan in foreign affairs than we are spending today, which, I might add, is particularly ironic when you measure the changes in the world and the need for the United States to be more involved, not less involved, in a world that is increasingly globalizing and where we are all feeling the impact and forces of technology.

The point I make to my colleagues today: For what most people agree is the single most important investment we can make in America, there is precious little money remaining. How many of my colleagues in the last years, recognizing the impact of the technology revolution, have come to the floor emphasizing the importance of education in America? We reap the benefits and the deficits of our attention to education in a thousand different ways. When Senators come to the floor and talk about the increasing problem of children having children, babies being born out of wedlock, the number of kids in America who are at risk, we should be directly examining how many of our schools stay open into the evening, how many of our schools have afterschool programs. How many of our schools don't even have an ability to be able to track children who are truant?

It used to be that in the United States of America there was an ethic that when children were not showing up in school, the truant officer went out and found the kids. We did something about it. Today, you can be a kid in school and not show up and nobody even stops to wonder what happened. In too many schools in America they may not even contact what is too often a single parent and find out whether that single parent might have had time to be able to be aware that their kid might not be in school or what they might have time or ability to be able to do about it.

I don't raise this issue of spending to try to disparage the other budget priorities. I think they are all priorities. I vote for them. I support them. I think everybody in the Senate understands the importance of all of the things I listed. We have built up a very real bipartisan consensus on the importance of most of these investments.

But why is it that in the year 2000, after years of talking about education's importance and education reform, we are so absent a consensus in this institution on the need to be investing in communities that have no tax base with which to improve the school system? Ninety percent of America's children go to school in public schools. We waste more time on the floor of the Senate debating some alternative to public schools, such as vouchers or charters, rather than figuring out how we are going to fix the public school system and invest in it properly so those 90 percent of our children have a place to grow up properly and share in the virtues of this new world that America is increasingly witnessing and even playing a critical role in developing.

Every one of us meets with the extraordinary creative energy of the new technology community of this Nation. We have remarkable people doing remarkable things. We have companies that have built up more wealth faster than at any time in the history of this Nation. But there is an enormous gap for those companies in their capacity to grow over the coming years. Every chief executive of every technology company in our Nation will tell us again and again and again that their greatest restraint on growth is the lack of an available skilled labor pool. There are some 370,000 jobs going wanting today in the technology field.

(Mr. ROBERTS assumed the chair.)

Mr. KERRY. We are going to debate in Congress whether we are going to expand visas to bring immigrants from other countries to fill the jobs a properly educated young American ought to be able to fill or would want to fill if they had the opportunity to be able to do so. I think it is important to point out that out of a $1.8 trillion Federal budget, we are spending a relatively tiny amount of money to empower local communities to improve student achievement, to support teacher and administrator training, to help finance and encourage State, district, and school reforms, to recruit teachers, to fix failing schools, and to provide children the extra help they need to meet the challenging academic standards that are needed to make it in today's world.

Let me speak quickly to the teacher situation, Mr. President. For 3 years now, some of us have been coming to the floor of the Senate to warn our colleagues and America of our need to hire 2 million new teachers in the next 10 years. Why do we need to hire 2 million? Because we lose 40 percent of the new teachers in the first 3 years; because the schools are in such disarray, they have burnout in a mere 3 years, or they find the support systems are so inadequate they don't want to continue to teach. But we are also losing them because we have a whole generation of teachers reaching retirement age and we need to renew the teaching profession.

Ask any kid in college today: Do you want to go teach? How many kids plan to go teach in today's world? I read in the newspapers yesterday that the starting salary for an associate in a major law firm in Boston or New York is now equivalent to the salary of a Senator—about $140,000 a year. That is what you get the day you get out of law school and go to work for a large law firm.

If you want to, coming out of college today—and most kids need to because the average student gets out of college with about $50,000 to $100,000 worth of loans—they can look to go into some dot-com company where they can earn $60,000 or $70,000 within the first year or so of employment. What does a teacher get—$21,000, $22,000 a year? And after 15 years of teaching, when you have broken through and gotten your master's degree, you can get into the midthirties or high thirties. In some school districts, you may break into the forties. You can wind up an entire career of teaching and be earning maybe somewhere in the low fifties, high fifties, and very few districts hit the sixties. How do you attract anybody, under those circumstances, to do what we pretend is the most valued profession one can undertake—teaching.

So this year we are going to spend a grand total of slightly over $19 billion for all elementary and secondary education initiatives—or just barely over 1 percent of the $1.8 trillion Federal budget. When we hear our esteemed budget committee leaders talk about the great commitment on the part of Congress or the Federal Government toward improving education, I ask people to remember that what we are talking about is 1 percent of that Federal budget. We put so much more money into the back end of life in America, whether it is through Medicare or through Social Security, or just dying in a hospital—I hate to say it, but, tragically, in the last 2 weeks of life in America. We spend so much more at the back end of life than we invest when the brain is developing and it is in the most important stage of life.

Not one scientist will fail to document that what a human being will be—their capacity to think, their capacity to socialize, their capacity to be able to learn and to be a full participant in society—is 95 percent determined in the first 3 years of life. And we invest a fraction of a percentage of our budget to guarantee that children are safe and nurtured and, indeed, given the opportunities to have the maximum amount of brain development and opportunity for safety in those stages.

Our young people pull in about a penny on every dollar in terms of the investment priorities of the U.S. Congress. The National Center for Educational Statistics reports that the Federal Government provided 8.4 percent of total expenditures for elementary and secondary education from 1970 to 1971. It was 9.2 percent from 1980 to 1981. Yet last year we provided only 6.1 percent. The school population goes up, the demand goes up, but the commitment of the U.S. Congress, in total terms, goes down.

Let me put this in a different perspective, if I may. Let me compare the cost of investing in our children to the cost of some of our recently enacted tax provisions. In 1997, the President proposed, and Congress agreed, to create a new capital gains exclusion on home sales. Today, a homeowner can exclude from tax up to $500,000 of the capital gain from the sale of a principal residence. Obviously, we all agree that exempting the sale of a home from capital gains taxation is a good thing, and I am for that. Calculating the capital gain from the sale of a home is perhaps one of the most complex tasks a typical taxpayer faces because they have to keep detailed records of transactions on home improvements, they have to draw distinctions between improvements that add to the home's basis and repairs that don't. But what does it say about our national priorities—that the cost of exempting up to $500,000 of gain on the sale of a home will cost the Federal Government $18.5 billion this year. We are going to give up $18.5 billion of our revenue because we have decided it is important to reflect this ''priority.'' That is almost exactly the amount of money we spend as a nation on all elementary and secondary education.

Mr. President, I think that is a disturbing budget reality, and it is an incontrovertible fact, which I believe requires us to try to reconcile with the current demands we face from millions of Americans, whether they are parents, teachers, or business leaders, all of whom are asking us to help improve the schools of this Nation.

Now, I point this out because I believe now, when we enjoy the greatest economic expansion in the history of our Nation, we have an opportunity to lay the foundation for a new era in America. It is an opportunity to fix our schools, to increase their accountability, to recruit more and better teachers, and to reduce the average class size. I share with my Republican colleagues the desire to guarantee that we have a new accountability in the school systems. I believe we can reach a consensus and achieve that. But it must be done by some commitment of additional resources in order to allow the reformers at the local level to empower their States and local school districts to be able to turn their schools around.

Under the CBO's most recent estimates, the on-budget surplus—that is, the non-Social Security surplus—will amount to somewhere between $800 billion and nearly $2 trillion. I believe their most conservative estimate is probably the better place for us to start. That conservative estimate assumes that spending will continue to

increase at the rate of inflation. It assumes the continuation of emergencies, such as droughts in the Midwest and hurricanes on the east coast. It even assumes the continuation of unlikely events such as a decennial census every year—when we all know that expense occurs only once every 10 years.

I ask my colleagues to focus on the fact we are not talking about just Social Security now. We are assuming that the Social Security surplus is locked up, as it ought to be and as we wanted it to be. But we must decide to dedicate a portion of these surpluses towards the appropriate investment priorities of the Nation. Yes, that includes Medicare reform and putting it on solid footing. Yes, it includes a prescription drug benefit to help people pay the extraordinary costs of prescription drugs. We should dedicate a portion of that surplus towards debt reduction so we can keep reducing interest rates, and reduce the future interest obligations and extend the virtuous cycle of fiscal discipline which is at the heart of our economic expansion. Yes, we ought to pass some targeted tax cuts for middle-income families—such as the marriage penalty, estate tax relief, and an increase in the standard deduction. We can do those things.

We can also reserve an appropriate amount of money for the education of our young people—to raise that education to the level of rhetoric, to the level of campaigning, and to the level of debate that has existed in the Congress in the past years. I think the Congress has a unique opportunity this year to tell America that our young people at those critical stages of development are worth more than one penny on the dollar.

I intend to introduce a 21st century early learning and education trust fund. This legislation would set aside 20 percent of the most conservative CBO estimate of the on-budget surplus over the next 10 years only. I believe, with all of the debate on both sides of how to raise student achievement and reform public education, about the growing acknowledgment on both sides that reform costs money, that we should at the very least take a step that locks up a portion of the budget surplus and dedicate this money to early learning, and to education as a whole, where the country gets the greatest return on investment. Almost every analysis suggests that for $1 put into education at that stage, a minimum of $6 is returned to the Federal coffers over the course of the next years in one way or another.

My proposal would set aside $2.2 billion this year, $30 billion over 5 years, and nearly $170 billion over 10 years for education, for early learning, for childhood interventions, which will make a difference in building the fabric of families. That will help us break the cycle of children having children out of wedlock. That will help us solve the problem of parents who do not have time to be parents and be with their children in those critical hours of the afternoon when most kids get into trouble.

It will literally turn around the fabric building of our own Nation and ultimately provide us with an educated workforce that has the ability to continue the extraordinary economic growth we experienced these last years, as well as, I might add, empower us to be able to guarantee that a citizenry that grows up in a world of more information has the skills and capacities to be able to manage that information and, indeed, contribute to the wise decisionmaking—the wise choosing of policies in a world that will become increasingly more virtual, more capable of making faster decisions with more information being thrown at people and people trying to discern the truth for themselves. As Thomas Jefferson and George Washington, the Founding Fathers of this country, understood, nothing is as important as that effort of guaranteeing that your citizenry is educated.

The funds that would be held by the education trust fund could be used—and only used—to finance legislation to approve the quality of early learning through secondary education above the current inflation-adjusted baseline. Eligible uses include but would not be limited to programs and reforms authorized under the Elementary and Secondary Education Act and the Head Start Act. Trust fund expenditures would have to traverse the normal budget process.

If Congress were unable to agree on how to use trust fund revenue or if Congress simply doesn't commit enough resources to trigger the use of the trust fund, the trust fund assets would be carried over to the next year. The trust fund would work similar to the Social Security trust fund. On paper, those assets would carry forward to the next fiscal year. In reality, unspent funds would be used to pay down the public debt.

Trust fund revenue would not be available for anything other than these education specifics. Appropriators could not tap those trust fund moneys for sugar subsidies, for pet projects, or for other related purposes. Tax writers could not tap into trust fund money to pay for special interest tax breaks. But tax writers could use the trust fund money for education purposes ranging from school construction bonds to any other number of priorities on which the Congress could reach consensus. In effect, the trust fund would create a budgetary firewall protecting our national commitment to young people for early learning and education generally.

I have strong views about how some of that money might be best spent. But that is a debate for a different day. The question before us, as we think about the budget as a whole, particularly since it is the first budget of the new millennium, is, What is our commitment as a nation to education? Are we satisfied that one penny per dollar less than we used to commit under Ronald Reagan and less than we used to commit under Richard Nixon is currently being committed by the Federal Government for the purpose of building the future fabric of this Nation? I don't think I am alone in believing that surplus funds ought to be used to some degree in some manner for these education expenses.

In the State of the Union Address, the President pledged to increase our commitment to the Nation's education system by using surplus funds. In fact, his fiscal year 2001 budget requests an increase in discretionary spending for $5.7 billion for elementary and secondary education. I wholeheartedly support that critical increase. But I know and you know, Mr. President, and all of us in this Congress know that if we put together the proper structure that requires accountability that changes the relationships that currently exist in our public education system, that embrace choice, competition, accountability; that if we unleash the capacity of our school systems to be the best they can be, whether it means adopting the best of a charter school, the best of a parochial school, the best of a private school, the best of the best public schools, we have the ability in this Congress to find a way to guarantee that local communities embrace real concepts of reform. But none of those concepts can be properly implemented without some commitment of resources for communities that have no tax base and no ability to fund those systems through the property tax.

This is our mission, and $5 billion is not enough to fix our schools, or to guarantee a qualified teacher in every classroom, or to provide students with meaningful afterschool programs.

I am not suggesting a Federal mandate. I am not suggesting the long arm of Washington reaching in and telling people how to do it. To the contrary. I am suggesting that we leverage the capacity of local districts to make those choices for themselves. If we don't tell them how to get there as true fiscal watchdogs looking over our taxpayers' dollars, we will look on the back end to see they did get where they said they were trying to go. If we in this body intend to make education a top priority and work for serious reform, we have to guarantee children have access to those things that will contribute to their education's success.

I have never been able to reconcile in the Senate how it is that we are so ready to augment the expenses for the juvenile justice system, build new prisons and house people for the rest of their life for $35,000 to $75,000 a year, but we are unwilling to invest $35,000 a year to keep them out of those prisons and to provide them with a set of other choices when it matters the most. That, it seems to me, is the obligation of this country. The American people want funding for education increases. The American people in community

after community know they can't take any more on the property tax burden. Seniors who want to live out their years in the house they paid for can't see the property tax go up. Young families with a fixed stream of income who bought into their first home can't see the property tax go up. However, we fund our education system as if we were still the agrarian society which set up the entire structure for property tax in the first place.

Our obligation is to find a way to release the creative energies and learning capacities of our Nation. If we were to find a bipartisan consensus and reach across the aisle to end this wasted debate about saving a few kids rather than saving all of the kids, it seems to me we would have the ability in the Congress to achieve something that would truly be a long and lasting legacy. It would be a great beginning for this millennium.

Education is the No. 1 issue in America. It deserves more than a penny, a dollar. That, it seems to me, is the mission we should embark on over the course of these next months.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. It is such pleasure to see the distinguished Senator from Kansas in the chair. I know the Chamber will be kept in order, and we will make real progress.

PROVIDING FOR CONDITIONAL ADJOURNMENT OR RECESS OF THE SENATE AND HOUSE OF REPRESENTATIVES

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Con. Res. 80, the adjournment resolution, which is at the desk.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 80) providing for a conditional adjournment or recess of the Senate and a conditional adjournment of the House of Representatives.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. LOTT. Mr. President, I ask unanimous consent that the resolution be agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 80) was agreed to, as follows:

S. CON. RES. 80

Resolved by the Senate (the House of Representatives concurring), That when the Senate recesses or adjourns at the close of business on Thursday, February 10, 2000, or Friday, February 11, 2000, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Tuesday, February 22, 2000, or until such time on that day as may be specified by its Majority Leader or his designee in the motion to recess or adjourn, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the House adjourns on the legislative day of Wednesday, February 16, 2000, Thursday, February 17, 2000, or Friday, February 18, 2000, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 12:30 p.m. on Tuesday, February 29, 2000, for morning-hour debate, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Majority Leader of the Senate and the Speaker of the House, acting jointly after consultation with the Minority Leader of the Senate and the Minority Leader of the House, shall notify the Members of the Senate and House, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it.

MOTION TO PROCEED TO EXECUTIVE SESSION

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations en bloc: Executive Calendar Nos. 408 and 410. I further ask unanimous consent that the nominations be confirmed, en bloc, the motions to reconsider be laid upon the table, any statements relating to the nominations be printed in the RECORD, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDING OFFICER. Is there objection to the request?

Mr. INHOFE. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. LOTT. Mr. President, in light of that objection, I move to proceed to executive session to consider Executive Calendar No. 408. There is a request for a vote by our distinguished colleague, Senator INHOFE. Therefore, I ask for the yeas and nays on the motion.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. LOTT. Mr. President, before the Chair puts the question, I understand following this vote there will be some debate by my colleague from Oklahoma with respect to these two judges. I further understand, following the Senator's statement, we will proceed to two further rollcall votes on the confirmation of these judicial nominees. Senators should, therefore, be notified that a rollcall vote will begin on the pending motion and that after some time for debate, two additional votes will occur today.

The PRESIDING OFFICER. The distinguished Democratic leader.

Mr. DASCHLE. Reserving the right to object, I ask the majority leader, may we have an understanding that vote will not occur prior to 1:45 p.m.? Let me clarify. The motion to proceed can take place now, but if there are subsequent votes, those votes not take place——

Mr. LOTT. Is the Senator asking consent?

Mr. DASCHLE. I ask unanimous consent.

Mr. LOTT. Mr. President, I have no objection to that.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Mr. President, before we do go to a vote on the motion, I want to have a colloquy with the distinguished Senator from Oklahoma. The vote then on the motion will occur immediately following this colloquy, which should not take very long. Then the vote on the two nominees will not occur before 1:45 p.m. It may be later than that; I emphasize that.

The Senator from Oklahoma may want to talk for a while, and others may want to comment on this. We want to accommodate, as we always do, Senators who wish to be heard on important nominations. I yield the floor to the Senator from Oklahoma.

Mr. INHOFE. Mr. President, I thank the majority leader for yielding to me.

Last year, at the end of the session, I came to the floor and informed the White House, as well as my colleagues, that of a list of 13 proposed appointments, 8 were acceptable. I did this by checking with my colleagues to find out who would be placing holds on which of those 13 nominees. There were five that would have had holds on them.

I further stated that if anyone other than the eight were appointed, I would put a hold on all judicial nominations for the 2nd session of the 106th Congress. This policy was the result of an exchange of letters with the administration last summer in which the White House agreed to provide a list of potential recess appointments prior to adjournment so that the Senate could act on these appointments and avoid contentious action on recess appointments. The 8 to which I agreed were from a list of 13 that was provided by the White House, and I read those into the RECORD.

On December 9 the White House gave a recess appointment to Stuart Weisberg to the OSHA Review Commission, and on December 17 the White House gave a recess appointment to Sarah Fox to the National Labor Relations Board. They were not on the list of 13 that was received on November 18 and to which I referred on November 19. Based on these actions, I believe the White House violated their commitment by making these recess appointments. Therefore, I said I would put a hold on every judicial nomination this year. I believe this is the correct reaction to the action taken by the White House.