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No. 107

## House of Representatives

The House met at 10 a.m.

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer: Almighty God and Lord of our life, we seek Your guidance that we may live Your life to fullest measure.

Since the time of Sarah and Abraham, Your covenant with Your people has been the model of married life and civic order.

Enable husbands and wives to live in deeper understanding, honoring each other for their words and their goodness.

May all people, especially children, live without fear or intimidation.

Strengthen the bonds of intimacy in American family life that hearts will be converted to lasting values and find joy as they continually uncover love and faithfulness in themselves and in each other.

As the Government of this Nation, let us create an atmosphere of peace which helps family life flourish for generations to come.

You are our source and guide now and forever. Amen.

### THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. FILNER. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. FILNER. 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. Pursuant to clause 8, rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

### PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from California (Mr. FILNER) come forward and lead the House in the Pledge of Allegiance.

Mr. FILNER led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### LORAL CORPORATION

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, we all remember the fund-raising scandal that the President and the Democrats got themselves into in 1996, foreign money and money laundering. But perhaps the worst part was the apparent influence of the People's Republic of China.

We all remember that the Loral Corporation which leaked sensitive missile data to China was a major Democratic contributor that year.

In fact, Bernard Schwartz, the president and CEO of that company, the largest single contributor to the DNC, was recommended in 1998 as the focus of an independent counsel investigation to find out if there was a connection between donations and technology transfers.

Well, one would think they would learn their lesson. But we found out last week that Mr. Schwartz is again giving huge amounts of money to the Democrats.

FEC reports show that he has given an average of \$40,000 a month to Democrats since January of 1999, most of it in unrestricted soft-money donations.

I call on the Democrats to return these donations until we determine

once and for all what his role was in leaking sensitive missile data to the Chinese.

This is not just a matter of ethical conduct. It is a matter of national security.

### NO SURPRISE BOB KNIGHT WAS FIRED

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, it is no surprise that Bob Knight was fired.

But think about it. Bob Knight's athletes did not rape women, did not commit murder, did not molest children, did not carry guns, and did not sell drugs.

In fact, Bob Knight's student athletes were most noted for graduating, winning championships, being gentlemen, and exhibiting discipline and respect.

Beam me up.

Bob Knight was a coach, not a guidance counselor or a spiritual leader.

I yield back all those zero-tolerant, overpaid, IUD administrators that Bob Knight should have kicked right in the crotch.

### CHILDHOOD CANCER AWARENESS MONTH

(Ms. PRYCE of Ohio asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. PRYCE of Ohio. Mr. Speaker, I am wearing this gold ribbon today in support of Childhood Cancer Awareness Month and to honor young children like my own daughter, Caroline, who have lost their lives to this devastating disease and to show my support for those kids who have survived through their courageous, sometimes years long, submission to painful and isolating treatments.

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



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Leukemia, chemotherapy, lymphoma, neuroblastoma, these are terms no small child should have to pronounce. And instead of the normal third-grade spelling words, my Caroline was proud that she could spell Diflucan and Ativan, just two of the many drugs she had to take every single day.

As millions of kids return to school this September, we put the spotlight on this deadly disease. Two classrooms full of our children every weekday are diagnosed with cancer.

Cancer strikes more children than asthma, diabetes, cystic fibrosis, and AIDS combined. And while the incidence is steadily rising, childhood cancer still remains an underrecognized and underserved disease.

This can change. This must change. This will change.

#### ELECTRICITY CRISIS IN SAN DIEGO

(Mr. FILNER asked and was given permission to address the House for 1 minute.)

Mr. FILNER. Mr. Speaker, I just returned from San Diego where earlier this week hearings were held by the Committee on Commerce Subcommittee on Power and Energy yesterday by the Federal Energy Regulatory Commission on the electricity crisis that is facing San Diego where, in the last 2 or 3 months, prices have doubled and tripled for the average consumer, people have gone out of business not able to pay their bills, a tremendous drain on our economy threatening recession for our whole area.

It became clear in those hearings that this crisis was not brought about by any problem with the supply and demand, as some people charged, but was pure manipulation of the market by a few profit hungry power merchants who provide and generate the electricity for the western market.

Three hundred fifty million dollars was sucked out of the San Diego economy in the last 3 months, \$2 billion out of the California economy.

I have legislation, Mr. Speaker, to make sure that the victims of this incredible price gouging disaster are not the consumers and small business people of California but those who have made the ill-gotten gains.

Please pass H.R. 5131 to help San Diego.

#### DR. OSCAR ELIAS BISSET, CUBAN DISSIDENT

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, Dr. Oscar Elias Bisset, a Cuban dissident who, after more than 6 months of imprisonment in Castro's jail, clings to life in the hope that his situation will help galvanize the global community in support of Cuba's political prisoner and dissident movement.

Dr. Bisset, an Amnesty International prisoner of conscience, has suffered 46 days of torture for refusing to succumb to his oppressors. He has been denied medical attention and has even been denied a Bible and religious visits.

The doctor interpreted his duty under the Hippocratic Oath as an obligation to defend the lives of the Cuban people.

Dr. Bisset could not ignore the cries of anguish of all who have died at the hands of the Castro regime. His commitment is clearly stated in a letter that he gave to his wife during their last visit:

"The evil one, Castro, must acknowledge in me an eternal rival who will not lower his sword of justice, even if confronted by misery, pain, and death simultaneously."

The U.S. and the Congress have always stood for freedom and for the defense of the oppressed the world over.

I ask my colleagues to join me in calling for Dr. Bisset's immediate release so that he can continue his mission to try to free the Cuban people.

#### AN IMPERFECT MILITARY

(Mr. HEFLEY asked and was given permission to address the House for 1 minute.)

Mr. HEFLEY. Mr. Speaker, the Cold War may be over but the weight of responsibility inherited by the United States is heavier than ever. Threats are no longer contained by bipolar ideologies. Threats come from every corner of the world. It is under these conditions where our military forces find themselves doing more with less.

Stretched to a point where spare parts become an oxymoron and retention and morale is critical, it is in this environment where I fail to understand the President's rationale in sending Congress defense budgets asking for fewer and fewer dollars.

In every budget year since Clinton and GORE took office, the administration has proposed a decrease in defense spending. As a matter of fact, the defense budget has been reduced by more than \$10 billion in constant dollars since fiscal year 1993.

Fortunately, the Armed Forces have received better support from a Republican controlled Congress. Despite cuts proposed by the administration, Congress has funded above the President's request and has long recognized the importance of a prepared and well-funded military force.

Mr. Speaker, we should be proud of our men and women in uniform and should provide them what they need to do the job.

#### CONGRESSIONAL BASKETBALL TEAM DEFEATS AMERICAN LEAGUE OF LOBBYISTS

(Mr. QUINN asked and was given permission to address the House for 1 minute.)

Mr. QUINN. Mr. Speaker, I am here to announce that for the second year in

a row now, the Congressional basketball team has defeated the team of lobbyists from the American League of Lobbyists here in Washington, D.C. Last night's game was a hard-earned victory of 70-67.

The Congressional team got together in a bipartisan way. I would like to mention that the gentleman from Wisconsin (Mr. BARRETT); the gentleman from New Jersey (Mr. LOBIONDO); the gentleman from Missouri (Mr. HULSHOF); the gentleman from Ohio (Mr. OXLEY), our general manager and commissioner; the gentleman from Indiana (Mr. BUYER); the gentleman from South Dakota (Mr. THUNE), our MVP last night; the gentleman from Wisconsin (Mr. KIND); the gentleman from Washington (Mr. INSLEE); the gentleman from New York (Mr. FOSSELLA); the gentleman from Illinois (Mr. SHIMKUS); and the gentleman from California (Mr. BACA) all got together in an effort to prove that we can get along here in Washington and that we can do better when the cause is right.

Last night the American League of Lobbyists organized a benefit for over \$17,000 that will go to charity for the Hill staffers, for the hungry and homeless, for Horton's kids, and for Everybody Wins, a youth mentoring program here in the Washington, D.C. area.

We set a challenge for the lobbyists we can get along better, and we are going to make sure that some young people here in Washington, D.C., benefit from it.

#### CHILDHOOD CANCER AWARENESS

(Mr. BALLENGER asked and was given permission to address the House for 1 minute.)

Mr. BALLENGER. Mr. Speaker, we are all aware of the impact that cancer has on the American public. Sadly, we often do not realize the severity of childhood cancer. Today alone, 46 children will be diagnosed with cancer. But even more disturbing is that only two-thirds of those with cancer will survive.

Childhood cancer was recently brought to my attention when Kimberly Davies, the daughter of a member of my Washington staff, was diagnosed with CML leukemia at the age of 7.

Kimberly is doing well and continues to fight this dreaded disease. Kimberly is lucky, she has a bone marrow match through her sisters. However, most children are forced to wait and look nationally for bone marrow donors. This process can be extremely long and terribly uncertain.

The prognosis for Kimberly is positive. However, without the constant research and new methods of treatment, Kimberly's outlook may not have been so good.

Cancer is not a disease which only affects adults. Cancer affects children, too. It is important that Americans are aware of this and work to prevent and cure all forms of cancer. In Congress, it is important that we continue to fund

children's cancer research. Every day, science inches closer to finding a cure. Let us not hold back now.

I urge my colleagues to support the funding of child cancer research this year and in the years to come.

□ 1015

#### CHILDHOOD CANCER AWARENESS

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, last week, many parents throughout our districts sent their wide-eyed, youthful, energetic and anxious children off to their first day of school. What is disturbing to every one of us who may be a parent is that on any given school day, 46 children are diagnosed with cancer and two out of three will not survive.

September is Childhood Cancer Month, placing the spotlight on pediatric cancer, the number one disease killer of our children.

While these statistics may be depressing, the research and innovation into providing early diagnoses and finding a cure proved to be very hopeful for many of us parents.

Mr. Speaker, Congress must remain committed to funding cancer research programs, especially for pediatric cancer. As we participate in the Childhood Cancer Gold Ribbon Day, let us remember the youthful victims of cancer.

Congress must fully fund pediatric cancer research to ensure that they become youthful survivors instead of youthful victims.

#### IN MEMORY OF CARLOS CACERES COLLAZO, U.S. CITIZEN KILLED IN EAST TIMOR VIOLENCE

(Mr. ROMERO-BARCELO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROMERO-BARCELO. Mr. Speaker, the news last week of the brutal murder of the three United Nations workers in West Timor, Indonesia at the hands of an angry mob has faded to the back pages of the country's daily newspapers.

But for the family the only U.S. citizen killed in that attack, Carlos Caceres Collazo, a native of San Juan, Puerto Rico, the agony of the tragedy is still sinking in.

Carlos Caceres Collazo joined the United Nations High Commission on Refugees in 1995 and chose to work in the dangerous field of providing humanitarian aid to refugees in troubled spots such as East Timor.

The tragic death of this bright man, a graduate of Cornell University Law School and the University of Florida, underscores the frailty of human life, but it also highlights the strength and valor of answering the call to those who serve those in need.

Mr. Speaker, I never met Carlos Caceres, but it comes as no surprise to me to learn that he, like so many Puerto Ricans before him, gave his life to defend the rights of others continuing a tradition of public service.

#### TOP ISSUE FOR REPUBLICANS IS EDUCATION

(Mr. EHLERS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EHLERS. Mr. Speaker, last evening we had a chance, once again, to demonstrate that one of the top issues, if not the top issue, of the Republicans is education. We were in this Chamber debating an excellent bill proposed by the gentleman from Pennsylvania (Chairman GOODLING) of the Committee on Education and the Workforce.

He served for many years as a teacher, then principal, then superintendent; and he has put his knowledge to good use in his work here as chairman of the Committee on Education and the Workforce.

This bill will improve reading training of children, but above all, through a stroke of genius, he has also included provisions that parents will receive training in reading if they are illiterate.

Mr. Speaker, in my years of education, I discovered that the single greatest factor in the success of the student is an interested and involved parent. But if the parent cannot read, how do we expect the child to learn how to read?

The bill of the gentleman from Pennsylvania (Mr. GOODLING) will ensure that both will happen, and it also builds into it accountability to make certain that the government's money is not wasted. This bill does much more than just that, but I wanted to highlight this issue. I encourage all of my colleagues to vote yes on this excellent piece of education legislation.

#### IMPROVEMENTS IN MILITARY RETIREE HEALTHCARE

(Ms. GRANGER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. GRANGER. Mr. Speaker, I rise today in support of improvements in military retiree healthcare. While we can never adequately thank the millions of men and women who have proudly worn the uniform in defense of America, we must honor our commitments to them.

Several provisions of the fiscal year 2001 Defense authorization bill, which is currently in conference committee, are important steps in honoring that commitment.

Mr. Speaker, I am pleased to see that both Chambers passed proposals to provide a prescription drug benefit to Medicare eligible military retirees.

Currently, military provided health benefits for beneficiaries over 65, fall far short of what larger employers, including the Federal Government, provide to their retired civilians.

Including a drug benefit for military retirees is a necessary step in keeping our promises to the men and women who risk their lives for our freedom. As I like to say, every day when I get up, I thank God for my life and I thank our Armed Forces for my way of life.

Mr. Speaker, I urge the conference committee to include these common sense proposals in the Defense authorization bill, and in doing so, we will honor the heroes who protected freedom in America and ensured democracy for the world.

#### MARRIAGE TAX PENALTY

(Mr. WELLER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WELLER. Mr. Speaker, there is a fundamental question this House of Representatives has worked so hard to address, and that is, is it right, is it fair that under our Tax Code 25 million married working couples on average pay \$1,400 more in higher taxes.

Let me give an example of a couple back in Joliet, Illinois, Shad and Michelle Hallihan. They have a combined income of about \$65,000. They are public school teachers. They own a home. They have a little baby, Ben, a child.

They suffer the marriage tax penalty. In fact, their marriage tax penalty making \$65,000 a year is about \$1,400. Every House Republican, 51 Democrats joined with us, we voted to eliminate the marriage tax penalty. Unfortunately, Bill Clinton and AL GORE vetoed our effort to wipe out the marriage tax penalty for people like Shad and Michelle Hallihan. AL GORE says that people like Shad and Michelle who make \$65,000 a year, own a home, have a child, suffer a marriage tax penalty of \$1,400 a year are rich and should not be helped. That is wrong.

My hope is today, as we vote to attempt to override Bill Clinton's and AL GORE's veto, that our effort to eliminate the marriage tax penalty and that more Democrats will join with us on this fundamental issue of fairness.

We will work to help people like Shad and Michelle Hallihan, two public school teachers who pay higher taxes just because they are married.

#### URGING COLLEAGUES TO OVERRIDE VETO OF MARRIAGE PENALTY RELIEF

(Mr. KNOLLENBERG asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KNOLLENBERG. Mr. Speaker, I join my colleague from Illinois (Mr. WELLER) in rising to urge my colleagues to override the President's recent veto of marriage penalty relief.

The Marriage Penalty Relief Act passed by significant margins in both the House and the Senate. It is overdue for tax relief to our middle-income families, who are dependent on two-wage earners, who are hardest hit by this penalty. It is especially hard on that second wage, often the wife's salary, because their income is taxed at higher marginal rates, often from 15 percent to 28 percent. You can see how tough it is.

As the President makes up his long list of end-of-the-year spending priorities, let him remember and let us remember the 25 million married couples who are struggling to make ends meet. Instead of dedicating the surplus to more spending ideas and bigger government plans, we should return some of it to the American people who earned it, while continuing to pay down the debt.

Let the American people decide for themselves what is best and what is best for their families, not a politician in Washington.

VOTE TO OVERRIDE VETO ON MARRIAGE PENALTY RELIEF

(Mr. KINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KINGSTON. Mr. Speaker, I guess it should come as no surprise to the American people that the administration that attacks the Boy Scouts is now attacking the institution of marriage, and they are doing it from an insidious higher taxes on the couples who dare do the right thing and walk down the aisle.

Take the situation, a true story in Savannah, Georgia, woman's name is Ann and the husband's name is Steve. They were making \$25,000 each; they got married last December. Now their combined family income is \$50,000. Guess what? They went from 15 percent tax brackets to now 20 percent tax brackets. They are paying more simply because they got married. Nothing else changed.

This administration is going to look them in the eye and say no, you are wealthy, you do not deserve the tax, because guess what, some even wealthier person and, of course, that is evil in the minds of AL GORE, somebody might benefit from this, so we are not going to let you have your own money.

Mr. Speaker, I hope that a few brave Democrats will for once put their constituents first and vote to override this horrible veto and pass marriage tax penalty relief.

PASS HATE CRIMES PREVENTION ACT OF 1999

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, it is simply a matter of jus-

tice. Today the House of Representatives has an opportunity to fully legislate, and that is to support the motion to instruct to pass real hate crimes prevention legislation.

In the midst of all of this, Mr. Speaker, we will be having a number of frivolous motions, because our good friends on the other side are not serious about making a national statement against hate. They have fought us at every turn in not passing the Hate Crimes Prevention Act of 1999, James Byrd was not enough. Matthew Shepherd was not enough. I do not know who will be next. I call upon the goodwill of this Congress to pass this motion to instruct.

Finally, Mr. Speaker, it is a matter of justice. I asked the FBI to tell me whether or not the indictment or the trials and tribulations of Mr. Lee regarding the Los Alamos spy incident was a matter of racial profiling? Yes, it is a matter of justice. And I expect the FBI to respond to my inquiry as to whether or not because you are of a certain origin in this country, you are a spy or you are trying to undermine the United States of America.

THE JOURNAL

The SPEAKER pro tempore (Mr. OSE). Pursuant to clause 8, rule XX, the pending business is the question of the Chair's approval of the Journal of the last day's proceedings.

The question is on the Speaker's approval of the Journal.

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

Mr. FILNER. 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 337, nays 51, answered "present" 2, not voting 43, as follows:

[Roll No. 465]

YEAS—337

Abercrombie	Biggert	Cannon
Ackerman	Billirakis	Capps
Allen	Bishop	Cardin
Andrews	Blagojevich	Castle
Archer	Blumenauer	Chabot
Army	Blunt	Chenoweth-Hage
Baca	Boehlert	Clayton
Bachus	Boehner	Clement
Baird	Bonilla	Clyburn
Baker	Bonior	Coble
Baldwin	Bono	Collins
Ballenger	Boswell	Combest
Barcia	Boyd	Condit
Barr	Brady (TX)	Cook
Barrett (NE)	Brown (FL)	Cooksey
Barrett (WI)	Brown (OH)	Cox
Bartlett	Bryant	Coyne
Barton	Burr	Cramer
Bass	Burton	Cubin
Becerra	Buyer	Cunningham
Bentsen	Callahan	Danner
Bereuter	Calvert	Davis (FL)
Berkley	Camp	Davis (IL)
Berman	Campbell	Davis (VA)
Berry	Canady	Deal

DeGette	King (NY)	Regula
Delahunt	Kingston	Reyes
DeLauro	Kleczka	Reynolds
DeMint	Knollenberg	Riley
Deutsch	Kolbe	Rivers
Diaz-Balart	Kuykendall	Rodriguez
Dicks	LaHood	Roemer
Dingell	Lampson	Rogan
Dixon	Lantos	Rogers
Doggett	Largent	Rohrabacher
Dooley	Larson	Ros-Lehtinen
Dreier	Latham	Roukema
Duncan	LaTourette	Roybal-Allard
Dunn	Leach	Royce
Edwards	Lee	Rush
Ehlers	Levin	Ryan (WI)
Ehrlich	Lewis (CA)	Salmon
Emerson	Lewis (GA)	Sanchez
Etheridge	Lewis (KY)	Sandlin
Evans	Linder	Sanford
Everett	Lipinski	Sawyer
Ewing	Lofgren	Saxton
Farr	Lowey	Scarborough
Fletcher	Lucas (KY)	Schakowsky
Foley	Lucas (OK)	Scott
Forbes	Luther	Sensenbrenner
Fossella	Maloney (CT)	Sessions
Fowler	Maloney (NY)	Shadegg
Frank (MA)	Manzullo	Shaw
Frelinghuysen	Mascara	Shays
Frost	Matsui	Sherman
Galleghy	McCarthy (MO)	Shimkus
Ganske	McCarthy (NY)	Shows
Gejdenson	McCrary	Shuster
Gekas	McHugh	Simpson
Gephardt	McInnis	Sisisky
Gibbons	McIntyre	Skeen
Gillmor	McKeon	Skelton
Gilman	McKinney	Smith (MI)
Gonzalez	Meehan	Smith (NJ)
Goode	Meek (FL)	Smith (TX)
Goodling	Menendez	Smith (WA)
Gordon	Metcalf	Snyder
Goss	Mica	Souder
Graham	Millender	Spence
Granger	McDonald	Spratt
Green (WI)	Miller (FL)	Stabenow
Greenwood	Miller, Gary	Stark
Hall (OH)	Minge	Stearns
Hall (TX)	Mink	Stenholm
Hansen	Moakley	Strickland
Hastings (WA)	Mollohan	Stump
Hayworth	Moore	Talent
Herger	Moran (VA)	Tanner
Hill (IN)	Morella	Tauscher
Hinojosa	Myrick	Tauzin
Hobson	Nadler	Taylor (NC)
Hoeffel	Napolitano	Terry
Hoekstra	Neal	Thomas
Holden	Nethercutt	Thornberry
Holt	Ney	Thune
Hooley	Northup	Thurman
Horn	Norwood	Tiahrt
Hostettler	Nussle	Toomey
Houghton	Obey	Trafficant
Hoyer	Olver	Turner
Hunter	Ortiz	Udall (CO)
Hutchinson	Ose	Upton
Hyde	Oxley	Velazquez
Inslie	Packard	Vitter
Isakson	Pastor	Walsh
Istook	Paul	Wamp
Jackson (IL)	Payne	Watkins
Jefferson	Pease	Watt (NC)
Jenkins	Pelosi	Waxman
John	Peterson (PA)	Weldon (FL)
Johnson (CT)	Petri	Weldon (PA)
Johnson, E. B.	Pickering	Wexler
Johnson, Sam	Pitts	Whitfield
Jones (NC)	Pombo	Wicker
Jones (OH)	Pomeroy	Wilson
Kanjorski	Porter	Wise
Kaptur	Portman	Wolf
Kelly	Pryce (OH)	Woolsey
Kennedy	Quinn	Wu
Kildee	Radanovich	Wynn
Kilpatrick	Rahall	Young (FL)
Kind (WI)	Rangel	

NAYS—51

Aderholt	Crowley	Hefley
Baldacci	Cummings	Hill (MT)
Bilbray	English	Hilleary
Borski	Filner	Hilliard
Brady (PA)	Ford	Hulshof
Capuano	Green (TX)	Jackson-Lee
Clay	Gutierrez	(TX)
Coburn	Gutknecht	Kucinich
Costello	Hastings (FL)	LaFalce

LoBiondo	Peterson (MN)	Thompson (CA)
Markey	Phelps	Thompson (MS)
McDermott	Pickett	Tierney
McGovern	Ramstad	Udall (NM)
McNulty	Rothman	Visclosky
Moran (KS)	Sabo	Waters
Oberstar	Slaughter	Weller
Pallone	Stupak	
Pascarell	Taylor (MS)	

ANSWERED "PRESENT"—2

Carson Tancredo

NOT VOTING—43

Bliley	Goodlatte	Sanders
Boucher	Hayes	Schaffer
Chambliss	Hinchey	Serrano
Conyers	Kasich	Sherwood
Crane	Klink	Sununu
DeFazio	Lazio	Sweeney
DeLay	Martinez	Towns
Dickey	McCollum	Vento
Doolittle	McIntosh	Walden
Doyle	Meeks (NY)	Watts (OK)
Engel	Miller, George	Weiner
Eshoo	Murtha	Weygand
Fattah	Owens	Young (AK)
Franks (NJ)	Price (NC)	
Gilchrest	Ryun (KS)	

□ 1049

So the Journal was approved.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Ms. LOFGREN. Mr. Speaker, I would note for the RECORD that yesterday I was unavoidably detained because I am a United Airlines customer. There were flights that were considerably delayed. Had I been present, I would have voted "yea" on all of the rollcall votes yesterday evening.

MARRIAGE TAX RELIEF RECONCILIATION ACT OF 2000—VETO MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

Mr. ARCHER. Mr. Speaker, I move that the Committee on Ways and Means be discharged from further consideration of the veto message on the bill (H.R. 4810), to provide for reconciliation pursuant to section 103(a)(1) of the concurrent resolution on the budget for fiscal year 2001.

The SPEAKER pro tempore (Mr. OSE). The Clerk will report the motion.

The Clerk read as follows:

Mr. ARCHER moves that the Committee on Ways and Means be discharged from further consideration of the veto message on the bill H.R. 4810, an act to provide for reconciliation pursuant to section 103(a)(1) of the concurrent resolution on the budget for fiscal year 2001.

(For veto message, see proceedings of the House of September 6, 2000 at page H7239.)

The SPEAKER pro tempore. The gentleman from Texas (Mr. ARCHER) is recognized for 1 hour on the motion.

Mr. ARCHER. Mr. Speaker, I yield myself such time as I may consume.

This is simply a procedural motion to move to consider the veto message which will be subject to debate.

Mr. Speaker, I yield back my time, and I move the previous question on the motion.

The previous question was ordered. The motion was agreed to. A motion to reconsider was laid on the table.

The SPEAKER pro tempore. The unfinished business is the further consideration of the veto message of the President on the bill (H.R. 4810) to provide for reconciliation pursuant to section 103(a)(1) of the concurrent resolution on the budget for fiscal year 2001.

The Clerk read the title of the bill. The SPEAKER pro tempore. The question is, will the House, on reconsideration, pass the bill, the objections of the President to the contrary notwithstanding?

The gentleman from Texas (Mr. ARCHER) is recognized for 1 hour.

Mr. ARCHER. Mr. Speaker, I yield the customary 30 minutes to the gentleman from New York (Mr. RANGEL), pending which I yield myself such time as I may consume.

Mr. Speaker, today we make one last attempt to end the marriage tax penalty for 25 million married couples. Since 1995, a growing bipartisan majority in the Congress has tried time and time again to end this gross unfairness in the Tax Code. But each time, President Clinton and a majority of the Democrats in Congress have just said no. In the past 6 years, President Clinton has blocked marriage tax relief more often than Tiger Woods has won golf's major championships.

President Clinton's latest veto leaves a Clinton-Gore legacy of denying 25 million married couples relief from the marriage tax penalty for 8 years. It means that married couples will have to wait longer for relief. It means that they will have to vote for new leadership in the White House if they want justice and fairness in the Tax Code.

This bill does bring fairness to the Tax Code. It gives the most help to those middle- and lower-income Americans who are hit hardest by the marriage tax penalty. By doubling the 15 percent bracket, and, Mr. Speaker, we all know that is the lowest income tax bracket that affects primarily lower- and middle-income people, and the earned income credit income threshold, which affects the very low-income people, we erase the marriage tax penalty for millions of lower- and middle-income workers. This is especially important to working women whose incomes are often taxed at extremely high marginal rates, some as high as 50 percent by this tax penalty.

Despite all of this unfairness, I expect we will still hear some excuses from the Democrats today why we cannot do this. They will say that stay-at-home moms and dads and people who own homes or donate to charitable organizations should not get relief, and this is their idea of targeting. Their plan actually denies relief to these important parents, and I accentuate those who itemize, who have home mortgages or pay taxes on their homes, who have itemized deductions get no relief. They do not want them to get any relief, but

that is wrong. Raising a child is the single most important job in the world and we are right to provide these families with relief.

Another excuse we will hear is that our bipartisan plan is too expensive. Too expensive for whom? Too expensive for the U.S. Treasury, which is expected to vacuum in 4.5 trillion surplus dollars over the next 10 years from the American taxpayers, or too expensive for President Clinton who, just yesterday, said he needed to spend that money for more government programs.

Last week, Vice President GORE talked about a rainy day fund, but the President's deluge of spending will soak that up like a super sponge. I would note to my colleagues on the other side of the aisle who undoubtedly will call this bill fiscally irresponsible that the ranking Democrat of the Budget Committee, the gentleman from South Carolina, voted in July for this exact same package. No one can say that he is fiscally irresponsible.

In his January State of the Union, President Clinton stood in this exact Chamber and asked Congress to work with him to fix the marriage tax penalty. We have done that. He vetoed it. So here we are today making every effort to override that veto. When he spoke, there were no preconditions, there was no quid pro quo, no wink and a nod. In fact, there was only boisterous applause and cheers from both sides of the aisle. But 8 months later, when most American families were on vacation or getting their children ready to go back to school, he quietly vetoed the bill.

Now is our chance to right this wrong and finally put an end to the marriage tax penalty for 25 million married couples. We should all vote to override the President's veto.

Mr. Speaker, I reserve the balance of my time.

Mr. RANGEL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I listened with great interest to the rhetoric of the distinguished Chairman of the Committee on Ways and Means as he would have us to believe that the Democrats do not want to give relief as relates to the marriage penalty. Now, he knows that I know that we Democrats have come forward with a bill that true, it does not cost the \$300 billion over 10 years, as his does, but it takes care of the marriage penalty, the same way we tried to take care of the estate tax abuses that we found in the Tax Code.

The difference between the so-called Republican solution is that it is not concerning itself just with relief for those people who have an additional tax burden because they are married, it goes beyond that and it is a part of this tremendous, huge billion dollar, trillion dollar tax cut that they conceived in the last session which could not get off the ground. When it was vetoed, they did not even bother to override the veto. So if we were to take the cost of this bill far beyond that of marriage

penalty, we will find plus \$200 billion that does not even relate to the problem that we are addressing. The same thing was true when they tried to do something with the estate tax. No, my Republican colleagues do not want to pass laws, they want to pass bills that are going to be vetoed.

□ 1100

They almost made certain that they have the veto before they bring it to the floor, because the President of the United States has already publicly said if they want to negotiate a solution to the tax penalty, sit down and talk.

But if it was not so close to the election, this thing would be hilarious, because the first time the Republican leadership has an opportunity to go to the White House and to talk about working out a solution to legislation so we can get out of here, do they talk about the marriage penalty? No. Do they talk about estate tax relief? No. Do they talk about a general tax cut for everybody so people can have their money? No.

What do they talk about? Well, listen. Stay tuned in. There is a new Republican plan, and the plan is to set aside a part of the surplus to pay down our national debt. And when does it come in? Three weeks before the conclusion of the legislative session.

So this is poppycock. They are holding the marriage penalty bill hostage because they want to vote on the President's veto. He had the courage to veto this bill because it is irresponsible. We have to sustain the President, and then find out what is the next rabbit they are going to pull out of the hat before we conclude.

Mr. Speaker, I reserve the balance of my time.

Mr. ARCHER. Mr. Speaker, I yield 1 minute to the gentleman from Florida (Mr. FOLEY), a respected gentleman from the Committee on Ways and Means.

Mr. FOLEY. Mr. Speaker, I thank the gentleman for yielding time to me. I thank the chairman for his leadership, and my colleague, the gentleman from Illinois (Mr. WELLER), for his strong leadership in enactment of this bill.

I urge every one of my colleagues to override this veto. At a time when every Member of Congress is going around the country, particularly the candidates for president, and saying they are family-friendly, it is unbelievable to me that any Member could turn around and vote against ending a tax penalizing married individuals.

Some Members here have already turned their backs on working families, small businesses, farmers. When we tried to protect their families from the legacy destroyed by death taxes, we were unsuccessful. We will debate and discuss that. But I urge them not to do that today to married individuals.

As a society and as a civilization, we cannot afford a government that punishes marriages. I ask every one of my

colleagues to search their hearts and souls and think about this upcoming weekend as they return to their communities, their churches, and their friends by standing up for the institution of marriage, standing up for families, giving them the relief they deserve, and overriding the President's political veto of this bill.

Mr. RANGEL. Mr. Speaker, I yield 3 minutes to the gentleman from the sovereign State of Washington (Mr. MCDERMOTT), a distinguished member of the Committee on Ways and Means.

(Mr. MCDERMOTT asked and was given permission to revise and extend his remarks.)

Mr. MCDERMOTT. Mr. Speaker, let me begin by saying that there is not anybody on this floor who does not want to help middle class families. When the Contract with America was brought out here with all the fanfare in 1995, the marriage tax penalty was in it. When the first tax bill came to the Committee on Ways and Means, I offered an amendment to remove the marriage tax penalty in the Committee on Ways and Means. Every single Republican on the committee voted against it.

The only reason we could say they did it, I suppose, was kind of "NIH," not invented here. They did not have their name on it. So they came back the next year after they had done the polling and realized they had made a mistake, and they have been trying ever since, but they always wrap it in a humongous tax cut.

Now, none of us believe that we will leave this session without a cut in the marriage tax penalty. I will be willing to bet anybody on this floor that when we sign off and leave here about October 1, we will have agreed with the President on a middle-class tax cut on the marriage penalty.

What is amazing is what the gentleman from New York (Mr. RANGEL) just talked about, the meeting that happened in the White House yesterday. The Speaker of the House came and said, "We have a plan: 90 percent goes for debt relief, and 10 percent goes for investment." If we take all the taxes that have been pushed by the Republicans and are pushed by Mr. Bush of \$1.7 trillion, and we only have \$5.5 trillion, if we have a calculator in our pockets, which the Speaker ought to have, we realize that that is 31 percent of the projected surplus that is going for tax cuts. We cannot do it in 10 percent. It is 3 times as much as we left on the table.

So either the Republicans on the floor are walking away from Mr. Bush and his tax cut, which I think most of them are, or they simply are trying to put a fraud out on the people that they can do 90 percent for bringing down the debt and 10 percent, and there is no money left for investment, no money for social security, no money for Medicare, no money for education, none of the issues that we ought to be doing with the surplus.

The American people are faced in this election with a choice: Will we have a big tax cut, or will we invest in the future? Most Americans are interested in protecting their retirement, their social security, their Medicare, which is really security in health areas. They are interested in educating their kids to deal with this economy so we do not have to bring in, under the H-1B visa, hundreds of thousands of people from around the world because we say our own kids are not qualified to take the jobs in this economy, we have to give the high-paying jobs to people outside the economy.

When we get down to this tax cut, it is part of an overall package. We are going to cut it and make a negotiation at the end.

Mr. ARCHER. Mr. Speaker, I would simply say, that is wishful thinking.

Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. LEWIS).

(Mr. LEWIS of California asked and was given permission to revise and extend his remarks.)

Mr. LEWIS of California. Mr. Speaker, I thank my colleague for yielding time to me.

I rise to express my support for the 25 million married couples in the country who will be negatively affected by the President's veto, and strongly urge that we override that veto.

Mr. Speaker, Republicans and Democrats agree. Congress and the President agree. It is wrong to tax 25 million couples at a higher rate just because they are married. So why are we forced to override a veto to right this wrong? The answer is simple: partisan politics.

The President and the Democrats say they can't support the effort to resolve this injustice because it "doesn't help the right people." Here are the "wrong people" it would help:

Nearly a million low-income working families who would receive up to \$421 more a year from raising the phase-out level of the Earned Income Credit.

25 million taxpayers at all levels who would save up to \$1,450 in federal taxes because the standard deduction for married couples would be made equal to two individuals.

Millions more middle-income families who would save hundreds of dollars each year because the 15 percent tax bracket for couples filing jointly would be increased to twice that of single filers.

Millions of married taxpayers at all levels would be treated fairly for the first time in nearly 40 years. These couples have been paying extra taxes every year since their wedding.

The Democrats and the President have said they can't support this reform because it provides some relief to the taxpayers who pay 65 percent of the nation's taxes. These are the people who have funded the surplus that we are now blessed with. And when this fairness legislation is in place, they will still pay 65 percent of the nation's taxes.

The Democrats and the administration clearly believe the federal budget surplus is their money. They cannot conceive of allowing the people who have already provided this surplus to pay less in future years. Instead, they would spend it on mammoth new federal programs,

run by Washington bureaucrats. Or they would tell taxpayers now to spend their own money in order to qualify for any reduction in the taxes they pay.

It's time for Congress to recognize that this money belongs to the taxpayers. At the very least, we should pass this legislation to provide tax justice to 25 million families.

Mr. ARCHER. Mr. Speaker, I yield 3 minutes to the gentleman from Illinois (Mr. WELLER), a respected member of the Committee on Ways and Means who has fought very hard for this legislation.

(Mr. WELLER asked and was given permission to revise and extend his remarks.)

Mr. WELLER. Mr. Speaker, we are hearing a lot of rhetoric, particularly on the other side today, but what is the issue today? There is one issue: that is, do we override the President's veto of our effort to wipe out the marriage tax penalty that affects 25 million married working couples who suffer higher taxes just because they are married?

In fact, 25 million married working couples on average today pay higher taxes of almost \$1,400 a year just because they are married under our Tax Code.

I have an example here, Shad and Michelle Hallihan, two public school teachers from Joliet, Illinois, who suffer the marriage tax penalty. They have an average income each year of about \$65,000. That is their combined income. They are homeowners. They have a child, little Ben. They suffer the marriage tax penalty, about \$1,400.

In the South suburbs of Chicago, \$1,400 is real money. It is one year's tuition at Joliet Junior College; it is 3 months of day care; several months' worth of car payments; it is a home mortgage payment, a month or two for many, many families; but it is real money for real people.

That is what this is all about, is do we allow folks like Shad and Michelle to keep their money, or do we send it to Washington, particularly on this issue of tax fairness?

I was so proud. After several years of working, my chairman, the gentleman from Texas (Mr. ARCHER), has been concerned about this issue since he first came to this Congress. Many have been working on this issue for a long time. This House and Senate voted to wipe out the tax penalty for people like Shad and Michelle Hallihan this year, and we did it the year before. Unfortunately, the President vetoed it.

We want to help everyone who suffers the marriage tax penalty: those who itemize, those who do not.

I was proud to say that every House Republican voted to eliminate the marriage tax penalty. Fifty-one Democrats joined with us to eliminate the marriage tax penalty. We doubled the standard deduction for joint filers, for married couples, so they earn twice as much in the same tax bracket.

We also widen the 15 percent tax bracket. We help those who itemize, we help those who do not itemize. The bot-

tom line is, we help 25 million married working couples.

As I mentioned earlier, Shad and Michelle make about \$65,000 a year, their combined income. They are middle class public school teachers. They suffer the average marriage tax penalty. When AL GORE called for the veto of this legislation, he said that people who own a home, who make about \$65,000 a year, who pay the average marriage tax penalty of \$1,400, are rich, and that if people itemize their taxes, like Shad and Michelle Hallihan, because they are homeowners they do not deserve any marriage tax relief because they are rich.

So that definition of rich says if one pursues the American dream, gets married, has a family, buys a home, and then has to itemize their taxes, they are rich and they do not deserve marriage tax relief. They should still suffer the marriage tax penalty.

That is wrong. I believe, and I think the majority of this House believes, that if one really wants to be fair, we should help everyone. Couples making \$65,000 a year like Shad and Michelle Hallihan, who happen to be homeowners and happen to itemize their taxes, deserve tax relief just as much as anyone else when it comes to the marriage tax penalty.

Let us override the President's veto. I invite more Democrats to join with us. Let us be fair to people like Shad and Michelle Hallihan. They are not rich, they are middle class.

Mr. RANGEL. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan (Mr. BONIOR), the distinguished minority whip.

Mr. BONIOR. Mr. Speaker, I thank my colleague for yielding time to me.

Mr. Speaker, a number of years ago there was a man from Michigan whose advice to elected leaders was, "Say what you mean and mean what you say." Of course, that man's name was Gerald Ford. He led this Republican House as a Republican leader, but it would not hurt if those who followed him heeded his words today, because yesterday, in a complete turnabout, a complete about face, the Republican leadership suddenly announced their hunger to join Democrats in working to pay down the national debt.

Of course, that was yesterday. Now, it is less than 24 hours later and we are back at it again. Here they go again, they are trying to pass another piece of their \$1 trillion tax cut package, a \$1 trillion tax cut package. It is the mother of all tax cuts, and it would rob America of its resources that we need not only to pay down the debt, but to strengthen social security and Medicare, as well.

Our message to Republicans is that it is time to mean what they say.

Should we do something about the marriage penalty? Of course we should do something, and the example that was just given, they are absolutely right, that couple should be given a marriage penalty tax relief act.

But the bill that we are now discussing would only give tax relief to couples who face a marriage penalty. Only about half of that goes to those people. The other half of that bill, which is a monstrous bill in terms of the dollar amount, would go to, Members guessed it, the wealthiest people in our country who have no marriage penalty problem.

That is why Democrats crafted a fiscally responsible marriage penalty relief plan. It is a plan that would help people in Macomb County, in St. Clair County, middle class families that I represent. I am talking about folks just like the couple that we have just seen up here who work hard for a living, pay their mortgage payment, pay their car payment, but do not have a lot left over or anything left over to save with at the end of the month.

We can give those people a hand, and we can do it without taking money out of Medicare and social security, and without risking the premise of reducing the national debt. But we cannot do it if we pass this Republican plan. That is why the President is standing so steadfast against it.

It is time that we focused our attention on helping middle-class families, not just those who are reaping enormous amounts of wealth in this country who have no marriage penalty problem, but who would get half of what this bill is all about.

I urge my colleagues to vote no on this proposal, and to sustain the President veto.

Mr. ARCHER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would briefly respond to a statement made by my friend, the gentleman from Michigan, which is not accurate. That is that the Democrats would take away the marriage penalty for those who itemize. Their plan does not, I repeat, does not provide any help for those people who have homes and mortgages and taxes and want to itemize rather than take the standard deduction.

Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. MANZULLO).

(Mr. MANZULLO asked and was given permission to revise and extend his remarks.)

Mr. MANZULLO. Mr. Speaker, Shane and Penny Fox were married in 1997. Shane is a graphic designer for a charity, and Penny is a legal secretary.

In 1997, their taxable income was \$47,000. When they went to file their joint income tax return as required by law, they paid \$8,691 in income taxes. But if they had remained single, they would have paid \$7,055, so these two people with a combined income of less than \$50,000 a year paid \$1,636 just because they were married.

I participated in that wedding ceremony. I read the Scripture where it says that God says that a marriage is a holy union. Yet, the official policy of the Federal government, of Congress and the administration, is to discourage marriage. It is to say, they should

not get married. Marriage is not the right thing to do economically.

That does not make sense. That is public policy being made in Washington that discourages people from getting married. What type of government penalizes people because they say, "I do"?

□ 1115

Did they realize when they said for "better or worse" it meant the Federal Government would come along and penalize them \$150 a month just because they got married?

The tax is immoral, and sometimes we have to eliminate taxes because they are immoral. Anytime we say marriage is wrong by the Federal Government, it is an immoral tax, and it has to go.

Do my colleagues know what? Under the Gore-Clinton plan of so-called marriage tax relief, because they bought a home, they would not qualify for their plan. It discourages homeownership.

It is very, very simple. Marriage is good, it is a holy union, but not to the Federal Government, and certainly not to these two who have been penalized \$1,607 just because they said "I do."

Mr. RANGEL. Mr. Speaker, I yield 3½ minutes to the gentleman from Maryland (Mr. HOYER), distinguished Member of the Congress.

Mr. HOYER. Mr. Speaker, today we waste more precious time on yet another bloated tax bill. This motion to override the President's veto, as the chairman has correctly pointed out, will fail. He knows that. The Republican leadership knows that as well. Yet we persist in this play-acting.

The Republican leadership must give the appearance of doing something, anything in this do-the-wrong-thing-for-special-interests 106th Congress. What do I mean by that? The reason we do not reach a compromise on this is not because of those who are penalized under the marriage penalty but those who are not penalized, the wealthiest in America. That is why we do not come to agreement with the President. That is why we do not come to agreement on both sides, not because of the couple discussed by the gentleman from Illinois (Mr. MANZULLO). We can all agree on that.

The Washington Post got it right recently when it said of these Republican tax bills, and I quote, "It is not clear which, if any, will be sent to the President. But that does not matter in a mock Congress. It is the show that counts."

Here we are at the show. Just like last week's debate on the estate tax where we could give millions of Americans relief, but the gentleman from Texas (Mr. ARCHER), my friend, the chairman for whom I have a great respect and affection, we are not doing it, because of the thousands that the President will not include in the bill and that we will not include in the bill.

We are being forced to participate in this show once again today. Mean-

while, the clock keeps running. There are less than 20 days left on the legislative calendar, and we still have not approved 11 of the annual spending bills that keep the Federal Government operating.

The prospects for a Patients' Bill of Rights, a meaningful prescription drug benefit for seniors, a minimum wage increase, a middle-class tax relief grow bleaker by the day.

We agree that the marriage penalty must be remedied. Our bill offers \$95 billion in relief over 10 years. But instead of reaching compromise, the perfectionist caucus says do it my way or take the highway.

The leadership once again forced us to genuflect at the altar of Republican ideology, tax cuts for those who need them the least. That is where we differ, not on the couple that the gentleman from Illinois (Mr. MANZULLO) just referred to.

This bloated tax bill would cost an estimated \$292 billion over the next decade. It would squander our surplus while not helping this couple who would pay higher interest rates because of the deficits that would result in the squandering of the resources. It would strip us of our ability to strengthen Social Security and Medicare and, as I said, a prescription drug benefit.

Pay down the debt and invest in our children's future. The Republicans' special-interest political agenda is preventing, not facilitating, tax relief for working families. Let us sustain the President's veto, and let us get down to meaningful compromise that will affect millions of Americans that need it most.

Mr. ARCHER. Mr. Speaker, I yield myself such time as I may consume again to respond to, I think, an unintended inaccuracy on the part of the gentleman from Maryland (Mr. HOYER). He said we are ready to fix the marriage penalty for those people who own their homes and itemize. They have never included that in one of their proposals. But they say they are ready to fix it for middle-income people. I would like to see that fleshed out in one of their proposals. They have resisted it over and over and over again. It is unfortunate that they want to cut out these people that the gentleman from Illinois (Mr. MANZULLO) just talked about. We will continue to pursue that.

I also want to say to the gentleman from Maryland I never said we were not going to override this veto. I am still hopeful that there will be 40 percent of the Democrats who will be enlightened enough and fair enough to do this.

Then, finally, I will say that Vice President GORE in his tax relief has said he wants to help stay-at-home moms and stay-at-home pops. Yes, we do that also while we fix the marriage penalty. What is wrong with doing it in the same bill? Why do the Democrats suppose what their own presidential candidate wants to do as a separate item?

This is a very good bill.

Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. TRAFICANT).

Mr. TRAFICANT. Mr. Speaker, I agree with the gentleman from Texas (Chairman ARCHER). This Tax Code is so perverse, it even taxes sex; marital sex, that is.

Now, let us put the hay where the goats can reach it. If one does not get married, one pays less taxes, one gets rewarded. If one gets married, one pays more taxes, one gets hit over the head. To me, that is unbelievable.

Is it any wonder, Mr. Speaker, we have so many unwed mothers in America, so many kids on the street, kids without guidance, kids without stability, kids without fathers, government paying the bills, and Congress expecting schools to straighten them out, to discipline them and to raise them? Beam me up.

Now, let us tell it like it is. I think there is too much partisan politics here today, and we should be dealing with the people's business.

Let us look at the facts. Our Tax Code subsidizes illegitimacy, but taxes the institution of marriage. Our Tax Code promotes sexual promiscuity, but taxes the institution of marriage. Beam me up.

One does not need to be a rocket scientist to see this is the right thing to do. I will vote to override this anti-family, anti-child, anti-mother, anti-wife presidential veto. We are relegating people to the bottom end of the ladder, and the only hope we are giving them is go to the next rung.

This is not the way to do it. The President is wrong. We should override this veto.

I proudly join forces with the gentleman from Texas (Chairman ARCHER). If the truth be known, there are more Democrats deep down in this election year that would like to vote with him, and they should.

I yield back all the broken homes in America and all the kids in jail that need not be there.

Mr. RANGEL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I was so moved by the gentleman from Ohio (Mr. TRAFICANT), the previous speaker. But just let me say this, it seems as though the gentleman from Texas (Mr. ARCHER), chairman of the Committee on Ways and Means, in his remarks to this august body, referred to the tax proposals of the Vice President of the United States. It may be parliamentarily proper to do that, but I do not think we want to hear anything about Vice President GORE's tax proposals on this floor because I will be tempted, tempted to bring up Governor George W.'s tax proposals. But because of my affection for my Republican friends, I would not want to offend or embarrass them and to have them to run away from them on the floor. So let us confine ourselves to our legislative responsibilities.

Mr. Speaker, I yield 3 minutes to the gentleman from Michigan (Mr. LEVIN),

a senior member of the Committee on Ways and Means.

(Mr. LEVIN asked and was given permission to revise and extend his remarks.)

Mr. LEVIN. Mr. Speaker, earlier, the gentleman from Illinois (Mr. WELLER), my colleague on the Committee on Ways and Means, said that the real issue is overriding the veto. He, I think, exposed what this is all about for the majority party. The real issue should be marriage penalty relief.

My suggestion is that, if people really want such relief, my Republican colleagues withdraw this effort that is doomed to failure and they do what we have never done on the Committee on Ways and Means, as the gentleman from New York (Mr. RANGEL) has said, sit down and work out a marriage penalty relief bill on a bipartisan basis. They never tried to do that.

The majority of us favor marriage penalty relief. We can do it on a bipartisan basis. But, instead, we have a bill here that goes way beyond that. It is too broad. It is part of a package that is much too large; and as a result, the package is weighted too much in favor of the very wealthy. No one on the majority side has ever answered this fact: according to CBO, almost half of the tax cut in this bill goes to couples that pay no marriage penalty at all.

So let us sit down and do what we should do and work out, if we are serious, a marriage penalty relief bill. My Republican colleagues do not have a political issue with this because the majority of the public understands what they are after, and that is a 30-second ad instead of a 5- and 10-year tax relief bill.

So I close by saying this, we are ready on the Democratic side to sit down with my colleagues, if they are serious about policy and do not want what they think is a good political move, and put together a marriage penalty relief bill. I hope they will do that after the veto is sustained.

Mr. ARCHER. Mr. Speaker I yield 1 minute to the gentleman from Arizona (Mr. HAYWORTH), another respected Member of the Committee on Ways and Means.

Mr. HAYWORTH. Mr. Speaker, I thank the gentleman from Texas (Mr. ARCHER), the chairman of the committee, for yielding me this time.

Mr. Speaker, I say in response to the gentleman from Michigan (Mr. LEVIN), with all due respect, Mr. Speaker, this is a bipartisan way to fix a problem. The Constitution provides for veto override.

This need not be a partisan ballot. Indeed, when people get marriage licenses, they do not record political affiliations. But when they fill out their tax returns and they are penalized to the tune of \$1,400 a year, that is a concern whether one is a Republican, Democrat, libertarian, vegetarian, independent.

It comes to this simple philosophy: let married couples and their families

keep what they earn to save, spend, and invest. This need not be partisan.

We in the legislative branch have the constitutional ability to override the President of the United States. We invite our friends on the left, join with us, stand for families, not for disguising targeted tax cuts as spending programs, but straight up, allowing American families to keep more of what they earn. That is true compassion. That is why we must override this presidential veto.

Mr. RANGEL. Mr. Speaker, I yield 3 minutes to the gentleman from Wisconsin (Mr. KLECZKA), a member of the committee.

Mr. KLECZKA. Mr. Speaker, I have two points I would like to share with the body today. The first is that I am somewhat confused. I read here in the Congress Daily that the Republican leaders went over to the White House yesterday, talked to the President, and they told the President that they are going to set aside their tax cuts in favor of debt reduction. Any surplus coming in would be used for debt reduction, a plan that the American public supports.

Well, that was yesterday. Now today they come back to the floor of the House and try to override this bill they call the marriage tax penalty.

□ 1130

Well, let me talk about that for a moment. If in fact we provide relief to those lovely couples that the Republican colleagues are bringing out on the posters, that would cost, over a 10-year period, \$95 billion. In the whole scheme of things, that is affordable. The Democrats support that. Republicans support that. The President, in his State of the Union standing behind me, supports that.

Then, why are we not doing it?

Because the bill before us, Mr. Speaker, costs \$290 billion. Well, wait. Marriage penalty is only \$95 billion. Where is the other \$200 billion going?

Seems as the bill made its way through the process, the Republicans added a little rider, they slipped in a little amendment. And that amendment expanded the tax income for the 15 percent bracket. The effect is that the bulk of the \$200 billion added to the bill goes to the wealthy. But the Republicans still call it marriage penalty tax relief bill.

Well, my colleagues, that is a hoax. It is not marriage penalty tax relief. The bulk of the bill goes to people who do not even pay the marriage tax penalty. So what we have here is a sham, a hoax, a Trojan horse.

On one day, out of one side of their mouths, they go to the President and say, no more tax cuts, we were wrong, the American public does not buy it; they want debt relief. Then, they come before the House floor and cry alligator tears for these young, married couples when they know the bulk of the \$290 billion goes to their rich friends. That is what is going on around here.

The American public has said, Congress, if in fact there is a surplus, and know full well this is all projections, it is a guess over the next 10 years, but if the guess is right, reduce the national debt on my kids and grand kids, which today is over \$3 trillion.

That is where the emphasis should be, and that is what this Congress should be up to. But it is an election year, so what we have to do is try to sell a bill to married couples which really does something else to help in the election process.

I urge my colleagues to not override the veto. Let us get back to what they said yesterday. Let us pitch debt reduction relief.

Mr. ARCHER. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. ROYCE).

Mr. ROYCE. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, maybe we can clarify this a little bit. What we are talking about in terms of the standard deduction, what our Democrat friends are saying is that they will support an adjustment in the standard deduction but they will not support what we do with the elimination of the marriage tax penalty, which is to say that we also take care of those who itemize.

Now, 40 percent of the taxpayers itemize; and that is because 40 percent or more have homes or have a condominium. And, as a consequence, all of the examples we have seen here today, the posters on the floor, are of those people who, frankly, itemize their deductions. And because they itemize, they will not get any relief unless we pass the Republican bill. Under the Democrat proposal, they do not get relief from the marriage tax penalty.

Now, on average, this is \$1,400 per individual.

Now, the President says these are the rich. But it is just not the case that everybody that owns a home or everybody that owns a condominium and, therefore, itemizes is rich. That is not true. I wanted to point out that.

Mr. RANGEL. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. GREEN).

(Mr. GREEN of Texas asked and was given permission to revise and extend his remarks.)

Mr. GREEN of Texas. Mr. Speaker, I thank my colleague from New York and our ranking member for yielding me the time.

Mr. Speaker, I rise in opposition to the motion to override the President's veto of the marriage penalty tax relief.

I support real marriage tax relief, but this bill is fiscally irresponsible. This bill would cost \$292 billion over 10 years, \$110 billion more than our House version.

Despite its appealing name, more than half the tax cut would benefit couples who not only do not pay marriage penalty but actually get a marriage bonus. And we are not talking about the ones who may have a second home.

Now, having been married for over 30 years, as much as I would like to get a bonus for having been married that long, I would like to work our tax policy differently, Mr. Speaker, and just correct the problem of the marriage penalty and not the marriage bonus.

Let us deal with that marriage bonus. Let us reward people, stay-at-home moms or stay-at-home fathers, in a separate piece of legislation and not confuse the issues. We are talking about marriage penalty relief.

In addition, the Republican bill allows many couples are denied tax relief because of the interaction between the alternative minimum tax with the increase in the standard deduction in the bill. About half the total tax cuts in this bill would benefit only the top 10 percent couples who have incomes over \$92,500.

We did have an alternative plan. A Democratic proposal gave \$10 billion more in marriage penalty relief to couples and it was not burdened by all the other problems this bill has. But the Democratic bill also cost half as much as this bill even though it added \$10 billion more to marriage penalty relief.

My Republican colleagues have designed a bill to give the tax breaks to the highest income couples even if they do not suffer from the marriage tax penalty.

Tax relief is important but so is protecting and strengthening Social Security, Medicare, investing in education, providing for a prescription drug benefit under Medicare, and also making sure our national defense is paid for, paying off the debt accumulated during the 1980s and early 1990s.

We have to balance it, and that is why we need to correct the marriage penalty. The Democratic alternative provides for a middle-class tax cut and still protects our vital national priorities.

The SPEAKER pro tempore (Mr. OSE). Without objection, the gentleman from Georgia (Mr. COLLINS) will control the time for the gentleman from Texas (Mr. ARCHER).

There was no objection.

Mr. COLLINS. Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. GILMAN).

(Mr. GILMAN asked and was given permission to revise and extend his remarks.)

Mr. GILMAN. Mr. Speaker, I rise in strong support of H.R. 4810, the Marriage Tax Elimination Act, and in opposition to the President's veto.

I became an early cosponsor of this legislation because I believe the marriage penalty is the most indefensible thing about our Nation's current Tax Code.

The current Tax Code punishes married couples where both partners work by driving them into a higher tax bracket. The marriage penalty taxes the income of the second wage earner at a much higher rate than if they were taxed as an individual. Since this second earner is usually the wife, the marriage penalty is unfairly biased against female taxpayers.

Moreover, by prohibiting married couples from filing combined returns whereby each spouse is taxed using the same rate applicable to an unmarried individual, the Tax Code penalizes marriage and encourages couples to live together without any formal legal commitment to each other.

The Congressional Budget Office has estimated that 42 percent of married couples incurred a marriage penalty in 1996, and that more than 21 million couples paid an average of \$1,400 in additional taxes. The CBO further found that those most severely affected by the penalty were those couples with near equal salaries and those receiving the earned income tax credit.

This aspect of the Tax Code simply does not make sense. It discourages marriage, is unfair to female taxpayers, and disproportionately affects the working and middle class populations who are struggling to make ends meet. For all of these reasons, this tax needs to be repealed and I support the veto override.

Mr. COLLINS. Mr. Speaker, I yield 1 minute to the gentleman from Michigan (Mr. UPTON).

Mr. UPTON. Mr. Speaker, earlier this year I sat in this Chamber with many of my colleagues listening to a very long State of the Union speech. It was long for a lot of reasons, but one of them was that there were a lot of applause lines. Many Republicans and Democrats, in fact, stood during one of those, as I did, when the President talked about ending the marriage penalty tax.

This is a bipartisan bill. It was a bipartisan bill in both the House and the Senate. It is not one side trying to jab the other. This is not a tax cut for the rich. It does not help any special interests except for working couples.

What is wrong with that?

Many of these couples, in fact, are struggling to try to make ends meet. They are living from paycheck to paycheck.

We need to override this veto. We need to override this veto for American families in all 50 States. I hope that my colleagues would join me in voting to override that veto later this morning.

Mr. RANGEL. Mr. Speaker, I yield 1 minute to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Speaker, I thank the very distinguished ranking member of the Committee on Ways and Means.

Mr. Speaker, about 9 years ago, a constituent alerted me to the fact that he was paying about \$1,200 more in taxes for having gotten married than he and his spouse had been paying as singles. He understood the reason for it that, when two people get married, they oftentimes have only one mortgage or rent to pay and they can economize in other ways and when they have children they get a deduction for each child and that there is some rationality to the Tax Code. But it did not seem quite fair.

We introduced a bill and it did not get too far. The gentleman from Washington (Mr. McDERMOTT) had another bill that he got through the Ways and

Means Committee. Our bills cost only about \$9 billion a year to fix the whole problem.

What this bill does though, under the guise of fixing the problem, is to put us further in debt to the tune of about \$200 billion more over 10 years than is needed to fix the problem. Most of this bill just gives deep tax cuts that are not targeted and do not produce the desired effect.

The reality is that almost as many people get a marriage bonus as get a marriage penalty. Why do we need to give any further incentives to get married? This is not the way that we should be using scarce resources.

What we ought to be doing is paying down the debt. We, the baby boom generation, got the benefit of the debt. We should not be passing our bill on to our kids. We should put first things first, pay off our debts and put our money aside to pay for our retirement, so our kids don't have to.

Let us fix the marriage penalty but do it in a responsible manner. Let us not squander the surplus. Let us provide for the future.

Mr. COLLINS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I hear the word "target," let us "target."

The Tax Code targets everyone who works and earns a check or earns an income. So when we talk about relief, we should also look at everyone who works and earns an income, whether they be employed or self-employed.

The purpose of the marriage penalty relief bill is to try to establish some fairness in a Tax Code that many people feel is unfair, that many people and almost all of us know is very complex and is very costly to the individual to abide by.

So what we were trying to do here and we were successful in the bill but we were not successful with the President's signature was to establish a standard deduction that is equal and fair to each individual, whether they are single or whether they are married.

A single person has a \$4,400 deduction. We were creating a \$8,800 deduction for a married couple rather than current law that is about \$7,300.

We were taking the approach that the first dollars earned as adjusted gross income, whether it be single or whether an individual or a couple be filing as a married couple, that the first dollars earned would be subject to the 15-percent tax rate. For a single individual, the first \$26,000 would be subject to the 15-percent rate. And I am using round numbers. For a couple, the first \$52,000 would be subject to the 15-percent bracket.

Equal. Fairness. There is nothing wrong with that. And why those who do not support that or why the President did not support that I do not know. I know the excuses, but I do not know the reasons. The excuses were that we are helping the rich, we are helping those no matter what their income level.

What we were doing was establishing fairness on the bottom rung of the ladder. And as they climb the ladder of income, they climb the ladder of progressive tax rates, marginal rates. We have five marginal rates, 15 percent being the lowest. Then it goes to 28 and to 31 and to 34 and to 39.6. And then, as they reach that plateau, they begin to itemize. They even lose their itemized deductions based on their income.

I regret that we have opposition to this bill that supports a measure that would actually prohibit the itemized deduction of homeownership. We should encourage homeownership. That is part of the American dream is to own a home.

We should encourage people to save. Part of these reductions and part of letting people keep more of their earned income could lead to the possibility that some of them would save. Some of them may even put it into a savings account for their children for education purposes.

Lastly, Mr. Speaker, we should encourage marriage. Marriage. When we have a tax code that discourages it, that is wrong.

So I ask my colleagues to swallow the pride of supporting a President who does not quite understand the measures of this bill and support the American people, whether they be single or whether they be married.

Mr. Speaker, I reserve the balance of my time.

Mr. RANGEL. Mr. Speaker, I yield 1½ minutes to the gentleman from Mississippi (Mr. TAYLOR).

Mr. TAYLOR of Mississippi. Mr. Speaker, through the first 11 months of this fiscal year, our Nation ran a \$12 billion surplus. That is available for every American to read. It is a published report of the Bureau of Public Debt. So there is no surplus. The only surplus is in the trust funds.

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For the past 4 years, for 3 of those 4 years, I have heard the same Congress that controls the purse strings tell our veterans, the very people who gave us the opportunity to even have this debate, that their budget is frozen, for 3 of the past 4 years. In 1994, the last year that the Democrats controlled Congress, there were 404 ships in the United States Navy. After 6 years of Republican control, we are down to 315. Why? Because there is no money. Well, if there is no money for the veterans, if there is no money for the survivors' benefit pension offset, if there is no money for dual compensation for people who are crippled while they become military retirees, why is it that we can afford to give away \$200 billion to people who already get a tax benefit the day they get married?

The Democrat plan would free up those \$200 billion to take care of our veterans, to take care of our military retirees, to build the United States Navy back up. It is now the smallest it has been since 1933, while the Repub-

licans controlled both Houses of Congress.

Those are my priorities; and, quite frankly, I am not going to steal it from the Social Security trust fund. I am not going to steal it from the military retirees trust fund. I am not going to steal from it the Medicare trust fund, and I am not going to stick my children with my bills.

Mr. COLLINS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the gentleman from Mississippi (Mr. TAYLOR) makes some very well-phrased comments. Neither are we going to steal it from Social Security or from Medicare or from any trust fund; but what we have done, in the appropriation process, is to increase funding in all levels that he has spoken of so that we can honor the promises we made to our veterans and so that we can replenish the funding needed for our defense.

He mentioned there is no surplus. Mr. Speaker, we have a positive cash flow, though, and this positive cash flow is real.

I went into business at the age of 18, and at the age of 18 I went into debt. Mr. Speaker, I am still in debt; and I do not have enough funds in my account to pay all of my debt, but what do I have to do? I have a positive cash flow that allows me to meet my obligations, and through the years I have had positive cash flow in some years and not in others; but those years that I did, I was able to give myself a little bonus, and what we are talking about here with this positive cash flow is leaving some of it as a bonus for those who earned it and paid it into the Government, paid into the Treasury, a positive cash flow, one that can be used to meet our obligations and one that can be used also to give relief and a bonus to our people across this country.

Mr. Speaker, I yield 2 minutes to the gentleman from South Dakota (Mr. THUNE).

Mr. THUNE. Mr. Speaker, I thank the gentleman from Georgia (Mr. COLLINS) for yielding me this time.

Mr. Speaker, let me just say I agree with the gentleman from Mississippi (Mr. TAYLOR) about the priorities he noted, which is why we are increasing in record levels VA health care funding and we are increasing our spending on military readiness, which is something that is long overdue; but that is a debate for another day.

What we are here to talk about today is the marriage penalty, which I think is a no brainer. I cannot believe that we have to debate this thing. We have 75,000 married couples in South Dakota who pay higher taxes because they choose to say "I do." These are regular working people.

I will give an example of just what I am talking about. There is a young couple that came into my office. The husband makes \$46,000 a year. The wife makes \$21,000 a year. They are married. They are in their early thirties and they have two young children under the age of 4.

Last year, they paid \$1,953 more for the price of being married. That is wrong, and anyone can see how unfair this is. These people are not rich. They do not drive fancy cars and take glamorous vacations. They have to make car payments and mortgage payments every month. They have to pay doctor bills when one of the kids has an earache and they have to pay for day care.

This is common sense tax relief for working South Dakotans and for working Americans, and I hope all Members of this House can see the value of this legislation and the message it sends to the American people and the people of this Nation that we value marriage, we encourage marriage, we do not want to penalize people because they choose to get married. We need to repeal this law and stop punishing married couples in this country for having made a commitment to each other. Overriding this veto and repealing the marriage penalty and the tax law is the right thing to do for this country.

Mr. RANGEL. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. STENHOLM).

(Mr. STENHOLM asked and was given permission to revise and extend his remarks.)

Mr. STENHOLM. Mr. Speaker, it is interesting how quickly we dismiss the statements of the gentleman from Mississippi (Mr. TAYLOR) regarding the trust funds and the desire of many of us to change the manner in which we have been addressing the trust funds. Today, again, we have a simple question; and I have a simple question to pose. If one believes that providing a tax cut as large as possible is more important than eliminating the national debt and protecting Social Security and Medicare, then vote to override the veto of this bill. However, if one agrees that eliminating the national debt and protecting Social Security and Medicare is more important than any new spending or tax cuts, then vote to sustain the veto.

I am for marriage penalty relief. We could come to this floor this afternoon and in very short order develop a fiscally responsible compromise which would bring meaningful support and tax equity to millions of Americans. Sadly, we choose this morning to continue a charade.

I continue to be amazed at the level of inconsistency in the leadership of this House reflected from one message of the day to the next. On one day this House loves to congratulate itself on its commitment to debt reduction. The next day it is tax relief for small businesses. Another day we swear our support for lockboxes for Social Security and Medicare and then we promise huge tax cuts not only for middle- and low-income married couples but we also sneak in wider tax brackets to benefit the higher-income folk.

Now, I think most of these are worthy and, in fact, should be among our highest priorities; but it is just not possible to have ten different number

one priorities. It takes leadership. The Blue Dogs looked at the whole picture early this year and realistically balanced each concern with the other. We decided that our number one priority should be eliminating our national debt so that we can meet our commitments to Social Security and Medicare in the future. We should talk about tax cuts after we have agreed on a long-term plan to set aside enough of the surpluses over the next 10 years to eliminate the debt and deal with the challenges facing Social Security and Medicare.

I would congratulate my colleagues from the other side of the aisle for coming around to the Blue Dog position on debt reduction, at least in their rhetoric yesterday. Unfortunately, the leadership's conversion to the cause of debt reduction appears to have been a short-term plan of convenience and not a serious long-term commitment to paying off the debt. The fact that we are voting today on this fiscally inconsistent tax cut makes me seriously doubt the seriousness of the Republican leadership's rhetoric about debt reduction.

If the leadership of this House were serious about debt reduction yesterday, they would not be coming to the floor today with this override. We should be working on a fiscally responsible tax cut. I urge my colleagues to vote to sustain the veto so we can get to work on a fiscally responsible marriage tax penalty relief.

Mr. COLLINS. Mr. Speaker, I yield 2 minutes to the gentleman from Tennessee (Mr. WAMP).

(Mr. WAMP asked and was given permission to revise and extend his remarks.)

Mr. WAMP. Mr. Speaker, there has been a lot of talk this fall about who is for the powerful and who is for the people, and I have a populist thread that runs deep to my core and most folks know I come right from the center of this floor, from this body to the microphone to speak from time to time; and I have to say that this is where the rubber meets the road because this is a people's issue. This is a populist issue. It is about average people, 110,000 of them in my district. They will pay \$1,400 per couple less in taxes. Since they are married, they should not be taxed unfairly.

This is where the people are heard. This is an issue where the rubber meets the road. I clearly believe we are on the side of the people here on repealing the marriage tax penalty. Our Tax Code is too complicated. That debate is for another day, but we have to come back to that. It is also unfair. This tax is unfair. We need to eliminate it. This is where the rubber meets the road.

There was a comment about protecting Social Security. My side, for 2 years, has kept us out of Social Security. That is a success. We deserve the credit for that. There is no question that we pushed the envelope there and we stayed out of Social Security. We

are now talking about what do we do about staying out of Social Security and giving the people some of their money back. We hear targeted tax cuts. This is targeted for couples who are married. What better way to target tax cuts than to people who are married? My goodness, my goodness, there should not be any question about this.

This is a people's issue, and on this one we are on their side. We are doing what the people need, married couples, low income, middle income, all folks, married couples. What better way to target tax relief. Vote to override the President's veto. Vote with the majority side here. Vote for the people and repeal and override the marriage tax veto.

Mr. RANGEL. Mr. Speaker, I yield such time as she may consume to the gentlewoman from California (Ms. PELOSI).

(Ms. PELOSI asked and was given permission to revise and extend her remarks.)

Ms. PELOSI. Mr. Speaker, I thank the gentleman from New York (Mr. RANGEL), the distinguished ranking member, for yielding me this time.

Mr. Speaker, as one who celebrated her 37th wedding anniversary last week, I certainly do not support marriage penalty, but I do support the Democratic alternative and urge my colleagues to sustain the veto and congratulate the distinguished ranking member for his extraordinary leadership on this.

Mr. Speaker, we all agree that couples should not be penalized by the tax code when they decide to marry. That is not the issue. The problem with the Republican marriage penalty bill is that its tax cuts go well beyond marriage penalty relief by widening the tax brackets of higher income tax payers. Half of the relief in the Republican proposal goes to people who do not pay any marriage penalty today. As a result, their proposal costs an astounding \$182 billion over the next ten years, consuming nearly one-fourth of the surplus.

Such substantial costs will leave less money to strengthen Social Security and Medicare, provide a prescription drug benefit to seniors, pay down the national debt, and provide other essential government services. I support President Clinton's veto of this fiscally irresponsible Republican proposal because enacting a tax cut that reduces our ability to address these important priorities will harm families, businesses and communities across the country.

Democrats have a sensible alternative that costs almost half as much as the Republican bill, while still providing marriage penalty tax relief to a majority of Americans. The Administration has indicated that President Clinton would sign the Democratic alternative if it came to his desk. Marriage penalty relief could be signed into law right now if the Republican leadership would support this alternative.

Despite what Republicans claim, Democrats do not oppose tax cuts, and we have not opposed marriage penalty relief. However, we do emphasize the importance of both fairness and fiscal responsibility when providing tax relief. Fairness that ensures family security and fiscal responsibility that protects our nation's

priorities. I urge my colleagues to vote no on the override of President Clinton's veto.

Mr. RANGEL. Mr. Speaker, I yield the balance of our time to the gentleman from Missouri (Mr. GEPHARDT), our distinguished minority leader.

(Mr. GEPHARDT asked and was given permission to revise and extend his remarks.)

Mr. GEPHARDT. Mr. Speaker, I rise to support the ending of the marriage penalty, to say that the Democratic alternative did that for people that actually have a marriage penalty, and our problem with this bill is that it extends about 60 percent of its benefits to people that earn above the middle class and have many more means than the middle class and, frankly, do not have a marriage penalty.

Our problem with the bill, and the President's problem with the bill, and the reason the bill was vetoed, is that it goes ahead and does a lot of things that have nothing to do with the marriage penalty.

We are all for getting rid of the marriage penalty. For about \$100 billion over 10 years, we could do that for the people that have a problem. We could be carrying on a discussion today about a bill that the President would sign that would end the marriage penalty, but that is not what was chosen to do. So we are wasting time today, again, working on a bill that has been vetoed that will never see the light of day. I go door to door in my district; I went door to door last weekend and people talked to me about all kinds of issues, prescription medicine and Medicare, a Patients' Bill of Rights, helping public education and trying to get smaller classroom sizes.

And they talk about tax relief; but they want tax relief that is affordable, reasonable, feasible, and is targeted at the people that really need it. They do not think we need tax relief for people that earn \$130,000, \$150,000, \$200,000 a year. They earn \$30,000 a year or \$40,000 a year; and they would like the tax relief limited and targeted at them. They also want us to save the vast majority of the surplus to pay down the debt and to take care of Social Security and Medicare.

Now yesterday in a meeting in the White House, the Speaker and other Members of the Republican leadership came in with a new budget, and the new budget is that we are going to save 90 percent of the unified surplus to pay down the debt. Now, there are two problems with this. One, we are back to the unified surplus. I thought we were putting Social Security in a lockbox. If we are exposing the unified surplus to some new goal setting, 90/10, it could mean that in some years we would enter the lockbox and start spending Social Security money.

□ 1200

I cannot imagine that we would want to do that.

The second thing is, here we are on the floor today spending an hour trying

to override a veto on a \$300 billion tax cut. If you add up all the tax cuts that the leadership has brought to the floor and passed, you are well above 10 percent of the surplus. So the action today is inconsistent with the theory that was propounded just yesterday. We want to do these bills.

I say to my friends on the other side, let us stop the posturing. Let us stop the putting out bills that are not going anywhere. People in your districts and in mine want us to do something now, this year, to end the marriage penalty. We can do the marriage penalty before these next 3 or 4 weeks are up, if we will only target it at the people that actually have a marriage penalty.

Mr. Speaker, I urge Members to vote to sustain this veto. Let us sit down in a spirit of bipartisanship and let us get the job done for the American people.

Mr. COLLINS. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. SAM JOHNSON).

(Mr. SAM JOHNSON of Texas asked and was given permission to revise and extend his remarks.)

Mr. SAM JOHNSON of Texas. Mr. Speaker, I want to assert that our families need some help in America, and this is the way to give it to them.

For a third time President Clinton and Vice President GORE have vetoed a bill to eliminate the marriage penalty tax because they say it is risky.

My question is: What is risky about helping married couples keep more of their own money.

Marriage is a cherished institution in America and we should promote it, not discourage it.

Right now, married couples pay more in taxes than two single people living together. That's just not right. Washington must stop penalizing the cornerstone of our society—the American family.

We should encourage marriage—not penalize it.

In my district alone, this bill would end the marriage penalty for over 150,000 Americans.

Mr. Clinton and Mr. GORE should stop playing election year politics. This bill is just too important.

A vote to override the President's veto is a vote for American families.

Mr. COLLINS. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. DELAY), the Majority Whip.

Mr. DELAY. Mr. Speaker, I thank the gentleman from Georgia (Mr. COLLINS) for yielding the time to me.

Mr. Speaker, it is really fascinating at times how short people's memories are or the lack of sense of history. When the Republicans became the majority in 1995, we had 40 years of the Democrats control of this body. For 40 years, they ran up the debt on this country.

For 40 years, they had budgets as far as the eye could see that were going to run deficits and increase the debt on our children and grandchildren. When we came in, we told the American people that we would balance the budget,

that we would give some tax relief, and we would start paying down on the debt.

We were told by this side of the aisle and Washington pundits and Washington media that that is impossible, we cannot balance the budget and cut taxes and pay down on the debt. I am very proud to stand before my colleagues and tell my colleagues that the budget is balanced, and it has been for a couple of years, that we stopped the raid on Social Security that was going on for 40 years.

They were taking the Social Security surplus and spending it on government programs. We did that last year. And we will do it again this year.

We stopped the raid on Medicare surplus. They were using that for big government programs. We have a big surplus, and for the last couple of years, we have actually not talked about it, we actually paid down over \$350 billion on the public debt.

We started this year with a budget that said that now that we have this surplus, we have got to keep it out of the hands of the Washington spenders, and we need to return it to the American people, because they are the people that paid it and it is their money and they are overtaxed. That is the definition of a surplus.

We said that we would take, and I remind the minority leader, at that time we would take 85 percent of the surplus and pay down on the debt, and take other 15 percent and give some of that tax money back to the American people, and we do it in many ways. Repeal the death tax, well, the President vetoed that.

One of the most important reasons is why we are here today is to give some relief to married people, and there is a surplus, there is a \$70 billion surplus. Not counting the Social Security surplus, we have a surplus that does not count the Social Security surplus or the Medicare surplus, and we can take 90 percent of that and pay down the debt.

The institution of marriage is the foundation of our communities and our government. Marriage is something that we ought to be honoring and we ought to be respecting. It is time to repeal the destructive immoral tax currently imposed on married couples, a tax that this administration refuses to lift.

The President had the opportunity to end this unfair tax earlier this summer, and with the stroke of a pen, he could have extended fairness to the millions of American families who are burdened by this tax. Unfortunately, the President placed a higher value on retaining Washington spending than he did on extending relief for struggling young families during the last vote on this issue.

A very strong bipartisan majority of the House embraced the simple common sense of ending a tax that discriminates against people starting families. All of us understand that

when we tax something we get less of it. Why in the world would the Clinton administration retain a policy that forces married couples to pay a financial penalty? How can they call a family that is making \$43,000 a year rich? Their definition of middle class is anybody that does not pay taxes.

Why do Democrats offer an alternative that says it is fine, we can take advantage of the marriage penalty tax and repeal it, but if we have a home and pay a mortgage or we itemize deductions, we do not get the benefit of repealing the marriage penalty.

The support in this House for ending the marriage penalty clearly shows that the American people want and need relief from that tax. A country founded on freedom should not maintain a Tax Code that arbitrarily places an extra burden on husbands and wives.

Mr. Speaker, I urge my colleagues and the President to support this effort and to end the unfair tax on married couples.

Mr. BLUMENAUER. Mr. Speaker, today's debate is supposedly about the marriage penalty, but like last week's debate on the estate tax, it is really about priorities and fiscal discipline.

It will never be possible to design a tax system that is perfect. Often people of good will disagree about objectives and interpretations. Most of the people I represent, however, and a majority of Americans want us to do the job right. They know we can do better. The President is correct in resisting a series of tax cuts that favor those who need help the least until there is at least equal attention to the plight of those who need our help the most.

There are some serious marriage penalties in the tax code and in other areas of federal law, but this bill would not fix them. Lower-income workers, who benefit from the Earned Income Tax Credit, face a sharp reduction in benefits when they marry. This bill does not begin to address that problem. Nor does it try to distinguish between the slightly less than half of America's couples who are affected by the marriage penalty and the other half, who receive a marriage benefit. This bill lowers taxes for many, while overlooking those who need our help the most.

This bill does nothing to ease a difficulty that fully 50 percent of families will face by 2010—the risk that using the child care and education credits will force them into the Alternative Minimum Tax. This is a very real problem, especially for larger families who simply will not get the tax relief they were promised.

These problems can all be fixed, and the cost would be lower than the unfocused proposal the President rightly vetoed. We could have tax relief for those who face the biggest problems, while still reserving funds to provide health insurance to some of America's 11 million uninsured children; to offer prescription drug coverage to the one-third of older Americans who have no insurance for this expense; and to pay down the national debt.

Mrs. MINK of Hawaii. Mr. Speaker, I will vote to override the President's veto of H.R. 4810, the Marriage Tax Penalty Relief Act.

Elimination of the marriage tax penalty has long been my priority. Some argue it is overly generous because it widens the 15 percent tax bracket for all married couples. I see nothing wrong with increasing the 15 percent

bracket for married couples from the current income level of \$43,850 to a level of \$52,500. No one can claim that those couples are rich. Because our tax structure is progressive, obviously widening the income covered by the 15 percent will impact on all the upper income levels. The issue is whether the lowest tax bracket group should be increased.

I want the Republican and Democratic leadership to get together and work out a marriage tax bill that will be signed by the President. I voted for the Democratic proposal in July. The differences between the two proposals are not so wide that they cannot be bridged. My vote is meant to send a message that repeal of the marriage tax penalty is due. Eliminating one of the most unfair provisions of the tax code is long overdue. If increasing the lowest tax bracket make it too expensive, then let's compromise that, so it costs less. But let's pass the repeal of the marriage penalty.

Mr. BEREUTER. Mr. Speaker, this Member rises today to express his support to override the President's veto of H.R. 4810, the Marriage Penalty Tax Elimination Reconciliation Act. This bill will have a positive effect, in particular, on middle and lower income married couples.

At the outset, this Member would like to thank the distinguished Chairman of the House Ways and Means Committee from Texas (Mr. ARCHER), for introducing this legislation.

It is important to note that H.R. 4810 passed the House on July 20, 2000, by a vote of 271 to 156, with this Member's support. The Senate also passed the same reconciliation measure. In turn, the President vetoed H.R. 4810 on August 5, 2000.

While there are many reasons to support overriding the President's veto of H.R. 4810, this Member will enumerate two specific reasons. First, H.R. 4810 takes a significant step toward eliminating the current marriage penalty in the Internal Revenue Code. Second, H.R. 4810 follows the principle that the Federal income tax code should be marriage-neutral.

First, this legislation, H.R. 4180, will help eliminate the marriage penalty in the Internal Revenue Code. In the following significant ways:

#### STANDARD DEDUCTION

It will increase the standard deduction for married couples who file jointly to double the standard deduction for singles beginning in 2001. For example, in 2000, the standard deduction equals \$4,400 for single taxpayers but \$7,350 for married couples who file jointly. If this legislation was effective in 2000, the standard deduction for married couples who file jointly would be \$8,800 which would be double the standard deduction for single taxpayers.

#### THE 15-PERCENT TAX BRACKET

It will increase the amount of married couples' income (who file jointly) subject to the lowest 15 percent marginal tax rate to twice that of single taxpayers beginning in 2003, phased in over six years. Under the current tax law, the 15 percent bracket covers taxpayers with income up to \$26,250 for singles and \$43,850 for married couples who file jointly. If this legislation was effective in 2000, married couples would pay the 15 percent tax rate on their first \$52,500 of taxable income, which would be double the aforementioned current income amount for singles.

Second, H.R. 4810 will help the Internal Revenue Code become more marriage-neutral. Currently, many married couples who file jointly pay more Federal income tax than they would as two unmarried singles. The Internal Revenue Code should not be a consideration when individuals discuss their future marital status.

Therefore, for these reasons, and many others, this Member urges his colleagues to vote to override the President's veto of H.R. 4810, the Marriage Penalty Tax Elimination Reconciliation Act.

Mr. UDALL of Colorado. Mr. Speaker, when we considered this bill the first time, I voted for it—although I was very reluctant to do so—in the hope that the Senate would improve it sufficiently to make it acceptable.

However, that did not happen. So, I could not vote for the conference report on the bill and will not vote to override the President's veto.

I support ending the "marriage penalty," but my initial support for the Republican leadership's bill was reluctant because I thought that bill was not the right way to achieve that goal. That was why I voted for the Democratic alternative, a measure that would not have been vetoed.

In some areas the Republican leadership's bill did too little, and in others it did too much. It did too little by not adjusting the Alternative Minimum Tax. That means it would have left many middle-income families unprotected from having most of the promised benefits of the bill taken away. The Democratic substitute would have adjusted the Alternative Minimum Tax. It did too much because it was not carefully targeted. It did not just apply to people who pay a penalty because they are married. Instead, a large part of the total benefits under the bill would have gone to married people whose taxes already are lower than they would be if they were single. In other words, a primary result would not be to lessen marriage "penalties" but to increase marriage "bonuses."

And, by going beyond what's needed to end marriage "penalties" the Republican leadership's bill as originally passed by the House would have gone too far in reducing the surplus funds that will be needed to bolster Social Security and Medicare.

Those were the reasons for my reluctance to vote for this bill. They were strong reasons. In fact, as I did then, if voting for the bill would have meant that it immediately would have become law, I would have voted against it. But I reluctantly voted for it because at that point the Senate still had a chance to improve it.

I was prepared to give the Republican leadership one last chance to correct the bill's deficiencies rather than simply to insist on sending it to the President for the promised veto. I hope that the Republican leadership would allow the bill to be improved to the point that it would merit becoming law—meaning that it would deserve the President's signature.

Unfortunately, they did not take advantage of that opportunity. Instead, they insisted on sending to the President a bill falling short of being appropriate for signature into law. I cannot support that approach.

The bill as sent to the President—the bill that is not before us again—is not identical to the original Republican bill as initially passed by the House. But it is still very poorly targeted. Half of this bill's tax relief would go to

couples who are not affected by any marriage penalty at all—and overall the bill is still fatally flawed.

It seems clear that back in July the Republican leadership decided to insist on sending the President a bill he would veto, on a timetable based on their national nominating convention. If that was their desire, they have achieved it. I greatly regret that the Republican leaders decided to insist on confrontation with the President instead of seeking a workable compromise that would lead to a bill that the President could sign into law.

If the President's veto is upheld—and I think it will be—I hope that Members on both sides of the aisle will work to develop a bill that will appropriately address the real problem of the "marriage penalty" and that can be signed into law this year. Certainly, I am ready to join in their efforts.

Mr. BENTSEN. Mr. Speaker, I rise in opposition to the veto override of H.R. 4810. With just under fourteen legislative days remaining, we are poised to vote on a measure that will only provide tax relief to a small segment of Americans, at a cost of \$292.5 billion over 10 years and at the expense of providing universal Medicare prescription drug benefits, strengthening Social Security and Medicare, and paying off the National debt during the 1980's and early 1990's. Mr. Speaker, this massive tax cut, like the Estate and Gift tax bill before it, puts our seniors and our fiscal security at risk.

H.R. 4810 is overly broad and benefits not only those subject to a penalty but also would confer tens of billions of dollars of "marriage penalty tax relief" on millions of married families that already receive marriage bonuses. Approximately half of the tax reductions from the bill's "marriage penalty relief provisions" would go to families that currently receive marriage bonuses. According to a recent Treasury Department study, roughly 48 percent of couples pay a marriage penalty and 42 percent get a marriage bonus under current tax law. Therefore, this bill, which will cost \$292.5 billion over 10 years will provide a mere \$149 in tax relief to the average family with income of less than \$50,000. Further, once fully phased in, nearly 70 percent of the benefit will be enjoyed by couples earning more than \$70,000 annually, even if they suffered no marriage penalty under existing law.

As I have said before, the most troubling aspect of H.R. 4810 might well be the plan's increase in the 15 percent bracket for married couples to twice the single level, phased in over six years. This one provision, which accounts for nearly 60 percent of the measure's cost, would provide no relief to the 61 percent of all married couples already in the 15 percent bracket. Moreover, once H.R. 4810 is implemented, nearly half of American families with two or more children can expect to receive little, if any, tax relief because an increasing number of these families would be subject to new tax liability, under the Alternative Minimum Tax (AMT). As we all know, the AMT tax was designed to ensure that wealthy taxpayers could not avoid income taxes through excessive use of preferences such as credits and deductions. Mr. Speaker, surely the Republican Leadership does not see middle-class families with children as tax evaders.

Mr. Speaker, I urge my colleagues to abandon H.R. 4810 and join me in supporting the

Rangel alternative. Offered during original consideration of this bill, the Rangel alternative would cost \$89.1 billion over ten years and provides for real relief by increasing the standard deduction for married couples filing jointly to twice the level for single filers as well as an exemption from the AMT. The Rangel substitute adjusts the AMT in an attempt to ensure that the benefits of the standard deduction change would not be nullified. Further, it grants couples a \$2,000 increase in the beginning and ending income phaseout levels for families claiming the Earned Income Tax Credit (EITC) in 2001 and a permanent \$2,500 increase starting in 2002.

Unfortunately, with the House's rejection of the Rangel alternative, no legislation providing relief from the marriage penalty will be enacted this year. Moreover, the Republican Leadership, by scheduling this vote today, are telling us that they would rather have a political issue than working with Congressional Democrats to craft a bill that the President could sign to give an immediate targeted tax cut to middle-class American families. Mr. Speaker, let's not squander this opportunity to work together and act fast to bring about a targeted tax cut that relieves those who actually suffer a marriage penalty while maintaining our commitment to paying off the debt, providing a Medicare prescription drug benefit for seniors, and strengthening Social Security and Medicare.

Mr. POMEROY. Mr. Speaker, I rise in opposition to the motion to override the President's veto of H.R. 4810, a bill that purportedly addresses the marriage penalty but in fact misses the mark.

I strongly support marriage penalty relief. In my view, the tax code should not penalize couples because they choose to get married. That is why I have repeatedly voted for tax cuts to alleviate the marriage penalty for hard working families.

Unfortunately, the bill vetoed by the President was inflated to nearly \$300 billion with about half the total tax benefit going to high income earners who do not even pay the penalty. As a consequence, the vetoed bill would crowd out our ability to enact other tax cuts for working families, to pay down the national debt, and to strengthen Social Security and Medicare. We can eliminate the marriage penalty without jeopardizing these other important priorities.

This override vote need not and should not be the last word on marriage penalty relief this Congress. Members of both parties have offered proposals to address the marriage penalty and there are clearly grounds for compromise. The Republican presidential candidate, for example, has offered a targeted marriage penalty proposal that would restore the 10 percent deduction for two-earner families—a far different approach from the vetoed bill. The distinguished ranking member of the Senate Finance Committee, Senator MOYNIHAN, sponsored legislation that provides more relief from the marriage penalty than any other proposal offered this year by allowing couples to choose whether to file jointly or as individuals.

In the spirit of compromise, today I am introducing the House companion to the Moynihan amendment. Under my bill, couples who currently pay more in taxes because they're mar-

ried would have the choice to file as individuals, eliminating the marriage penalty. My bill is simpler, provides more marriage penalty relief, and is more fiscally responsible than the vetoed bill.

The one-half of all married couples in this country who pay the marriage penalty deserve our best efforts to reach a compromise. They gain nothing from political posturing and override motions that will inevitably fail. These couples deserve to have a bill enacted this year. We can deliver that tax relief, and I hope the legislation I introduce today can serve as a starting point for how we can address the marriage penalty and protect other key national priorities.

I urge my colleagues to oppose the motion.

Mr. SMITH of Texas. Mr. Speaker, I rise today to urge my colleagues to vote to override the President's marriage penalty veto.

Last February, this House passed the Marriage Tax Penalty Relief Act of 1999, with 51 Democrats crossing over to vote with the Republican majority.

In August, President Clinton vetoed the bill. Today, the House has the opportunity to vote to override the President's veto.

According to the Congressional Budget Office, 25 million couples every year pay an average of \$1,400 in higher taxes simply because they are married. That's enough for their children's collect expenses or a down payment on a family car.

Here's how the discrimination works: A single taxpayer earning \$30,000 annually pays \$3,000 in federal taxes. But if two taxpayers earning \$30,000 each marry, they owe \$8,400 in federal taxes—40 percent more than the \$6,000 they paid when they were single.

There is no justification for making families pay higher tax rates than single Americans. In my own district of Texas, about 66,000 married couples would benefit from the bill.

Raising a family is difficult enough. The federal government should not add to that burden with unfair taxes. That's why I support the House's override of the President's marriage penalty veto.

Mr. KIND. Mr. Speaker, I rise today in opposition to H.R. 4810, the Marriage Tax Penalty Relief Act.

Last year, leadership tried to enact a \$792 billion tax cut bill that would have seriously endangered efforts to strengthen Social Security and Medicare, pay down the \$5.7 trillion debt and invest in important priorities such as education and a prescription drug benefit for all seniors. The American people soundly rejected this fiscally irresponsible plan.

This year nothing has changed except House leadership has broken apart their big tax bill into smaller pieces. So far, the leadership tax agenda adds up to more than \$748 billion over 10 years. This amount is nearly the same as the large irresponsible tax bill rejected last year. The Marriage Tax Penalty Relief bill passed by the House and the Senate and vetoed by the President is, once again, just another vehicle for leadership to push through their tax cuts, at the cost of \$280 billion over ten years if its provisions remain permanent, while providing nothing for hard working families.

While I support tax relief for those couples who are penalized, I do not, however, support H.R. 4810. Most of the tax cut would go to

couples that pay no marriage penalty at all, in fact they receive a marriage bonus. That is why I supported the substitute originally offered by Representative RANGEL, which was fairer and more fiscally responsible. In fact, two-thirds of America's couples would get the same tax cut under the alternative bill, as they would under H.R. 4810. It would have eliminated the marriage tax penalty by increasing the basic standard deduction for a married couple filing a joint income tax return to twice the basic standard deduction for an unmarried individual, but it would not have further exacerbated the current inequities in the Tax Code by providing a large tax act windfall to couples receiving a marriage bonus, that is, paying less in taxes because they are married than they would if they were single.

Although the President vetoed H.R. 4810 in August, leadership has insisted upon using the short period of time that remains in the 106th Congress to vote on this bill again, knowing that it will not be enacted into law as currently drafted. If leadership was serious about providing relief to married couples who incur a penalty, they would have worked for a truly bipartisan bill that all Members of Congress could have supported and the President would have signed into law. From the beginning leadership proved they were not serious about tax relief when they broke their own budget rules by first bringing up their bill in February, long before they passed a budget resolution. Their timing was purely for show, they wanted to provide tax cuts for married couples on Valentine's day. Further, they never bothered to schedule bipartisan meetings to discuss their bill, they never held a House-Senate Conference meeting, and leadership drafted the final bill behind closed doors.

Our current strong economy has begun producing surplus federal revenues, and, as you might imagine, there is no shortage of ideas for "using" the surplus. I am in favor of providing relief for those couples who are penalized by the marriage tax and I hope we can still reach a compromise on tax relief. Unfortunately, this tax relief would have made it more difficult to meet our nation's existing obligations; such as paying off our \$5.7 trillion debt, protecting Social Security, modernizing Medicare by offering a prescription drug benefit, and investing in our children's education. Surplus funds allow us to pay down the principal on this burdensome debt, thus reducing the annual interest payments which amount to approximately \$250 billion annually. In fact, Federal Reserve Chairman Alan Greenspan stated, that "ongoing progress to pay off the national debt is an extraordinarily effective force in this economy," and that our first priority should be to continue to rack up annual surpluses.

Mr. Speaker, we can have tax cuts this year, but they should be the right ones, targeted at those who are currently penalized by the marriage tax. I urge all my colleagues to oppose the Marriage Penalty Tax Relief bill and sustain the President's veto of the Marriage Penalty Tax Relief Act. Then let's get back together to pass a reasonable compromise that recognizes our obligations to pay off the national debt, strengthen Social Security, modernize Medicare and invest in our children.

VACATING THE ORDERING OF YEAS AND NAYS ON HOUSE RESOLUTION 572, SENSE OF HOUSE REGARDING UNITED STATES-INDIA RELATIONS

Mr. COLLINS. Mr. Speaker, I ask unanimous consent to vacate the ordering of the yeas and nays on the motion to suspend the rules and adopt H. Res. 572.

The SPEAKER pro tempore (Mr. OSE). Without objection, the order for the yeas and nays on the cited motion is vacated and, pursuant to the earlier vote by voice, the rules are suspended, the resolution is agreed to, and without objection, a motion to reconsider is laid on the table.

There was no objection.

PARLIAMENTARY INQUIRY

Mr. TAYLOR of Mississippi. Mr. Speaker, a preliminary inquiry. Mr. Speaker, my parliamentary inquiry is how would I have this document from the Bureau of Public Debt published on June 30, 2000, how would I have this document that shows the public debt increasing by \$40 billion inserted at the RECORD at this appropriate time?

Mr. COLLINS. Mr. Speaker, regular order.

Mr. SAM JOHNSON of Texas. Mr. Speaker, regular order.

The SPEAKER pro tempore. The gentleman from Mississippi (Mr. TAYLOR) could ask for unanimous consent to submit the document for the RECORD.

Mr. TAYLOR of Mississippi. Mr. Speaker, I ask unanimous consent for a publication of the Treasury Department to be inserted in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

Mr. COLLINS. Mr. Speaker, will the gentleman repeat the unanimous consent request?

The SPEAKER pro tempore. The gentleman's unanimous consent needs to be repeated.

Mr. TAYLOR of Mississippi. Mr. Speaker, I ask unanimous consent that the Treasury report of June 30, 2000 that shows that the public debt has increased by \$40 billion in the past 12 months be inserted at the RECORD at this point.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

Mr. COLLINS. Mr. Speaker, reserving the right to object, the documents that the gentleman referred to are already public records, so, therefore, I object.

The SPEAKER pro tempore. The gentleman from Georgia objects.

Without objection, the previous question is ordered.

There was no objection.

The SPEAKER pro tempore. The question is, Will the House, on reconsideration, pass the bill, the objections of the President to the contrary notwithstanding?

Under the Constitution, this vote must be determined by the yeas and nays.

The vote was taken by electronic device, and there were—yeas 270, nays 158, not voting 6, as follows:

[Roll No. 466]

YEAS—270

Aderholt	Goode	Pascrell
Archer	Goodlatte	Paul
Armey	Goodling	Pease
Bachus	Gordon	Peterson (PA)
Baird	Goss	Petri
Baker	Graham	Phelps
Ballenger	Granger	Pickering
Barcia	Green (WI)	Pickett
Barr	Greenwood	Pitts
Barrett (NE)	Gutknecht	Pombo
Bartlett	Hall (TX)	Porter
Barton	Hansen	Portman
Bass	Hastert	Pryce (OH)
Bereuter	Hastings (WA)	Quinn
Berkley	Hayes	Radanovich
Biggert	Hayworth	Ramstad
Bilbray	Hefley	Regula
Bilirakis	Herger	Reynolds
Bishop	Hill (MT)	Riley
Bliley	Hilleary	Roemer
Blunt	Hobson	Rogan
Boehert	Hoekstra	Rogers
Boehner	Holden	Rohrabacher
Bonilla	Holt	Ros-Lehtinen
Bono	Hooley	Roukema
Boswell	Horn	Royce
Boucher	Hostettler	Ryan (WI)
Brady (TX)	Houghton	Ryun (KS)
Bryant	Hulshof	Salmon
Burr	Hunter	Sandlin
Burton	Hutchinson	Sanford
Buyer	Hyde	Saxton
Callahan	Inslee	Scarborough
Calvert	Isakson	Schaffer
Camp	Istook	Sensenbrenner
Campbell	Jenkins	Sessions
Canady	John	Shadegg
Cannon	Johnson (CT)	Shaw
Capps	Johnson, Sam	Shays
Castle	Jones (NC)	Sherwood
Chabot	Kasich	Shimkus
Chambliss	Kelly	Shows
Chenoweth-Hage	King (NY)	Shuster
Clement	Kingston	Simpson
Coble	Kingston	Sisisky
Coburn	Knollenberg	Skeen
Collins	Kolbe	Skelton
Combest	Kuykendall	Smith (MI)
Condit	LaHood	Smith (NJ)
Cook	Largent	Smith (TX)
Cooksey	Latham	Smith (WA)
Costello	LaTourette	Souder
Cox	Lazio	Spence
Cramer	Leach	Spratt
Crane	Lewis (CA)	Stabenow
Cubin	Lewis (KY)	Stearns
Cunningham	Linder	Stump
Danner	Lipinski	Stupak
Davis (VA)	LoBiondo	Sununu
Deal	Lucas (KY)	Sweeney
DeLay	Lucas (OK)	Talent
DeMint	Maloney (CT)	Tancredo
Deutsch	Manzullo	Tauscher
Diaz-Balart	Martinez	Tauzin
Dickey	Mascara	Taylor (NC)
Doolittle	McCarthy (NY)	Terry
Doyle	McCollum	Thomas
Dreier	McCrery	Thornberry
Duncan	McHugh	Thune
Dunn	McInnis	Tiahrt
Ehlers	McIntosh	Toomey
Ehrlich	McIntyre	Traficant
Emerson	McKeon	Upton
English	McKinney	Vitter
Etheridge	Metcalfe	Walden
Everett	Mica	Walsh
Ewing	Miller (FL)	Wamp
Fletcher	Miller, Gary	Watkins
Foley	Mink	Watts (OK)
Forbes	Moore	Weldon (FL)
Fossella	Moran (KS)	Weldon (PA)
Fowler	Morella	Weller
Franks (NJ)	Myrick	Whitfield
Frelinghuysen	Nethercutt	Wicker
Galleghy	Ney	Wilson
Ganske	Northup	Wise
Gekas	Norwood	Wolf
Gibbons	Nussle	Wu
Gillmor	Ose	Young (AK)
Gilman	Oxley	Young (FL)
	Packard	

Abercrombie	Hall (OH)	Neal
Ackerman	Hastings (FL)	Oberstar
Allen	Hill (IN)	Obey
Andrews	Hilliard	Olver
Baca	Hinchee	Ortiz
Baldacci	Hinojosa	Pallone
Baldwin	Hoeffel	Pastor
Barrett (WI)	Hoyer	Payne
Becerra	Jackson (IL)	Pelosi
Bentsen	Jackson-Lee	Peterson (MN)
Berman	(TX)	Pomeroy
Berry	Jefferson	Price (NC)
Blagojevich	Johnson, E. B.	Rahall
Blumenauer	Jones (OH)	Rangel
Bonior	Kanjorski	Reyes
Borski	Kaptur	Rivers
Boyd	Kennedy	Rodriguez
Brady (PA)	Kildee	Rothman
Brown (FL)	Kilpatrick	Roybal-Allard
Brown (OH)	Kind (WI)	Rush
Capuano	Kleczka	Sabo
Cardin	Klink	Sanchez
Carson	Kucinich	Sanders
Clay	LaFalce	Sawyer
Clayton	Lampson	Schakowsky
Clyburn	Lantos	Scott
Conyers	Larson	Serrano
Coyne	Lee	Sherman
Crowley	Levin	Slaughter
Cummings	Lewis (GA)	Snyder
Davis (FL)	Lofgren	Stark
Davis (IL)	Lowey	Stenholm
DeFazio	Luther	Strickland
DeGette	Maloney (NY)	Tanner
Delahunt	Markey	Taylor (MS)
DeLauro	Matsui	Thompson (CA)
Dicks	McCarthy (MO)	Thompson (MS)
Dingell	McDermott	Thurman
Dixon	McGovern	Tierney
Doggett	McNulty	Towns
Dooley	Meehan	Turner
Edwards	Meek (FL)	Udall (CO)
Evans	Meeks (NY)	Udall (NM)
Farr	Menendez	Velazquez
Fattah	Millender	Visclosky
Filner	McDonald	Waters
Ford	Miller, George	Watt (NC)
Frank (MA)	Minge	Waxman
Frost	Moakley	Weiner
Gejdenson	Mollohan	Wexler
Gephardt	Moran (VA)	Woolsey
Gonzalez	Murtha	Wynn
Green (TX)	Nadler	
Gutierrez	Napolitano	

NOT VOTING—6

Engel	Gilchrist	Vento
Eshoo	Owens	Weygand

□ 1231

Mrs. JONES of Ohio, Mr. MENENDEZ and Mr. HINCHEY changed their vote from "yea" to "nay."

Mrs. EMERSON changed her vote from "nay" to "yea."

So, two-thirds not having voted in favor thereof, the veto of the President was sustained and the bill was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. LAHOOD). The message is referred to the Committee on Ways and Means.

The Clerk will notify the Senate of the action of the House.

□ 1234

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LAHOOD). Pursuant to clause 8 of rule XX, the Chair will now put the question on each motion to suspend the rules on which further proceedings were postponed on Tuesday, September 12, 2000 in the order in which that motion was entertained.

Votes will be taken in the following order:

H.R. 4986, de novo;  
H.R. 4892, by the yeas and nays;  
and H. Con. Res. 327, by the yeas and nays.

The Chair will reduce to 5 minutes the time for any electronic vote after the first such vote in this series.

**FSC REPEAL AND EXTRA-TERRITORIAL INCOME EXCLUSION ACT OF 2000**

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the bill, H.R. 4986, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. ARCHER) that the House suspend the rules and pass the bill, H.R. 4986, as amended.

The question was taken.

RECORDED VOTE

Mr. STARK. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 315, noes 109, answered “present” 1, not voting 8, as follows:

[Roll No. 467]

AYES—315

Ackerman	Combest	Granger
Aderholt	Condit	Green (WI)
Archer	Cooksey	Greenwood
Army	Cox	Gutknecht
Baca	Coyne	Hall (OH)
Bachus	Cramer	Hall (TX)
Baird	Crane	Hastings (WA)
Baker	Crowley	Hayes
Ballenger	Cubin	Hayworth
Barr	Cunningham	Hefley
Barrett (NE)	Danner	Heger
Bartlett	Davis (FL)	Hill (IN)
Barton	Davis (VA)	Hill (MT)
Bass	Deal	Hilleary
Becerra	DeLauro	Hilliard
Bentsen	DeLay	Hinojosa
Bereuter	DeMint	Hobson
Berkley	Diaz-Balart	Hoefel
Berman	Dickey	Hoekstra
Biggart	Dicks	Holden
Bilirakis	Dingell	Horn
Bishop	Dixon	Houghton
Bliley	Dooley	Hoyer
Blumenauer	Doolittle	Hulshof
Blunt	Doyle	Hutchinson
Boehlert	Dreier	Hyde
Boehner	Dunn	Inslee
Bonilla	Ehrlich	Isakson
Bono	English	Istook
Borski	Etheridge	Jefferson
Boswell	Everett	Jenkins
Boucher	Ewing	John
Boyd	Fattah	Johnson (CT)
Brady (PA)	Fletcher	Johnson, E. B.
Brady (TX)	Foley	Johnson, Sam
Bryant	Forbes	Jones (NC)
Burr	Fossella	Jones (OH)
Buyer	Fowler	Kanjorski
Callahan	Franks (NJ)	Kasich
Calvert	Frelinghuysen	Kelly
Camp	Frost	Kennedy
Campbell	Galgely	Kilpatrick
Canady	Gejdenson	Kind (WI)
Capps	Gekas	King (NY)
Cardin	Gephardt	Kingston
Carson	Gibbons	Klecza
Chambliss	Gillmor	Knollenberg
Clay	Gonzalez	Kolbe
Clayton	Goode	Kuykendall
Clement	Goodlatte	LaFalce
Clyburn	Goodling	LaHood
Coble	Gordon	Lampson
Coburn	Goss	Largent
Collins	Graham	Larson

Latham	Pease
LaTourette	Pelosi
Leach	Peterson (PA)
Levin	Petri
Lewis (CA)	Pickering
Lewis (KY)	Pickett
Linder	Pitts
Lofgren	Pombo
Lowey	Pomeroy
Lucas (KY)	Porter
Lucas (OK)	Portman
Manzullo	Price (NC)
Martinez	Pryce (OH)
Mascara	Quinn
Matsui	Radanovich
McCarthy (NY)	Ramstad
McCollum	Rangel
McCrery	Regula
McDermott	Reyes
McHugh	Reynolds
McInnis	Riley
McIntosh	Rodriguez
McIntyre	Rogan
McKeon	Rogers
McNulty	Rohrabacher
Meeks (NY)	Ros-Lehtinen
Metcalf	Roukema
Mica	Royce
Millender-	Ryan (WI)
McDonald	Ryun (KS)
Miller (FL)	Sabo
Miller, Gary	Salmon
Minge	Sanchez
Mollohan	Sandlin
Moore	Sanford
Moran (KS)	Sawyer
Moran (VA)	Scarborough
Morella	Schaffer
Murtha	Scott
Myrick	Sensenbrenner
Napolitano	Sessions
Neal	Shadegg
Nethercutt	Shaw
Ney	Shays
Northup	Sherman
Norwood	Sherwood
Nussle	Shimkus
Ortiz	Shuster
Ose	Simpson
Oxley	Siskiy
Packard	Skeen
Pastor	Skeltton

NOES—109

Abercrombie	Frank (MA)
Allen	Ganske
Andrews	Gilman
Baldacci	Green (TX)
Baldwin	Gutierrez
Barcia	Hansen
Barrett (WI)	Hastings (FL)
Berry	Hinchey
Bilbray	Holt
Blagojevich	Hooley
Bonior	Hostettler
Brown (FL)	Hunter
Brown (OH)	Jackson (IL)
Burton	Jackson-Lee
Cannon	(TX)
Capuano	Kaptur
Castle	Kildee
Chabot	Klink
Chenoweth-Hage	Kucinich
Conyers	Lantos
Cook	Lee
Costello	Lewis (GA)
Cummings	Lipinski
Davis (IL)	LoBiondo
DeFazio	Luther
DeGette	Maloney (CT)
Delahunt	Maloney (NY)
Deutsch	Markey
Doggett	McCarthy (MO)
Duncan	McGovern
Edwards	McKinney
Ehlers	Meehan
Emerson	Meek (FL)
Evans	Menendez
Farr	Miller, George
Filner	Mink
Ford	Moakley

ANSWERED “PRESENT”—1

Paul

NOT VOTING—8

Engel	Lazio	Weygand
Eshoo	Owens	Wise
Gilchrest	Vento	

□ 1253

Messrs. CUMMINGS, BLAGOJEVICH, and CONYERS, Mrs. MEEK of Florida, Mr. BURTON of Indiana, Ms. JACKSON-LEE of Texas, and Messrs. SERRANO, PASCRELL, GILMAN, WAXMAN, and BARCIA changed their vote from “aye” to “no”.

Mrs. JONES of Ohio and Mr. ENGLISH changed their vote from “no” to “aye.”

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LAHOOD). Pursuant to clause 8 of rule XX, the Chair will reduce to 5 minutes the minimum time for electronic voting on each additional motion to suspend the rules on which the Chair has postponed further consideration.

SCOUTING FOR ALL ACT

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the bill, H.R. 4892.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arkansas (Mr. HUTCHINSON) that the House suspend the rules and pass the bill, H.R. 4892, on which the yeas and nays are ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 12, nays 362, answered “present” 51, not voting 8, as follows:

[Roll No. 468]

YEAS—12

Ackerman	Hastings (FL)	Roybal-Allard
Davis (IL)	Kennedy	Stark
Deutsch	Lee	Wexler
Greenwood	McKinney	Woolsey

NAYS—362

Abercrombie	Blagojevich	Capps
Aderholt	Bliley	Cardin
Allen	Blumenauer	Castle
Andrews	Blunt	Chabot
Archer	Boehlert	Chambliss
Army	Boehner	Chenoweth-Hage
Baca	Bonilla	Clayton
Bachus	Bonior	Clement
Baird	Bono	Clyburn
Baker	Borski	Coble
Baldacci	Boswell	Coburn
Ballenger	Boucher	Collins
Barcia	Boyd	Combest
Barr	Brady (PA)	Condit
Barrett (NE)	Brady (TX)	Cook
Bartlett	Brown (FL)	Cooksey
Barton	Brown (OH)	Costello
Bass	Bryant	Cox
Bentsen	Burr	Coyne
Bereuter	Burton	Cramer
Berkley	Buyer	Crane
Berman	Callahan	Crowley
Berry	Calvert	Cubin
Biggart	Camp	Cummings
Bilbray	Campbell	Cunningham
Bilirakis	Canady	Danner
Bishop	Cannon	Davis (FL)

Davis (VA)	Kasich	Regula	Dixon	McDermott	Rush	Coble	Hoekstra	Moran (KS)
Deal	Kelly	Reyes	Farr	McGovern	Sabo	Collins	Holden	Moran (VA)
DeFazio	Kildee	Reynolds	Frank (MA)	Meehan	Sanchez	Combust	Holt	Morella
DeLauro	Kilpatrick	Riley	Gutierrez	Meeks (NY)	Schakowsky	Condit	Hoolley	Murtha
DeLay	Kind (WI)	Rodriguez	Hilliard	Miller, George	Serrano	Conyers	Horn	Myrick
DeMint	King (NY)	Roemer	Jackson (IL)	Moakley	Sherman	Cook	Hostettler	Nadler
Diaz-Balart	Kingston	Rogan	Jackson-Lee	Moran (VA)	Thompson (CA)	Cooksey	Houghton	Napolitano
Dickey	Kleczka	Rogers	(TX)	Morella	Tierney	Costello	Hoyer	Nethercutt
Dicks	Klink	Rohrabacher	Johnson, E. B.	Nadler	Velazquez	Cox	Hulshof	Ney
Dingell	Knollenberg	Ros-Lehtinen	Lantos	Neal	Waters	Coyne	Hunter	Northup
Doggett	Kolbe	Rothman	Lofgren	Olver	Waxman	Cramer	Hyde	Norwood
Dooley	Kucinich	Roukema	Lowe	Pastor	Weiner	Crane	Insee	Nussle
Doolittle	Kuykendall	Royce	Maloney (NY)	Pelosi	Wu	Crowley	Isakson	Oberstar
Doyle	LaFalce	Ryan (WI)	Markey	Rangel		Cubin	Istook	Obey
Dreier	LaHood	Ryun (KS)	Matsui	Rivers		Cummings	Istook	Oliver
Duncan	Lampson	Salmon				Cunningham	Jackson-Lee	Ortiz
Dunn	Largent	Sanders				Danner	(TX)	Ose
Edwards	Larson	Sandlin	Engel	Hall (OH)	Vento	Davis (FL)	Jefferson	Oxley
Ehlers	Latham	Sanford	Eshoo	Lazio	Weygand	Davis (IL)	Jenkins	Packard
Ehrlich	LaTourette	Sawyer	Gilchrist	Owens		Davis (VA)	John	Pallone
Emerson	Leach	Saxton				Deal	Johnson (CT)	Pascrell
English	Levin	Scarborough				DeFazio	Johnson, E. B.	Pastor
Etheridge	Lewis (CA)	Schaffer				DeGette	Johnson, Sam	Paul
Evans	Lewis (GA)	Scott				Delahunt	Jones (NC)	Payne
Everett	Lewis (KY)	Sensenbrenner				DeLauro	Jones (OH)	Pease
Ewing	Linder	Sessions				DeLay	Kanjorski	Pelosi
Fattah	Lipinski	Shadegg				DeMint	Kaptur	Peterson (MN)
Filner	LoBiondo	Shaw				Deutsch	Kasich	Peterson (PA)
Fletcher	Lucas (KY)	Shays				Diaz-Balart	Kelly	Petri
Foley	Lucas (OK)	Sherwood				Dickey	Kennedy	Phelps
Forbes	Luther	Shimkus				Dicks	Kildee	Pickering
Ford	Maloney (CT)	Shows				Dingell	Kilpatrick	Pickett
Fossella	Manzullo	Shuster				Dixon	Kind (WI)	Pitts
Fowler	Martinez	Simpson				Doggett	King (NY)	Pombo
Franks (NJ)	Mascara	Sisisky				Dooley	Kingston	Pomeroy
Frelinghuysen	McCarthy (MO)	Skeen				Doyle	Kleczka	Porter
Frost	McCarthy (NY)	Skelton				Dreier	Klink	Portman
Gallegly	McCollum	Slaughter				Duncan	Knollenberg	Price (NC)
Ganske	McCrery	Smith (MI)				Dunn	Kolbe	Pryce (OH)
Gejdenson	McHugh	Smith (NJ)				Edwards	Kucinich	Quinn
Gekas	McInnis	Smith (TX)				Ehlers	Kuykendall	Radanovich
Gephardt	McIntosh	Smith (WA)				Ehrlich	LaFalce	Rahall
Gibbons	McIntyre	Snyder				Emerson	LaHood	Ramstad
Gillmor	McKeon	Souder				English	Lampson	Rangel
Gilman	McNulty	Spence				Etheridge	Lantos	Regula
Gonzalez	Meek (FL)	Spratt				Evans	Largent	Reyes
Goode	Menendez	Stabenow				Everett	Larson	Reynolds
Goodlatte	Metcalf	Stearns				Ewing	Latham	Riley
Goodling	Mica	Stenholm				Farr	LaTourette	Rivers
Gooding	Millender-	Strickland				Fattah	Leach	Rodriguez
Gordon	Goss	Stump				Filner	Lee	Roemer
Goss	McDonald	Stupak				Fletcher	Levin	Rogan
Graham	Miller (FL)	Sununu				Foley	Lewis (CA)	Rogers
Granger	Miller, Gary	Sweeney				Forbes	Lewis (GA)	Rohrabacher
Green (TX)	Minge	Talent				Ford	Lewis (KY)	Ros-Lehtinen
Green (WI)	Mink	Tancredo				Fossella	Linder	Rothman
Gutknecht	Mollohan	Tanner				Fowler	Lipinski	Roukema
Hall (TX)	Moore	Tauscher				Frank (MA)	LoBiondo	Royal-Allard
Hansen	Moran (KS)	Tauzin				Franks (NJ)	Lofgren	Royce
Hastings (WA)	Murtha	Taylor (MS)				Frelinghuysen	Lowey	Ryan (WI)
Hayes	Myrick	Taylor (NC)				Frost	Lucas (KY)	Ryun (KS)
Hayworth	Napolitano	Terry				Gallegly	Lucas (OK)	Sabo
Hefley	Nethercutt	Thomas				Ganske	Luther	Salmon
Herger	Ney	Thompson (MS)				Gekas	Maloney (CT)	Sanchez
Hill (IN)	Northup	Thornberry				Gejdenson	Maloney (NY)	Sanders
Hill (MT)	Norwood	Thune				Gephardt	Manzullo	Sandlin
Hilleary	Nussle	Thurman				Gibbons	Markey	Sanford
Hinchey	Oberstar	Tiahrt				Gillmor	Martinez	Sawyer
Hinojosa	Obey	Toomey				Gilman	Mascara	Saxton
Hobson	Ortiz	Towns				Gonzalez	Matsui	Scarborough
Hoefel	Ose	Trafficant				Goode	McCarthy (MO)	Schaffer
Hoekstra	Oxley	Turner				Goodlatte	McCarthy (NY)	Schakowsky
Holden	Packard	Udall (CO)				Goodling	McCollum	Scott
Hoolley	Pallone	Udall (NM)				Gordon	McCrery	Sensenbrenner
Horn	Pascrell	Upton				Goss	McDermott	Serrano
Hostettler	Paul	Visclosky				Graham	McGovern	Sessions
Houghton	Payne	Vitter				Granger	McHugh	Shadegg
Hoyer	Pease	Walden				Green (TX)	McInnis	Shaw
Hulshof	Peterson (MN)	Walsh				Green (WI)	McIntosh	Shays
Hunter	Peterson (PA)	Wamp				Greenwood	McIntyre	Sherman
Hutchinson	Petri	Watkins				Gutierrez	McKeon	Sherwood
Hutchinson	Phelps	Watt (NC)				Gutknecht	McKinney	Shimkus
Hyde	Pickering	Watts (OK)				Hall (OH)	McNulty	Shows
Insee	Pickett	Weldon (FL)				Hall (TX)	Meehan	Shuster
Isakson	Pitts	Weldon (PA)				Hansen	Meek (FL)	Simpson
Istook	Pombo	Weller				Hastings (FL)	Meeks (NY)	Sisisky
Jefferson	Pomeroy	Whitfield				Hastings (WA)	Menendez	Skeen
Jenkins	Porter	Wicker				Hayes	Metcalf	Skelton
John	Portman	Wilson				Hayworth	Mica	Slaughter
Johnson (CT)	Price (NC)	Wise				Hefley	Millender-	Smith (NJ)
Johnson, Sam	Pryce (OH)	Wolf				Herger	McDonald	Smith (TX)
Jones (NC)	Quinn	Wynn				Hill (IN)	Miller (FL)	Smith (WA)
Jones (OH)	Radanovich	Young (AK)				Hill (MT)	Miller, Gary	Snyder
Kanjorski	Rahall	Young (FL)				Hilleary	Miller, George	Souder
Kaptur	Ramstad					Hilliard	Minge	Spence
						Hinchey	Mink	Spratt
						Hinojosa	Moakley	Stabenow
						Hobson	Mollohan	Stark
						Hoefel	Moore	Stearns

## NOT VOTING—8

□ 1305

Mr. SERRANO changed his vote from "yea" to "present".

Mr. DEUTSCH changed his vote from "nay" to "yea".

Messrs. WEXLER, ACKERMAN, HASTINGS of Florida and DAVIS of Illinois changed their vote from "present" to "yea".

So (two-thirds not having voted in favor thereof) the motion was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. GREENWOOD. Mr. Speaker, on rollcall No. 468 I inadvertently pressed the "yea" button. I meant to vote "nay."

### HONORING THE SERVICE AND SACRIFICE OF THE UNITED STATES MERCHANT MARINE

The SPEAKER pro tempore (Mr. LAHOOD). The unfinished business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 327.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. KUYKENDALL) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 327, on which the yeas and nays are ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 418, nays 0, not voting 15, as follows:

[Roll No. 469]

YEAS—418

Abercrombie	Bereuter	Brown (OH)
Ackerman	Berkley	Bryant
Aderholt	Berman	Burr
Allen	Berry	Burton
Andrews	Biggart	Buyer
Archer	Billirakis	Callahan
Armey	Bishop	Calvert
Baca	Blagojevich	Camp
Bachus	Bliley	Campbell
Baird	Blumenauer	Canady
Baker	Blunt	Cannon
Baldacci	Boehlert	Capps
Baldwin	Boehner	Capuano
Ballenger	Bonilla	Cardin
Barcia	Bonior	Carson
Barr	Bono	Castle
Barrett (NE)	Borski	Chabot
Barrett (WI)	Boswell	Chambliss
Bartlett	Boucher	Chenoweth-Hage
Barton	Boyd	Clay
Bass	Brady (PA)	Clayton
Becerra	Brady (TX)	Clement
Bentsen	Brown (FL)	Clyburn

## ANSWERED "PRESENT"—51

Baldwin	Capuano	Conyers
Barrett (WI)	Carson	DeGette
Becerra	Clay	Delahunt

Stenholm	Thune	Watt (NC)
Strickland	Thurman	Watts (OK)
Stump	Tiahrt	Waxman
Stupak	Tierney	Weiner
Sununu	Toomey	Weldon (FL)
Sweeney	Towns	Weldon (PA)
Talent	Traficant	Weller
Tancred	Turner	Wexler
Tanner	Udall (CO)	Whitfield
Tauscher	Udall (NM)	Wicker
Tauzin	Upton	Wilson
Taylor (MS)	Velazquez	Wise
Taylor (NC)	Visclosky	Wolf
Terry	Vitter	Woolsey
Thomas	Walden	Wu
Thompson (CA)	Walsh	Wynn
Thompson (MS)	Wamp	Young (AK)
Thornberry	Watkins	Young (FL)

NOT VOTING—15

Bilbray	Gilchrest	Rush
Coburn	Hutchinson	Smith (MI)
Doolittle	Lazio	Vento
Engel	Neal	Waters
Eshoo	Owens	Weygand

□ 1313

So (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

EXPLANATION REGARDING ROLE IN BOY SCOUTS OF AMERICA

(Mr. PEASE asked and was given permission to address the House for 1 minute.)

Mr. PEASE. Mr. Speaker, since 1993, I have served as a member of the Advisory Council of the National Council of the Boy Scouts of America. In this role I am a volunteer advisor to the Boy Scouts and its national governing organization.

□ 1315

I receive no compensation for my service in this role, and am not reimbursed for expenses incurred in fulfilling the duties of the position.

MOTION TO INSTRUCT CONFEREES ON, H.R. 4205, FLOYD D. SPENCE NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2001

Mr. GRAHAM. Mr. Speaker, pursuant to clause 7 of rule XX, I offer a motion to instruct conferees.

The SPEAKER pro tempore (Mr. LAHOOD). The Clerk will report the motion.

The Clerk read as follows:

Mr. GRAHAM moves to instruct conferees on the part of the House that the conferees on the part of the House on the disagreeing votes of the two Houses on the bill, H.R. 4205, be instructed not to agree to provisions which—

(1) fail to recognize that the fourteenth amendment to the Constitution guarantees all persons equal protection under the law; and

(2) deny equal protection under the law by conditioning prosecution of certain offenses on the race, color, religion, national origin, gender, sexual orientation, or disability of the victim; and

(3) preclude a person convicted of murder from being sentenced to death.

The SPEAKER pro tempore. Under the rule, the gentleman from South Carolina (Mr. GRAHAM) and the gentleman from Michigan (Mr. CONYERS) each will be recognized for 30 minutes.

The Chair recognizes the gentleman from South Carolina (Mr. GRAHAM).

Mr. GRAHAM. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the topic that we are addressing today in the motion to instruct conferees on the DOD bill involves an effort made by Senator KENNEDY in the Senate to attach Federal hate crimes legislation to a bill in the Senate. This issue is now before the House. It is before America.

To Senator KENNEDY's credit and to the gentleman from Massachusetts (Mr. FRANK), I would think it is fair, I hope he does not take offense, Senator KENNEDY is one of the last liberal lions. He has roared loudly and he has fought for his position and he was successful in the Senate.

As to my motion to instruct conferees on this matter, I hope people who agree with my position will also raise their voice loudly because it is an honest debate long overdue about exactly what we need to be doing in America when it comes time to punish people and what role the Federal Government has.

There has been a huge departure in the law of the land to the Kennedy amendment. Federal jurisdiction is now available through the Attorney General of the United States in almost every act of criminal violence that may exist in the country if in the mind of the perpetrator and the status of the victim certain people are involved.

I hope we will reject this way of thinking. I hope we will, as a Nation, prosecute vigorously those who with intent, malice aforethought, through the violation of existing State law, hurt human beings in general and that there is no need, objectively speaking, politically speaking, to have a Federal crime that only applies based on the hate of the perpetrator and the status of the victim.

This legislation has a four-part test that would allow the Attorney General to invoke a Federal statute that does not exist today, and the last prong is the Federal interest and hate crime eradication is insufficiently served by a State prosecution. That is all encompassing. That means whatever the Attorney General wants it to mean.

I stand before the House and the country saying that we in America have laws at the State level that apply to everyone. I do not know of any law in this country by any State or any jurisdiction that says we can hurt certain people because of their race, religion, or sexual orientation. That is not a defense. That is not a problem that we are having to deal with in this country.

This is an effort, I believe, to give Federal jurisdiction to expand the role of the Federal Government in a way that will ultimately divide Americans.

The Columbine High School case is a case in point. Two obviously hateful, disturbed young men took it upon themselves to do tremendous violence and damage and murder. Their motives vary. They killed some people because they were jocks. They killed other people because they did not like them personally. They killed some people because of their race. They were twisted minds. They brought a lot of pain and heartache and suffering to many families.

My motion to instruct says simply this, prosecute people not for their motives but for their actions.

Motives are important. They have to intend to kill. If they tie someone to the back of a truck in Texas and they drag them to their death, I do not care why they did it, if they intended to do it, they deserve the fullest and swiftest punishment available.

The Kennedy amendment allows the Federal Government to pick and choose based on the status of the victim. In that case, an African American was dragged to his death because the people involved had hate in their heart. In the State of Texas, one is serving life and two of those folks involved are facing the death penalty. That to me is justice. And that can happen and has happened all over this country.

Using the model that Senator KENNEDY has put forward, eight murders would fall in the classification of hate crimes, nine of the thousand rapes. I would argue to the Members of this House that every rape is a hate crime.

Before I came to this body, I was a prosecutor in the civilian world in the Air Force; and I will assure my colleagues that every woman that has been violated and is forcibly raped, the man involved hated that woman, and I do not care to know any more other than, without their consent, they did a great violence to their body.

In the Texas case, here is what could happen if this law that Senator KENNEDY has proposed goes forward and if we agree to it today. There is an element of the Kennedy Federal legislation that is very curious and potentially very damaging. We are creating two statutes to deal with the same event. The Federal Government, under this legislation, because we are the Federal Government, would have the ability to prosecute the case first if it reached out and grabbed the case.

Let us use the case in Texas for instance. Under the legislation proposed by Senator KENNEDY and this House will be instructing conferees on, the death penalty is not authorized. That is a huge point. The basis of the Kennedy legislation deals with events that really are not real in substance. There are no mass ignoring bodily injure cases based on people's sexual orientation, race, gender, or religious background. That is not a problem in this country. And that is good news.

But here would be the problem if we adopted Senator KENNEDY's way of doing business. The Federal Government, by legal right, would have the

ability to take that case over from the State courts, engage in the prosecution, spend the money, the time, and the effort, and the result would be in the Federal system that the two people facing Death Row punishment in Texas could not be sentenced to death under the Federal legislation. It changes the death penalty component of every murder statute in this country.

I want the Members to understand what they are voting on.

Let us talk about the politics for a moment. There are many people really worried about this vote. If I do not create a new Federal statute that would give the Attorney General the right to take over any case in the land when certain conditions are met based on the attitude and the motivation of the perpetrator, maybe people will think that I am a racist, that I am homophobic, that I have religious prejudice. Because that is the political dynamic going on here.

The question we need to ask as a Member of Congress is, do we trust our States to deal with situations where people are assaulted in general and specifically where race, religion, or sexual orientation is involved.

If we do, we do not need this legislation. The question we need to ask ourselves is, is there a legitimate reason other than the political dynamic being created for us to give the Federal Government power unknown in the history of our country to reach out and grab a case that could be prosecuted in the State court. I would argue not.

I would argue that what we need to do in this country is make sure that those people who hurt human beings, regardless of the motivation, receive the fullest punishment under the law, the full extent of punishment available.

The Kennedy proposal takes off the table the death penalty, and the chance of having two prosecutions is very remote because the Federal Government will go first and the only way the death penalty can be applied is to do a separate prosecution in State court. And if they have the desire and the willingness to do that to begin with, there is no need to remove it.

So I would argue very strongly to the Members of the House that this proposal does not address real problems in America that exist today, it is creating a whole new set of problems that this country cannot stand.

We are thinking of a million reasons to divide ourselves. We focus on our differences in this House in a political fashion that maybe goes overboard. But America needs to come together on the idea that we do not care why they engage in violence, we are going to punish them if they do. And every American should feel good about the idea that they are going to be judged based on their conduct and that their sexual orientation, their religious background, or their race is not going to create one statute for them and leave everybody else behind. That does

not make a better America, and that does not address the problems of crimes.

Because the hate crime legislation that Senator KENNEDY proposed, the real area where the cases would be had is in the simple assault area, areas where people get in all kinds of conflicts and, under the theory of the statute, they could remove it. I would argue there is no need to do that.

The real danger here is that we are empowering the Federal Government to remove a case, whether it be the Columbine case or whether it be the Texas case with the gentleman behind the truck who was dragged to a violent death, and prosecute that case in a manner that would do great harm to serving ultimate justice within the jurisdiction where it happened.

Mr. Speaker, I hope that we will reject the political movement, the political cause of the day, and stand behind a simple concept that the Federal Government has a proper but limited role and that, when individual citizens choose to hurt their neighbors, hurt other citizens within their State, that the State has a chance to do swift and certain justice and that we not pass a Federal law that takes the death penalty in practicality off the table. This is not going to make America a better place.

Mr. Speaker, I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am happy to join my distinguished colleague from the Committee on the Judiciary on this matter. He has three positions with which he asks that we be instructed not to agree. One and three are false, and two I disagree with.

First of all, it is not accurate to say in our bill that we preclude a person convicted of murder from being sentenced to death. While we do not have a death penalty, some States do. And so, wherever the State law applies, there would be a death penalty.

In our bill, we do not have one. And so, I do not see where that is very important.

He questions whether or not the Fourteenth Amendment, by guaranteeing all persons equal protection under the law, is a safeguard against the hate crimes bill. And that has no accuracy whatsoever.

And so, I am a little baffled by the motion to instruct because he seems to suggest that the bipartisan legislation that the Senate has passed somehow violates the equal protection of the laws and affects the Federal Government's administration of the death penalty. We do not appear to be discussing the same bill.

The Graham motion would instruct the conferees to reject provisions that fail to account for the fact that the Constitution guarantees all persons equal protection under the law. His motion is beside the point because his statement is, apparently, designed to

create constitutional doubt where none exists.

The Congress' authority to create new penalties for violent crimes involving bodily injury if motivated because of race, color, religion, national origin, gender, sexual orientation, or even disability, does not depend on the equal protection clause of the Fourteenth Amendment.

□ 1330

What it rests on is the undisputed authority of the 13th amendment and on the commerce clause itself. So my friend, the gentleman from South Carolina (Mr. GRAHAM), I guess is saying that by prohibiting hate crimes against individuals who have suffered historic discrimination on the basis of race and color or national origin or gender or sexual orientation or disability, that we are violating the constitutional rights of everyone else. Could that be what he is saying?

Well, if it is true, then I have to raise a question of whether he thinks that any statute that prohibits discrimination and violence on the basis of these categories also violate the 14th amendment. Should they be repealed? Should we repeal the existing Federal criminal hate crimes law already on the books since 1968, which prohibits the intentional interference, with the enjoyment of Federal rights and benefits on the basis of, again, the victim's race, religion, national origin, or color? Should we repeal the Church Arson Act which prohibits the intentional destruction of religious property because of race, color, or ethnic characteristics of individuals who worship there?

One cannot avoid race. These are the problems. One cannot avoid disability. One cannot avoid sexual orientation. Does the gentleman want to repeal the Civil Rights Act of 1964, which prohibits employment in public accommodations based on discrimination of race, color, religion, as usual? Do we want to repeal the Age Discrimination Employment Act of 1967? What about the Fair Housing Act of 1968, which prohibits housing discrimination on the basis, again, of the usual factors? Does he want to repeal the Americans with Disabilities Act of 1990? We just celebrated it for a decade of progress, which prohibits discrimination on the basis of disability; and the rest. It goes on and on and on.

So if this is a new historic challenge to raise a constitutional point that has never been thought of before, this is a great time to have that debate. If it turns out that the first instruction, part one, is not accurate, the second we disagree with, and the third is not accurate, then we should move quickly on to a motion to instruct the conferees on hate crimes that I have that will come up shortly.

Mr. Speaker, I reserve the balance of my time.

Mr. GRAHAM. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to answer some of the questions asked. The answer is, no, I am not asking that this

body or any body vote to repeal laws that make it unlawful to discriminate based on race, religion, the 14th amendment in general. What I am asking this body to do is not to create a Federal law that does that.

Here is the effect of it: if somebody kills me, that would bother my family. I do not know if it would bother a lot of other people, but it would bother my family. Somebody kills the gentleman from Michigan (Mr. CONYERS) and we let the motive of that person decide what to do, my family is out. That is the effect of this statute. The victims and the attitude of the perpetrator decide whether or not the Federal law applies.

Let me say what is going to happen throughout America if we pass this legislation as drafted. Criminal defense attorneys, pretty smart guys, pretty smart ladies, I have been one, I do not know if I was smart enough, but if I have somebody come in to my office and this statute exists that allows the Federal Government to engage in prosecution first, and I would argue exclusively because the effect of doing it twice is lost, that there is going to be a rise in hate crimes because the defendant is going to find the Federal niche that allows the case to go into the Federal system where there is no death penalty. That is what is going to happen here.

We are going to have people throughout the land manufacturing motives that give the benefit of a Federal statute that prohibits the death penalty because in the State where they live they could get the death penalty, and the chance of prosecuting these cases twice are almost zero from a practical point of view.

Mr. NADLER. Mr. Speaker, will the gentleman yield?

Mr. GRAHAM. I yield to the gentleman from New York.

Mr. NADLER. Mr. Speaker, I would say to the gentleman from South Carolina (Mr. GRAHAM), he just said that if we passed hate crimes legislation, defendants would opt for the Federal statute and so forth; but what the bill before the Senate that we are talking about, before the conference committee, I suppose, does is expand existing hate crimes legislation that has been on the books for 32 years three new categories: sexual orientation, gender, disability. It is already on the books. Has it had that effect?

Mr. GRAHAM. Reclaiming my time, the existing statute that deals with Federal prosecution of events like going to serve on a jury or going to vote is one thing where there is a clear Federal nexus. What this body needs to know that what has happened in the Senate is that the Federal nexus is nonexistent. It is every event in America now is subject to the Attorney General certifying under prong four that this is somehow a hate crime and the Federal Government preempts.

I am not asking that the statutes that exist be repealed that protect

Americans at the Federal level from participating in guaranteed constitutional activities. I am saying that this allows the Federal Government, through prong four and through the whole intent of the legislation, to take any event, anywhere, any time, and make it a Federal case and the death penalty is taken off the table. That is not good for this country.

One, people are divided. I do not get the benefit of the statute in certain situations; some other person might. We are equally harmed. The State has the ability to take care of this.

If it is taken from the State and they are expected to prosecute the person for the death penalty later on, there was no need to take it from the State to begin with.

Mr. NADLER. Mr. Speaker, will the gentleman yield?

Mr. GRAHAM. I yield to the gentleman from New York.

Mr. NADLER. I would say to the gentleman from South Carolina (Mr. GRAHAM), the current statute is a hate crimes statute with respect to race, color, creed, national origin. That is the statute. The amendment would be sexual orientation, gender, disability.

Mr. GRAHAM. Reclaiming my time, the statute has a mechanism to create Federal jurisdiction, the current statute, that requires a Federal nexus.

The amendment has a four prong test and the final prong of that test is that Federal interest in hate crime eradication, according to the Attorney General, is insufficiently served by a State prosecution, which means there really is nothing more than the opinion of the Attorney General determining whether or not there is State or Federal jurisdiction.

This is the expansion that I am talking about, not that people are prosecuted based on the motive; that it is being expanded to an area where there is no Federal nexus required and this would allow the Federal Government, based on this four prong test, to take any case and every case.

Mr. Speaker, I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. I begin, Mr. Speaker, by congratulating my friend, the gentleman from South Carolina (Mr. GRAHAM), from untrapping himself. He had originally filed two potential instructions. At some point, he must have figured out, with or without help, that they contradicted each other. So he dropped the one.

Mr. GRAHAM. They did.

Mr. FRANK of Massachusetts. Well, the gentleman acknowledges without my yielding to him, but I am a generous kind of guy so I will acknowledge his acknowledgment.

The gentleman acknowledges that he filed two instructions yesterday, on the spur of the moment, which contra-

dicted each other, and then he prayed over it overnight and figured out that they contradicted each other. We were not told until shortly before we began which one he was going to do. So apparently the gentleman first figured out they contradicted each other and then decided which one.

Mr. GRAHAM. Mr. Speaker, will the gentleman yield?

Mr. FRANK of Massachusetts. I yield to the gentleman from South Carolina.

Mr. GRAHAM. Mr. Speaker, the two motions to instruct were filed last night. I have always intended to do the one I am talking about now. I had a colleague ask that they preserve the right to approach it from a different angle. That is up to them, but that is why I did it.

Mr. FRANK of Massachusetts. Well, the gentleman from South Carolina (Mr. GRAHAM) filed them both so apparently he tells us now that he filed one knowing that it contradicted the other.

I will say this, and let me point out that the contradiction is not simply a minor thing. The one he filed and decided not to offer deals with hate crimes of the sort that the second one says are unconstitutional. So the gentleman filed two instructions. One he was reserving the right to instruct the House to do something which he has now decided is unconstitutional. That is a reversal. I have seen the Supreme Court reverse itself on constitutional issues, but it usually takes them more than 12 hours.

Now, it is not simply the gentleman's first instruction that would be repudiated here. What it says, and this is particularly relevant to section 2, he says here that it is a denial of equal protection under the law if prosecution of certain offenses is conditioned on the race, color, religion, national origin, gender, sexual orientation, or disability of the victim.

First, let us be very clear. This does not say if one is black they are protected and if one is white they are not; if one is gay they are protected and if one is straight they are not; if one is disabled they are protected and if one is able-bodied they are not. What it says is that if someone goes after someone else on any of those grounds, if a racial minority attacks someone who is white for these hate crime reasons, that is protected. So it is not giving one set of groups protection against another.

It is saying, equally, anyone who is attacked because someone objects to his or her membership in a group that is defined by race, color, religion, national origin, that is the majority, the minority of religions, there is no one majority so it is any group, they are all protected. Christians are protected, Jews are protected, Hindus are protected, atheists are protected, if the motive is based on their religion.

Now we have had laws like this on the books for a very long time. We begin with the Civil Rights Act in the 1860s right after the Civil War. We had

House-passed lynch laws, which Republicans used to be for, which dealt with this. We have on the books some hate crimes statutes. We have in some anti-discrimination statutes, I believe, some criminal provisions.

There was some anti-discrimination statutes which if they are violated blatantly one can have criminal provisions. According to this resolution, all of those would be wrong because there are a series of statutes on the book that trigger prosecution based on the race, color, religion, et cetera, of the victim.

Now, why did this all of a sudden become controversial? Why did the Civil Rights Act of 1868 and the Church Arson Act that my colleague from Michigan mentioned and others, why did they suddenly become controversial? I guess I ought to apologize. It is because of us. By us, I refer to those of us who are gay or lesbian or bisexual.

This whole notion of prosecuting people who singled out vulnerable minorities or who, as a member of a minority acted against the majority based on this, the Church Arson Act, the anti-lynch laws, et cetera, it was never all that controversial and then people said among the people who are often assaulted because of their identity are gay and lesbian and bisexual, particularly transgender people who have been the victims of a lot of violence, and all of a sudden it became controversial. That is why the gentleman first had an instruction and it is one that many in the other body on the Republican side were in favor of; it was one that said we will do hate crimes, but we will stick with good old-fashioned categories like race and religion; but let us not get into sexual orientation. So some inconsistencies have arisen because of sexual orientation.

Now among the inconsistencies is the notion that my friends on the other side are opposed to federalizing State crimes. I mean, they should write for some situation comedies with that kind of material. The House Committee on the Judiciary has consistently federalized crimes. Carjacking we federalized; in the abortion area, the late-term abortion bill. States had the same powers as the Federal Government, whether there is or is not a constitutional problem. It was a Nebraska statute that went to the Supreme Court.

We also passed a Federal statute. The House Committee on the Judiciary and the Congress, for the past 6 years, has federalized a number of crimes without any particular Federal nexus. Indeed, the Supreme Court struck down some of these because they said there was not enough of a Federal nexus, but our committee has gone forward with others.

So there has never previously been an objection to saying that we are going to punish someone in some cases if they have committed bad acts against people, not thoughts but if one has committed bad acts against other

people because of their membership in a group, that was not until recently controversial. In fact, as I said, in the gentleman's first instruction it was not controversial at 6:00 last night. That one got a bad reputation very quickly.

It is when sexual orientation entered into it that all of these objections came up.

Now there is a red herring here and that is the death penalty issue. The fact is that, as the gentleman has acknowledged, if some Attorney General preempted a murder case under the hate crimes statute, it would still be prosecutable by the State. He says that is unlikely. What is even less likely is that the Attorney General, absent any real showing of a hate motive, would reach down and take it up.

It does say the Attorney General can do these in cases where the Federal interest in prosecuting was not being vindicated.

□ 1345

Mr. Speaker, the notion that a State prosecutor was about to bring a capital charge against someone and threaten that person with a death penalty and the Attorney General would say, wait a minute, you are not vindicating the Federal interests, it is nonexistent. That is not really an argument that I think is a major part of this.

Mr. Speaker, I think what we have here is this resistance on the part of some people on the other side to anything that deals with sexual orientation.

We just voted on something with the Boy Scouts. I regretted that that came up. I thought that bill should not be filed. I thought it should not be brought up. I think the Boy Scouts do a lot of good work. I regret the fact that they discriminate. I do not think the appropriate way to try to deal with it was the way here.

Mr. GRAHAM. Mr. Speaker, will the gentleman yield?

Mr. FRANK of Massachusetts. I yield to the gentleman from South Carolina.

Mr. GRAHAM. Mr. Speaker, does the gentleman from Massachusetts believe there is a problem throughout the country that people based on the sexual orientation and who are hurt in a violent confrontation that people are letting the prosecution go because of the sexual orientation?

Mr. FRANK of Massachusetts. Reclaiming my time, Mr. Speaker, not throughout the country, but in some places in the country, in fact, I believe, just as there was strong support for lynch laws.

Mr. GRAHAM. How many cases?

Mr. FRANK of Massachusetts. When I yield to the gentleman that means the gentleman asks the question and I get to answer. Okay. I will yield again in a minute.

Mr. GRAHAM. Yes, sir.

Mr. FRANK of Massachusetts. I want to finish the answer. We had a hearing before the Committee on the Judiciary last year and several people came for-

ward, including one particular case in Oklahoma where people were beaten and were not given any prosecutorial defense.

Mr. GRAHAM. Would the gentleman yield?

Mr. FRANK of Massachusetts. Not until I finish. I urge the gentleman to have a little patience. He has asked the question; it is a little complicated. The answer will take awhile.

There was a situation in Pennsylvania, where a particular bar was the subject of a great deal of violence, and I believe there was initially an insufficient response.

The point is that this legislation is written to take into account the fact that most crimes of violence are, in fact, prosecuted at the State and local level. Part of what it does is to offer aid to people at the State level and that, by the way, we have had people, for instance, the local law enforcement officials in Wyoming who prosecuted the Matthew Shepherd murder, welcomed that, because they can be overburdened by it. They can have hate groups that show up; and they can overburden, in some areas, the local resources.

But we are saying there will be some cases in this vast country where a particular group will be subject to a particular prejudice, and in those exceptional cases the Federal Government can intervene. So I can think of a couple right recently that we have had. There was some others, I do not remember exactly which came up in the hearing. But, yes, there are cases where there are particular prejudices against particular groups. Transgendered people happen to be in many cases the objects of violence. And in many cases, they are protected; but in some cases, because of the prejudice that they face, they have not been protected. This is a standby authority for the Attorney General to step in, if she finds that there is this pattern of non-enforcement.

Mr. GRAHAM. Mr. Speaker, will the gentleman yield?

Mr. FRANK of Massachusetts. I yield to the gentleman from South Carolina.

Mr. GRAHAM. The gentleman talks about, not me directly, but what we are trying to do. I challenge the gentleman to prove to anybody in this body that I, as a person, former prosecutor, would give the gentleman a pass if the victim was homosexual and the perpetrator just did not like, and I will only use the terms that came up in the Air Force case, the faggot that lived down the hall. That guy got the full effect of the law.

I say to the gentleman from Massachusetts (Mr. FRANK), I do not believe that America is such today that the State court systems need to have the Attorney General under this legislation because of any reason they so choose to be able to take that case away.

Mr. FRANK of Massachusetts. Reclaiming my time, let me respond, I am

going to respond, first of all, the gentleman asked me to prove that the gentleman is biased?

Mr. GRAHAM. No. I am asking the gentleman to tell me how many cases are we talking about the gentleman mentioned. Is it 100? Is it 200? Where are they?

Mr. FRANK of Massachusetts. I do not have the exact number, but I will respond to the gentleman's assertion. He says he cannot believe, apparently, that anywhere in this country there would be bias on the part of local law enforcement that would lead to unequal prosecution.

I wish we lived in that country. I believe most law enforcement people do the right thing. I gave them two specific cases, one in Oklahoma, where people were beaten and the district attorney did not intervene, and one in Pennsylvania where a bar was being terrorized and there was not local intervention.

I would say this, this concern about Federal intervention puzzles me coming from someone who has generally voted with the committee majority to federalize a number of crimes. Carjacking, is it that there are State prosecutors who somehow have a soft spot in their heart for carjackers? Why did the majority federalize carjacking? I do not think that they did that because there was some soft spot; they felt there was some particular pattern that had to be responded to.

There have been other cases, where we have in this body, I sometimes voted no, made Federal crimes out of things that were also State crimes. But the gentleman's point I want to focus on, this statute assumes that prosecution at the Federal level will be the exception.

In fact, much of the statute that we are asking people to vote for says let us help local people with the prosecution, let us help State prosecutors; but for him to argue that it is unthinkable that anywhere in the country members of a particular insular group might be the victims, people of an unpopular religion, transgendered people, people of a particular race, and they might be of the majority race in some parts, but the minority race in other parts.

The notion that American history yields us no pattern ever of local law enforcement people withholding equal treatment because of prejudice is very puzzling to me. We have not heard it before.

Church arson, is there some pattern? Maybe the gentleman wants to repeal the Church Arson Act, but the Church Arson Act does talk about going in there in these circumstances, and I did not previously hear these arguments.

Mr. GRAHAM. Mr. Speaker, will the gentleman yield?

Mr. FRANK of Massachusetts. I yield to the gentleman from South Carolina.

Mr. GRAHAM. By definition, every statute that the gentleman talked about has a clear Federal nexus; the existing hate crimes statute has a Federal nexus.

Mr. FRANK of Massachusetts. What about church arson? What is the Federal nexus in the Church Arson Act? What is the Federal nexus in church arson? There is not any. I thank the gentleman for his shrug. What is the Federal nexus for church arson?

Mr. GRAHAM. Is there none? Mr. FRANK of Massachusetts. I asked the gentleman a question.

Mr. GRAHAM. Honestly, I do not know.

Mr. FRANK of Massachusetts. I did not yield to the gentleman. I am being asked to give back the time. I yielded to the gentleman to ask him a question. If he was going to ask me the same question back, I would not have taken other people's time.

Mr. GRAHAM. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the point I am making and the point still stands, there are two very good points, every law we have on the books at the Federal level has a Federal nexus. But in the Senate, there has been a huge departure here. And part of it is politically motivated.

Let me tell my colleagues the effect of this statute again. If we go down this road, the Attorney General of the United States for the first time, that person, whoever he or she may be, has the ability under this legislation to take an event that has no Federal nexus at all, reach out and grab it based on the mentality of the perpetrator and the class of the victim.

Using an example, if someone in South Carolina or any other State engages in a violent offense against somebody based on the race, sex, religion, sexual orientation, under this statute, the Attorney General can take that case away and prosecute it at the Federal level and take the death penalty off the table. That should really send a chilling effect throughout this body. Not only have we done away with the Federal nexus, bias exists all over the world and will to the end of time. Is that the reason bias in general in theory to go out and destroy the ability of a State to prosecute vicious crimes in their backyard?

I would argue that this country is better off because the people in Texas sentenced two of the three people to death who drug the African American to his death behind a truck; that we are better off when local people will stand up and say, wrong, face the ultimate punishment, than we would ever be to have somebody in Washington for political reasons take the case away and get a headline and we can impose that penalty.

That is what this is about. This is an effort to empower the Federal Government in a manner never had, and the way you get there is you separate us. Because if I am attacked by the same person that the gentleman from Massachusetts (Mr. FRANK) may be attacked by, their motive determines what statute applies, and that is wrong.

Columbine, when they shoot the man, the young fellow because he is a

jock, and killed the person beside him because of her religion, and the one next to the table because of the color of their skin, forget about those differences, prosecute that person based on what they did. And that is what you are trying to destroy here, and that is why I am here.

I want people to be responsible for their conduct to the fullest extent of law and let people where the event happens chart their destiny; and there is no reason to give the Attorney General of the United States this much power, because the abuses described do not exist. This is an effort to politicize and federalize where the country will be a great loser.

Mr. Speaker, I yield 2 minutes to the gentleman from South Carolina (Mr. SANFORD).

Mr. SANFORD. Mr. Speaker, I thank the gentleman for yielding the time to me.

Mr. Speaker, I hate following him. I just came to chime in for just a few moments because the gentleman asked me to and because I think this makes common sense. I think that the problem with the debate on the other side, and I would say to the gentleman from Massachusetts (Mr. FRANK), who I have the utmost respect for his intellect, the utmost respect for the way he has been a consistent advocate for things that he believes in, and the only reason I find myself in this case differing with him is based on, for instance, the statistics I have here.

For instance, last year, 23 children were murdered in America by their baby-sitters; 23 children were murdered in America by their baby-sitters. And the question I think goes back to the heart of what the gentleman from South Carolina (Mr. GRAHAM) was getting at. I am not a lawyer, I do not have a legal background, but just from the standpoint of common sense, let us say it was the most loving of baby-sitters, they took care of the child for years, but in the end they ended up murdering them, do we want to treat that person differently than somebody else simply because one hates the child more than the other?

But the bottom line is still the same, and that is those 23 children last year in America are just as dead. Whether they were loved prior to being killed or whether they were hated prior to being killed, they are both dead. The theme that I think the gentleman from South Carolina is getting at is the theme that has been the basis of our judicial system, which is equality under the law.

The other issue that I think he is getting at, and I think there is validity in this, and that is the idea of federalizing crime. There is disagreement within our conference on whether we should or should not do that. I found myself voting against the gentleman from Florida (Mr. MCCOLLUM) on any number of different things who takes a very different position on federalizing some of these crimes versus not.

Lastly, I would go to the point which the gentleman from South Carolina has

raised a couple of times, and that is, this death penalty issue, which is a legitimate debate; but I do not know that we want to preemptively strike out death penalty with this kind of legislation.

Mr. CONYERS. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Connecticut (Mr. SHAYS).

Mr. SHAYS. Mr. Speaker, I thank the gentleman for yielding the time to me, and I rise in opposition to the motion of the gentleman from South Carolina (Mr. GRAHAM) and support the motion that will be offered by the gentleman from Massachusetts (Mr. FRANK).

If we walked down the National Mall along the Potomac River, we reach the newest memorial in our Nation's Capital. It honors Franklin Delano Roosevelt, the 33rd President of the United States. It was FDR who said "We must scrupulously guard the civil rights and civil liberties of all citizens, whatever their background. We must remember that any oppression, any injustice, any hatred is a wedge designed to attack our civilization."

This statement is no less true today than it was back then. I strongly support the Hate Crimes Prevention Act because this legislation respects the fundamental relationship between local law enforcement and the Federal Government.

Local law enforcement agencies will continue to have primary responsibility for investigating, prosecuting violent crimes based on hate. But when it comes to violations of civil rights, the Federal Government has historically played an important role in the prosecution and punishment of these violations. And when local authorities request assistance or are unable or unwilling to act, Federal law enforcement agencies must be able to come to their aid.

The hate crimes legislation authored by Senators GORDON SMITH, a Republican, and TED KENNEDY, a Democrat, creates an important safety net to ensure victims of hate crimes receive the justice to which they are entitled. It will permit the Department of Justice to provide technical, forensic, prosecutorial or any other form of assistance to State and local law enforcement officials in cases of felony crimes that constitute a crime of violence and are motivated by bias based on race, color, religion, national origin, gender, disability, or sexual orientation. Federal hate crimes, therefore, is not a new idea.

Mr. Speaker, for 32 years Federal law has covered certain forms of violence based on hate. Unfortunately, under current law, Federal prosecution of a hate crime is permitted only if the crime was motivated by bias based on race, religion, national origin, or color and the assailant intended to prevent the victim from exercising a federally protected right such as voting or attending school.

This dual requirement substantially limits the potential for Federal pros-

ecution of hate crimes, even when the crime is particularly heinous. The Hate Crimes Prevention Act removes this restriction, enhancing the ability of Federal law enforcement agencies to assist State and local authorities and in investigating and prosecuting hate crimes of all kinds.

I believe violence based on prejudice is a matter of national concern, and I urge my colleagues to pass the Frank motion so we can enact this important legislation this year. I would say I have voted to federalize a number of crimes as have the opponents of this effort.

□ 1400

For me, there are times the Federal Government needs to step in.

Mr. GRAHAM. Mr. Speaker, to address the point of my colleague here, who I admire very much, this is not about adding into an existing statute sexual orientation and disability. This is about changing fundamentally to its core the way the Federal Government is able to interfere or take over a prosecution of an otherwise State case.

There has been a fundamental deviation here from the Senate. Senator KENNEDY was able to create an environment legally where the only thing stopping the Federal Government from reaching out and grabbing a case for the first time in the history of the country is the attitude of the Attorney General and put it in a venue where the death penalty does not apply. That is my point. The point is that this statute does so many bad things.

POINT OF ORDER

Mr. CONYERS. Mr. Speaker, I make a point of order.

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman will state his point of order.

Mr. CONYERS. Mr. Speaker, the gentleman from South Carolina (Mr. GRAHAM) has not yielded himself time.

The SPEAKER pro tempore. Does the gentleman from South Carolina yield himself such time as he may consume?

Mr. GRAHAM. Yes.

The SPEAKER pro tempore. The gentleman may proceed.

Mr. GRAHAM. Mr. Speaker, to get the statute to kick into effect, all you need is an Attorney General willing to do it. There is no Federal nexus in the traditional sense of what has been the law of this land since its inception.

Number two, to get this statute to kick into effect, you are treating Americans differently who may have suffered the same harm. The example I gave at Columbine, three dead kids, three different reasons in the mind of the perpetrator; one gets the statute, the other does not. That is not going to make this a better country.

Mr. Speaker, the State court systems have proven themselves to rise to the occasion in horrendous events of recent time. The Wyoming case, the person who was brutally murdered because of sexual orientation, those persons are serving life in jail. It was done by the people of Wyoming. Wyoming is a bet-

ter place for having taken care of that problem and risen to the occasion. The recent case of the African American being dragged to his death in Texas, two of the three perpetrators are on death row, where they should be. This statute would not allow that to happen if they were tried in Federal Court, and there would not have been a second prosecution.

Mr. Speaker, I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I yield 3½ minutes to the distinguished gentleman from New York (Mr. NADLER), a member of the Committee on the Judiciary.

Mr. NADLER. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I came here to rise in support of the motion to instruct offered by the gentleman from Michigan (Mr. CONYERS) and in opposition to the motion to instruct offered by the gentleman from South Carolina (Mr. GRAHAM), because I read the motion to instruct offered by the gentleman from South Carolina (Mr. GRAHAM); and I am not sure whether it is worth supporting or opposing, because it does not deal with anything in front of the conference.

The gentleman purports it to mean that this would oppose the hate crimes legislation, but we know that there is hate crimes legislation on the Federal books, and it has been there for 32 years. What the Senate proposes, and what I hope the House accedes to, is to increase the purview of that legislation from race, color, creed, and national origin, to include, which it does now, to include sexual orientation, gender, disability of the victim. And we certainly should, because an attack on someone based on those characteristics is an extra assault on society and ought to be punished in an extra way.

But look at the motion to instruct offered by the gentleman from South Carolina (Mr. GRAHAM). We should instruct the conferees not to agree to anything that fails to recognize that the 14th amendment guarantees all people equal protection under the law. Well, of course. And the Hate Crimes Protect Act does not deny anyone equal protection under the law. So I have no problem with that provision, because it does not refer to anything in front of the Senate or the House.

He instructs that we should not agree to provisions which deny equal protection under the law by conditioning prosecution of certain offenses under race, color, religion, national origin, gender, sexual orientation, or disability of the victim.

Well, the hate crimes legislation does not do that either. As was pointed out before, the hate crimes legislation does not say that if you attack a black person or a gay person only should you be prosecuted. It says if you attack someone because of their race, color, creed, of whatever variety, whatever race,

whatever color or creed, whatever sexual orientation, whatever gender, because of that there is an extra viciousness and an extra protection, that does not deny equal protection under the law.

Everybody is subject to it; everybody can be helped by it. Whether you are attacked because you are a man or a woman, a gay person or a straight person, a Christian, a Jew or a Hindu, black, white or green, it does not matter. Everybody gets that equal protection. And it says that we should not agree to any provision that would preclude a person convicted of murder from being sentenced to death.

Well, that one, I do not agree with the death penalty, so I do not have a problem with that. But the fact is, it does not do that either. The gentleman from South Carolina (Mr. GRAHAM) said that by the Federal Government prosecuting on a statute that does not have the death penalty, that might preclude the State from prosecuting the same act on a statute that does have the death penalty.

But it is black-letter law. For the last 40 years it has been black-letter law, Black and Douglas dissenting only, 7 to 2 in the Supreme Court, that different sovereignties can prosecute the same acts under different statutes. That is why the State can prosecute for murder, and the Federal Government can prosecute for deprivation of civil rights. If the Federal Government prosecuted for deprivation of civil rights, the State can still prosecute for murder; and if the death penalty applies, apply it.

So the gentleman from South Carolina (Mr. GRAHAM) is giving us in a motion to instruct, which is entirely phoney, tries to imply that the hate crimes legislation would do these things, which it clearly would not do. It is entirely a phony instruction; and it ought to be defeated, not because it is bad, but because it is phony; and the Conyers instruction to say to broaden hate crimes legislation to cover what should be covered, should be agreed to.

Mr. GRAHAM. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we can talk about this or you can read the law yourself. Here is what I am saying, unequivocally: this proposal in the Senate does not expand the list of categories from which a hate crime can be prosecuted to include sexual orientation and disability. It fundamentally changes and does away with the Federal nexus that exists in the existing statute to give the Attorney General of the United States, whoever that person might be, at whatever time in our history, the ability to reach out and take over a case based on the attitude and the motivations of the perpetrator and the class or category of the victim.

One thing is going to flow from this: because you cannot get the death penalty, there are people going to be manufacturing reasons, believe it or not, if you have ever been in criminal law,

there are people who are mean and clever, and I have defended some and prosecuted a lot, who are going to say, well, this is a hate crime; this is a Federal hate crime. And they want to go to Federal Court because there is no death penalty, and it will be a headline.

There will be a tremendous amount of political pressure to grab this case, and to show you how much I care as the Attorney General, I am going to take this heinous situation and I am going to do it, because I want to get the political benefit and I am going to be the person in the headline. And America loses, because the Texas case, the Wyoming case, and the whole 21st century, I really believe, is going to be about people finally being held accountable for what they do.

When you go into the Columbine High School situation, you have got three grieving parents. We do not need to carve out one law against the other two. We need to come together as a people and punish to the full extent of the law those that want to harm human beings, end of story, and not create a Federal legislation that undermines the ultimate punishment, the death penalty.

Mr. Speaker, I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I yield 1 minute to the gentleman from Massachusetts (Mr. DELAHUNT), a member of the Committee on the Judiciary and a long-time State prosecutor.

Mr. DELAHUNT. Mr. Speaker, I thank the ranking member for yielding me time.

Mr. Speaker, I know it is not the intention of my friend and colleague to mislead, but I think it is very important to be clear here that those individuals that are presently incarcerated facing the death penalty in Texas would still be there facing that death penalty if the instructions that will be offered in the Conyers motion prevail. It is clear that there is nothing in the Conyers motion that would preclude a State prosecution, absolutely nothing whatsoever; and to suggest that is, I would submit, unintentionally misleading.

I also find it ironic that my colleague has concerns about the States' positions on these particular issues, as if the Attorney General will not work with the States to do what is right. The gentleman should be aware that the legislation is supported by the National Sheriffs Association and by the International Association of the Chiefs of Police.

Mr. CONYERS. Mr. Speaker, I yield the balance of my time to the gentleman from Texas (Ms. JACKSON-LEE), a Member of the Committee on the Judiciary.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the ranking member for yielding me time, and I thank him for his leadership on this motion.

I have come to the floor of this House to support the ranking member, the

gentleman from Michigan (Mr. CONYERS), in his motion to instruct. Because I view this as a very solemn debate, I want to say to my good friend from South Carolina that it is important for people to realize that Members take to heart, take seriously, the positions that they argue for, and I do not question the integrity or the honesty and the well-meaning efforts behind my good friend's motion to instruct.

But I do want to raise some questions and concerns and offer my sincerity and my heartfelt expressions of opposition against this motion, and that is that although we have been calling the names of those who have tragically lost their life, some of the more well-known names, let me say to you that it is particularly a source of consternation and hurt in the State of Texas, from which I come, and that is to be known as the State who, in the 20th century, the latter part of the 20th century, had the dismemberment of a human being as a headline of a particular area in our State. The heinous act of hatred against Mr. James Barrett continues to ring loud and clear throughout this Nation, and, following that, the very tragic and violent and brutal death in Wyoming of Matthew Shepard.

But I would say to my friend from South Carolina, even now, just a few short months ago, three individuals saw fit to burn a cross in the front yard of an African American family that moved into a neighborhood that was predominantly white. This is in modern-day Texas. This is in an area not far from Houston, Texas. This is real.

So when we begin to talk about are we serious about a hate crimes initiative, let me say to the gentleman from South Carolina (Mr. GRAHAM), in opposing this motion to instruct, we already have and understand the value and importance of the 14th amendment, the guarantee of equal protection of the law. You already have the evidence that the Constitution has been preserved by 30 years of case law that already says that hate crimes legislation can pass constitutional muster.

In addition, I think it is important to note your provision number two suggests exclusion. There is no exclusion to addition. All we are doing in this Hate Crimes Act of 2000 is to ensure that in addition to all the other elements of this bill, gender and sexual orientation and disability are included. It is not exclusion; it is inclusion. It means that if an Anglo or a white or a Caucasian citizen of the United States or any other, was found to have been hatefully acted upon, they would be able to come under the hate crimes law. It is to be read broadly.

I agree with my good friend talking about the death penalty, because many of us fall on different positions on the death penalty.

□ 1415

I believe there should be a moratorium. I believe it is a tragedy that

there are people who are on death row that we do not really know whether or not they, in fact, are guilty.

Mr. Speaker, what I would say in conclusion is that I will include for the RECORD at this time a letter from the Department of Justice. We have already answered the question as to whether this denies the equal protection of the law. It does not.

DEPARTMENT OF JUSTICE,  
OFFICE OF LEGISLATIVE AFFAIRS,  
Washington, DC, September 13, 2000.

Hon. RICHARD GEPHARDT,  
Minority Leader, U.S. House of Representatives,  
Washington, DC.

DEAR MR. LEADER: The Department of Justice has been asked for its view on a motion by Representative Graham that would instruct the House conferees on H.R. 4205. The motion appears to be directed at the hate crimes provisions contained in section 1507 of the Senate-enacted version of H.R. 4205. The motion would instruct the conferees not to agree to provisions in section 1507 that "(1) fail to recognize that the fourteenth amendment to the Constitution guarantees all persons equal protection under the law; an (2) deny equal protection under the law by conditioning prosecution of certain offenses on the race, color, religion, national origin, gender, sexual orientation, or disability of the victim; and (3) preclude a person convicted of murder from being sentenced to death."

With respect to the first two parts of the proposed instruction, we already have provided extensive analysis explaining the bases of Congress's constitutional authority to enact the hate crimes provisions in §1507 of the Senate-enacted version of H.R. 4025. Moreover, those provisions would not implicate the Equal Protection Clause of the Fourteenth Amendment, which applies only to the States. And, in our view, those provisions would be wholly consistent with the equal protection component of the due process clause of the Fifth Amendment. The protections afforded by the criminal provisions in section 1507 would not be limited to persons of certain races, colors, etc. Those provisions would, instead, protect all persons—regardless of their race, color, etc.—who are the victims of certain crimes of violence committed because of the victims' actual or perceived race, color, religion, national origin, gender, sexual orientation, or disability. In this regard, section 1507 would be analogous to numerous existing laws that protect all persons from certain harms perpetrated against them because of personal characteristics (such as race or gender). See e.g., 18 U.S.C. §245(b)(2) (prohibiting the willful injuring of a person "because of," *inter alia*, "his race, color, religion or national origin"); 42 U.S.C. 2002e-2 (prohibiting employment discrimination "because of [an] individual's race, color, religion, sex, or national origin").

With respect to the final part of the proposed instruction, the amendment instructs conferees not to agree to provisions that "preclude a person convicted of murder from being sentenced to death." This provision would have no bearing on Section 1507 of H.R. 4205. That provision does not address the death penalty or prosecutions for murder. Rather, it recognizes that States retain primary responsibility for enforcing criminal laws against violent conduct. The provision requires that federal authorities consult with state officials before initiating a federal prosecution and would not impose any restrictions on the ability of state authorities to pursue whatever sanctions are available pursuant to state law.

Thank you for the opportunity to present our views. The Office of Management and

Budget has advised us that from the perspective of Administration's program, there is no objection to submission of this letter.

Sincerely,

ROBERT RABEN,  
Assistant Attorney General.

Mr. Speaker, I support the motion of the gentleman from Michigan (Mr. CONYERS), and I oppose the motion of the gentleman from South Carolina (Mr. GRAHAM).

Mr. Speaker, I rise on the Conyers motion to instruct conferees on the Department of Defense Authorization bill. It is important that Congress adequately address hate crime violence in America.

Today, we have a unique opportunity to instruct conferees on H.R. 4205, the FY 2001 Department of Defense Authorization bill, to accept the bipartisan Senate-passed provision on hate crime.

In June, the Senate passed the hate crimes bill, introduced by Senators EDWARD KENNEDY and GORDON SMITH. The Kennedy-Smith amendment was adopted on a bipartisan vote of 57-42, with 13 Republicans voting in favor. This legislation would enhance the ability of the local, state and federal law enforcement officials to investigate and prosecute violent acts of hate crimes committed against persons because of their race, color, religion, national origin, gender, sexual orientation or disability.

Despite the fact that more than 190 Members of the House have cosponsored the similar House version of the hate crimes legislation, H.R. 1082, and despite repeated requests that Judiciary Committee Chairman HYDE and Speaker HASTERT allow consideration of this bipartisan legislation, they have refused. In fact, it is because the Republican Leadership has said no for the past several years that this important legislation has not yet to become law.

I remember the senseless killings of three African American children who were killed on Sunday morning by a bomb while they participated in services at the 16th Street Baptist Church. Only recently have individuals been indicted to face trial in the nearly 40 year old murders. This terrible act galvanized the civil rights movement and began a shout for justice, which may at last be answered in a court of law as two Ku Klux Klansmen in Alabama's Jefferson County are finally being brought to justice for the 196 bombing.

As the years passed from the time of the bombing, it was felt that America had made great strides until the night of June 7, 1998 when this Nation's deepest sin was revealed by the murder of James Byrd Jr.

There is no case, which more graphically reminds this Nation that the submerged intolerance caused by racism that steeped throughout the fabric of our society can erupt into gangrenous crimes of hate violence like the murder of James Byrd in Jasper, TX.

The lynching of James Byrd struck at the consciousness of our Nation, but we have let complacency take the place of unity in the face of unspeakable evil. It was difficult to imagine how in this day and age that two white supremacists beat Byrd senseless, chained him by the ankles to a pickup truck and then dragged him to his death over three miles of country back roads.

Since James Byrd Jr.'s death our Nation has experienced an alarming increase in hate violence directed at men, women and even children of all races, creeds and colors.

Ronald Taylor traveled to the eastside of Pittsburgh, in what has been characterized, as an act of hate violence to kill three and wound two in a fast food restaurant. Eight weeks later, in Pittsburgh Richard Baumhammers, armed with a .357-caliber pistol, traveled 20 miles across the west side of Pittsburgh which now leaves him charged with killing five. His shooting victims included a Jewish woman, an Indian, "Vietnamese," Chinese and several black men. Matthew Shepard also suffered a hateful and violent death. We need this legislation to further protect the people of America.

The decade of the 1990's saw an unprecedented rise in the number of hate groups preaching violence and intolerance, with more than 50,000 hate crimes reported during the years 1991 through 1997. The summer of 1999 was dubbed "the summer of hate" as each month brought forth another appalling incident, commencing with a three-day shooting spree aimed at minorities in the Midwest and culminating with an attack on mere children in California. From 1995 through 1999, there has been 206 different arson or bomb attacks on churches and synagogues throughout the United States—an average of one house of worship attacked every week.

Like the rest of the nation, some in Congress have been tempted to dismiss these atrocities as the anomalous acts of lunatics, but news accounts of this homicidal fringe are merely the tip of the iceberg. The beliefs they act on are held by a far larger, though less visible, segment of our society. These atrocities, like the wave of church burnings across the South, illustrate the need for continued vigilance and the passage of the Hate Crimes Prevention Act.

This legislation will make it easier for federal authorities to assist in the prosecution of racial, religious and ethnic violence, in the same way that the Church Arson Prevention Act of 1996 helped federal prosecutors combat church arson: by loosening the unduly rigid jurisdictional requirements under federal law. Current law (18 U.S.C.A. 245) only covers a situation where the victim is engaging in certain specified federally protected activities. The legislation will also help plug loopholes in state criminal law, as ten states have no hate crime laws on the books, and another 21 states fail to specify sexual orientation as a category for protection. This legislation currently has 191 co-sponsors, but has had no legislative activity in this House.

It is long past time that Congress passed a comprehensive law banning such atrocities. It is a federal crime to hijack an automobile or to possess cocaine, and it ought to be a federal crime to drag a man to death because of his race or to hang a person because of his or her sexual orientation. These are crimes that shock and shame our national conscience and they should be subject to federal law enforcement assistance and prosecution.

Mr. Speaker, the Conyers motion is truly the only chance for members of the House to vote on a hate crimes bill in the 106th Congress. Accordingly, I call upon my colleagues to seize this opportunity and vote in favor of the motion.

Mr. CONYERS. Mr. Speaker, I yield such time as he may consume to the gentleman from Guam (Mr. UNDERWOOD).

(Mr. UNDERWOOD asked and was given permission to revise and extend his remarks.)

Mr. UNDERWOOD. Mr. Speaker, I rise in strong support of the motion to instruct of the gentleman from Michigan (Mr. CONYERS) in the name of justice and fairness.

I would like to thank the gentleman from Michigan, Mr. CONYERS, for offering this motion to instruct Committee Conferees. I strongly support this motion which is based upon the Senate Hate Crimes Amendment introduced by Senators EDWARD KENNEDY and GORDON SMITH. This amendment would:

Expand current hate crime laws to include discrimination based on gender, sexual orientation and disability;

Allow federal authorities more jurisdiction in investigating and persecuting hate crimes; and

Provide grants up to \$100,000 to train local law enforcement officials in identifying, investigating, prosecuting and preventing hate crimes, including hate crimes committed by juveniles.

Such legislation is particularly important in light of the rash of hate crimes committed in recent months. Hate crimes, such as the events in Pittsburgh, Pennsylvania, where one African American, one Jewish woman, and three Asian American men were killed on April 28, 2000, highlights the critical need for hate crimes legislation, not only for the Asian Pacific American Community, but for all Americans.

This hate crimes amendment was patterned after the Hate Crimes Prevention Act of 1999 (H.R. 1082/S. 622). It enjoys the broad support of 175 civil rights, civic and law enforcement organizations, including the Organization of Chinese Americans, India Abroad Center for Political Awareness, International Association of Chiefs of Police, Federal Law Enforcement Officers Association and Police Foundation.

As Chairman of the Congressional Asian Pacific American Caucus, I speak on behalf of the national Asian Pacific American community in urging all members to support this motion. Strengthening Hate Crime laws is a common sense policy and step in the right direction for all Americans.

Again, I appreciate the opportunity to address the Committee and urge all Members to support this motion to instruct.

Mr. GRAHAM. Mr. Speaker, I yield myself such time as I may consume.

One thing will happen when this is over. There will not be hate between us. We will come together, and we will work together where we can, and we will disagree when we have to.

I want to clear up the RECORD the best I can and explain what my motion does what I think is very needed. One, there is no objective evidence that the Committee on the Judiciary or anyone else, as we see, that the States are ignoring violent assaults based on people's race, sex, gender, national origin, religion or disability. There is no State, there is no repeated pattern of where one gets to pound on a particular group and nobody does anything about it. That is a fallacy.

Let me tell my colleagues about the legal consequences of what we are about to do in my opinion, and my colleagues need to read the statute themselves. This allows the Federal Attorney General, unlike the current stat-

ute, it is not merely including sexual orientation and disability in a list of existing Federal hate crime legislation. It is changing fundamentally the way that the legislation operates to allow the Attorney General, whoever he or she might be, to reach out and preempt a State lawsuit.

There are definitely two sovereigns in play; but legally speaking, if the Attorney General, motivated by headlines or a disgust for the death penalty or whatever political reasons may exist in an emotional, high profile case, can stop that prosecution and do it in Federal court, leaving the State to have to clean up the mess later. And the expense goes through the roof and the likelihood of that happening is zero.

It allows too much authority in the hands of the Attorney General with no Federal nexus like all the other Federal statutes have. It does a terrible thing. It divides us based on the motivation of a perpetrator and the class of the victim, and the Columbine situation is the perfect situation, unfortunately, to talk about this. Disturbed, mean, hateful people who hated life, focused on jocks, focused on somebody who was African American, focused on a girl praying, killed them all. They deserve to be prosecuted by the people in the community where it happened, and the Federal Government has no reason to get involved unless one can show throughout the land that people such as that get away with it, and they do not.

Mr. Speaker, I will tell my colleagues, as someone was involved in the criminal law before I came to Congress, that if we create this system, if we create this dynamic, we are going to have a lot of mischievous behavior out there where people are manufacturing hate crimes because it is a better deal if they can get in the Federal system, because they will not face the death penalty, as the men who are in Texas are facing the death penalty for dragging the African American gentleman to his death.

Please, look at what we are doing here today. Do not divide America. Stand up for the 14th amendment the way it was written for all of us, and make sure the Federal Government, because of headline-grabbing Attorney Generals in the future, regardless of party, cannot come and destroy our communities' abilities to heal their wounds and to deal with their bad actors and to create justice the way it sees fit in its backyard.

The SPEAKER pro tempore (Mr. SIMPSON.) Without objection, the previous question is ordered on the motion.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from South Carolina (Mr. GRAHAM).

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

Mr. FRANK of Massachusetts. 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 196, nays 227, not voting 10, as follows:

[Roll No. 470]

YEAS—196

Aderholt	Goodlatte	Petri
Archer	Goodling	Phelps
Armey	Goss	Pickering
Bachus	Graham	Pitts
Baker	Granger	Pombo
Ballenger	Green (WI)	Portman
Barcia	Gutknecht	Radanovich
Barr	Hall (TX)	Ramstad
Barrett (NE)	Hansen	Riley
Barton	Hastings (WA)	Rogan
Bereuter	Hayes	Rogers
Berry	Hayworth	Rohrabacher
Bilirakis	Hefley	Roukema
Bliley	Herger	Royce
Blunt	Hill (MT)	Ryan (WI)
Boehner	Hilleary	Ryan (KS)
Bonilla	Hoekstra	Salmon
Boyd	Horn	Sanford
Brady (TX)	Hostettler	Scarborough
Bryant	Hulshof	Schaffer
Burr	Hunter	Sensenbrenner
Burton	Hutchinson	Sessions
Buyer	Hyde	Shadegg
Callahan	Isakson	Shimkus
Calvert	Istook	Shows
Camp	Jenkins	Shuster
Campbell	John	Simpson
Canady	Jones (NC)	Skeen
Cannon	Kasich	Skelton
Chabot	King (NY)	Smith (MI)
Chambliss	Kingston	Smith (TX)
Chenoweth-Hage	Knollenberg	Souder
Coble	LaHood	Spence
Coburn	Largent	Stearns
Collins	Latham	Stenholm
Combest	Lewis (CA)	Stump
Cook	Lewis (KY)	Sununu
Cooksey	Linder	Sweeney
Costello	Lipinski	Talent
Cox	Lucas (KY)	Tancredo
Cramer	Lucas (OK)	Tanner
Crane	Manzullo	Tauzin
Cubin	Martinez	Taylor (MS)
Cunningham	McCreery	Taylor (NC)
Davis (VA)	McHugh	Terry
Deal	McInnis	Thomas
DeLay	McIntyre	Thornberry
DeMint	McKeon	Thune
Dickey	Metcalf	Tiahrt
Doolittle	Mica	Toomey
Dreier	Miller (FL)	Trafficant
Duncan	Miller, Gary	Vitter
Dunn	Moran (KS)	Walden
Ehrlich	Myrick	Wamp
Emerson	Nethercutt	Watkins
English	Ney	Watts (OK)
Everett	Northup	Weldon (FL)
Ewing	Norwood	Weller
Fletcher	Nussle	Whitfield
Fossella	Ose	Wicker
Fowler	Oxley	Wilson
Ganske	Packard	Wolf
Gekas	Paul	Young (AK)
Gibbons	Pease	Young (FL)
Gillmor	Peterson (MN)	
Goode	Peterson (PA)	

NAYS—227

Abercrombie	Biggart	Capuano
Ackerman	Bilbray	Cardin
Allen	Bishop	Carson
Andrews	Blagojevich	Castle
Baca	Blumenauer	Clay
Baird	Boehmert	Clayton
Baldacci	Bonior	Clement
Baldwin	Bono	Clyburn
Barrett (WI)	Borski	Condit
Bartlett	Boswell	Conyers
Bass	Boucher	Coyne
Becerra	Brady (PA)	Crowley
Bentsen	Brown (FL)	Cummings
Berkley	Brown (OH)	Danner
Berman	Capps	Davis (FL)

Davis (IL)	Kilpatrick	Price (NC)
DeFazio	Kind (WI)	Pryce (OH)
DeGette	Klecza	Quinn
Delahunt	Klink	Rahall
DeLauro	Kolbe	Rangel
Deutsch	Kucinich	Regula
Diaz-Balart	Kuykendall	Reyes
Dicks	LaFalce	Rivers
Dingell	Lampson	Rodriguez
Ehlers	Lantos	Roemer
Etheridge	Larson	Ros-Lehtinen
Evans	LaTourrette	Rothman
Farr	Leach	Roybal-Allard
Fattah	Lee	Rush
Filner	Levin	Sabo
Foley	Lewis (GA)	Sanchez
Forbes	LoBiondo	Sanders
Ford	Lofgren	Sandlin
Frank (MA)	Lowey	Sawyer
Franks (NJ)	Luther	Saxton
Frelinghuysen	Maloney (CT)	Schakowsky
Frost	Maloney (NY)	Scott
Gallely	Markey	Serrano
Gejdenson	Mascara	Shaw
Gephardt	Matsui	Shays
Gilman	McCarthy (MO)	Sherman
Gonzalez	McCarthy (NY)	Sherwood
Gordon	McCollum	Sisisky
Green (TX)	McDermott	Slaughter
Greenwood	McGovern	Smith (NJ)
Gutierrez	McKinney	Smith (WA)
Hall (OH)	McNulty	Snyder
Hastings (FL)	Meehan	Spratt
Hill (IN)	Meek (FL)	Stabenow
Hilliard	Meeks (NY)	Stark
Hinchey	Menendez	Strickland
Hinojosa	Millender	Stupak
Hobson	McDonald	Tauscher
Hoefel	Miller, George	Thompson (CA)
Holden	Minge	Thompson (MS)
Holt	Mink	Thurman
Hooley	Moakley	Tierney
Houghton	Mollohan	Towns
Hoyer	Moore	Turner
Inslee	Moran (VA)	Udall (CO)
Jackson (IL)	Morella	Udall (NM)
Jackson-Lee	Murtha	Upton
(TX)	Nadler	Velazquez
Jefferson	Napolitano	Visclosky
Johnson (CT)	Neal	Walsh
Johnson, E.B.	Oberstar	Waters
Jones (OH)	Obey	Watt (NC)
Kanjorski	Olver	Waxman
Kaptur	Ortiz	Weiner
Kelly	Pallone	Weldon (PA)
Kennedy	Pascrell	Wexler
Kildee	Pastor	Wise
	Payne	Woolsey
	Pelosi	Wu
	Pickett	Wynn
	Pomeroy	
	Porter	

## NOT VOTING—10

Engel	Lazio	Vento
Eshoo	McIntosh	Weygand
Gilchrest	Owens	
Johnson, Sam	Reynolds	

□ 1443

Messrs. ANDREWS, MOORE, FRANKS of New Jersey, and REGULA, Ms. SLAUGHTER, Ms. RIVERS, and Ms. DANNER changed their vote from "yea" to "nay."

Mr. LEWIS of California and Mr. ARCHER changed their vote from "nay" to "yea."

So the motion to instruct was rejected.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mrs. ROUKEMA. Mr. Speaker, on Rollcall No. 470 I inadvertently pressed the "yea" button. I intended to vote "nay."

## PERSONAL EXPLANATION

Mr. OWENS. Mr. Speaker, this morning, I was unavoidably absent on a matter of critical importance and missed the following votes:

On the Journal (Rollcall No. 465), I would have voted "yea."

On H.R. 4810, (Rollcall No. 466), the veto override of the Marriage Penalty Act, introduced by the gentleman from Texas, Mr. ARCHER, I would have voted "nay."

On H.R. 4986 (Rollcall No. 467), Foreign Sales Corporation Repeal and Extraterritorial Income Exclusion Act of 2000, introduced by the gentleman from Texas, Mr. ARCHER, I would have voted "nay."

On H. Con. Res. 327 (Rollcall No. 469), honoring the service and sacrifice during periods of war by members of the U.S. Merchant Marine, introduced by the gentleman from California, Mr. KUYKENDALL, I would have voted "yea."

On H.R. 4205 (Rollcall No. 470), instructions to conferees on the Department of Defense authorization bill, offered by the gentleman from South Carolina, Mr. GRAHAM, I would have voted "nay."

#### MOTION TO INSTRUCT CONFEREES ON H.R. 4205, FLOYD D. SPENCE NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2001

Mr. CONYERS. Mr. Speaker, I offer a motion to instruct conferees on H.R. 4205.

The SPEAKER pro tempore (Mr. SIMPSON). The Clerk will report the motion.

The Clerk read as follows:

Mr. CONYERS moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 4205 be instructed to agree to the provisions contained in title XV of the Senate amendment.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. CONYERS) and the gentleman from Arkansas (Mr. HUTCHINSON) each will be recognized for 30 minutes.

The Chair recognizes the gentleman from Michigan (Mr. CONYERS).

□ 1445

Mr. CONYERS. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Missouri (Mr. GEPHARDT), the minority leader of the House, to begin the debate on the motion to instruct on this most important vote on civil rights in this session of Congress.

(Mr. GEPHARDT asked and was given permission to revise and extend his remarks.)

Mr. GEPHARDT. Mr. Speaker, I rise in strong support of the Conyers motion, a motion that is in keeping with the best of our national traditions.

First, let me say that I am very glad that we are finally at long last having this debate, a debate that allows us to express our feelings, our passion on one of our most important and greatest priorities.

Yesterday, I stood outside of this marvelous building on the lawn just a few feet from our rotunda, and I listened to Judy Shepherd talk about the murder of her son Matthew. Judy Shepherd talked about the pain of losing a child to senseless violence and about

the ugly, horrible crimes that are committed against people simply because of who they are.

Matthew's mother called on our Congress to act. She called on all of us here to take a stand against hate, to renew a few simple principles into our laws, principles that say so much about who we are and what we believe.

This bill is critical in so many ways. It gives law enforcement officers at all levels of government the tools they need to deal with horrible acts of hate-based violence.

It sends a message to the world that crimes committed against people because of who they are, that these crimes are particularly evil, particularly offensive. It says that these crimes are committed, not just against individuals, not just against a single person, but against our very society, against America.

These crimes strike fear into the hearts of others because they are meant to intimidate, to harass, to menace. When an angry man, a troubled man shot up a Jewish community center in Los Angeles, wounding teachers and students in a place that was supposed to be a sanctuary of protection, the man said that he had shot at these children because he wanted to send a message. He wanted to send a wake-up call to America to kill Jews.

Today, with this bill, we reject that message in the most powerful, most forceful way that we can. Today, we as a society can say that we will do everything we can to protect people from these heinous acts, that we will not rest until America is free of this violence.

This bill honors the victims of hate crimes, and it recalls their memory. It honors the memory of James Byrd who was dragged to death behind the pickup truck because the killers did not like the color of his skin. It honors Matthew Shepherd who was beaten with the butt of a gun and tied to a fence post and left to die in freezing weather because he was gay. It honors Ricky Byrdsong, a former basketball coach at my alma mater, Northwestern, who was gunned down on the street because he was black. It honors not only those victims, not just the high profile crimes, it honors all the people whose lives have been scarred by these acts, the victims who do not always make the headlines.

The hate crimes that we do not hear about deserve our strong response today. So today, let us take a stand against violence. We are voting to dedicate our national resource, to bring the strongest laws that we have to bear against the most sinister thing that we know. The Conyers motion is the only motion that will strengthen our existing laws, that will strike a real blow against hate.

Let me say this is a bipartisan effort. There is nothing partisan in this effort today. Republicans and Democrats are joining together. This issue transcends politics. It challenges us to look into

ourselves, to search our humanity and pass a law that I guarantee my colleagues will go down in the history books.

Virtually every major accomplishment that we pass ever in the history of this body has been bipartisan. This law, like the Civil Rights Act of 1965, will be a bipartisan blow against hate and violence.

This is a great country. We are so wealthy. But our greatest moments are not when we produce material wealth. Our greatest moments are when we as a people manage in the face of horrible tragedy to rise up to come together to take a simple stand for basic decency.

Give us this motion. Give us this law. Bring America up, rising up against hatred and against violence.

Mr. CONYERS. Mr. Speaker, it is my pleasure to yield 3 minutes to the gentleman from Michigan (Mr. BONIOR), the minority whip of the House.

Mr. BONIOR. Mr. Speaker, I thank the gentleman from Michigan (Mr. CONYERS) for his leadership and others for their leadership on this. I commend the gentleman from Missouri (Mr. GEPHARDT), our leader, for his statement.

This motion and this proposition received a strong bipartisan vote in the United States Senate. It is time that it received the same kind of bipartisan support in this House.

Now, we understand that no act of Congress can ever outlaw bigoted thoughts. But we also understand that, when hateful thoughts turn into hateful deeds, the Congress must act and act decisively. That is why this legislation is so necessary.

Today, even though the rate of most violent crimes is decreasing, the number of hate crimes is still alarmingly high. The FBI reported that, over the course of 1 year alone, in 1997, more than 8,000 hate crimes were reported in this country. We have just heard examples of them from our leader.

We have seen houses of worship burn, small children attacked, men and women murdered, murdered for their religion, murdered because of their ethnicity, murdered because of their gender, murdered for a whole host of reasons. For every act we hear about, every assault that is reported, there are many that pass unnoticed.

In fact, in my congressional district, just this last week, I learned of a man who was beaten so severely in an attack that he lost seven of his teeth and was hospitalized as a result of the beating. The reason was the fact that he was gay.

But despite their frequency and the fact that these crimes are intended to terrorize millions of Americans, too many in the law enforcement field lack the legal authority it takes to investigate and to prosecute them. That is why this legislation is important. That is what this legislation does. It corrects that inadequacy.

We cannot outlaw hatred, Mr. Speaker. We have a moral responsibility to stand up for those who could be its victims.

So I urge each and every one of my colleagues today to support the Conyers motion, and let us give this the bipartisan support that it deserves, the bipartisan support that it received in the other body.

Mr. HUTCHINSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in respectful opposition to the motion to instruct conferees. I think it is important to remember at this juncture that this provision is attached to the Defense authorization bill, and this is the Kennedy hate crimes legislation. It was not part of the House package. It was not considered in the House. I say that because I know that we do that in this body, where something is considered in the Senate, it is considered in the conference; but it certainly is something that has not been considered and debated in this body. I think that makes a difference as we consider this motion to instruct.

Let me first look at what this Kennedy amendment in the Defense authorization bill provides. It is the hate crimes amendment. It is what the motion to instruct binds this body to support in the conference. It, first of all, expands the protected groups to include gender, sexual orientation, or disability.

Now, what is important to remember is that we already have a Federal crime. There is a Federal crime to interfere with anyone's exercise of a federally protected activity. This could be voting, this could be traveling, interstate commerce, exercising any number of federally protected rights.

It is a Federal crime if those rights are interfered with because of race, because of color, because of religion or ethnicity. So that is the current state of the law. The Kennedy amendment would expand those protected rights to include other categories, as I mentioned, gender, sexual orientation, and disability.

The second point that needs to be made about the Kennedy amendment is that it makes it a Federal hate crime, and it creates the Federal hate crime and expands it without the requirement of a federally protected activity. This is a significant difference from the current law. What we need to remember is that this is a significant, substantial expansion of Federal jurisdiction over crime in our country.

It is not always wrong to expand Federal jurisdiction. As has been pointed out, we have done that from time to time in this body. But whenever we expand Federal jurisdiction, we should ask some basic questions. First of all, is this expansion constitutional? That is the responsibility we have. Secondly, if it is constitutional, is it necessary? Is there such a gap in the current law that this expansion is required? So we want to talk about those particular questions.

But before I do, I want to address what the minority leader spoke about,

how this conduct of targeting minority groups or special groups because of a certain characteristic is intolerable in our society; and I agree with that completely.

In fact, when I was a United States Attorney, I had the responsibility that I did not ask for of prosecuting a hate group. That group was known as The Covenant, the Sword and the Arm of the Lord. It was in northern Arkansas. It was in my district.

That group, led by James Ellison, had targeted homosexuals. It had targeted minorities from Jewish Americans to African Americans. They had blown up a Jewish synagogue in Missouri. They had killed a pawnshop owner in Texarkana, Arkansas, because they perceived that he was Jewish. It was clearly a hate group. It was a hate group that had violated the law.

I prosecuted that group. At the same time I prosecuted them, they had targeted my family for assassination. So I know something about hate groups. I certainly have not been the victim of racial discrimination; I would never say that. But I know about hate groups.

From that experience, I see how wrong they are for society. I see the poison they are for the new generation coming up. We should do everything in our society that is appropriate, that we can stand against this. We should speak out against it. We should express outrage by it and prosecute them to the fullest extent of the law.

I would personally love to be a prosecutor that would go from jurisdiction to jurisdiction prosecuting hate groups and those that engage in hate crimes. I think we have to do that.

So with that background, I want to say that targeting any group because of race, gender, sexual orientation, religion, or disability should not be tolerated in any civilized society. But it should most certainly not be tolerated in the freest country in the world, the United States of America.

But then we come back to the first question, and that is, is this expansion of Federal jurisdiction constitutional?

□ 1500

We are all aware of the warnings that have been given by the United States Supreme Court. We recall the Lopez decision, which arose out of our expansion of Federal criminal jurisdiction to guns being found in school zones and we said that ought to be a Federal crime. The United States Supreme Court said, but even these modern-era precedents which have expanded Congressional power under the Commerce clause, confirm that that power is subject to outer limits.

The court has warned that the scope of the interstate commerce power must be considered in the light of our dual system of government and may not be extended so as to embrace effects upon interstate commerce, and they continue to warn the Congress of the United States to be careful that we do

not effectually obliterate the distinction between what is national and what is local and create a completely centralized government. That is a warning by the United States Supreme Court.

They also said in another case, we are also familiar with, in *United States v. Morrison*, something I believe in, which is an expansion of the Violence Against Women Act, to create a civil cause of action for criminal conduct that was engaged in because of someone's gender, which allowed them to bring a civil lawsuit.

The court struck that law down, as well, and said, "The Constitution requires a distinction between what is truly national and what is truly local," obviously citing the Lopez case, "and recognizing this fact, we preserve one of the few principles that has been consistent since the clause was adopted, the regulation and punishment of intrastate violence that is not directed at the instrumentalities, channels, or goods involved in interstate commerce has always been the province of the States."

So clearly, we have some warnings from the Supreme Court. Is it constitutional? They have raised some questions about it.

The Washington Post, not exactly a conservative journal, editorialized and said, "rape, murder and assault, no matter what prejudice motivates the perpetrator, are presumptively local matters in which the Federal Government should intervene only when it has a pressing interest. The fact that hatred lurks behind a violent incident is not, in our view, an adequate Federal interest." A constitutional warning by the Washington Post.

So certainly there should be some questions about is this the right direction to go constitutionally. Secondly, even if we say that it is, is it necessary?

I would point out, and I am pleased with this, that our Federal sentencing guidelines, based upon the direction given by the United States Congress, they have enhanced the penalties for hate crimes, but they have done it after the conviction when it is appropriate to consider the targeting of a minority group as a factor in increasing penalties.

This is what the Federal sentencing guidelines says: "If the finder of fact at trial, the court at sentencing, determines beyond a reasonable doubt that the defendant intentionally selected any victim or any property as the object of the offense of conviction because of the actual or perceived race, color, religion, national origin, ethnicity, gender, disability, or sexual orientation of any person, the penalty should be increased by three levels." And, as we all know, that is a significant increase in the amount of time that they would be incarcerated.

So the current state of the law is that the targeting of these special groups is a significant Federal factor in enhancing punishment. That is right.

That is appropriate. But that is a different scheme than making a special Federal statute that would give special protection to certain groups.

The second thing I would point out, is it necessary, is what are the States doing in the current prosecutorial scheme?

The minority leader mentioned the cries of the mother of Matthew Shepard, calling that this is not to be tolerated in our society and how we should honor the victims of violence. And we should honor them. But in Matthew Shepard's case, a homosexual college student, as my colleagues know, that was murdered in Laramie, Wyoming, it was a State court prosecution in which one the defendants pled guilty and got two consecutive life sentences. They might create a Federal hate crimes statute that they will not get any more than that. And the other could be facing the death penalty when it is tried in October.

Another one, the murder of James Byrd, a horrendous crime in Texas targeting an African American, it was a State prosecution in which the jury gave death by injection rather than life in prison. And so, it was the ultimate punishment that was meted out in this case under a State prosecution.

In Alabama there was a slaying of Billy Jack Gaither, who was beaten to death and then burned by kerosene-soaked tires. The men who murdered a homosexual over unwanted advances, that perpetrator will avoid the death penalty only because the family requested that the death penalty be waived. That was a State prosecution.

I could go on and on in which State prosecutions have been successful not in 40 years, not in 50 years, but in the maximum penalty in these particular cases.

True, and I am delighted, that in many of those instances Federal resources have been devoted to make sure that they were able to obtain the conviction of the perpetrator.

Finally, I would point out the testimony of a judge who testified in the Senate Committee on the Judiciary on this particular bill. In this case it was Judge Richard Arcara who testified in opposition to the hate crimes legislation; and he stated, "The issue is not whether we are for or against the prosecution of hate crimes. All decent, right-thinking people abhor hate crimes. The real issue before you is whether the acts of violence covered by the proposed statute, which are already criminal offenses under State law and which may already be Federal crimes as well, are not being adequately prosecuted and punished at the present time."

In other words, why is a new Federal statute needed?

And so again the question, is it constitutional; and secondly, if it is, is it necessary under the present circumstances?

The reason I bring these questions up is that my colleagues might conclude

ultimately after we debate this that the answer is yes, yes and we need to do this, but is the appropriate time to consider it in a conference report which is not being considered by the House?

In fact, we are instructing the conferees to go to this particular Kennedy proposal when in fact there is also the Hatch proposal. Senator HATCH offered a proposal that was adopted as well and it addresses hate crimes, but it does it in this way: it creates more funding for the States and their prosecution of hate crimes, so it gives more resources and grants to the States.

The second thing it does, in a very thoughtful way, is that it creates a study to examine the efficacy of the current law. Do we really need it? Is it necessary? And this is another approach.

So I would say, let us do not bind our conferees that they have to go a particular direction. There are other options that should be considered.

So, my fellow colleagues, I believe that there are some important questions that say let us do not adopt this binding motion to instruct our conferees.

Finally, I think there is an issue of fairness that troubles some people. Should certain groups in America when it comes to crimes of violence be entitled to greater resources in investigation and different laws in the prosecution than other groups? This is fundamental. It is difficult because we all know that there is a problem in our society when we target minority groups or groups that are targeted because of disability or any other reason. They should be punished to the full extent of the law, and we need to send a signal to our society that it is not tolerable. But there are ways to send that signal rather than considering a massive expansion of Federal jurisdiction.

My colleagues, these are serious issues and I do not believe the right place to approach it would be in the conference. We need to come back and sort through each of these, as the Supreme Court has directed.

So I would ask my colleagues to oppose the motion to instruct.

Mr. Speaker, I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, my friend from Arkansas (Mr. HUTCHINSON) mentioned the Laramie, Wyoming tragedy with Matthew Shepard.

Yesterday, here on the Hill, the police chief of Laramie, Wyoming, joined us in support of our hate crimes prevention act. He met with us yesterday.

I might point out that the National Sheriffs Association supports this motion to instruct and the International Association of Chiefs of Police supports this motion to instruct.

Mr. Speaker, I yield 1½ minutes to the gentleman from Missouri (Mr. Skelton), the ranking member from the Committee on Armed Services.

Mr. SKELTON. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, I rise in support of the Conyers motion.

Our Nation has seen far too many cases of violent criminal acts related to prejudice, bigotry, and intolerance. Recently, the Federal Bureau of Investigation has reported a significant number of cases involving violence directed against a member of a religious, ethnic, disabled, race-based, or gender-specific association. Statistics show that nearly 8,000 such acts of violence have occurred annually since 1994.

Society cannot and should not tolerate the cowardly, mean-spirited, and hateful acts that we call hate crimes. Indeed, such hate-based acts have a deeper impact on society other than crimes. They are injurious to the community and are often committed by offenders affiliated with large, extended groups operating across State lines.

From my own observation, having been with numerous people who have, unfortunately, sustained physical disability, I have witnessed the ugly face of discrimination. I personally know the pain resulting from malicious acts and bigotry as it relates to disabilities. I wish to stress this point.

As a former State prosecuting attorney, I do not view this proposal lightly. Although the ability to prosecute crimes against individuals exists today, the Senate bill would provide prosecutors with more tools with which to fight crimes in which bias, prejudice, and discrimination are motivating factors.

I urge my colleagues to support the Conyers motion to instruct.

Mr. HUTCHINSON. Mr. Speaker, I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I am delighted now to yield 2½ minutes to the gentleman from Virginia (Mr. SCOTT), the ranking subcommittee member that has handled this subject matter.

Mr. SCOTT. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, I will be voting in favor of the advisory motion to the conferees on the Defense authorization bill, but I do so with some reservations.

I am in full support of legislation to punish hate crimes. Those crimes terrorize our community and they are different from other crimes, and they should be prosecuted vigorously and punished more severely.

However, as we enact hate crime legislation, we have to be careful to do so without impugning First Amendment freedoms and at the risk of skewing ordinary criminal penalties.

Hate crime provisions adopted by the Senate in its Defense authorization bill appear to allow evidence of mere membership in an organization and mere beliefs to be introduced in prosecutions for activities described in those provisions. We should have an amendment to prohibit the use of such evidence because allowing introduction of mere membership in an organization may be

highly prejudicial and inflammatory to the jury.

Recent reviews of death penalty cases have revealed that many defendants who are factually innocent are convicted anyway. Telling a jury that a defendant belongs to an unpopular organization only increases the chance that the jury will decide the case based on emotion rather than the evidence. Evidence of motivation behind the crime ought to include something in addition to mere membership in an organization or beliefs.

In addition to the constitutional, Mr. Speaker, the provisions of the bill apparently allow a person guilty of what would ordinarily be simple assault and battery to receive a 10-year sentence if they can prove the appropriate motivation.

Mr. Speaker, this motion to instruct conferees is aimed at a Defense authorization bill that will be considered not by the Committee on the Judiciary, which ordinarily considers constitutional and criminal law implications in a bill, if we had considered the provisions in the Committee on the Judiciary, we could have considered the appropriate amendments to deal with the admission of evidence and could have ensured that the provisions were more proportional for the crime committed.

To address these issues, I have sent a letter to the chairman of the Subcommittee on Crime asking that he immediately schedule a hearing on hate crime legislation so that we can consider these issues in an intelligent and thorough manner.

This is a very important piece of legislation. We need hate crime legislation, but it has to be done right.

I will be voting for the amendment, with those reservations.

□ 1515

Mr. HUTCHINSON. Mr. Speaker, I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I yield 1½ minutes to the gentlewoman from Wisconsin (Ms. BALDWIN), a distinguished member of the Committee on the Judiciary.

Ms. BALDWIN. Mr. Speaker, I rise in strong support of this motion. This provision would strengthen a Federal hate crimes statute that has been on the books for over 30 years. The 1968 law already covers hate crimes committed on the basis of race, religion, color, or national origin. This provision would add coverage for victims targeted for violence by virtue of their sexual orientation, gender, or disability.

We hear from opponents that every crime is a hate crime; that every act of violence is an act of hate, but since the founding of our country our judiciary system has weighed the element of intent in evaluating the severity of crime.

The thing that distinguishes hate crimes from other crimes is that hate crimes are intended to terrorize both the crime victim and the entire com-

munity that each victim represents. Wyoming is a long way from Wisconsin. Yet in the days and months that followed the murder of Matthew Shepard, I looked into many fear-filled faces and tear-filled eyes in my own community. These crimes do strike terror throughout the Nation.

Yesterday, I met Commander David O'Malley. He was the investigator in Laramie, Wyoming, and he came to Washington to support our passage of this motion. He said two things: one is that in starting out the investigation he really did not believe that hate crimes existed but, boy, did he learn during the course of his investigation that these are specific crimes, and he urged us to pass this motion.

Mr. CONYERS. Mr. Speaker, I yield 3 minutes to the gentleman from Florida (Mr. MCCOLLUM), the chairman of the Subcommittee on Crime of the Committee on the Judiciary.

Mr. MCCOLLUM. Mr. Speaker, I thank the gentleman from Michigan (Mr. CONYERS) for yielding me this time.

Mr. Speaker, hate crimes are just plain wrong. They are crimes against an individual committed by somebody principally or solely because of race, religion, sexual orientation. They are committed not against the individual so much as against a class of people, and they tear at the very fabric of our society because they do that.

I cannot think of a more heinous crime that deserves any greater punishment than a crime committed for that reason. That is why for a long time I have been a supporter of hate crimes legislation that is now before us in this fashion today and why I strongly urge my colleagues to support this effort to instruct conferees in the only way that we can achieve this goal of putting into law a Federal provision that is overdue and needed in this case.

I can say not only about the Matthew Shepards of the world but I can say about cases in my own State, a young woman named Jody Bailey just last year, 20 years old, an African American shot to death simply because of her race, because she was dating a white person, bullets pumped into her car and she was killed for that reason alone. A young girl 6 years old, Ashley Mance, killed because a skinhead thought it was her race and it was not against her but against her race that he shot her.

We had another case in my home State involving several teenage men who killed a man brutally simply because he made a pass at them. That is wrong. That is not right, and the Federal law needs to be guaranteeing that somebody is prosecuted and given extra punishment on top of the underlying crime and the underlying punishment if one commits a crime principally for that reason; just as we have laws that say if someone commits a crime with a gun they get extra punishment on top of their underlying sentence for the underlying crime because it was committed with a gun.

I support both. I think they are reasonable messages and necessary messages to be sent out there. Unfortunately, even though most States have hate crimes laws there are a few that do not, and in those States that do not have hate crime laws that enhance these punishments for crimes solely or principally because of race or religion or sexual orientation or gender or disability, I believe in those States that do not have them or in those States where they are there and some law enforcement officer for whatever reason chooses not to prosecute, Federal prosecutors should have that authority; and that is what this provision gives them.

That is what the Kennedy provision, the Conyers provision gives them, one I support strongly.

It also is true that this legislation provides money, a grant program, to help assist those law enforcement communities that do have their own hate crimes laws to enforce them. There should be a clear and unequivocal message sent to anybody out there remotely contemplating a crime because they hate somebody because of their race, their religion, their sexual orientation. If they commit such a crime, they are going to get punished for a very, very long time; and there is a special place for them in the Federal prisons if the States do not do it.

Mr. Speaker, I strongly support the legislation before us and the motion to instruct conferees, and I encourage all of my colleagues to support it.

Mr. HUTCHINSON. Mr. Speaker, I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I yield 1½ minutes to the gentleman from Massachusetts (Mr. DELAHUNT), himself a prosecutor and member of the Committee on the Judiciary.

Mr. DELAHUNT. Mr. Speaker, my friend, the gentleman from Arkansas (Mr. HUTCHINSON), asked, Is this legislation necessary? And he points to the murder of Matthew Shepard in Wyoming who died for no other reason other than he was gay, and to James Byrd in Texas who died for no reason than because he was black, and I would add Joseph Iletto of California who died for no other than reason other than he was Asian. Is there a need? I submit there is a clear need.

When such actions take place in other countries, when individuals are persecuted because of their identity, whether it be racial or religious, our law, the United States law, recognizes this is no ordinary crime and grants them a remedy. We entitle them to petition for asylum. Why would we do less to protect our own citizens from the very same crimes?

Is there a need? Yes, there is a need. Some have said we should not pass this law because hate crimes are a local matter. Well, I agree, and I know that the authors of this legislation, this motion, also agree. The vast majority of those crimes are investigated and prosecuted at the State and local level. In

this measure, if it is enacted, it will continue that same status quo. All this legislation will do is to ensure, when local authorities request assistance, or are unable or unwilling to act, Federal law enforcement agencies will have the ability to come to their aid. That is why the sheriffs of this country and the chiefs of police in this country support this legislation.

Support the motion.

Mr. CONYERS. Mr. Speaker, I yield 1 minute to the gentlewoman from Maryland (Mrs. MORELLA), a leader in the Violence Against Women Act.

Mrs. MORELLA. Mr. Speaker, I thank the gentleman from Michigan (Mr. CONYERS) for yielding. I thank him for offering what is an important motion to instruct the conferees in the DOD bill.

This, of course, was a separate bill to begin with. We do not have time to try to pass a separate bill. It is critically important that this Congress indicate their belief that hate crimes will not be tolerated and we will use all of the resources available to make sure that that is the case.

Hate crimes are different from other crimes. For example, just think of the situation of Matthew Shepard, Tony Orr, Timothy Beauchamp, James Byrd, the Jewish Day Care Center in Los Angeles. They affect not only the victim but an entire community.

The House Committee on the Judiciary held hearings back in August. The need has been there. We are all Americans. We cannot tolerate bigotry or hate in any way at all, and it is very important that we do pass this motion to instruct the conferees and show that we are Americans and we do care about each other.

So I ask this body to support it.

Mr. CONYERS. Mr. Speaker, I yield 1 minute to the gentlewoman from New York (Mrs. MALONEY).

(Mrs. MALONEY of New York asked and was given permission to revise and extend her remarks.)

Mrs. MALONEY of New York. Mr. Speaker, I rise in strong support of this motion. We have waited much too long to strengthen hate crime laws. This motion will expand the definition to include crimes motivated by gender, sexual orientation, and disability among the list of crimes considered as hate crimes. If criminals are motivated by bias, then prosecutors should have the ability to seek a higher penalty.

I feel strongly about this because earlier this year over 50 women were beaten, surrounded, robbed, stripped in Central Park in my district. There is one thing all these victims had in common. They were from different countries, different ages, different races and religions but all of them were women. The mob went after these victims simply because they were women.

Hate crimes create a climate of fear that keep a particular class of people from participating fully in society. As Americans, we cannot let this stand. This motion also includes my bill, the

Hate Crimes Statistics Improvement Act, that requires the FBI to gather statistics about gender-based hate crimes as well.

This is an incredibly important motion. We must all support it. It is important.

Mr. HUTCHINSON. Mr. Speaker, I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I yield 1 minute to the gentlewoman from Indianapolis, Indiana (Ms. CARSON).

(Ms. CARSON asked and was given permission to revise and extend her remarks.)

Ms. CARSON. Mr. Speaker, I thank the gentleman from Michigan (Mr. CONYERS) on his motion to instruct the conferees on H.R. 4205, urging us to adopt the Senate provisions on hate crimes, and I would certainly like to applaud those who have spoken in this effort prior to the time that I have been here.

Unfortunately, because leadership has had a strange hold on hate crimes legislation preventing its advancement in the House, I am questioning what it is that we are waiting for. I spoke at a vigil down the street at the Senate Park a couple of months ago on behalf of the family of Arthur Warren, AKA Jr., J.R., who was beaten by two 17-year-olds who had confessed to that first degree murder but a trial has not yet begun. Arthur was 26 years old. He was gay. He was beaten and ran over twice, several times, with an automobile and then taken across town and dumped out in the street.

This motion to instruct conferees is a vital effort, and if there is anything that this Congress should do prior to the adjournment, it would be to adopt the motion to instruct conferees of the gentleman from Michigan (Mr. CONYERS).

Mr. CONYERS. Mr. Speaker, I yield 1½ minutes to the gentlewoman from New York (Mrs. LOWEY).

(Mrs. LOWEY asked and was given permission to revise and extend her remarks.)

Mrs. LOWEY. Mr. Speaker, I rise in support of this motion to instruct conferees. The American people have waited far too long for the passage of comprehensive hate crimes legislation, and we have an important opportunity today to show our support for this initiative. Each day we hear stories of hate groups actively recruiting members in our communities, often masking their hatred with religion. These groups incite the enmity and violence which tear at the very fabric of our society. The good news is that some States, like New York, have finally responded decisively to the destructive forces of hate-based violence. The bad news is that Congress has consistently squandered the opportunities we have had to address this phenomenon, dragging our feet while senseless hatred destroys communities throughout the country.

It is past time to hear the cries and appeals of the victims of hate crimes

and their families. We need to pass a Federal hate crimes law and give law enforcement officers the tools they need to fight these crimes. We need to pass comprehensive gun safety legislation, to keep dangerous firearms out of the hands of people who will perpetrate hate-based violence. We need to invest in the education of our children to teach them by example to embrace the diversity of our society. We need to find a way within constitutional bounds to diminish the damaging effects of hate speech in our communities; and we need to do it now, before one more person among us has to mourn the loss of a loved one to a senseless hate crime. Inaction in the face of this tragic, dangerous trend is indefensible.

Mr. HUTCHINSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I just wanted to jump into this particular point in the debate. It is just amazing how much we agree upon. We are expressing outrage about hate crimes, and I tried to express that same outrage when I was a Federal prosecutor. I certainly have tried to express it in the United States Congress. I know that those in the State legislature and here in our national body we all are looking for ways to express our outrage of this. I think we are doing it fairly effectively. This debate is a means of doing that.

□ 1530

Mr. Speaker, there is really broad agreement, when we say it is intolerable in our society for someone just because they are African American or just because they are Jewish that they be targeted or just because of their sexual orientation. It is abhorrent in our society that they be targeted because of those characteristics, so we need to stand against this at every possible opportunity.

I think the debate, though, and really the sense of disagreement is whether we want to have a Federal concurrent jurisdiction for virtually all violent crime similar to the way we do it with our drug war.

Right now, if anyone has any drug offense, it can be brought into State court or Federal court, it is totally concurrent jurisdiction. And basically you are going to have a review of all violent crime to see if it was motivated by one of these biases that is referred to that covers a special category. If it was a perceived special category, and that is always going to be reviewed and as the gentleman from Virginia (Mr. SCOTT) appropriately made the expression of concern, that are we going to be examining everyone's thought. I think the gentleman says that we need to really look at this very carefully. He has some reservations about it.

The reservations that the gentleman raised are reservations that some on this side have as well. And as the minority leader said, it is not a partisan issue. It is really a question here of ap-

proach, and the direction that we are going to go in our Federal law enforcement.

And I just wanted to say that I agree with much of what is being said today, and the terribleness in our society of crimes against particular groups. I think it is just simply a matter of a different approach that I would take, and we need to look at this very, very carefully.

Mr. Speaker, I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. CROWLEY).

Mr. CROWLEY. Mr. Speaker, I rise today in strong support of the Conyers motion to instruct conferees on the Defense Department authorization bill to recede to the Senate position and retain the inclusion on the Local Law Enforcement Enhancement Act, which is the Senate's version of H.R. 1028, the hate crimes legislation.

Now, I notice some people believe that hate is not an issue when prosecuting a crime. They say our laws already punish the criminal act and that our laws are strong enough. I answer with the most recent figures from 1998 when 7,755 hate crimes were reported in the United States.

According to the FBI, hate crimes are under reported, so the actual figure is much higher. And I say to my colleagues, penalties for committing a murder are increased if the murder happens during the commission of a crime. Murdering a police officer is considered first degree murder, even if there was not premeditation. Committing armed robbery carries a higher punishment than petty larceny.

There are degrees to crime and committing a crime against somebody because of their race, color, sex, sexual orientation, religion, and ethnicity or other groups should warrant a different penalty. These crimes are designed to send a message. We do not like your kind, and here is what we are going to do about it.

So why cannot we punish crimes motivated by hate differently than other crimes?

I believe we must stand up as a Congress and as a country to pass hate crimes legislation to make our laws tougher for the people who will carry out these heinous acts.

Mr. HUTCHINSON. Mr. Speaker, I yield 3 minutes to the gentleman from Missouri (Mr. HULSHOF), certainly his expertise as a State prosecutor is meaningful.

Mr. HULSHOF. Mr. Speaker, I thank the gentleman for yielding the time to me and certainly appreciate the tenor of the debate, especially hearing the experiences of my friend, the gentleman from Arkansas (Mr. HUTCHINSON) and his experiences as a Federal prosecutor.

Before coming to this body, I began my legal career as a court-appointed public defender, and one of the last cases I had the occasion to defend was

a murder case. My client was an African American who was facing the death penalty. Shortly, thereafter I switched sides in a courtroom and began prosecuting criminal cases and handled some 16 death penalty cases throughout the State of Missouri.

I have heard these very powerful testimonials from all Members, including my colleague, the gentleman from Missouri, who spoke at the beginning in favor of Mr. CONYERS' motion. I, too, have held the hands of family members who have been murdered, the mothers and wives as we waited for juries to return with their verdicts, and wondering whether or not the State's cases prevail and often they did.

But I agree also with the gentleman from Wisconsin. My experience has shown that all murder cases are hate crimes, and what I think we are attempting to do today is really legislate by headline. The fact that the tragedy that occurred to the Matthew Shephard family, the killers of Matthew Shephard deserve, in my estimation, the death penalty not because of who he is or what sexual preference he had, but because the facts fit the case.

The murder of James Byrd down in Texas that has been referred to, his killers, in my estimation, deserve justice throughout the death penalty, not because of who he was or the color of his skin, but because the facts fit the case.

In the earlier debate, and I was listening to my colleague from Massachusetts (Mr. FRANK) in the debate with the gentleman from South Carolina (Mr. GRAHAM), if there are prosecutors or police across this Nation that are not aggressively enforcing existing law, then we should focus there, and yet I believe that as the gentleman from Arkansas (Mr. HUTCHINSON) mentioned, we are attempting in essence to criminalize abhorrent but lawful thought, and I think that is a step too far, especially having been one who served in State courts in Missouri.

I think, Mr. Speaker, when I reference the criminal justice system and conjure up the image of all of those cases that I had the opportunity to participate in, I think of the Goddess of Justice. There is a statue just across the street depicting the Goddess of Justice and she stands there with scales in one hand and blindfold across her eyes, and I think the thought and the symbolism is that decisions that are made in our courtroom should be made not based on prejudice or not elevating one group over another, but should be applied consistently, and because of that, then I ask for a no vote on Mr. Conyers' motion.

Mr. CONYERS. Mr. Speaker, I yield 1 minute to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. Mr. Speaker, first, I want to congratulate the gentleman from Arkansas (Mr. HULSHOF) and, finally, finding someone to come, give him a little relief. He was

looking awfully lonely. The relief falls a little short.

First, the gentleman from Missouri said, we are criminalizing abhorrent thought, no not anything in here comes remotely close to criminalizing thought, nothing is criminal under this bill, unless you hit somebody, shot somebody, stabbed somebody, there is nothing in this bill that criminalizes thought, the right to burn crosses and engage in hate speech, first amendment protected, remains totally undiminished.

Secondly, the gentleman said, I mentioned places where there are prosecutors and police who are not fully enforcing the law, fortunately a small minority against particular groups, and he says focus on them. Kill this bill and you cannot focus on them. That is what the bill does.

This bill does not generalize a Federal criminal presence. It gives the Attorney General the right in a restricted set of circumstances to enter into prosecutions, and we envision the circumstance would be where a vulnerable group was being victimized and was not getting the protection. So without this legislation, we cannot do what the gentleman from Missouri says we should do, focus on those situations.

Mr. CONYERS. Mr. Speaker, I yield 1½ minutes to the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Mr. Speaker, I thank the gentleman from Missouri (Mr. CONYERS) for yielding me the time and thank him for offering this motion to instruct conferees.

By doing so, under his leadership, he gives this body today a great opportunity, an opportunity to say that hate crimes have no place in our country. The gentleman from Missouri (Mr. HULSHOF) argued that there is no need for a Federal hate crimes legislation, because assault and murder are already crimes.

However, the brutality of these hate crimes speaks to the reality that whether a person is targeted for violence, because of his or her sexual orientation, race or other group membership, the assailant intends to send a message to all members of that community. The message is, you are not welcome.

The effort to create an atmosphere of fear and intimidation is a different type of crime, and it demands a different kind of response. All Americans, all Americans have a right to feel safe in their communities.

This bill counters this message of intimidation. This motion to instruct sends a strong statement that our society does not condone and will not tolerate hate-based crimes. Passage of this motion to instruct would not end hate-based violence, we know that, but it would allow the Federal Government to respond and take action.

Mr. Speaker, I urge my colleagues to vote yes on the motion to instruct. It is necessary, Mr. Speaker, because these tragic murders and the sufferings

that were, for example, experienced by the Byrd family and the family of Matthew Sheppard have experienced are not isolated incidences.

According to the FBI, 87 incidences of hate crimes based on race, religion, national origin or sexual orientation took place in 1996 alone. There is a need for this. I urge my colleagues to support the motion to instruct.

Mr. Speaker, in recent years we have mourned the deaths of Matthew Sheppard, a gay college student in Wyoming, and James Byrd, an African-American man in Texas. These brutal killings are reminders of the violence and harassment that millions of Americans are subjected to simply because of their sexual orientation, race, religion, or other group membership.

I had the privilege of introducing members of each of their families at the Democratic National Convention last month. There they spoke movingly of their slain loved ones and the impact that crimes motivated by hate have on families and communities.

These tragic murders and the suffering that these two families have experienced are, unfortunately, not isolated incidents. According to statistics kept by the National Coalition of Anti-Violence programs, 29 Americans were murdered in 1999 because they were gay or lesbian and there were more than 1,960 reports of anti-gay or lesbian incidents in the United States, including 704 assaults. And according to the Federal Bureau of Investigation, in 1966 there were over 8700 reported incidents of hate crimes based on race, religion, national origin, or sexual orientation. Crimes based on hate are an assault on all of us, and we must take stronger measures to prevent and punish these offenses.

Opponents of this measure have argued that this is an issue that should be left to the states. However, Congress has passed over 3000 criminal statutes addressing harmful behaviors that affect the Nation's interests, including organized crime, terrorism, and civil rights, violations. Thirty-Five of these laws have been passed since the Republicans took control of Congress in 1995.

Others have argued that there is no need for federal Hate Crimes legislation because assault and murder are already crimes. However, the brutality of these crimes speaks to the reality that when a person is targeted for violence because of their sexual orientation, race, or other group membership, the assailant intends to send a message to all members of that community. That message is you are not welcome.

The effort to create an atmosphere of fear and intimidation is a different type of crime, and it demands a different kind of response. All Americans have a right to feel safe in their community.

The Local Law Enforcement Enhancement Act of 2000 counters this message of intimidation with a strong statement that our society does not condone and will not tolerate hate-based violence. In addition, passage of this legislation will increase public education and awareness, increase the number of victims who come forward to report hate crimes, and increase reporting by local law enforcement to the FBI under the Hate Crimes Statistics Act.

In addition to a bipartisan group of 192 House sponsors, this bill is supported by 175 civil rights, religious, civic and law enforce-

ment organizations, including the National Sheriff's Association, the Federal Law Enforcement Officers Association, the Hispanic National Law Enforcement Association, the National Center for Women and Policing, and the National Organization of Black Law Enforcement Executives.

Hate crimes take many forms and affect many different kinds of victims. As a Member of Congress who has the privilege of representing a district with a large number of gay and lesbian people, I find it interesting when I hear people talk about tolerance for gay and lesbian people because in our community the issue of tolerance was resolved long ago. We not only tolerate our gay and lesbian friends and neighbors, we take great pride in them and in the contribution that they make to our community in San Francisco, indeed to our great country.

Murders and assaults that target African-Americans, Jewish-Americans, Hispanics, Gays and Lesbians, or any other group are the manifestation of enduring bigotry that is still all too prevalent in our society. Passage of this bill would not end all violence against these communities. But it would allow the Federal Government to respond and take action by investigating and punishing the perpetrators of crimes motivated by hate. I urge my colleagues to vote yes on the motion to instruct.

Mr. CONYERS. Mr. Speaker, I yield 1½ minutes to the gentleman from Georgia (Mr. LEWIS), the deputy whip on the minority side.

Mr. LEWIS of Georgia. Mr. Speaker, I want to thank my friend and colleague, the gentleman from Missouri (Mr. CONYERS) for yielding the time to me.

Mr. Speaker, I rise in support of the motion to instruct conferees. Hate is hate. Hate is hate. It is based on race, on color, on religion, national origin or sexual orientation. No one, but no one is born hating. Little babies do not know hate.

They do not know sexism. They do not know racism, but our society will change the little babies before they become adults. We teach people how to hate, to hate someone because of their color, because of their race, because of their religion, because of their sex or sexual orientation.

As I said before, nobody, Mr. Speaker, is born hating, but too many people in our society grew up hating, and they get involved in hate crime against someone because of their religion, because of their color, because of their sex or sexual orientation. There is no room in our society to hate or be violent towards someone because of their race, their color, their national origin, their religion or sexual orientation.

With this legislation, Mr. Speaker, we will send a strong and powerful message that we are one family, one people, one Nation. I urge all of my colleagues to support the motion to instruct conferees.

Mr. CONYERS. Mr. Speaker, I yield 30 seconds to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. Mr. Speaker, I want to return to the allegation that this criminalizes thought.

Here is the operative phrase which controls any new crime, whoever willfully causes bodily injury to any person or through the use of fire, a firearm or an explosive or incendiary device attempts to cause bodily injury to any person.

Absent that phrase, there is no crime committed, so this only applies by its explicit language to actual injury or attempts to injure with a fire or firearm or an explosive or incendiary device.

Mr. HUTCHINSON. Mr. Speaker, I yield 30 seconds to the gentleman from Missouri (Mr. HULSHOF).

Mr. HULSHOF. Mr. Speaker, my response to the gentleman from Massachusetts (Mr. FRANK) would be that if the bias of an accused defendant is made relevant then would not the gentleman agree that any statements, any writings, any thoughts, any spray painted slurs, any of these constitutionally protected, although abhorrent statements, would then be part of the criminalization of the act?

Mr. CONYERS. Mr. Speaker, I yield 15 seconds to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. Mr. Speaker, there has to be a prior physical criminal assault on someone else. Then when you get to the sentencing and you get to the decision about punishment, you can take into account motive. Yes, I would agree with the gentleman, you can take into account motive and motives that are sometimes constitutional when they are part of a crime can be punished.

□ 1545

Mr. HUTCHINSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, if the ranking member is prepared to close, I will go ahead and finish as our final speaker.

Mr. Speaker, I wanted to come back to this debate; and, again, in listening to some of the arguments that have been made, I noticed that the gentleman from Michigan (Mr. CONYERS) referred to the police chief in Laramie, Wyoming, who supports this legislation. In fact, the police chief of Laramie, Wyoming, was concerned about the burden on the State as to how much it costs in the prosecution. He needed financial help. It was not a matter that the case was not adequately investigated or prosecuted, because, again, a life sentence was meted out. It is the burden on the States because of these prosecutions in hate crimes.

Again, this is a Department of Defense authorization bill. This is in conference on a Kennedy amendment that has not been considered in this body. The question is, when there is the Senator Hatch proposal that would provide grants to the States that would address the concern of the police chief of Laramie, Wyoming, perhaps that is the best way to go.

What is missing in this debate is the answer to the two questions that I

raised: Is it constitutional, and is it necessary? I listened to every speaker on this side, and I did not see a recitation of where the constitutional basis is and how we respond to the Supreme Court when they cautioned this body in saying that every crime cannot be a Federal crime. Again, quoting the Supreme Court: "Indeed, we can think of no better example of the police power which the Founders denied the national government and reposed in the states than the suppression of violent crime and vindication of its victims." So I do not believe that has been answered. Where is the constitutional basis?

The second question that I raised is, Is it necessary? Not one case has been cited by my friends from the other side of the aisle in which there was a hate crime in the States that was not investigated and not prosecuted. No case has been cited.

Now, the gentleman from Massachusetts (Mr. DELAHUNT) referred to a couple of cases in which there is a need because there was a hate crime. Well, the end of the story is that the States prosecuted, they got the life sentence, they got a death sentence. Every witness, every witness that was called in support of hate crimes legislation before the Senate committee or the House committee, were victims or family members of a victim of a hate crime. It has been vindicated with the maximum penalty of the prosecution under State law.

So for this massive expansion of Federal jurisdiction, is it constitutional basis? Is it necessary? I appreciate the frankness of the gentleman from Virginia (Mr. SCOTT), the ranking member on the Subcommittee on Crime. I was aware of the letter that the gentleman wrote to the gentleman from Florida (Mr. MCCOLLUM), the chairman of the Subcommittee on Crime, in which he expressed concern from a constitutional standpoint about the issues that were debated by the gentleman from Missouri, about whether this is going to require evidence of membership, because you have to prove the motivation being a hate crime against a particular group. So the issue will be membership in organizations.

There is a question that has been raised by civil libertarians about that, and also some other questions raised, and ultimately they asked for more hearings. In other words, let us proceed through. Now that we have the support of the chairman of the Subcommittee on Crime, surely we can consider this legislation, consider the amendment, consider what is the best approach, rather than requiring our conferees on a defense authorization bill, where they do not have the expertise of the Committee on the Judiciary to debate this issue. That is simply what I am asking my colleagues.

We are in great agreement that this is intolerable, targeting particular groups in our society. We are in agreement on that. It is simply a question of

what is the right approach. I believe the right approach is not directing our conferees to adopt a particular approach on the defense authorization bill. I ask my colleagues to oppose this motion to instruct.

Mr. Speaker, I yield back the balance of my time.

Mr. CONYERS. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I want to thank all of the Members that have participated in this debate, and particularly the floor manager, the gentleman from Arkansas (Mr. HUTCHINSON). I think we have been exhaustive on this subject and have moved in a very important way.

The reason this debate has been as long as it has is because we have had one motion to instruct, the Graham motion, which was turned away, and now we have mine, which I hope will be accepted.

The reason is that it is unrefuted that many of the crimes with which we are concerned are never prosecuted. Sometimes it is because the State and local authorities do not have the resources, but other times it is because they do not have the will. But the bottom line is that these crimes often go unpunished. Today we are asking our colleagues to go on record as to whether or not they will support a Federal law to ensure that these crimes be prosecuted, but only when the State legal system breaks down. Many State officials have asked for Federal legislation so that they can get help from Federal authorities in handling these crimes because of the complexity of the cases and because many of the purveyors of hate operate across State lines.

Many of us in the House have already been on record supporting Federal criminal laws that are based on discriminatory acts. My earlier bill of several years ago, the Church Arson Act, is just the most recent instance of what Members in this House have already voted for. This measure soon to come up, the hate crimes bill from the Senate, follows that same pattern.

Mr. Speaker, with the equal protection promise of the reconstruction amendments in the 19th century, the Federal Government assumed the duty to ensure that all Americans are protected from violence aimed at them simply because of who they are or how they lead their lives. So this is not a usurpation of State authority. It is a backstop, and when the State system does not work, that is when this hate crimes law would kick in.

Mr. Speaker, it is consistent with the rich civil rights tradition that goes all the way back to the 1930s when the late Dr. W.E.B. duBois and Ida B. Wells, an African American civil rights fighter before her time, supported the NAACP anti-lynching laws, which have now been extended through the Hate Crimes Act. We studied the 1938 Senate filibuster on anti-lynch laws which went down. It was defeated in the face of many of the same arguments that are

being made today by opponents of this legislation.

Ms. JACKSON-LEE of Texas. Mr. Speaker, will the gentleman yield?

Mr. CONYERS. I yield to the gentleman from Texas.

POINT OF ORDER

Mr. HUTCHINSON. Mr. Speaker, I make a point of order.

The SPEAKER pro tempore (Mr. SIMPSON). The gentleman will state his point of order.

Mr. HUTCHINSON. Mr. Speaker, it was my understanding that we would close, so I closed. It was my understanding that the gentleman from Michigan (Mr. CONYERS) was going to close on behalf of his position.

Mr. CONYERS. Mr. Speaker, if the gentleman will yield, I was yielding pursuant to a request to yield. If it is the gentleman's insistence, though, that I do not do it, I withdraw it.

Mr. HUTCHINSON. Mr. Speaker, if it is for a unanimous consent request for submitting a statement, there is certainly no objection.

Ms. JACKSON-LEE of Texas. Mr. Speaker, will the gentleman yield?

Mr. CONYERS. I yield to the gentleman from Texas.

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman for yielding.

First, the gentleman made a very important point, and I do have a unanimous consent request. I am sorry that the gentleman from Arkansas wants to narrow the debate and not allow us to yield. But I would ask unanimous consent for this Congress to do the right thing and to support the motion to instruct by the gentleman from Michigan (Mr. CONYERS) so that we can have a Federal backstop to stop the killing and to stop the hate.

Mr. CONYERS. Mr. Speaker, reclaiming my time, this measure continues the great struggle for equal justice of all Americans that started in the 1930s with the anti-lynch laws. It has been refined, it has been expanded, it has had a constitutional basis that has been very deeply rooted, and I urge and thank all of the Members who will support this motion to instruct.

Mr. POMEROY. Mr. Speaker, I rise in support of the Conyers motion to instruct conferees on the Defense Authorization bill. This motion would direct conferees to agree to the federal hate crimes provision contained in the Senate version of this bill. This provision preserves the principle of federalism while recognizing the national imperative to prevent violent crimes motivated by prejudice.

The Hate Crimes Prevention Act (HCPA) would provide new protections for individuals who are victims of violent crimes solely because of who they are. Specifically, it would strengthen the existing definition of a federal hate crime to include crimes motivated by the victim's gender, sexual orientation, or disability. I believe that this legislation would increase public education and awareness of these crimes, encourage more victims to come

forward and seek justice, and perhaps most importantly, demonstrate the federal government's clear resolve to prosecute these crimes to the fullest extent of the law.

Some of my colleagues have argued that federal hate crimes legislation is unnecessary. In making this argument, they cite the case of Matthew Shepard, a college student brutally murdered in Laramie, Wyoming. They state that justice has already been served; Matthew Shepard's killer has already been sentenced to life in prison without parole. What they don't tell you is that because Matthew Shepard's murder is not considered a federal hate crime, Laramie law enforcement officials had to furlough five officials to help cover the cost of prosecuting this crime. Under HCPA, by contrast, Matthew Shepard's grieving family would have had the benefit of additional resources under federal law, easing the burden on local law enforcement officials.

Mr. Speaker, by voting in favor of this motion to instruct conferees, we have the opportunity to provide all Americans with additional protection from violent crimes. The vast majority of hate crimes will still be prosecuted in state court. The federal Hate Crimes Prevention Act provides important protections to victims of violence, protections that supplement, not supplant, those available to victims in state courts. I urge my colleagues to support the Conyers motion.

Ms. SCHAKOWSKY. Mr. Speaker, I am proud today to stand with so many of my colleagues to urge support for comprehensive hate crimes legislation. I would also like to thank Mr. CONYERS for his outstanding leadership in this area. His unwavering support and dedication to advancing civil rights has been a beacon for us all.

I hope my granddaughters Isabel and Eve never know of violence motivated by bigotry and hate. Today we have the opportunity to strengthen our hate crimes prevention law by expanding the definition of a "hate crime" to include sexual orientation, as well as gender and disability. These crimes tear at the fabric of our society and insidiously erode our principles of tolerance and diversity. Before this Congress adjourns for the year, we must send a loud message that the safety of all people is paramount and anyone who commits a crime based on bigotry and hate will be prosecuted to the fullest extent of the law.

I don't want to be the one to explain to Ricky Byrdson's widow that he did not deserve protection because he was killed walking outside of his house rather than while he was engaged in a "federally protected activity." And I don't want to be the person who has to explain to the family of Matthew Shepard why this Congress was unable to pass tougher laws that punish people who commit crimes based on sexual orientation. The Byrdson and Shepard families are not alone. For every high profile, heinous hate crime that makes it to the forefront of our national consciousness, hundreds and thousands of nameless victims and families have been targeted simply because of their gender, sexual orientation and disability.

Since 1991, 60,000 hate crimes have been reported to the FBI and in 1998 alone, there were close to 8,000 hate crimes reported, almost one every hour. Many argue that hate crimes cannot be separated from other crimes. This is just untrue. Hate crimes are violence targeted at individuals simply because of who

they are. Perpetrators are motivated by hate and their actions are intended to strike fear into an entire group of people. We know that individuals are targeted because of their sexuality, disability, and gender just as often as because of their race, religion, and national origin, and our hate crimes prevention legislation must be expanded to protect them too.

What is the lesson we are teaching our children and what legacy will I leave my granddaughters if we don't pass laws that protect all of our citizens? If we fail, we will be turning our backs on our citizens. Should we succeed, we will be sending a clear message to all that we will not tolerate bigotry and hate. We have a choice, Let us choose wisely.

Mr. WEXLER. Mr. Speaker, we are committed to defending this country against all enemies, foreign and domestic. We must ask the question, who or what is our enemy? What is the greatest threat to our democracy? Mr. Speaker, our domestic enemies are hatred and intolerance. And hate manifests itself in many ways. Hate can provoke terrorists to commit unconscionable acts against innocent victims. Hate can provoke rogue leaders to persecute and intimidate members of an ethnic or religious group. And hate can provoke fearful and desperate people to terrorize whole communities by committing hate crimes.

We must take action. We must protect our country against terrorist acts, we must protect ethnicities from genocide, and we must protect vulnerable communities from hate crimes. When a person terrorizes another, that person is guilty of a crime. When a person terrorizes a community, that person is guilty of a hate crime. Whether the community is a religious one, an ethnic one, or one of sexual orientation, it deserves protection.

The nation was shocked at the murders of Matthew Shepard and James Byrd, Jr., as well as the vile and senseless nature of the attitudes which prompted these crimes. Many more hate crimes occur throughout the country that do not receive the level of publicity of the Shepard and Byrd murders. We must work together to eliminate the underlying prejudices which kindle the hatred inherent in these crimes. We must also give our prosecutors the laws and resources they need to properly bring justice to the victims. Let me say again, hate crimes do not just victimize a person, they also terrorize a community. That is why they deserve recognition in the law for what they are—crimes that victimize a community.

We must also be cognizant of protecting all vulnerable groups. Gender, sexual orientation, and disability should be included along with race, color, religion, and national origin as human characteristics which are subject to hate crimes and attacks and should receive the same federal protections.

I ask that you support Congressman CONYERS' motion to instruct conferees to include the Hate Crimes Act in the Defense Authorization bill.

Mr. BARR of Georgia. Mr. Speaker, I stand before you today to oppose Representative CONYERS' motion to instruct which purports to include the Kennedy hate crime language in H.R. 4205.

So-called "hate crimes" legislation is discriminatory on its face. In a nutshell, such legislation treats crimes against certain classes of persons more severely than those same crimes if they were committed against another class of persons. This is clearly not "equal justice under the law."

All crimes are crimes of hate. Whenever a person harms another, there is hate. Should we enact federal legislation to punish hate directed towards one person more severely than hate directed against another, merely because of the victim's classification? I do not believe so.

Under our present laws, the killers of James Byrd and Matthew Shepard (crimes which would have fallen under the Kennedy hate crimes provision) were severely punished for their illegal and gruesome crimes. James Byrd's killer was sentenced to death, and Matthew Shepard's killer was sentenced to two life sentences without the possibility of parole. These and other heinous crimes are prosecuted, and the perpetrators punished; under existing laws. People who commit such crimes are not going unpunished. Current federal and state laws are effective, and they are being used. There is no void here that new, "hate" legislation is needed to fill. Moreover, the effect of this legislation, were it to be enacted, might have the opposite effect to that intended by its proponents. By making the prosecutor's job more complex, and forcing prosecutors to prove additional elements of a "hate" offense, and not defining adequately the terms in these laws, such prosecutions would be rendered more difficult than prosecutions under current laws.

However, this deficiency apparently won't slow down the political agenda at work here.

Including this bill in the Defense Reauthorization bill would clearly be putting the value of one life over and above another. Let us not send that type of signal to our citizens. All life is valuable and should be protected, equally.

Vote no on Representative JOHN CONYERS' motion to instruct.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Michigan (Mr. CONYERS).

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

Mr. HUTCHINSON. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 232, nays 192, not voting 9, as follows:

[Roll No. 471]

YEAS—232

Abercrombie	Boswell	DeFazio
Ackerman	Boucher	DeGette
Allen	Brady (PA)	Delahunt
Andrews	Brown (FL)	DeLauro
Baca	Brown (OH)	Deutsch
Baird	Capps	Diaz-Balart
Baldacci	Capuano	Dicks
Baldwin	Cardin	Dingell
Barrett (WI)	Carson	Dixon
Bass	Castle	Doggett
Becerra	Clay	Dooley
Bentsen	Clayton	Doyle
Berkley	Clement	Edwards
Berman	Clyburn	English
Biggert	Condit	Etheridge
Bilbray	Conyers	Evans
Bishop	Costello	Farr
Blagojevich	Coyne	Fattah
Blumenauer	Crowley	Filner
Boehrlert	Cummings	Foley
Bonior	Danner	Forbes
Bono	Davis (FL)	Ford
Borski	Davis (IL)	Frank (MA)

Frelinghuysen	LoBiondo
Frost	Lofgren
Galleghy	Lowe
Gejdenson	Luther
Gephardt	Maloney (CT)
Gibbons	Maloney (NY)
Gillmor	Markey
Gilman	Mascara
Gonzalez	Matsui
Gordon	McCarthy (MO)
Green (TX)	McCarthy (NY)
Greenwood	McCollum
Gutierrez	McCrery
Hall (OH)	McDermott
Hastings (FL)	McGovern
Hill (IN)	McKinney
Hilliard	McNulty
Hinchee	Meehan
Hinojosa	Meek (FL)
Hoeffel	Meeks (NY)
Holden	Menendez
Holt	Millender-McDonald
Hoolley	Miller, George
Horn	Minge
Houghton	Mink
Hoyer	Moakley
Inslee	Mollohan
Jackson (IL)	Moore
Jackson-Lee (TX)	Moran (VA)
Jefferson	Morella
Johnson (CT)	Murtha
Johnson, E.B.	Nadler
Jones (OH)	Napolitano
Kanjorski	Neal
Kaptur	Oberstar
Kelly	Obey
Kennedy	Olver
Kildee	Ortiz
Kilpatrick	Owens
Kind (WI)	Pallone
Klecicka	Pascrell
Kolbe	Pastor
Kucinich	Payne
Kuykendall	Pelosi
LaFalce	Pickett
LaHood	Pomeroy
Lampson	Porter
Lantos	Price (NC)
Larson	Quinn
LaTourette	Rahall
Leach	Rangel
Lee	Regula
Levin	Reyes
Lewis (GA)	Rivers

NAYS—192

Aderholt	Cunningham	Hutchinson
Archer	Davis (VA)	Hyde
Armey	Deal	Isakson
Bachus	DeLay	Istook
Baker	DeMint	Jenkins
Ballenger	Dickey	John
Barcia	Doolittle	Johnson, Sam
Barr	Dreier	Jones (NC)
Barrett (NE)	Duncan	Kasich
Bartlett	Dunn	King (NY)
Barton	Ehlers	Kingston
Bereuter	Ehrlich	Knollenberg
Berry	Emerson	Largent
Bilirakis	Everett	Latham
Bliley	Ewing	Lewis (CA)
Blunt	Fletcher	Lewis (KY)
Boehner	Fossella	Linder
Bonilla	Fowler	Lipinski
Boyd	Ganske	Lucas (KY)
Brady (TX)	Gekas	Lucas (OK)
Bryant	Goode	Manzullo
Burr	Goodlatte	Martinez
Burton	Goodling	McHugh
Buyer	Goss	McInnis
Callahan	Graham	McIntosh
Calvert	Granger	McIntyre
Camp	Green (WI)	McKeon
Candady	Gutknecht	Metcalfe
Cannon	Hall (TX)	Mica
Chabot	Hansen	Miller (FL)
Chambliss	Hastings (WA)	Miller, Gary
Chenoweth-Hage	Hayes	Moran (KS)
Coble	Hayworth	Myrick
Coburn	Hefley	Nethercutt
Collins	Herger	Ney
Combest	Hill (MT)	Northup
Cook	Hillery	Norwood
Cooksey	Hobson	Nussle
Cox	Hoekstra	Ose
Cramer	Hostettler	Oxley
Crane	Hulshof	Packard
Cubin	Hunter	Paul

Rodriguez	Pease
Roemer	Peterson (MN)
Ros-Lehtinen	Peterson (PA)
Rothman	Petri
Roukema	Phelps
Roybal-Allard	Pickering
Rush	Pitts
Sabo	Pombo
Sanchez	Portman
Sanders	Pryce (OH)
Sandlin	Radanovich
Sawyer	Ramstad
Saxton	Riley
Schakowsky	Rogan
Scott	Rogers
Serrano	Rohrabacher
Shaw	Royce
Shays	Ryan (WI)
Sherman	Ryun (KS)
Shimkus	Salmon
Sisisky	Sanford
Skelton	Scarborough

Schaffer	Taylor (MS)
Sensenbrenner	Taylor (NC)
Sessions	Terry
Shadegg	Thomas
Sherwood	Thornberry
Shows	Thune
Shuster	Tiahrt
Simpson	Toomey
Skeen	Trafficant
Smith (MI)	Vitter
Smith (TX)	Walden
Souder	Wamp
Spence	Watkins
Stearns	Watts (OK)
Stenholm	Weldon (FL)
Stump	Weldon (PA)
Sununu	Whitfield
Sweeney	Wicker
Talent	Wilson
Tancredo	Wolf
Tanner	Young (AK)
Tauzin	Young (FL)

NOT VOTING—9

Campbell	Franks (NJ)	Lazio
Engel	Gilchrest	Reynolds
Eshoo	Klink	Vento

□ 1631

Mr. BLILEY changed his vote from "yea" to "nay."

Mr. CLYBURN changed his vote from "nay" to "yea."

So the motion to instruct was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. CAMPBELL. Mr. Speaker, I regret that I was not present for rollcall vote No. 471 because I was unavoidably detained. Had I been present, I would have voted "no."

COMMUNICATION FROM THE HONORABLE MATTHEW G. MARTINEZ, MEMBER OF CONGRESS

The SPEAKER pro tempore (Mr. SIMPSON) laid before the House the following communication from the Honorable MATTHEW G. MARTINEZ, Member of Congress:

CONGRESS OF THE UNITED STATES,  
HOUSE OF REPRESENTATIVES,  
Washington, DC, July 27, 2000.

Hon. JEFF TRANDAHL,  
Clerk, U.S. House of Representatives, H-154,  
Capitol, Washington, DC.

DEAR MR. TRANDAHL: Effective July 26, 2000, please change my party designation on your official records and databases to "REPUBLICAN."

Your assistance is appreciated.

Sincerely,

MATTHEW G. MARTINEZ,  
Member of Congress.

COMMUNICATION FROM THE HONORABLE MARTIN FROST, CHAIRMAN, DEMOCRATIC CAUCUS

The SPEAKER pro tempore laid before the House the following communication from the Honorable MARTIN FROST, Chairman of the Democratic Caucus:

DEMOCRATIC CAUCUS,  
HOUSE OF REPRESENTATIVES,  
September 13, 2000.

Hon. DENNIS HASTERT,  
Speaker, House of Representatives,  
Washington, DC.

DEAR MR. SPEAKER: This is to notify you that the Honorable Matthew Martinez of

California has resigned as a Member of the Democratic Caucus.

Sincerely,

MARTIN FROST,  
*Chairman.*

COMMUNICATION FROM THE  
SPEAKER

The SPEAKER pro tempore laid before the House the following communication from the Speaker of the House of Representatives:

OFFICE OF THE SPEAKER,  
U.S. HOUSE OF REPRESENTATIVES,  
*Washington, DC, September 13, 2000.*

Hon. WILLIAM F. GOODLING,  
*Chairman, Committee on Education and the Workforce, U.S. House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: This is to advise you that Representative Matthew G. Martinez's election to the Committee on Education and the Workforce has been automatically vacated pursuant to clause 5(b) of rule X effective today.

Sincerely,

J. DENNIS HASTERT,  
*Speaker of the House.*

COMMUNICATION FROM THE  
SPEAKER

The SPEAKER pro tempore laid before the House the following communication from the Speaker of the House of Representatives:

OFFICE OF THE SPEAKER,  
U.S. HOUSE OF REPRESENTATIVES,  
*Washington, DC, September 13, 2000.*

Hon. BENJAMIN A. GILMAN,  
*Chairman, Committee on International Relations, U.S. House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: This is to advise you that Representative Matthew G. Martinez's election to the Committee on International Relations has been automatically vacated pursuant to clause 5(b) of rule X effective today.

Sincerely,

J. DENNIS HASTERT,  
*Speaker of the House.*

ANNOUNCEMENT BY THE SPEAKER  
PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the foregoing communications, the party affiliation of Representative MARTINEZ has been switched for informational voting record purposes and his committee memberships have been vacated.

Had the foregoing communication of July 27, 2000, from Representative MARTINEZ to the Clerk been laid before the House at that time, the party affiliation for voting informational purposes would have been changed or, as has been the case in the past, the process would have been timely noticed in writing to the chairman of the Democratic Caucus who, in turn, would notify the Speaker by letter pursuant to clause 5(b) of rule X.

HONORABLE MATTHEW MARTINEZ  
JOINS REPUBLICAN CONFERENCE

(Mr. MARTINEZ asked and was given permission to address the House for 1 minute.)

Mr. MARTINEZ. Mr. Speaker, on July 26, 2000, I participated in the House Republican Conference as a Republican.

The next day I asked the Clerk of the House to change my party designation on his official records and database to Republican.

I have also notified the chairman of the Democratic Caucus of my resignation of the caucus and my desire to be a member of the Republican conference.

Mr. Speaker, I ask unanimous consent that all records of the House as of July 26, 2000, reflect my voting status as a Republican.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

PRESIDENTIAL TRANSITION ACT  
OF 2000

Mr. HORN. Mr. Speaker, I ask unanimous consent that the Committee on Government Reform be discharged from the further consideration of the bill (H.R. 4931) to provide for the training or orientation of individuals, during a Presidential transition, who the President intends to appoint to certain key positions, to provide for a study and report on improving the financial disclosure process for certain Presidential nominees, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

Mr. TURNER. Mr. Speaker, reserving the right to object, and I do not plan to object, but I yield to the gentleman from California (Mr. HORN) for a brief explanation of the bill.

Mr. HORN. Mr. Speaker, I thank the gentleman from Texas for yielding to me. Mr. Speaker, the ranking member has been just inestimable in terms of all the help he has provided us on this and other pieces of legislation.

Mr. Speaker, H.R. 4931, the Presidential Transition Act of 2000, represents a bipartisan effort to update the Presidential Transition Act of 1963. H.R. 4931 would allow transition funds to be used for a formal training and orientation process for incoming appointees to senior administration positions, including cabinet members.

On November 2, 1999, the House passed a bill with similar provisions, H.R. 3137, by a voice vote under suspension of the rules.

On June 8, 2000, Senator FRED THOMPSON from Tennessee introduced a companion bill, S. 2705, the Presidential Transition Act of 2000. The Senator added some well thought out provisions that call for study and proposals to improve the financial disclosure process for presidential nominees.

In addition, the changes made in the Senate bill would require the administrator of the General Services Adminis-

tration to develop a transition directory. This directory would be a compilation of Federal publications supplementary material that would provide a new presidential appointees with a manual of information about the organization, statutory and administrative authorities, functions and duties of each department and agency in the Executive Branch. H.R. 4931, which we are considering today, includes those Senate amendments.

Over the years, there have been many examples of missteps and outright mistakes made by newly appointed officials in the White House. Those errors could have been avoided if the officials had more fully understood the scope of their responsibilities.

H.R. 3137 would set a time frame and authorize the funds for that necessary training and orientation.

I urge my colleagues to support this bill just as they supported its predecessor, H.R. 4931. It is an important step toward ensuring that a new administration, regardless of party affiliation, starts off on the right foot.

Mr. TURNER. Mr. Speaker, further reserving the right to object, I want to rise and join with the gentleman from California (Mr. HORN) in strong support of this legislation, H.R. 4931, and urge its adoption.

I want to commend the gentleman from California (Chairman HORN) and the gentleman from Indiana (Mr. BURTON) and the gentleman from California (Mr. WAXMAN), ranking member, who have all focused on this bill and to be sure that it is brought before this House today and becomes law before a new administration occupies the White House.

The Presidential Transition Act would amend the Presidential Transition Act of 1963 to authorize the use of transition funds for the purpose of providing orientations for individuals that the President-elect plans to nominate to top White House positions, including cabinet positions.

The bill would probably affect 20 to maybe 40 political appointments in the White House. It is designed to give greater assurance that the orientation process would take place shortly after the incoming administration assumes office or preferably before they assume office.

This orientation will provide a smoother transition for a new administration, eliminating mistakes, and ensuring that the Federal Government will continue to function at a high level.

Our subcommittee heard testimony from distinguished witnesses who advocated the adoption of this new provision for orientation programs for incoming members of a new administration. Witnesses such as Elliot Richardson, former Attorney General to President Nixon; the Honorable Lee White, the former Assistant Counsel to President Kennedy and counsel to President Johnson, shared the unique perspective that they have regarding the critical nature of this transition period.

There is no question that whoever is elected as the next President of the United States must be ready and prepared to go to work on the morning of November 8. That period between November 8 and inauguration is, indeed, a very critical period of time, not only for the new administration, but for the country as a whole.

So I am pleased to join with the gentleman from California (Chairman HORN) today in urging that this bill be adopted. It is noncontroversial. It is bipartisan. We have introduced it today and move that it be adopted by unanimous consent.

Even though we passed the bill on the floor of this House, we have now incorporated changes suggested by our colleagues in the Senate. I urge that we adopt it today.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the bill, as follows:

H.R. 4931

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Presidential Transition Act of 2000".

#### SEC. 2. AMENDMENTS TO PRESIDENTIAL TRANSITION ACT OF 1963.

Section 3(a) of the Presidential Transition Act of 1963 (3 U.S.C. 102 note) is amended—

(1) in the matter preceding paragraph (1) by striking "including—" and inserting "including the following:";

(2) in each of paragraphs (1) through (6) by striking the semicolon at the end and inserting a period; and

(3) by adding at the end the following:

"(8)(A)(i) Notwithstanding subsection (b), payment of expenses during the transition for briefings, workshops, or other activities to acquaint key prospective Presidential appointees with the types of problems and challenges that most typically confront new political appointees when they make the transition from campaign and other prior activities to assuming the responsibility for governance after inauguration.

"(ii) Activities under this paragraph may include interchange between such appointees and individuals who—

"(I) held similar leadership roles in prior administrations;

"(II) are department or agency experts from the Office of Management and Budget or an Office of Inspector General of a department or agency; or

"(III) are relevant staff from the General Accounting Office.

"(iii) Activities under this paragraph may include training or orientation in records management to comply with section 2203 of title 44, United States Code, including training on the separation of Presidential records and personal records to comply with subsection (b) of that section.

"(iv) Activities under this paragraph may include training or orientation in human resources management and performance-based management.

"(B) Activities under this paragraph shall be conducted primarily for individuals the President-elect intends to nominate as department heads or appoint to key positions in the Executive Office of the President.

"(9)(A) Notwithstanding subsection (b), development of a transition directory by the Administrator of General Services Administration, in consultation with the Archivist of the United States (head of the National Archives and Records Administration) for activities conducted under paragraph (8).

"(B) The transition directory shall be a compilation of Federal publications and materials with supplementary materials developed by the Administrator that provides information on the officers, organization, and statutory and administrative authorities, functions, duties, responsibilities, and mission of each department and agency.

"(10)(A) Notwithstanding subsection (b), consultation by the Administrator with any candidate for President or Vice President to develop a systems architecture plan for the computer and communications systems of the candidate to coordinate a transition to Federal systems, if the candidate is elected.

"(B) Consultations under this paragraph shall be conducted at the discretion of the Administrator."

#### SEC. 3. REPORT ON IMPROVING THE FINANCIAL DISCLOSURE PROCESS FOR PRESIDENTIAL NOMINEES.

(a) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Office of Government Ethics shall conduct a study and submit a report on improvements to the financial disclosure process for Presidential nominees required to file reports under section 101(b) of the Ethics in Government Act of 1978 (5 U.S.C. App.) to the Committee on Governmental Affairs of the Senate and the Committee on Government Reform of the House of Representatives.

(b) CONTENT OF REPORT.—

(1) IN GENERAL.—The report under this section shall include recommendations and legislative proposals on—

(A) streamlining, standardizing, and coordinating the financial disclosure process and the requirements of financial disclosure reports under the Ethics in Government Act of 1978 (5 U.S.C. App.) for Presidential nominees;

(B) avoiding duplication of effort and reducing the burden of filing with respect to financial disclosure of information to the White House Office, the Office of Government Ethics, and the Senate; and

(C) any other relevant matter the Office of Government Ethics determines appropriate.

(2) LIMITATION RELATING TO CONFLICTS OF INTEREST.—The recommendations and proposals under this subsection shall not (if implemented) have the effect of lessening substantive compliance with any conflict of interest requirement.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### GENERAL LEAVE

Mr. MCNULTY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on and to include extraneous material on the special order of the gentleman from California (Mr. FARR) on the subject of the 150th anniversary of the State of California.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

#### SPECIAL ORDERS

The SPEAKER pro tempore (Mr. SHERWOOD). Under the Speaker's announced policy of January 6, 1999, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

#### RURAL HEALTH CARE

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

Mr. THUNE. Mr. Speaker, when I was back in South Dakota over the August recess, I traveled around the State visiting rural hospitals, clinics and nursing homes. I wanted to get a first-hand look at some of the challenges that are being faced by rural health care providers. I also learned about some of the successes that we have been having.

I represent the entire State of South Dakota. That is 66 counties and 77,000 square miles made up primarily of farmland and grassland. When the citizens of South Dakota need access to a health care provider, it is not uncommon for them to drive 100 miles just to make a regular appointment.

Distance really affects how people get health care in South Dakota. If one's elderly mother needs to see the doctor, one may need to take off work and make sure the kids are taken care of while one spends all day traveling back and forth only to spend 20 minutes with a physician. That is when the weather is good. When the weather is bad with the snow and the wind, that trip is just not possible. One's mother would have to make another appointment several days later and wait to get the medical care she needs.

□ 1645

But in times of tragedy or emergency, rural residents do not have that luxury. Take, for instance, the example of the farmer working in the field. Farm equipment accidents injure and kill rural residents every year. When the accident happens, the victims need medical attention and they need it quickly. If they can get the expert trauma care in their hometown clinic, there is a much better chance of survival. If they cannot get access to the appropriate professionals close by, they would have to drive several hours to get to a large medical center. Chances of a good outcome are much lower.

The health care professionals in my State of South Dakota have been coming up with some innovative ways to deal with the distance problem. They have been using technology to bring patients and doctors together. They call this breakthrough "telehealth."

Telehealth is a method of health care delivery that was at, one time, a new concept in health care, a theoretical way to connect people with providers. But telehealth is no longer an experiment. This is a service being used

every day in rural areas across this country.

I saw some of the most amazing things our health care providers are doing with telehealth technology. Lung specialists in Sioux Falls are using electronic stethoscopes to treat patients with pneumonia who live in Flandreau. Flandreau is a town with just over 2,000 people. They cannot get to see a specialist like that unless they travel or the specialist travels to them. That is pretty expensive when they start adding up gasoline and loss of productivity due to time on the road.

They are also using telehealth to provide health care on American Indian reservations. The Pine Ridge Reservation, which sits in the Nation's poorest county per capita, is over 130 miles from the area's main medical center in Rapid City. Many residents of Pine Ridge deal with depression. They would like to see a mental health professional but have to wait 3 months to get an appointment. But using two-way interactive video cameras, they can now have access to these professionals and get timely and appropriate care.

Those are just some of the ways that patients are getting the care that they need. It is clear that telehealth services have become critical for these patients and the providers who care for them. But this kind of care is expensive.

Currently, hospitals are using grants to fund these services. Grants are limited and do not last forever. When the grants dry up, patients will have to go back to the old ways of doing things. What is needed is a more permanent method of paying for these services, and that is where Medicare comes in.

Back in 1997, Congress authorized several telehealth demonstration projects to study the impact of telehealth on health care access, quality, and cost. The projects have shown that telehealth promotes better access and quality and could be used to provide both primary and specialty care at a reasonable cost. Given the success of telehealth, it is now time for Medicare to begin paying for these services.

But Medicare has created reimbursement policies that have had the effect of excluding these services to those patients who would derive the most benefit from them, seniors who are often unable to travel long distances for direct health care.

I thought Medicare was put in place to help our senior citizens get the care they need. But that is not the case with telehealth services. Medicare covered only six percent of all telehealth visits in 1999 clearly when Congress intended that Medicare would pay a little bit more for these critical services.

With these facts in mind, I introduced H.R. 4841, the Medicare Access to Telehealth Services Act of 2000. This bill tries to eliminate some of the reimbursement barriers that prevent hospitals from providing these services and seniors from accessing them. It is no longer the case that where they live

needs to determine what kind of care they receive.

Now, I realize that telehealth is just one piece of the health care puzzle. There are many other aspects of the Medicare law that need to be revisited. Rural hospitals, clinics, and nursing homes are reeling from the effects of the Balanced Budget Act.

Last year, Congress provided some initial relief with the Balanced Budget Refinement Act. That was the first step toward helping our rural health providers deliver the kind of care our citizens deserve.

Now we are poised to take another step. As my colleagues know, members of the Committee on Commerce and the Committee on Ways and Means are now considering a legislative package that would further refine the BBA. Part of that refinement needs to include telehealth services. Congress understood the potential of this technology 3 years ago. It is time to reduce those barriers that keep it from being used effectively.

I urge the members of the committee to include the provisions of my legislation in their add-back bill. Congress has made a commitment to modernize Medicare, and reimbursing for telehealth services is one way to do that.

#### MILLION MOM MARCH AND COMMON SENSE GUN SAFETY

THE SPEAKER pro tempore (Mr. SHERWOOD). Under a previous order of the House, the gentleman from New Jersey (Mr. HOLT) is recognized for 5 minutes.

Mr. HOLT. Mr. Speaker, the clock is ticking. The clock is ticking and this Congress has yet to hear the message delivered by the one million mothers on May 14 of this year.

An extraordinary thing happened this past Mother's Day when so many New Jerseyans joined families from all over the United States in the "Million Mom March" here in Washington.

Now, all of us know it, Mr. Speaker. Over the last years, our Nation has been shaken deeply by incidents of gun violence. All of us were floored by the tragedy in a Michigan elementary school where a 6-year-old child, a child who had not yet learned to read, had learned how to kill with a handgun.

That was just the latest in a long line of gun-related tragedies. We know the litany. Columbine, West Paducah, Jonesboro, Conyers, and in too many other communities across America. These have been matched by countless other gun tragedies less public but no less tragic for their families and their communities all across the Nation.

In school yards, what would have a generation ago been a fist fight now becomes a blood bath. Since these tragedies, citizens all across my State of New Jersey have called louder than ever for passage of stricter gun safety laws. But despite the outcry, a few politicians in Congress here in Washington have stood in the doorway, have

blocked reform, refusing to act on common sense gun safety proposals like those that the gentlewoman from New York (Mrs. MCCARTHY) and I are sponsoring here in the House of Representatives.

On August 26, I was joined by my colleague and good friend, the gentlewoman from New York (Mrs. MCCARTHY), for a public meeting in Plainsboro, New Jersey. The gentlewoman from New York (Mrs. MCCARTHY) and I were joined at that event by 66 families who once again called on this body to act on sensible gun safety legislation.

Mr. Speaker, I would like to read into the RECORD a letter to the gentleman from Illinois (Mr. HASTER), the Speaker of the House, signed by the gentlewoman from New York (Mrs. MCCARTHY), myself, and 66 families who joined us in Plainsboro, which I will personally deliver to the Speaker this evening.

MR. SPEAKER, as concerned citizens of the State of New Jersey, we are writing to request your immediate assistance in having Congress consider gun safety legislation before Congress adjourns for the year.

As you know, in June of 1999, following the tragic murders at Columbine High School in Littleton, Colorado, Congress considered a package of juvenile justice proposals. When this legislation was considered in the Senate, an amendment by Senator FRANK LAUTENBERG was attached that would close the dangerous gun show loophole, ban the importation of high-capacity ammunition magazines, and mandate the use of child safety locks on firearms.

These three proposals, which have been introduced in the House of Representatives, are mainstream, common sense measures that polls show are supported by a large bipartisan majority of the public. While we in New Jersey do not have gun shows, other States do. That undermines our gun safety laws because they allow criminals to buy dangerous firearms without background checks, waiting periods or identification at these shows. A law mandating child safety locks, if enacted, could save the lives of hundreds of young Americans.

Many of us visited Washington, D.C., as part of the "Million Mom March" this Spring.

And, I might add, I made that trip by bus from New Jersey, too.

In the many weeks since that watershed event, attended by thousands of Americans from all parts of the Nation and all walks of life, no effort has been made to bring the Juvenile Justice legislation back before the House. In fact, these measures have remained bottled up with delay tactics and parliamentary maneuvering. Now, as less than 20 days remain in the scheduled legislative session, the need for leadership and action on this issue is greater than ever.

Stemming the tide of gun violence is an issue of deep importance to us and to our Nation. Now is the time for our leaders in Washington to roll up their sleeves, not sit on their hands. We urge you in the strongest possible terms to use your influence as the highest ranking Member of the House of Representatives to bring immediately these legislative proposals back before the Congress so that they can be sent to the President for his signature.

"Respectfully," and it is signed by 66 family members from central New Jersey.

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

August 26, 2000.

Hon. J. DENNIS HASTERT,  
Speaker of the House,  
U.S. Capitol, Washington, DC.

DEAR MR. SPEAKER: As concerned citizens of the State of New Jersey, we are writing to request your immediate assistance in having Congress consider gun safety legislation before it adjourns for the year.

As you know, in June of 1999, following the tragic murders at Columbine High School in Littleton, Colorado, Congress considered a package of Juvenile Justice proposals. When this legislation was considered in the Senate, an amendment by Senator Frank Lautenberg was attached that would close the dangerous gun show loophole, ban the importation of high-capacity ammunition magazines and mandate the use of child safety locks on firearms.

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Many of us visited Washington D.C. as part of the "Million Mom March" this Spring. In the many weeks since that watershed event, attended by thousands of Americans from all parts of the nation and all walks of life, no effort has been made to bring the Juvenile Justice legislation back before Congress. In fact, these measures have remained bottled up with delay tactics and parliamentary maneuvering. Now, as less than twenty days remain in the scheduled legislative session, the need for leadership and action on this issue is greater than ever.

Stemming the tide of gun violence is an issue of deep importance to us, and to our nation. Now is the time for our leaders in Washington to roll up their sleeves, not sit on their hands. We urge you in the strongest possible terms to use your influence as the highest-ranking member of the House of Representatives to immediately bring these legislative proposals back before Congress, so that they can be sent to the President for his signature.

Respectfully,

Signed by 66 New Jersey citizens.

Mr. Speaker, every school I visit, every PTA meeting that I attend, every classroom that I teach in, kids, moms and dads, in fact nearly everyone I talk with in New Jersey, tells me it is high time that Congress take action to keep guns out of the hands of kids and criminals.

Mr. Speaker, the time has come for Republicans, Democrats, and Independents to join together to pass these common sense gun safety measures.

#### RACIAL PROFILING AND POLICE BRUTALITY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from the District of Columbia (Ms. NORTON) is recognized for 5 minutes.

Ms. NORTON. Mr. Speaker, there is an issue of great potency brewing in the African American community such that I feel compelled to bring it to the attention of this body.

Like other Americans, African Americans are animated by the same issues. Education is at the top of the list. And of course, there is a Patients' Bill of Rights and preserving Social Security and Medicare.

But what amazes me from the data and, anecdotally, when looking at black publications in my own district, is a surprising issue that has greater interest and intensity than others; and that issue is racial profiling and police brutality.

This is most interesting because the African American community has embraced police because there was such high crime, especially in the early 1990's. Crime is down 10 percent now from last year, 34 percent over the last few years; and yet there is this intense hostility based on what is happening particularly to black men but also to black women.

If one has raised a boy the way that I have so that he gets to go to college, graduates in 4 years, has a good job, it does not make a dime's worth of difference if he is driving down a road and there is a sense that who he ought to pull over are black people rather than others.

So that, if we look at Interstate 95, where 17 percent of the drivers are African-Americans, 56 percent of those searched are black; or let us look at California in a 1997 study that showed that only 2 percent of 3,400 drivers stopped yielded contraband; or a recent study of racial profiling on I-95 here in the East, about 17 percent of those who drive along I-95 are African Americans but they represented 60 percent of the drivers searched in 1999.

Something is wrong with those figures. And it has now penetrated deep in the African American community and it knows no class bounds. The richest and most middle-class African Americans know that there is no difference to a police officer who is looking for black people between a youngster that has done all he should do and somebody who may, in fact, be carrying drugs.

What amounts to a loss in the criminal justice system has occurred throughout the African American community where so many young African American men are caught up in the first place. We need to have that community where we had it when they began to embrace police in the 1980s, and we are losing them.

This body apparently had some recognition because under the present majority, H.R. 1443, which was a bill sponsored by the gentleman from Michigan (Mr. CONYERS) was indeed passed in 1998, which allows the collection of certain kinds of information about traffic stops. This body passed it. It was sent to the Senate. The Senate Committee on the Judiciary never acted on it.

We need to pass this bill again. It is now called H.R. 118. We need to pass it.

Because about the worst thing that can happen in our society is that people believe that criminal justice does not have justice. And it is very hard for me to believe that there is justice in the system when the disparities are as huge as this.

□ 1700

Obviously, most African Americans play by the rules. So when you do not know whether playing by the rules will get you pulled over or not, particularly if you are a young black man, the stereotypic person to pull over, the rage of a loss of confidence that you are operating in a fair system becomes very great.

This is an issue for us all. This is an issue we can eliminate simply by first studying it and coming to understand what its causes are. H.R. 118 does not ask this body to take specific steps now. We need to know what is happening and why it is happening. If, in fact, black Americans see that we do not care enough even to find out why these disparities exist, I think we are sending a horrific message, especially now as people get ready to go to the polls. They want to see whether or not something can be done. I am not asking that something be done during this session. I do believe that during this session we have to start the ball rolling so that we can know what, if anything, we can do about these very telling statistics.

#### A TRADITIONAL EDUCATION IS THE BEST EDUCATION

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

Mr. DUNCAN. Mr. Speaker, I rise today to speak briefly on two or three important topics or issues in education. First, we have done a more than adequate job in bringing down class sizes in most places around the country. What we really need to work on now is bringing down the size of schools.

At very large schools, some young people feel like they are little more than numbers. Most kids can handle this all right, but some feel that they have to resort to extreme, kooky, weird or, unfortunately at times, even dangerous behavior to get noticed.

At small schools, young people have a better chance to make a sports team or serve on the student council or become a cheerleader or stand out in some way. Young people today would be better off going to a school in an older building, but in a school where they did not feel so anonymous.

I read a couple of years ago that the largest high school in New York City had 3,500 students; and then they made the wise decision to break it up into five separate schools and their drug and discipline problems went way down.

The gentleman from Indiana (Mr. HILL) and I, on a bipartisan basis, introduced a bill to set up a special program within the Department of Education to give incentive grants to school systems that would establish programs to decrease the number of students at any one school. We got \$45 million for this in the last omnibus appropriations bill, but we need to pursue this much more aggressively. Small schools mean individual attention and individual opportunities. Gigantic schools, unfortunately, centralized schools unfortunately, breed weird behavior and even help lead to Columbine-type situations.

Secondly, Mr. Speaker, this so-called teacher shortage is one of the most artificial, contrived, and easily solvable problems that we have in the country today. There would be no teacher shortage if we removed the straight-jacket of education courses and let school boards use intelligence and common sense to hire teachers. A school board should be allowed to consider an education degree as a real plus but not be restricted or harmed or hindered by it. Right now, in most places, if a person with a Ph.D. in chemistry and 30 years' experience in the field wanted to teach, he could not do so because he had not taken a few education courses. This is ridiculous. Right now, a person with a master's degree in English and who had been a successful writer, say, for a magazine or for newspapers for years could not be an English teacher in a public school because of not taking a few education courses. This is crazy.

Someone who had been a political science professor at a small college for several years and then had several years' experience on Capitol Hill, for example, could not teach American government in a public high school without a required education course. This is stupid and it is why we have this artificial government-induced teacher shortage that we are seeing this publicity about.

We could wipe out this teacher shortage overnight if we would allow school systems to hire well-qualified people even if they had not taken any education courses. I repeat, an education degree should be considered a plus. It should be considered a good thing when considering someone for a teaching job. School superintendents and principals have enough common sense intelligence and experience to hire some well-qualified person to teach who has degrees and experience but simply lacks an education course or two.

Thirdly, Mr. Speaker, David Gelernter, a professor of computer science at Yale, said we are headed for an educational catastrophe or education disaster, he used both terms, by placing computers in classrooms for small or very young children. He said some seemed to believe if we give children what he described as a glitzy toy with bigger and bigger databases, we have done all we need in regard to education. He said we need to get back to

the basics, especially in elementary and middle school. He said we still need to teach reading and writing and arithmetic and history and science, and we need to teach these things before we give kids computers and then wonder why they cannot add or subtract or write a grammatically correct sentence or know even basic history about their own country. This was said by a man who is a professor of computer science.

Computers are not the end all of education. We need to get back to the basics before we end up in the educational catastrophe or disaster that Professor Gelernter predicted.

#### PRESCRIPTION DRUGS AND MEDICARE

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

Mr. BROWN of Ohio. Mr. Speaker, the public learned something about presidential candidate George Bush last week. Actually, the word "important" is an understatement. We learned something crucial. We learned his plans for Medicare.

Every senior citizen, every person with a family member covered by Medicare, every taxpayer in this country needs to understand this. George W. Bush believes Medicare as we know it should be replaced by private insurance plans. That is not conjecture. It is fact. It is what he tells us.

It is clear as day if one looks at his prescription drug plan. The first part of his proposal features a transitional program designed to give a special commission time to come up with a private sector alternative to the Medicare program. Mr. Bush goes so far as to avoid the obvious. That is adding prescription drugs to the list of health care services and supplies that Medicare covers. He actually advocates a transitional prescription drug program feature with mini-bureaucracies in each State to administer temporary prescription drug welfare programs. If one is opposed to big government, this part of his proposal is their worst nightmare: 50 State bureaucracies.

His welfare-type program approach, which would cover the lowest-income seniors only, is also sorely inadequate. Nearly half of all seniors who lack prescription drug coverage would be left out in the cold. The first part of his proposal may simply be ill conceived. The second part is simply irresponsible.

Under that section, the Federal Government would begin to subsidize part of the cost of private prescription drug coverage, but only after the Medicare program as a whole undergoes a transformation. That transformation, not surprisingly, features private insurance-type HMO health plans. Privatization of Medicare is not a transformation. It is an oxymoron. Private insurance plans cannot replace Medi-

care. Private insurance plan HMOs, their loyalty is to the bottom line. How many times do we have to intervene when a managed care or other insurer plan messes? Up how many times do we have to intervene on behalf of our constituents before the industry's loyalties become clear to us?

The loyalty results in decisions that are not in the best interest of enrollees. That loyalty is what creates the need for a Patients' Bill of Rights, which this House of Representatives and the other body should pass and send to the President. That loyalty, the bottom line, explains why health insurers market to the healthiest individuals and do everything in their power to avoid the sick. That loyalty explains how private, managed care plans, how private insurance company HMOs, contracting with Medicare, could enroll seniors one year, promising them all kinds of benefits, and unceremoniously drop them the next year; promise supplemental benefits they cannot deliver and then blame the government for problems that they created.

The traditional Medicare program is different. It is universal. It is reliable. It is accountable to the public. It has 1 to 2 percent administrative costs. Medicare's loyalty is to beneficiaries and to taxpayers. It is an undiluted commitment. Medicare offers choice in ways that actually make a difference in terms of health care quality and patient satisfaction. It does not tell beneficiaries which providers they can see and which providers they cannot see, like Medicare HMOs do, or provide financial incentives to discourage proper care, again as Medicare HMOs do, or interfere with the doctor/patient relationship, as Medicare HMOs do.

Medicare does not tell beneficiaries any of those things.

Having your choice of private health plans under the Bush plan, under private managed care, does not mean much if those plans all restrict access to providers and erect barriers to medically-necessary care. Medicare offers reliable coverage that does not come and go with the stock market, that does not discriminate against beneficiaries based on health status or any other criteria.

So George W. Bush has decided to join his Republican colleagues to promote the privatization of Medicare, to end Medicare as we know it, and to provide a new market for private insurance plans. And when it comes down to it and prescription drugs, whom do you trust? Do you trust Medicare, traditional Medicare, that served the public well for 35 years? Do you trust Medicare to provide these benefits to the public with prescription drugs, or do you trust private insurance HMOs who have pulled out of county after county, made promises they have not kept? It is a question of trusting traditional Medicare or, again, do you trust private insurance HMOs?

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

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

THANKS TO THE MANY STAFFERS WHO HAVE ASSISTED IN THE FIFTH AND EIGHTH CONGRESSIONAL DISTRICTS OF FLORIDA

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

Mr. MCCOLLUM. Mr. Speaker, I am here today because we are finishing this term of Congress, and while there may be other things for me, perhaps across in the other body, this is the last year that I will serve as a Member of the United States House of Representatives. I am very proud of the service that I have given, and I have enjoyed my service a great deal in this body.

I have enjoyed working with my colleagues on both sides of the aisle to accomplish many things over these years that I have served from 1981 to the present, but none of that would have been possible without a very strong group of men and women who served on my staff.

Now, we often talk about our committee staffs; but I am talking specifically about my personal staff; my staff both in my Orlando district office, and my staff here in my Washington office. There have been many, many people who have worked for me over those years; and in a moment I am going to enter into the RECORD some 99 of those staffers that I have at least documented, that I want to recognize because their hard work is what allowed me to provide this service first to the Fifth Congressional District of Florida and then to the Eighth Congressional District of Florida.

I want to single out some in particular, though, because even though I would like to be able to talk about all 99, I cannot do that. I do not have time to, and no one would want me to; but some have been with me a long time and some have done admirable service.

In my district office, Nancy Abernethy is a case worker who has been with me since the very beginning when I first began my service, the beginning of 1981; and throughout those years she has provided service to many constituents, particularly in immigration matters and about tax matters, that is above and beyond the call of duty in many cases.

There are literally hundreds of people in central Florida today who have had service provided by Ms. Abernethy in resolving matters regarding immigration rulings and immigration concerns that they would not have had resolved in the way they did if she had not been there to act on their behalf. She still does that today.

I have another lady who has been with me for many years, all but I think a couple of the years I have served, in that same district office, a case worker named Elaine Whipple. Elaine tirelessly served me for a long time working with senior citizens, particularly veterans, on issues concerning veterans affairs, but also on Social Security, giving service, finding answers to solutions to those Medicare problems for people with the various agencies of the government. These two women provided a perfect illustration of what can be done in the best of public service when you have people that are dedicated, who every day go to work regardless of whether I am sitting in the office or not, answering the phones, talking to people and providing them a conduit between the Federal Government and an agency that is far removed from them, and some real, everyday problems in their personal lives that need recognition and resolution.

I have also had several other people that have really served extraordinarily well that I want to mention. The chiefs of staff who have served me over the years, Vaughn Forrest for many years, my very first chief of staff, did admirable work. We provided together a program for relief for Salvadorans, the people who were displaced off the farms there during their civil war where we lifted medicines and medical supplies down there that were donated privately, not a legislative agenda but something privately done, that the office did, that I am prouder of than any other thing that I have worked on since I have been in Congress; and much of that work was a tribute to Vaughn Forrest's effort as he did in many other cases.

□ 1715

Mr. Speaker, more recently Doyle Bartlett has been my chief of staff who was an early aide who came to work for me in my district office and who worked on to be a legislative staffer up here, and then later my chief of staff. And most recently John Ariale, who currently is my chief of staff, but was my district aide for many years, working to serve the public in the central Florida region tirelessly for a good number of years on my staff.

Personal secretaries, personal assistants over the years both in Washington and in Orlando in the central Florida area have meant the difference in my life and in the ability for me to be able to serve. Fran Damron who came to Washington to start this process from Florida with me, but for unforeseen family circumstances might very well be in my employ today.

Mary Lee Reed who still works part time for me, for many years worked in this Washington office as my right arm. Today Sue Lancaster in my district office who has been with me for many years, I could not do without really in many ways. She has tirelessly put time in program after program serving our constituents and working

to allow me to serve better. Lisa Smith, who recently left my office in Washington, served many years here doing that job. And more recently Jin Sikora.

I have had other staff assistants from Jane Hicks who served me a long time on the front desk here to Selma McKinzie, I should say the district desk in Florida to Selma McKinzie who served here and the list could go on and on. I cannot begin to name them all.

Leslie Woolley was my first legislative director, the legislative is a critical staff as well to provide services in a personal staff office that we do not get from the committee staff on legislative matters. Many, many issues that Members of Congress have to face every day and votes they have to take on the floor, they have to be prepared for that. They would not otherwise be able to do because that does not come within the purview of the committees they serve on, but they are expected, we all are expected to respond and respond intelligently to make votes for these issues.

I want to again thank these personal staff Members for all the work that they have done over the years. I do not think we pay enough tribute to our personal staffs.

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

STAFF TRIBUTE (1981-2000)

PERSONAL OFFICE STAFF

Nancy Abernethy, Melissa Finn Aldrich, John Ariale, Marie Attaway, Michael Ballard, Doyle Bartlett, Paul Bernstein, Lynne Bigler, Julie Bordelon, Scott Brenner, Melissa Burns, Rachel Cacioppo, Sandra Carroll, Christina Cullinan, Fran Damron, James Derfler, Andi Dillin, Susan Dryden, Sarah Dumont, David Eisner, Debbie Feldman, Terri Finger, Vaughn Forrest, Kristen Foskett, and Teresa Fulton.

James Geoffrey, Elizabeth Gianini, Shannon Gravitte, James Griffin, Michael Hearn, Mark Heidelberger, Jane Hicks, Mary Carlson Higgins, Judi Holcomb, Barbie Howe, Dawn Iglar, Joe Jacquot, Kirt Johnson, Dana Hargon Jones, Vincent Jones, Josh Kane, Dirk Karaman, Karl Kaufmann, Susan Kessel, Anne Kienlen, Janie Kong, Sue Lancaster, Carolyn Lindsey, Patti Lockrow, and Linda Lovell.

Gerry Lynam, Ellen Maracotta, Kevin McCourt, Selma McKinzie, Ferrall McMahan, Bob Meagher, Judy Merk, Dave Merkel, Helen Mitternacht, Lisa Morin, Don Morrissey, Rufus Montgomery, Maureen Mulherin, Sophia Nash, Karen Nasrallah, Paula Nelson, Jaclyn Norris, Jennifer Paine, Clif Parker, Mari Parsons, Marissa Barnes Raflo, Mary Lee Reed, Therese Ridenour, Debby Roeder, and Tom Rosenkoetter.

Clif Rumbley, Christy Russell, Ann Scarborough, Eythan Schiller, Karen Schwartz, Jenn Hargon Sikora, Ginny Smith, Lisa Weigle Smith, Teresa Smith, Yvette Sommers, Phil Squair, Janet Sterns, Marise Stewart, Pam Tabor, Jay Therrell, Laurie Thompson, Carl Thorsen, Chuong Tran, Steve Van Slyke, Linda Vogt, Tyler Wesson, Tina Westby, Elaine Whipple, Susan Williams, and Leslie Woolley.

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

(Mr. INSLEE 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 gentleman from New Jersey (Mr. PASCRELL) is recognized for 5 minutes. (Mr. PASCRELL 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 gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

(Mr. PALLONE 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 Ohio (Ms. KAPTUR) is recognized for 5 minutes.

(Ms. KAPTUR addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

#### CALIFORNIA'S SESQUICENTENNIAL

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

Mr. FARR of California. Mr. Speaker, on behalf of the California delegation, I submit the following statements relating to California's 150th anniversary of Statehood.

Mr. THOMPSON of California. Mr. Speaker, I rise today to celebrate California's 150th Anniversary. This is a momentous occasion as we recognize the most populace and one of the most diverse states in the Union. With 52 Congressional Districts, each brings its own culture, tradition, attitude and history to the state.

California's First Congressional District contains the finest wines, greatest fishing, and richest forests in our nation. From chardonnay to cabernet, the vineyards within the First District produce outstanding varietal wines. The 400 wineries use cutting-edge science with traditional techniques to provide wines of every type and vintage, for beginning tasters to advanced collectors.

The Napa Valley Wine Auction, held each June, has become the largest and most successful charity wine auction in the world since its beginning in 1981. Hundreds of wine enthusiasts and auction-goers from across the nation, as well as a growing number of international guests, travel to participate in a gala weekend of tastings, dining, art shows, and auctions. As the auction has grown, along with the wines it showcases, it has raised millions of dollars for local health care. Sponsored by the Napa Valley Vintners Association, the auction has donated over \$16 million to local charities, raising a record-breaking \$9.5 million this year alone.

North of the grapevines of Napa, Sonoma, Mendocino, Solano and Lake Counties, lie the magnificent Redwoods, which make their home in Del Norte, Humboldt and Mendocino counties. In the midst of large fishing and timber industries, these giant trees, some over

2,000 years of age and over 350 feet in height, annually attract over one million adults and children from around the world who stare in amazement at the enormity of the world's tallest trees. Redwood National Park, home to over 110,000 acres, was established in 1968 and expanded ten years later to protect the slow maturing redwoods.

Fort Bragg, California is the setting for the Annual World's Largest Salmon BBQ, which is held on the July 4th weekend. This year commemorated the 29th anniversary of the event that benefits the local Salmon Restoration Association (SRA). Its goal is to replenish the once great numbers of salmon in the Northern California waters. Members of the SRA are joined by volunteers from across the region and help serve 5,000 pounds of salmon, 5,000 ears of corn, 1,000 pounds of salad and 850 loaves of French bread.

The First Congressional District is also home to Solano County's Travis Air Force Base, which currently houses the largest airlift organization in the Air Force. Travis, established in 1942, is assigned to the 60th Air Mobility Wing, consisting of the 60th Operations, Logistics, Support, and Medical Groups. For 50 years, Travis has presented the Travis Air Expo, attracting more than 200,000 guests each year, who watch this two-day event featuring multiple performances by some of the world's top military, civilian and vintage aerial demonstrators. The Travis Air Expo has established itself as the premier military air show in Northern California.

Mr. Speaker, these are just a few of the important events held in the First Congressional District that reflect the strength, character and integrity of our residents who represent the diversity of the entire state. It is appropriate at this time, Mr. Speaker, that we recognize and celebrate the birth of the great state of California.

Mr. HERGER. Mr. Speaker, 150 years ago this past Saturday the state of California entered into the Union. I rise today to commemorate this anniversary, and to celebrate the resources and treasures of the 2nd congressional district.

Historically, the great state of California is most often associated with the Gold Rush. Northern California was the main destination of those in search of quick wealth. The banks of the Feather River yielded great riches to those who were in the right place at the right time, but the precious metal that caused a rush to the West was not the only treasure that California possessed.

Young settlers whose dreams had not materialized in the gold fields soon turned to the fertile Central Valley and envisioned golden acres of grain. Today those acres are covered with fruit trees, rice fields, and almond and walnut orchards, as the valley continues to yield its agricultural treasure, making California the leading agricultural economy in the world.

Others looked at the golden promise in the vast forests. Their labor provided the lumber for the growing towns and cities of Northern California. A tremendous renewable resource to the American people, our forests provide materials for homes and businesses, as well as endless recreational opportunities and habitat for unique plant and animal species.

Some entrepreneurs recognized that there were other ways to gather gold than simply panning in a streambed. They opened dry goods stores, banks and hotels. Women found

that they could earn a living utilizing their household skills cooking and cleaning for miners who couldn't. California was born a land of golden opportunities and to this day she continues to call to those willing to take a risk in order to improve their own lives.

Many came to California for only a visit, but stayed a lifetime. The specious skies, majestic mountains, and rushing rivers of Northern California stirred their souls, while her fertile valleys, gentle climate, and endless opportunities captured their imagination. Yes, gold fever may have lured early settlers here, but even though the stores of that precious metal have mostly given out, people still flock to California today.

As a third generation Northern Californian, I am very proud of the beauty and resources of my native land. I am proud to celebrate the 150 years that this jewel has been an important part of our great nation.

Mr. OSE. Mr. Speaker, I rise today representing California's Third Congressional District in celebrating the Sesquicentennial of the great state of California's admittance to the Union.

California's Third District is one of the truly diverse regions of the country. The district stretches from Sacramento's urban, southwestern suburbs to the spacious northern country of Tehama, serving as a bridge between the flat agricultural lands of the upper Sacramento River Valley and the state's northern, timber-rich highlands. From East to West, the District lies between the majestic Sierra and Coastal Range.

The roots of the Third District can be traced parallel to those of the state. On January 24th, 1848, James Marshall reached into the icy waters of the American River near Sacramento and found the first gold nugget. People from around the globe came to California in search of their dreams. By August of 1849, the City of Sacramento was born and nearly a year later, in September of 1850, the State of California was made into the 31st State.

The Northern portion of the district is home to some of this country's most beautiful sites, including both the Lassen National Park and the Mendocino National Forest. The picturesque Sutter Buttes are considered the smallest mountain range in North America.

Today, the District is one of the leading producers of agricultural crops, including an abundant production of rice, tomatoes, peaches, pears, almonds, pistachios and avocados. The Third District is also the home of the University of California at Davis, one of the leading research universities in the country.

But most of all, what makes the Third District special are the people who reside in it. The tight-knit communities in counties like Butte, Colusa, Glenn, Sacramento, Solano, Sutter, Tehama and Yolo instill a strong sense of family values that will carry on through future generations.

I am extremely proud to reside in and represent the Third Congressional District of California. It is with honor that I rise today to recognize the 150th anniversary of this Great State and our wonderful district.

Mr. MATSUI. Mr. Speaker, I rise today to recognize California's State Capitol, the great city of Sacramento, in celebration of the 150th anniversary of California's admission to the Union.

Located in the heart of Northern California, the River City of Sacramento boasts a rich

blending of art and culture offering the comforts of a small town and the amenities of a growing metropolitan area. As the capitol of the sixth largest economy in the world, California, Sacramento is home to the world's largest almond processing plant, Blue Diamond and continues to rank as a major agricultural producer year after year. But while Sacramento has a thriving business community, the state legislature also claims Sacramento as its home base. The magnificent State Capital building alone attracts scores of world leaders, businessmen and women, school children and tourists alike.

Helping to keep Sacramento's economy booming is its natural positioning as a gateway for industry. Located at the crossroads of the state's north-south and east-west trade routes, Sacramento is able to host a deep-water port and a major airport. The film industry is another enterprise attracted to Sacramento, but for different reasons. From gold-rush era store fronts to picture perfect Victorian homes to modern office buildings, Sacramento has lent itself as an aesthetically pleasing backdrop to a long list of cinema classics, most recently, *The General's Daughter* and *Oscar Winner, American Beauty*.

Major league sports teams have also found a successful and welcoming home along the Delta. Two major league basketball teams, the Sacramento Kings and the Sacramento Monarchs play to sold out crowds in the Arco Arena. Most recently, Sacramento welcomed a new team, the Sacramento River Cats. A farm team for the Oakland A's, the River Cats play in a brand new stadium just 450 yards from Old Town Sacramento, bridging together Sacramento's colorful gold rush past with a new set of hometown heroes.

Over the years, Sacramento has seen some significant firsts. The initial transcontinental railroad meeting between the "Big Four", Leland Stanford, Charles Crocker, Collis P. Huntington, and Mark Hopkins was held above a downtown hardware store in 1860. Also in 1860, the Pony Express began its 1,980-mile ten-day delivery service between St. Joseph, Missouri and Sacramento. And Tower Records, America's second largest record retailer got its start selling used jukebox records for 10 cents each in a Sacramento drug store.

Known for its many acclaimed historical points of interest such as Sutter's Fort and the Delta King, Sacramento is also respected for being an environmentally conscious community. With all that goes on in and around this city, one would hardly guess that Sacramento could brag about having more park space per capital than any other city in the nation. But it is true; this city has many more trees than people. One of the greatest success stories is the American River Parkway. Designated a natural preserve in 1960, the 32-mile long parkway is the first, and one of the few, riparian river habitat preservations within a major urban center. Its 7,000-acres offer opportunities for fishing, rafting, kayaking, hiking, and nature study. Clearly, residents of Sacramento have a great city to be proud of.

With all that Sacramento has to offer, some like to think of Sacramento as California's best-kept secret. True, it is the ideal place to live and do business. But I like to think of it simply as home.

Ms. WOOLSEY. Mr. Speaker, I rise today to recognize California's Sesquicentennial. I am very proud to represent California's Sixth Con-

gressional District. This district includes all of Marin and most of Sonoma County, the region north of the Golden Gate Bridge. The District, initially the home of Native American Tribes, has been under seven sovereign flags: England, Spain, Russia, Mexico, the Bear Flag Republic, California and the U.S.A.

The Sixth Congressional District has been home to a wide variety of businesses and agricultural endeavors. Sonoma County recently earned 3rd place in a nationwide *Forbes* magazine that ranked the best cities in which to do business. Since 1987, the area from Novato to Santa Rosa has earned the nickname "Telecom Valley," for the large number of telecommunications companies that the area has produced. Marin and Sonoma Counties are also home to many other high-tech firms. In the agricultural arena, Sonoma County contains dozens of vineyards, wineries, and apple orchards. Both counties have a long and proud history of dairy and poultry farming.

The Sixth Congressional District also has a rich musical and artistic history. From the Great Depression through the 1950s, the Russian River area of Sonoma County was the venue for Big Bands. The Kingston Trio began their career in Marin County in the 1950s. Their ownership of the Trident in Sausalito brought other famous and soon-to-be-famous to the country. In the 1960s, Marin resident Bill Graham's productions engendered poster art that defined much of the nation's art of that decade, just as his concerts defined the popular music and culture of the times. Today, Sonoma State University is building the Don and Maureen Green Music Center—a music, dance, and drama performance center on the level of Tanglewood, that will become an international destination for its summer festivals.

Film arts in the District are highlighted by the Mill Valley Film Festival, long known as the springboard for new talents. The District has often been chosen as a filming location for such movies as Alfred Hitchcock's *The Birds* and *Vertigo*, as well as *Star Wars* and others. Marin County is also home to George Lucas, a frequent Oscar winner over the last several years.

Sonoma and Marin counties' residents are notable for their environmental consciousness, and a look at the natural treasures of the District makes the reason obvious. The District is home to half of the Golden Gate National Recreation Area, the nation's most visited National Park; Point Reyes National Seashore; the breathtaking Russian River recreation area; plus several state and county parks; mountains and valleys; redwood groves and miles and miles of coastline. Truly, the Sixth Congressional District is a place we are all proud to call "home."

More information about California's Sixth Congressional District can be found in the Local Legacies collection at the American Folklife Center for the Library of Congress.

Mr. Speaker, it is my great pleasure to pay tribute to the Sixth Congressional District in honor of California's Sesquicentennial. I am very proud to be representing such an accomplished and beautiful area of California in Congress. Happy 150th Birthday, California!

Mr. GEORGE MILLER of California. Mr. Speaker, California's 7th congressional district includes portions of Contra Costa and Solano Counties and is situated astride San Francisco Bay and the Sacramento River. Its economic, demographic and political history is deeply

linked to its geography. Industry ranging from oil refining to shipping, an extensive Navy presence, and deep concerns about water quality and the environment—especially the protection of the Bay and the Sacramento-San Joaquin Delta—have long been central features of the region. It is no accident that it was in Martinez, the Contra Costa County seat, Sierra Club founder John Muir resided and wrote his tracts that transformed our view of natural resource protection.

The 7th district is also the site of significant national historical events from the era of World War II. At the site of the former Port Chicago Naval Weapons Magazine (currently the Concord Naval Weapons Station), the largest domestic loss of life during World War II occurred on July 17, 1944 when over 320 men, most of whom were black, were killed in a cataclysmic explosion. The subsequent refusal of black sailors, who were the subject of discrimination, to resume the loading of munitions led to the largest court martial in Navy history and a landmark civil rights case that helped facilitate President Truman's decision to integrate the armed forces later in the decade. Congress designated the site of the explosion as the Port Chicago National Memorial in 1992. In December of 1999, after a long effort I led with other lawmakers, activists, and veterans, President Clinton issued a Presidential pardon to Mr. Freddie Meeks of Los Angeles, one of the last remaining men who was court-martialed more than half a century ago.

Richmond, California, on the 7th district's west side, was a small city when World War II began and the Kaiser Shipyards were created to build the Liberty and Victory ships that supported the war effort. Tens of thousands of new workers—including many minorities and women—ballooned the local population and created the legendary "Rosie the Riveter" image. Together with providing women previously unavailable jobs in industrial plants, Richmond served as the epicenter of dramatic changes in American life that were to affect generations including racial and gender integration of the workplace, group health services and expansive child care. Congress is now completing action on my legislation to create a National Historic Site to commemorate the rich history of Richmond's contributions to ending WWII and changing our society forever.

Those historic changes continue today with the conversion of the former century-old Mare Island Naval Shipyard in Vallejo to civilian uses including environmental protection and local economic development. The 7th district has an historic past and today is a critical part of the San Francisco Bay Area's economic, environmental, cultural and communications life.

Ms. PELOSI. Mr. Speaker, this past Saturday marked the 150th anniversary of the entry of the State of California into the United States. I rise today to recognize this important date and to bring to the attention of my colleagues the important contribution of the Presidio of San Francisco to the history of the Eighth Congressional District and to the State of California as a whole.

The Presidio has overlooked San Francisco Bay since the United States came into existence. Built in 1776 by the Spanish Empire in North America, the military outpost of the Presidio was created after the great inland harbor of San Francisco was discovered during colonizing expeditions. The Presidio was briefly

under the control of the newly independent Republic of Mexico starting in 1821, but was finally transferred to American control by treaty in 1848.

In many ways, the history of the Presidio has mirrored the events that shaped our nation. During the 1870's and 1880's, the Presidio served as a frontier outpost, from which soldiers saw action in the Indian Wars. San Franciscans are proud of the service at the Presidio during this time of the Buffalo Soldiers, all Black-regiments established to help rebuild the country after the Civil War and to patrol the western frontier.

By the turn of the century, the Presidio shifted from an outpost to a major military installation and a base for American expansion into the Pacific. In 1898, tens of thousands of American soldiers camped at the Presidio in preparation for the invasion of the Philippines during the Spanish American War. In 1915, General John Pershing, later to become the commander of U.S. expeditionary forces in World War I, led the pursuit into Mexico of Pancho Villa from the Presidio. The Presidio became headquarters for the Western Defense Command during action in the Pacific in World War II, and soldiers began digging foxholes in local beaches in anticipation of a possible invasion.

Playing a significant role in the preservation of nature, the Presidio's role in the San Francisco Bay Area transcends its military roots. As far back as the 1880's, the first large-scale tree planting and post beautification projects were undertaken at the Presidio. The building of the Golden Gate Bridge from 1933 to 1937 increased the public use of the Presidio. The Presidio was designated a National Historic Landmark in 1962. From that time to its eventual closure as a military base in 1989, and its transfer in 1994, thanks to the visionary actions of Philip Burton, to the National Park Service, the significance of the Presidio has shifted from a strategically important military base to a gem in the National Park system and an integral part of California's landscape and history.

Today, the Presidio continues to reflect the changing priorities of our nation. In a change reflecting a swords-to-plowshares approach, the former military installation at the Presidio has become a national park like no other. Surrounded by dense neighborhood in San Francisco, the Presidio is now an urban oasis of open space that preserves a critical habitat for some rare and endangered species. The Presidio contains an incredible assortment of recreational, cultural, and natural resources that makes it a top destination for visitors to San Francisco and a well-loved and visited site for the City's residents. Fittingly, the Presidio has also become home to a Swords-to-Plowshares program which helps veterans re-assimilate into civilian society through job training, housing assistance, and counseling.

Mr. Speaker, the Presidio of San Francisco, with its proximity to the Golden Gate Bridge and the California Coastline, its beautiful forests and unique ecology, and especially its role in the development of California, deserves recognition for its place in the history of the Golden State. I am proud to recognize this contribution and to honor the Great State of California on its sesquicentennial anniversary.

Ms. LEE. Mr. Speaker, I am proud to rise today to commemorate the Sesquicentennial of California's statehood. One hundred and

fifty years ago, California became the 31st state in the union. It is my great privilege to represent the Ninth District of California, which has played a vital role in the history, economy, and culture of this wonderful state.

The Ninth District has a rich history of its own in the last 150 years. Home to the City and Port of Oakland and the University of California at Berkeley, this East Bay area offers ethnic diversity, intellectual ferment, and economic vitality, and has made a wide array of contributions to science, technology, literature, the arts, and business.

Oakland emerged as a major commercial and transportation center in the heyday of the California Gold Rush of 1849. It became a crucial transit point from the San Francisco Bay to Sutter's Mill and the Sierra Nevada foothills. Oakland dramatically expanded after the tragic San Francisco earthquake of 1906 as Californians sought firmer ground. The city again ballooned upward in population during the Second World War, when thousands of Americans came to the District to work in the busy shipyards, the Oakland Army Base, and the Naval Air Station in Alameda.

As the city grew, so did its commitment to progressive activism. Individuals such as Cotrell Lawrence Dellums, a Pullman porter and a Bay area representative for the Brotherhood of Sleeping Car Porters, began organizing fellow African-Americans to join the union in 1925, when Oakland was still strongly linked to the passenger rails. As the head of the Alameda County NAACP, he helped the AFL-CIO consolidate its membership by delivering the support of Black railroad workers and members of the NAACP, and was among the first to organize voter registration campaigns in the district.

C.L. Dellums' spirit of activism has remained alive in California's District Nine throughout the years, demonstrated by minority groups organizing to demand equality, the student anti-war protests at the University of California, and working men and women joining together to demand better working conditions.

Two-time Socialist Party Candidate for Mayor and "Call of the Wild" author Jack London called Oakland his home for nearly thirty years. From that city, London wrote many of his vivid evocations of the Far North. The East Bay's sometimes chilly climate may have helped inspire some of his more picturesque depictions of life in the Yukon. Nor was London the only cultural icon to grace Oakland's streets: Robert Louis Stephenson, and Gertrude Stein both lived in Oakland, and all enriched our literary heritage. Today, Jack London Square bears Oakland's famous son's name, such an important part of the city that is standing at the waterfront.

As a sea, air and rail port, Oakland is at the hub of California trade. The maritime port stretches across nineteen miles of San Francisco Bay. One of the largest ports on the West Coast, the Port of Oakland is today second only to New York in terms of container terminal space. It is the primary sea terminal connecting the western United States of Asia, South America, and Europe. Like the seaport, the airport also represents a crucial link in the chain of intrastate, interstate, and international commerce. The Oakland Airport was also the starting point in 1937 for Amelia Earhart's ill-fated round-the-world flight.

In addition to its role in transportation, the Ninth District also plays a leading role in the

nation's academic life. The University of California is one of the finest academic institutions in the country. It was born out of the heady spirit of California's 1849 gold rush. In that year, the authors of the State Constitution demanded that the legislature "encourage by all suitable means the promotion of intellectual, scientific, moral and agricultural improvement" of the people of California. The gold rush may have played out, but the university that was eventually created at Berkeley has uncovered a rich vein of ideas. Today, the University of California ranks among the top universities in the world.

The historic landmarks in this district include the Camron-Stanford House, Dunsmuir House, Mills Hall located on the Mills College campus, the Paramount Theatre, the U.S.S. *Hornet* (CV-12), the several buildings designed by architects Julia Morgan and Bernard Maybeck. Additional landmarks in the district include the C.L. Dellums Train Station, the just-opened Chabot Observatory and Science Center, Children's Fairyland (Walt Disney's blueprint for Disneyland), Jack London Square, Lake Merritt, Lawrence Hall of Science, Oakland's Chinatown, and the Ronald V. Dellums Federal Building.

In recent history, our district is experiencing increased growth of "dot coms," biotechnology research centers and hi-technology companies such as Bayer, Chiron, Sybase and Wind River.

Four of our annual events were recently placed as a "Local Legacy" as a centerpiece of the Library of Congress' Bicentennial celebration. These events are the Solano Stroll, Dia de los Muertos, the Black Cowboys Parade and the Festival of Greece. I am proud that these events are recognized by the Library of Congress as a local legacy.

With a century and a half of history behind it, California now stands at the brink of a new century and a new millennium. Its gold-rush inspired state motto is "Eureka," a Greek word proclaiming discovery. As we move forward into the future, we must continue to celebrate our diversity, remember our past, and refute Gertrude Stein's famous Oakland lament that "there was no there there." There is a there, there, and for a hundred and fifty years there has been.

Mrs. TAUSCHER. Mr. Speaker, I rise today to celebrate the Sesquicentennial of California's admission into the Union as the nation's 31st state on September 9, 1850. California's 10th Congressional District has been instrumental in the state's history. In the 1800s, my district had a strong connection with the Old West, populated by Americans during California's Gold Rush and a center for miners. The 10th Congressional District became one of the main routes to the gold fields and quickly became a mercantile stopover for miners seeking their fortune in the Mother Lode.

Many of those miners purchased land in this beautiful area. In 1854 Daniel and Andrew Inman founded Danville when they bought 400 acres with their mining earnings. By 1858 the new Danville community grew and thrived, complete with a blacksmith, hotel, wheelwright, general store, and a post office.

The City of Lafayette was well known throughout California in the early 1860 as a stop for the Pony Express from April 3, 1860 to late October 1861. The 200-mile trail served as the fastest mail delivery between St. Joseph, Missouri and Sacramento, California.

The Town of Moraga was named for Joaquin Moraga, the grandson of Joseph Joaquin Moraga who was the second in command of the Anza Expedition of 1776, the founder of San Francisco, Mission Delores and the founder and first commandant of the Presidio. In 1835, he received a 13,316-acre land grant from the Mexican government, which included parts of Orinda and Lafayette. On a hill overlooking the Moraga Valley, Joaquin Moraga built an adobe home, thought to be the oldest building in Contra Costa County.

Today the 10th Congressional District maintains its historic roots combining clusters of narrow roads and early buildings with 21st Century high technology office parks. The citizens in the 10th Congressional District are among the highest skilled and educated workforce in the nation. While they are at the epicenter of the high-tech economy, they are also committed historic preservation and protecting the natural physical environment in one of the nation's more desirable places to live. The 10th Congressional District is committed to preserving its past and looking forward to the next one hundred-fifty years as a part of this great nation.

Mr. POMBO. Mr. Speaker, I rise today with my fellow delegates to celebrate and honor the 150th birthday of the great state of California.

I have the honor of representing the 11th district of California, which includes the San Joaquin County cities of Stockton and Lodi. Each has played a dynamic part in the historic and economic development of the Golden State.

The town of Lodi was settled by families of German descent from North Dakota. It first served as a railroad stop known as Mokolumne Station in 1869, which was renamed to Lodi three years later. Formally the "Watermelon Capital," Lodi today is known as the "Wine grape Capital" of the world. This booming town of over 50,000 residents is home to the Tokay Grape and over 40,000 acres of vineyards. Some of California's finest wineries are located in nearby Woodbridge and Acampo.

Stockton is the backbone of California's agricultural hub and home to nearly 250,000 residents. It is our state's largest inland shipping port, which sends the San Joaquin Valley's farm products to the open market. Thanks to its rich soil and temperate climate, Stockton is one of the most productive growing areas in California. Major crops include asparagus, cherries, tomatoes, walnuts and almonds. Stockton is also home to the University of the Pacific, a charming campus known for its programs in law and pharmacy. Stockton has historically been a multicultural city. Older generations of families from Europe and Mexico are being joined by new arrivals from South East Asia and Central America. In 1999, Stockton was awarded the "All American City" award by the National Civic League.

Mr. Speaker, it is indeed a great honor to be a life long native of the 11th district and to represent it today in the Congress. The 11th is one of the most diverse culturally and economically. But together, its people serve an important role in the economy of both California and America. I am pleased to join my delegates today in celebrating the Sesquicentennial of the Golden State.

Mr. LANTOS. Mr. Speaker, I join my colleagues from the golden State of California in marking the 150th anniversary of statehood.

It was 50 years ago—in the summer of 1950 when California celebrated the centennial of its admission to the Union—that my new bride and I moved to the San Francisco Bay Area. And it was half a century ago that Annette and I began our connection with the part of our state that is now the 12th Congressional District. In the fall of 1950, I began my studies as a graduate student in economics at the University of California, Berkeley, and at the same time I began teaching at San Francisco State University. When we arrived in California, it had a population of 10.6 million. Today, Mr. Speaker, our state's population has reached 33.1 million—1 out of every 8 Americans is a Californian.

As we mark 150 years of statehood, it is instructive to look both to our historic past, but at the same time to look to the future, and California and the 12th Congressional District was as important in shaping our nation's past as it is today in leading the way toward our nation's future.

Mr. Speaker, in the mid-19th century, the Bay Area was the principal gateway to the California gold rush. In 1847—with the Mexican War still underway, two years before of the influx of the gold miners of 1849, and three years before California's admission to the Union—San Francisco had a population of 459 people, half of whom were U.S. citizens. Three years later on July 1, 1850, the U.S. Census Bureau reported that the population of San Francisco was 94,766, and at that same time, 626 vessels were anchored in the San Francisco Bay.

When California became a State, the legislature established San Francisco County, but with the explosive growth of the area just six years later in 1856, it was necessary to create the new county of San Mateo from the southern part of San Francisco County. After the initial chaos of the early years of the gold rush, the growth of these two counties was more orderly but still robust.

San Mateo County was given a boost by the tragedy of the massive 1906 San Francisco earthquake, when thousands of displaced and terrified residents fled the city and encamped in what became Daly City. As the Bay Area developed, San Mateo County likewise grew as a cluster of communities—each filled with growing numbers of Irish, Italian, Greek, and Asian-Americans moved to the suburbs from "the City." Each of these cities developed its own unique character and flavor, and each has contributed to the diversity and cohesion of our area.

Today—a century and a half after California became our nation's 31st state—the 12th Congressional District continues to reflect the rich diversity of our past and the golden hope for our state and our nation's future. Two elements strike me as particularly significant in this regard, Mr. Speaker.

First, the 12th Congressional District reflects the ethnic complexity of California and of the nation. As The Los Angeles Times (September 8) noted, "The Gold Rush was a defining moment in the nation's history, a remarkable, virtually overnight influx of people from every quarter of the world." In many ways that influx of a diverse population a century and a half ago established the pattern of our state. Ethnic diversity is not just a concept in our area, it is a daily reality.

One quarter of our population in the 12th Congressional District are Asian—Chinese,

Filipino, South Asian, Japanese, Southeast Asian and others. Over an eighth of our population is Hispanic with a smaller population of African Americans. A recent article in the San Francisco Examiner on Daly City referred to this diversity in praising the mixture of "Spanish, Tagalog and Hindi" heard in the city's markets, and noted that "ethnic diversity is a source of pride for the community as reflected in its integrated neighborhoods." As the State of California moves from a majority white to a "majority minority" population and as our nation's population becomes increasingly diverse, the 12th Congressional District is a harbinger of the benefits of a harmonious, ethnically diverse community.

Mr. Speaker, this is not to say that tolerance and multi-ethnic harmony has always been the case in our state. California, as the rest of the nation, has had its share of discrimination and racism. Chinese and other Asians suffered harassment and intimidation during the era of the Chinese Exclusion Act. During World War II, tens of thousands of American citizens of Japanese ancestry were sent to relocation camps. Hispanic-Americans have faced discrimination for using Spanish and maintaining their national cultures. But we have learned, we have made progress, and we continue to struggle with the complications of diversity.

Mr. Speaker, a second element is the importance of the Peninsula and of San Francisco in our state and our nation's economy. A century and a half ago, panning for gold made a few people rich quickly, but those who made the real contribution to our state and our nation's economy as well as real wealth for themselves were the individuals who brought the entrepreneurial spirit which gave rise to such legendary businesses as Levi Strauss, Ghiradelli chocolate, and the Wells Fargo Bank.

A century and a half ago, Gold was discovered at Sutter's fort on January 24, 1848, but the first newspaper story about the discovery to appear in a newspaper in the eastern United States was only published eight months later in the New York Herald on August 19. When California was formally admitted as a State to the Union on September 9, 1850, it required six weeks for the steamer bearing the banner "California is a State" to arrive in San Francisco. The celebration of statehood in California did not take place until October 29—a full 50 days after statehood was a reality. Today, California is in the forefront of the instantaneous communication revolution, as Internet communication and e-commerce led by firms in Silicon Valley and San Francisco revolutionize the way the entire world communicates.

Today, Mr. Speaker, we continue to have an ebullient economy in the Bay Area, and this is an important element of our state's contribution to the entire nation. As our distinguished Governor Gray Davis said recently: "We're experiencing a second Gold Rush. People came here 150 years ago to find their fortune, and the dot-com economy is bringing another generation of risk takers and entrepreneurs. All this energy and vitality helps drive our economy and makes for the robust society we currently enjoy" (San Jose Mercury News, September 9). Today legendary companies in the 12th Congressional District such as Oracle in the information technology sector and Genentech in the biotech sector are leading the nation in creativity and innovation.

Mr. Speaker, it is important today that we not only mark a century and a half of California's statehood with celebration and congratulation, but that we also use this opportunity to reflect upon how our past has shaped our present and how the decisions we take today will determine our future. If we commit ourselves to continue and strengthen the best of our state's traditions, we can assure that the future for our children and grandchildren will be even more golden than our past.

Mr. STARK. Mr. Speaker, I rise today to acknowledge California's historic 150th birthday celebration. California officially entered the United States on September 9, 1850 but the foundations for the development of California were in place well before this important date. Under the Spanish Empire, the colonization and eventual settlement of California was greatly influenced by the mission system. The missions were founded to secure Spain's claim to land and to teach the native people Christianity and the Spanish way of life. The placement of the missions had a direct impact on the development of California, as the missions fostered agriculture, vintnering, livestock raising, and trade as well as religion.

I am proud to recognize Mission San Jose, a historical mission in Fremont, California and part of the 13th Congressional District. Mission San Jose was founded on June 11, 1797, by Father Fermin Francisco de Lausen. The mission was the fourteenth of the twenty-one Spanish Missions in California and was one of the most prosperous of all the California missions. Mission San Jose was the center of industry and agriculture; its location was chosen for the abundance of natural resources in this region.

In 1868, a giant earthquake shattered the walls and roof the Mission San Jose church. The site was cleared and a wood Gothic-style church was erected directly over the original red tiled mission floor. In 1956, the town of Mission San Jose incorporated with four others to become the City of Fremont. Plans to reconstruct the church of Mission San Jose were begun in 1973. Mission San Jose stands today as a testament to California's history and the influence of the Spanish as part of California's rich heritage.

As we commemorate the Sesquicentennial anniversary of California, I am proud to recognize Mission San Jose and the part it has played in the history of California.

Ms. ESHOO. Mr. Speaker, I rise today to celebrate the 150th anniversary of the State of California and the innovations of its 14th Congressional District. California has numerous historical landmarks, but only one is a garage in Palo Alto where the technological revolution was born. A plaque proclaims this The Birthplace of Silicon Valley.

In 1938, William R. Hewlett and David Packard rented a garage to found a fledgling electronic business and it was here that they produced their first commercial audio oscillator, an instrument that generates audio frequencies used by the broadcast and entertainment industries to test sound quality. Orders soon began to pour in from companies such as Walt Disney, and the Hewlett-Packard Company was born.

By the end of 1939, sales had soared to almost \$5,000 a year, and Hewlett-Packard was forced to abandon the garage for more spacious quarters to house their rapidly expanding company. Within 20 years Hewlett-Packard

was manufacturing over 370 electronic products and in 1972, H-P introduced the first of its hand-held calculators which would cement the company's place in the forefront of the electronics industry. The company, of course, also manufactures computers and by 1994, H-P's sales in computer products, service, and support were almost \$20 billion, or about 78% of its total business.

The garage where Hewlett-Packard began still remains and is a reminder of how great inventions and companies can spring from humble origins. The 14th Congressional District has become the heart of a booming technological revolution that continues to change the world in which we live and expand the boundaries of human and scientific accomplishment. I'm proud to represent this distinguished district and I ask my colleagues, Mr. Speaker, to join me in honoring the 150th anniversary of the State of California.

Mr. CAMPBELL. Mr. Speaker, a leader in the U.S. and global economy, California—in particular, Silicon Valley—is an economic powerhouse. From the quicksilver mercury mines to the high-tech computer industry, as is the case with California as a whole, Silicon Valley has a rich, diverse history. As we turn to celebrate the 150th anniversary of California's statehood, we are prompted to reflect upon our region's natural wealth and, most importantly, to reflect upon the spirit of its people. Mr. Speaker, as I rise to pay tribute to the Golden State's sesquicentennial, I wish to honor those Californians, past and present, whose dedication and ingenuity have made this state one of which I am proud to represent in Congress.

Silicon Valley's first inhabitants, the Ohlone Indians, discovered one of the original and richest mines in California. The discovery of the red ore of mercury (dubbed "mohekta" by the Ohlones), however, quickly changed the face of the region. It also impacted the rest of California, as the mercury discovery favorably contributed to the success of gold and silver mining. Andres Castillero, a Mexican cavalry officer, was the first to file a legal claim to the mineral deposit, and was granted title, during the mid-1800s. Following the Mexican-American war and California's entry into the United States, the Quicksilver Mining Company assumed management of the mines in 1864. Like his successors, Samuel Butterworth, first President of the Quicksilver Mining Company, did much to initiate early development of today's Silicon Valley. During his tenure at the Company, seven hundred buildings were constructed to support the quicksilver mining community including a company store, schoolhouse, boarding house, a community center, and church.

Although the bonanza days of quicksilver production are over, and only a few landmarks remain, the century of mercury production and the hard work of early miners have left an indelible mark on California. The same entrepreneurial spirit, which led to the early economic development of California, can still be found in Silicon Valley today. Two recent pioneers, Jack Kilby and Robert Noyce, paved the way for the region becoming a global leader in the high-tech computer industry by inventing the integrated circuit.

It seems that the integrated circuit was destined to be developed. Two inventors, unbeknownst to each other, both designed almost identical integrated circuits at roughly the

same time. From 1958 to 1959, electrical engineers Robert Noyce, co-founder of the Fairchild Semiconductor Corporation, and Jack Kilby of Texas Instruments, were working on an answer to the same dilemma: how to make more of less. In designing a complex electronic machine like a computer, it was necessary to increase the number of components involved in order to make technical advances. The monolithic (i.e., formed from a single crystal) integrated circuit placed the previously separated transistors, resistors, capacitors and connecting wiring onto a single crystal (or "chip") made the semiconductor material. Kilby used germanium, while Noyce used silicon to create the semiconductor material.

As a result of their novel research, in 1959, U.S. patents were issued to Jack Kilby (awarded the 1970 National Medal of Science) and Texas Instruments for miniaturized electronic circuits and to Robert Noyce (the founder of Intel) and Fairchild Semiconductor Corporation for a silicon-based integrated circuit. After several years of legal battles, however, Texas Instruments and Fairchild Semiconductor Corporation wisely decided to cross-license their technologies. The first commercially available integrated circuits were manufactured by Fairchild Semiconductor Corporation in 1961. In the same year, Texas Instruments used the "chip" technology in Air Force computers and later to produce the first electronic portable calculator. Since then, all computers have begun to employ "chips" instead of individual transistors and their accompanying parts.

Like Silicon Valley's economy, the development of the integrated circuit has undergone tremendous change. The original circuit had only one transistor, three resistors and one capacitor—it was the size of an adult's pinkie finger. Today's integrated circuit is smaller than a penny and holds 125 million transistors. The industry generates approximately \$1 trillion annually, and "chip" technology is considered one of the most important innovations of humankind.

The one thing that has not changed in Silicon Valley: the independent, entrepreneurial spirit of its citizens. Mr. Speaker, as we recognize California on its 150th anniversary, I want to pay tribute to those Californians, especially the native Ohlone Indians, and to Mr. Butterworth, Mr. Kilby, and Mr. Noyce, who have made invaluable contributions to the prosperity of this state and to its people.

Ms. LOFGREN. Mr. Speaker, today I proudly pay tribute to California on its 150th birthday. I would like to congratulate the great state of California and to recognize the Sixteenth District for its contributions to California's rich history.

Mr. Speaker, the history of California begins long before the introduction of Europeans to our land. For centuries the Ohlone, locally the Muwekma, lived in peace and in tranquility along the banks of the Guadalupe River in what has since become the city of San Jose. But centuries of peaceful existence for the Muwekma came to an end when, on November 29, 1797, Spanish Lieutenant Jose Juquin Moraga established the Pueblo de San Jose de Guadalupe. Created for the purpose of supplying the presidios of San Francisco and Monterey with food, the Pueblo became the first civil settlement in California.

The Pueblo was originally located one mile north of what is now downtown San Jose, but

due to flooding by the Guadalupe River, the Pueblo was forced to move south. With its fertile soil, the new location quickly became a center for agriculture. The rich harvests of the fields attracted settlers, causing the population of the area to rise quickly and steadily.

The rapid growth and development of this area marked an important time in California's history. By 1798 the Pueblo was so widely populated that its inhabitants constructed a one story, adobe Town Hall to meet the citizens' needs. The Hall housed the jail, courtroom, council chamber, and the offices of various governing officials.

One such official—Luis Peralta, an Apache Indian from Tubac, Mexico, was particularly influential in California's development and growth. At the age of sixteen Peralta came to California with two hundred and forty other colonists on the Juan Bautista de Anza Expedition from Mexico. In 1807 the Spanish government appointed him to the position of Comisionado del Pueblo de San Jose, and during his tenure he helped to shape the growth of the Pueblo and the surrounding area. His endeavors in furnishing troop supplies, supervising public works, and keeping the peace earned him good favor in the eyes of the Spanish government. In 1820 Spain granted Peralta 44,000 acres of land, the largest land grant of the time. The grant included the present day cities of Albany, Berkeley, Emeryville, Oakland, Alameda, Piedmont, and parts of San Leandro. Peralta split the land between his four sons: Vincente, Doming, Antonio and Ignacio; they went on to develop and populate the land.

Thanks to the development of the Pueblo and the areas surrounding, this area has continued to grow and flourish through present times. It continues to contribute to California's economy as a center for high tech and manufacturing companies as the "Capitol of Silicon Valley," and ranks second as a national leader in exports. Mr. Speaker, again I would like to congratulate the people of California's Sixteenth District for their influence on the history and prosperity of the state.

Mr. FARR of California. Mr. Speaker, it is with great pleasure that I rise to congratulate California on its 150th anniversary. I would like to take this opportunity to mark the contributions of California's 17th district to California's rich history.

As the site of the Constitutional Convention in 1849, the city of Monterey played a pivotal role in California's admittance to the Union as our 31st state. But, the Monterey region also has a rich history that extends back several millennia before people from around the globe landed on its shores in the 16th century. Native Americans enjoyed an abundance of natural resources as early as 500 BC.

Monterey was later discovered by Spain on November 17, 1542 when Juan Cabrillo spotted La Bahia de los Pinos (Bay of Pines). It wasn't until 60 years later, in 1602, that Sebastian Viscaino officially named the region "Monterey" to honor the Viceroy of New Spain who had authorized his expedition.

The Peninsula was first settled in 1770 when Gaspar de Portola and Father Junipero Serra arrived by land and sea to establish the City of Monterey itself. Monterey began its renown as the fiscal, military, and social center of Mexican California when Spain chose the city as the capital of Baja and Alta California in 1776. In the decades that followed, the set-

tlers began to leave the Presidio and expand throughout Monterey.

After Mexico's secession from Spain in 1822, Monterey flourished as Mexico opened up the region to international trade never allowed under Spanish rule and designated Monterey as California's sole port of entry. This booming trade also attracted American settlers to the Peninsula, many of whom eventually became Mexican citizens.

However, on July 2, 1846, Commodore John D. Sloat arrived in Monterey Bay, raised the American flag and claimed California for the United States. The Commodore waited five days before, on July 7, 1846, he finally sent 250 soldiers to land and take possession of the city. Monterey was captured without a single shot being fired. The American occupation lasted until the signing of the Treaty of Guadalupe Hidalgo in 1848, thus making all of Alta California part of the United States.

As the most prominent city in the region, Monterey was the obvious selection as the site for California's Constitutional Convention in 1849. For six weeks 48 delegates of diverse backgrounds met in Colton Hall in downtown Monterey to debate and vote on the final text. The constitution was signed on October 13, 1849, and president Millard Fillmore officially welcomed California as our 31st state in 1850.

As the birthplace of American California, the city of Monterey is proud of its contributions to California's statehood. Further, I am proud to congratulate California on its sesquicentennial anniversary.

Mr. CONDIT. Mr. Speaker, as the Great State of California celebrates its sesquicentennial, I would like to recognize the very fine people I have the privilege of representing in the 18th Congressional District.

Located in California's great Central Valley, it is recognized as one of the richest agricultural areas in the world and represents some of our nation's finest resources. Comprising all of Stanislaus and Merced Counties and portions of San Joaquin, Madera, and Fresno counties, the 18th District is within a few hours of all of California's riches, with Merced County being the "Gateway to Yosemite" National Park.

Many of the first settlers to the area attracted by gold. Today it is affordable housing, good jobs and the California climate that lure many of the newcomers. I am proud to report the first research university of the new millennium will be built by the University of California in Merced as we pave new paths and start new journeys into a golden tomorrow.

I would be remiss however if I didn't accurately point to the richest of our resources—the people who call the 18th Congressional District home. Within its boundaries are a people tightly woven together by a rich cultural tapestry. Our strength is found in the diversity of our people—proud, independent and full of character.

Like the pioneers who once settled our great state, these people embody the same spirit of adventure that will lead California into a prosperous future.

Mr. RADANOVICH. Mr. Speaker, I stand today with my fellow delegates in celebration of the Sesquicentennial of the State of California.

As you know, California was admitted into the union as the nation's 31st state 150 years ago. Since that time, our state has developed into a capital of the arts, a headquarters for

business, and a distinguished marketplace for agriculture.

Mr. Speaker, I represent the 19th District of California, which spreads across the farm country below the Sierra foothills from Visalia, south of Fresno, to the mountainous Mariposa County. Most of the landmass I represent is part of the Sierra Nevada, and it contains most of three national parks: Yosemite, Kings Canyon, and Sequoia. I am truly honored and privileged to represent an area so rich in splendor and American history.

Fresno, for example, is a city of both agricultural and industrial importance in California. A creation of the industrial age, Fresno was founded by the Central Pacific Railroad. Its city fathers also bred the local wine grape, developed the raisin industry, and cultivated the Smyrna fig. Now, Fresno County's crops also include cotton, citrus, tomatoes, cantaloupes, plums, peaches, and alfalfa. In fact, Mr. Speaker, Fresno County has grown to currently produce more farm products in dollar value than any other in the country.

My home of Mariposa County is also of great historical significance. At one time it occupied more than one-fifth of the state's 30,000 square miles and is currently home to the oldest working courthouse west of the Rocky Mountains. Made of hand-planed local lumber is 1854, the Mariposa County Courthouse remains the seat of government and justice to this day and is on the National Register of Historic Places.

The courthouse was accepted as a National Historic Landmark because some of the most celebrated and noted civil, mining, and water cases were held in its courtroom: the Fremont land grant title and Biddle Boggs v. Merced Mining Company are but two. During the 1953 centennial celebration of the courthouse, the State Bar recognized the building's significance by declaring it to be preserved as a "shrine to justice in California."

As you can see, Mr. Speaker, the 19th District of California has played a fundamental role in California's history. From developing the agriculture industry, to shaping our civil and natural resource laws, the 19th District's cities are models for emerging communities across the country. I am honored to represent this district and to have been a lifelong resident of Mariposa County. Mr. Speaker, please join me in celebrating the Sesquicentennial of the Golden State: California.

Mr. THOMAS. Mr. Speaker, I want to join in commemorating California's 150th year as a State. Our diversity and the pioneering spirit of our people should be clear to anyone who visits the communities in Kern and Tulare Counties in my Congressional District, the 21st.

While the image other Americans have of California is often that of beautiful beaches, high tech industries and outstanding sports teams, the real California stands out when anyone visits Kern and Tulare. These are rural counties where families have built some of the nation's best farm businesses—dairy, cotton, table grapes, oranges, almonds and pistachio nuts. The California oil industry is centered on this area—over half the oil production in California comes from Kern County. At the same time, national public lands, including wilderness areas, provide some of the finest opportunities for recreation anywhere in the United States.

If someone wants to see how Californians have continued to pursue new ideas, how they

work and how they have built strong communities around the use of natural resources and high technology, they ought to come out and meet with my friends in Kern and Tulare Counties.

Mrs. CAPPS. Mr. Speaker, I am honored to represent the beautiful Central Coast of California and to celebrate the 150th anniversary of California's admission to the Union.

The 22nd Congressional District lies on California's Central Coast and is considered one of the most beautiful areas in the United States. The district includes Santa Barbara and San Luis Obispo counties and features a spectacular coastline and majestic mountains. It offers a unique mix of major cities and small towns, bountiful vineyards, farms and ranches, and five highly esteemed colleges and universities.

The Central Coast has a long history which embraces the experiences of Spanish explorers and missionaries, the Chumash Indians, a warm climate and a diverse blend of wildlife. One small town is named Los Osos, or the Valley of the Bears, for the grizzly bears that were once discovered by the explorers and missionaries.

In 1772, Father Junipero Serra, established one of the first missions in the state, the Mission San Luis Obispo de Tolosa because of the region's unmatched beauty and natural resources. Known as the "Jewel of the Central Coast," San Luis Obispo is host to a variety of natural wonders, including 80 miles of pristine Pacific Ocean coastline, rolling green hills, and fresh blue lakes.

Also known for its rich Spanish heritage, Santa Barbara is home to the "Queen of Missions," an 18th century Spanish-style mission, after which much of the city's architecture and style has been modeled. In fact, this cultural gift is celebrated each year with a week-long "Fiesta," or "Old Spanish Days," featuring authentic food, music, and dance.

People from around the world make the Central Coast, my District, their vacation destination. I am proud to call it my home.

Happy anniversary California!

Mr. GALLEGLY. Mr. Speaker, I rise to celebrate the sesquicentennial of California and the 23rd Congressional District of California's role in the Golden State's past, present and future.

Long before California was admitted as the 31st state of the Union, Ventura County was home to Native Americans and Europeans. Father Junipero Serra founded one of his missions in Ventura, an area already known to the Chumash for its great fishing and abundant flora.

As California progressed through the 1800s and early 20th Century, so did Ventura County. First the stage coaches and then the railroad connecting Los Angeles to San Francisco came over and through the Santa Susana Pass, snaking along the Simi Valley, and on out to the coast. Many who passed through Ventura County were captured by the golden hills and lush soil. They stayed and raised cattle, planted apricots and walnuts, citrus trees and avocados.

Or, they harvested the soil in other ways. Black gold is also among Ventura County's riches, and you can actually see oil seeping out of the soil today as you drive up Highway 150 between Santa Paula and Ojai, and in other parts of the county.

When Hollywood began to blossom in the Los Angeles hills, Ventura County became a

prime film location. Fort Apache with John Wayne, Columbia's Jungle Jim series with Johnny Weissmuller, and TV shows such as The Adventures of Rin Tin Tin and Sky King were filmed at the Corriganville Movie Ranch.

Movie stars also made their home here, and many still do. Ojai is world-renowned for its arts community.

California's aerospace industry also found a home and a skilled labor force in the 23rd Congressional District. The space shuttle's main engines were designed by Rocketdyne and tested at its Santa Susana Field Laboratory, as were the engines for the Apollo and other space missions.

Much has changed in 150 years, but much remains the same. Agriculture is still Ventura County's number one industry, although it is now shipped throughout the world from Ventura County's very own port of entry, the Port of Hueneme. One of the country's two Seabee bases is in Ventura County, and the Navy's test firing range for the Pacific Fleet is here.

But Ventura County also is helping to lead California and the nation into a better future. Technological and biomedical firms, led by Amgen, have sprouted up along the 101 corridor. With the opening of California State University, Channel Islands, in 2002, high-tech firms will find yet another reason to locate here. And, the school's teaching college will help the nation fulfill its commitment to our children.

Mr. Speaker, California is a state compromised of visionary people with diverse backgrounds but with a common goal to succeed. Its future remains bright for another 150 years.

Mr. SHERMAN. Mr. Speaker, today I join my 51 colleagues from the Great State of California to pay tribute to its 150th Statehood Anniversary and to the 24th Congressional District, which I represent.

From East to West, the 24th runs from Sherman Oaks, America's best-named city, to Thousand Oaks, through the Las Virgenes area to Malibu. It includes thriving business centers in the western San Fernando Valley and one of California's and the nation's most treasured natural and recreational resources, the Santa Monica Mountains.

The Santa Monica Mountains National Recreation Area is the most-often visited unit of our National Park System. Some 33 million American's visit her trails and beaches, some of the most beautiful in the world, every year. Most impressive is its location. The Santa Monica Mountains National Recreation Area is just a few-minutes drive from the major population centers of Los Angeles—its is our nation's largest urban park.

The residents of the Malibu and Las Virgenes areas are neighbors to this extraordinary resource. It is truly a special place to live.

The San Fernando Valley, part of the City of Los Angeles, is itself a large-sized city, with 1.4 million residents. If it were a city of its own, the San Fernando Valley would be the 6th largest U.S. city. It is richly diverse and a great community to live and work in. Proudly, it would be by far the safest of America's 10 largest cities.

Thousand Oaks, a community of more than 100,000 people, is also a wonderful place to work and live. It is an impressive community and is also home to some of my district's most distinguished employers, including the biotechnology giant, Amgen.

As you can see, Mr. Speaker, I believe my district has the best of everything, and so does my state. I am proud to serve the residents of the 24th District of California.

Again, I wish California a happy 150th birthday.

Mr. MCKEON. Mr. Speaker, I stand today with my fellow delegates in celebration of the Sesquicentennial of the State of California.

California was admitted to the Union 150 years ago as the Nation's 31st state. Since that time, California has grown dramatically. This state, once known as part of the "Wild West," has now become a vast metropolitan region of business, enterprise and entertainment.

I represent the 25th district of California, which consists of three major areas: the Antelope Valley, the northwest San Fernando Valley and the Santa Clarita Valley. Each of these areas has contributed a great deal to the heritage of our state.

The Antelope Valley was first settled in 1886 by 50 to 60 families of Swiss and German descent. Desiring to reside in California, these families were told to travel until they saw palm trees. Arriving in the Antelope Valley, they mistook the numerous Joshua trees for palm trees and settled, naming their new town Palmenthal. This name was eventually changed to that of the current city, Palmdale.

The Antelope Valley has often been referred to as the Aerospace Capital of the United States. U.S. Air Force Plant 42, in Palmdale, was the birthplace of the B-1 and B-2 Bombers, the SR-71 Blackbird, the space shuttle and the next generation space shuttle—the X-33. Also, the Boeing Co., Northrop-Grumman, and Lockheed-Martin maintain production facilities here. The Antelope Valley's largest city, Lancaster, is home to a first-class performing arts theater and a popular minor league baseball team, the Lancaster Jethawks.

In the 1930s and 1940s, the San Fernando Valley was known as the "Horse Capital of California" because many movie stars would come in from Hollywood to ride horses and enjoy the slower rural pace of life. Even today, in the smaller communities, such as Chatsworth, it is not unusual to see horses tied to the hitching post out back of the Los Toros Mexican Restaurant or the Cowboy Palace Saloon.

Since then the Valley has grown to become a major economic powerhouse in the Southern California area, home to more than 1 million people. Even the powerful Northridge Earthquake that hit on January 17, 1994, could not keep the Valley down. Residents of the Valley pulled together to rebuild their homes and the roads. It is now poised to become a city in and of itself.

The Santa Clarita Valley, located in between the San Fernando and Antelope Valleys, has made many contributions to the history of both California and the United States. For thousands of years, the Valley served as a major migration route for Native American groups as they traveled between the coast and the interior valleys and the great eastern deserts. This is the location of the first documented discovery of gold in California; the oldest existing oil refinery in the world; the first commercial oil field in California; the third-longest railroad tunnel in the world at its completion in 1876; and it is the location of one of the last "treat train robberies" in the United States.

In the 1920s, William S. Hart and Tom Mix used the Santa Clarita Valley to create the traditional Western film. The Western film industry continued growing through the decades with actors such as Gary Cooper, Roy Rogers, John Wayne and others. Our quaint little valley created the ideal background for great Westerns such as the "Lone Ranger," "Wyatt Earp," "Annie Oakley," "Gunsmoke" and many more.

As you can see, Mr. Speaker, the 25th district has played a vital role in California's livelihood. I am honored to represent this district and to have been a life-long resident of the Golden State. From the days of the Gold Rush, to the current times of the Silicon Valley, California has always had a major impact on U.S. history and the economy. Please join me today in celebrating the Sesquicentennial of this great state.

Mr. BERMAN. Mr. Speaker, I rise today to honor the 150th birthday of the Great State of California, and to pay tribute to California's 26th Congressional District, which I am honored to represent in Congress. The 26th District is located in the Northeast San Fernando Valley and consists of the Golden State and Hollywood Freeway corridors of the Valley, proceeding as far west as Van Nuys and the San Diego Freeway.

Its history was recounted, with some creative license, in the movie Chinatown. Civic leaders encouraged city engineer William Mulholland to build a huge aqueduct from the Owens Valley to give Los Angeles water, and, in 1915, got the city to annex most of the Valley, large tracts of which they had already purchased.

In addition to many neighborhoods of Los Angeles, the 26th District takes in the small independent city of San Fernando, which is home to the beautiful Mission San Fernando, Rey de Espana. This historic building was established by Frey Fermin Francisco De Lasuen on September 8, 1797 as one of a chain of missions built to convert the native peoples to Christianity and to consolidate Spanish power along the coast of California. The Mission Church is an exact replica of the original church, which was built between 1804 and 1806. The walls of the church are seven feet thick at the base and five feet thick at the top. The material used was adobe brick, and those who built it were primarily the native peoples, who were called the Gabrielinos or the Tongva.

During the 1950s and 1960s, the 26th District was home to Holiday Lake at Hansen Dam, one of the most popular spots in the entire San Fernando Valley for family outings. On weekends, the lake was filled with swimmers and boaters and the shores teemed with picnics and games. But in 1969 and again in 1980, floods brought in millions of tons of sand, gravel and silt to Hansen Dam, transforming the beautiful 130-acre lake into a swamp. With the demise of the lake, the other parts of the park fell into disrepair.

By the 1980's, the closing of the lake became a depressing symbol of overall neglect in this low- to middle-income area. From the day I came to Congress, its restoration was one of my highest priorities. In 1999, a fishing lake opened to paddle boats and rowboats and a swimming lake opened at Hansen Dam, making this area once again a central recreational area for Valley families.

The 26th District was hard hit by the recession of the early 1990s. Many workers em-

ployed at nearby defense plants lost their jobs in the post-Cold War downsizing, while others were laid off in August 1992 when the General Motors plant located in the heart of the District in Van Nuys shut its doors. The magnitude of unemployment was dramatically illustrated in 1993, when a job fair held at the vacant GM site drew thousands of people.

Today, the worst of that economic crisis seems to be over. Unemployment in the area is down, as it is throughout Los Angeles County, and a major commercial/manufacturing development is rising where the GM plant once stood. In addition, the 26th District continues to be home to a variety of manufacturing facilities.

The Northridge earthquake of January 17, 1994 had its epicenter just west of the 26th and destroyed or damaged many homes, stores, factories and office buildings. In fact, the building that housed the 26th District Office was among those that suffered damage so extensive that it had to be torn down following the quake. A section of Interstate 405 within the District collapsed, a gas leak started fires that consumed 70 homes in Sylmar and an oil line exploded in San Fernando (where the quake flattened 63 homes and damaged another 835.) After extensive rebuilding and retrofitting, however, virtually all vestiges of the damage have been repaired.

In the last 150 years, the San Fernando Valley has changed from an empty open stretch of land into a busy metropolis, filled with houses and businesses, office towers, shopping centers, subdivisions and warehouse buildings. The 26th District is home to the Academy of Television Arts and Sciences, which presents the annual Emmy Awards. Among the notable alumni of the District are actor Robert Redford, who attended Van Nuys High School, and rock 'n roll star Ritchie Valens, of Pacoima.

Mr. Speaker, California's 26th District is one of the fastest growing areas of Los Angeles. I am very proud to represent its citizens in the United States House of Representatives. I ask my colleagues to join the California Delegation today in celebrating the sesquicentennial of the Golden State—California.

Mr. ROGAN. Mr. Speaker, located just minutes from downtown Los Angeles, the 27th District of California has an identity as colorful as the roses that adorn the floats of the locally produced Tournament of Roses Parade. The district sits between the Verdugo and San Gabriel Mountains and encompasses the Foothill communities of Glendale, Burbank, Pasadena, South Pasadena, San Marino, Sunland, Tujunga, La Canada, La Crescenta, Altadena and a small portion of Los Angeles.

The district boasts distinctive neighborhoods, a rich history and a vibrant cultural scene. The ethnic diversity of the district is one of its greatest assets and includes long time White, African-American and Hispanic communities along side growing numbers of Koreans, Filipinos and the nation's largest Armenian community. Another distinction is the Spanish heritage reflected in the abundant mission-style architecture and landscaping that can be found throughout the district.

Every New Year's Day, millions of Americans tune in to see rose covered floats make their way down the streets of Pasadena in the Tournament of Roses Parade and to watch two of the nation's top college football teams compete in the Rose Bowl. Pasadena is also

the home of Cal Tech, one of the nation's premier research institutions where the scientists and engineers work together with the Jet Propulsion Laboratory on behalf of NASA to devise the latest techniques in space exploration.

A few miles away, there is a different kind of creativity at work in the many studios that employ writers, set designers, actors and directors who create America's favorite movies and television shows. The 27th District is home to Warner Brothers Studios, Walt Disney Studios and numerous small entertainment companies. In fact even Jay Leno works on his "Tonight Show" from NBC Studios located in downtown Burbank.

It is an honor for me to represent the 27th District of California in Congress and to join with my colleagues in celebrating the Sesquicentennial Anniversary of our great state.

Mr. DREIER. Mr. Speaker, the San Gabriel, Pomona and Walnut Valleys are home to 17 cities and other communities in northeastern Los Angeles County. It is home to the San Gabriel Mountains and the Angeles National Forest—the most visited part of our national forest system. It's one of the few places in America where you can stand in warm and comfortable 90-degree weather and look up at a beautiful, snowcapped mountain such as Mount Baldy.

Dating from the early days of Spanish settlement in California, my district was home to many ranchos and other agricultural settlements. The complexion of the region changed little over many decades. The completion of the railroad from Chicago late in the 19th century unleashed growth that would eventually remake the entire region. With the advent of access to the east, the San Gabriel Valley began to boom. People flocked to the area in search of better job prospects and a more comfortable climate, and many small towns began to grow along the rail lines. Many of the towns and cities in the San Gabriel Valley today trace their roots to midwesterners who settled in the area beginning in the late 1800's. The traditions and values of those early citizens can still be found today in the small-town atmosphere in cities from one end of the valley to the other—even though the area is part of the sprawling Los Angeles megalopolis.

About the same time as the railroad completion, it was discovered that citrus fruits grew well in the region's rich soil and warm climate. The Valleys became leading producers of oranges and lemons, as groves blanketed the area. The citrus industry brought people and a booming economy which lasted until the second World War. After the war, the citrus groves gave way to housing tracts and growing suburbs. The area remains a diverse mix of residential areas and businesses, small and large. At the same time it is undergoing rapid demographic shifts as the diversity of California continues with the arrival new immigrants from China, India, Mexico and a host of other countries in Asia and Latin America and elsewhere.

Today the area is a blend of old and new. The San Gabriel Valley is home to showcase events such as the annual Pasadena Tournament of Roses Parade and the Los Angeles County Fair. At the same time it is becoming a modern center for high technology. Firms headquartered in the region are at the cutting edge of engineering and construction, of internet commerce, of computer hardware and of

communications technology. The area is also home to the world renowned City of Hope National Medical Center in Duarte and a number of outstanding institutions of higher learning, including the Claremont Colleges. The vibrant economy is increasingly centered around technology and trade and our unique location at the edge of the Pacific Rim.

Mr. WAXMAN. Mr. Speaker, it is a great honor for me to represent the 29th Congressional District, which is a mecca of creative genius and one of the most celebrated districts in the country.

Whether you are enjoying the dazzling beaches, the celebrated Walk of Fame, the shopping on Rodeo Drive, or the magnificent Santa Monica Mountains, the beauty and diversity of the 29th Congressional District captivate the imagination like no other place on earth.

The 29th Congressional District is the world's entertainment capital. From the time the first movie studio was created in 1911, creative visionaries and artisans have flocked to this magical place. Today, thanks to the talent and energy of the thousands of people in the district, the entertainment production industry is the nation's largest exporter. International sales of widely popular American copyrighted works brings tens of billions of additional dollars to our economy each year.

The vision and inventive genius are also on display in the myriad other businesses throughout the district, including high tech firms, e-businesses, unique retail businesses and restaurants, and entrepreneurial start-ups. Not surprisingly, this community contains some of the best informed, technologically savvy, culturally progressive, and politically active people in the country.

Every year people travel from around the world to experience the magic of the 29th Congressional District, a singular place where people's biggest dreams can come true.

Mr. BECERRA. Mr. Speaker, I stand before you proudly to congratulate California, the Golden State, on 150 trailblazing and industrious years. It is often said that "as California goes, so goes the nation," for we are a diverse and forward-looking lot. Well, it might also be said that as Los Angeles—and specifically, the 30th CD—goes, so goes the nation, because we are positively among the most richly multi-lingual and multi-cultural communities in the world. I am proud to represent a district steeped in tradition with landmark communities such as: Koreatown, Chinatown, Eagle Rock, Atwater Village, Cypress Park, Glassel Park, Highland Park, Montecito Heights, El Sereno, Echo Park, Silver Lake, Mount Washington, Monterey Hills, Elysian Valley, Lincoln Heights, Boyle Heights, Mid-Wilshire, and East Hollywood. My district surrounds downtown to the North, West, and East, and contains landmark institutions known to everyone such as the Southwest Museum, Los Angeles City College, Occidental College, Children's Hospital and the Los Angeles County-University of Southern California Medical Center.

Specifically, my district contains over 573,000 people which, much like the city of Los Angeles, is home to a multiplicity of languages spoken. Like California, my district is now a majority-minority region where the number of ethnic minorities, including significant numbers of Latino and Asian American residents, actually form the majority of the total

population. In addition, there are large groups of Armenian, Jewish, Russian, and Egyptian Americans who have made their home in the 30th CD. More than half of my constituents were born in other countries, adding yet another dimension to this amazing mosaic of individuals.

Whether visiting Hollywood, attending a Dodger game, or enjoying the culture and cuisine of Koreatown and Chinatown, the 30th CD is a joy to represent. The 30th CD is a wonderful part of the great city of Los Angeles. Mr. Speaker, and my fellow colleagues, I enthusiastically applaud the hard work and contributions of my constituents in the 30th CD, along with those of the other 51 congressional districts who have helped make California what it was yesterday, what it is today, and what it will be in the future . . . a new frontier.

Mr. MARTINEZ. Mr. Speaker, it gives me great pride to rise tonight to celebrate the State of California's sesquicentennial anniversary.

For 150 years, California has been a vital part of the United States. From the gold rush to the high-tech rush, California has been a beacon for millions of our fellow countrymen who have staked a claim in the American dream. The Golden State is truly the enchanted State, home to the entrepreneurial spirit that has built our great Nation.

Mr. Speaker, the history of the 31st congressional district located in the San Gabriel Valley mirrors, in many ways, the history and growth of California. My district is one of the most interesting and culturally diverse in the State. It includes parts of East Los Angeles and extends west to the foothills of the San Gabriel mountains, encompassing the cities of Monterey Park, Alhambra, San Gabriel, South San Gabriel, Rosemead, El Monte, South El Monte, Baldwin Park, Irwindale and Azusa.

The city of San Gabriel is home to the historic San Gabriel Mission, which was founded in 1771 by Franciscan monks. The mission served as a major catalyst in the growth of southern California. It was from the San Gabriel Mission that 11 families left on September 4, 1881, to found El Pueblo De La Reina De Los Angeles. Today, the San Gabriel is a bustling city, rich in culture and history.

El Monte, known as the end of the Sante Fe Trail was the place where people traveling between San Bernardino and Los Angeles stopped. Gold prospectors heading for the gold fields in northern California stopped here before continuing on their trek. El Monte is today the largest city in my district. El Monte is home to hard working families who take pride in their community and heritage.

Mr. Speaker, the city of Monterey Park, which was originally inhabited by Shoshone Indians, is at the turn of the 21st century the home for one of the largest Asian-American communities in the country. Chinese, Taiwanese, and Vietnamese shops, restaurants, and import centers are present throughout the city.

Mr. Speaker, all the cities in my district have their own distinctive character and unique place in the history of southern California. During the past 150 years, the San Gabriel Valley has played an important role in the development of the region, and the valley is indeed extremely well-positioned to continued as vital player in the prosperity of Los Angeles County and southern California.

In closing, Mr. Speaker, I join my colleagues from the Golden State in celebrating California's 150 years of success and wishing my State continued prosperity.

Mr. DIXON. Mr. Speaker, my district lines run from the Harbor Freeway past Baldwin Hills to Culver City; my district includes USC; California Science Center, Natural History Museum of LA County; California African American Museum, Petersen Automotive Museum; and Sony Pictures Studio in Culver City.

Los Angeles was little more than a frontier town in the 1870s when members of the Methodist Episcopal Conference first sought to establish a university in the region. Today, the University of Southern California (USC), located in the culturally and ethnically diverse 32nd Congressional District, is, arguably, one of the country's most preeminent international centers of learning, enrolling more than 28,000 undergraduate, graduate, and professional students. It ranks in the top ten percent of major research universities in the United States.

The 32nd Congressional District is also home to Sony Pictures Studios in Culver City, a major employer in the district, and formerly the home of Metro-Goldwyn-Mayer (MGM), one of the cradles of the motion picture industry in the state. The 32nd also claims a great deal of movie history, including the little known fact that the much heralded 1939 blockbuster movie, "Gone With the Wind," was filmed at the historic David O. Selznick Studios, which was located in Culver City.

Ms. ROYBAL-ALLARD. Mr. Speaker, I rise in honor of the 150th anniversary of the statehood of the great state of California.

On this historic occasion, is it fitting that we taking a moment to observe and celebrate the diverse and distinct cities and communities throughout our state.

The district that I am proud to represent and call home is the 33rd Congressional District of California.

The 33rd Congressional district is a vibrant, diverse area encompassing metropolitan downtown Los Angeles, including Boyle Heights, Little Tokyo, Pico Union, and portions of Chinatown, Filipinotown, Koreatown, and Westlake. The suburban portions of the district include the cities of Bell, Bell Gardens, Commerce, Cudahy, Huntington Park, Maywood, South Gate, and Vernon and parts of East Los Angeles, Walnut Park and Florence.

The 33rd Congressional district houses the civic center of Los Angeles, including the area's courthouses, Los Angeles City Hall, the offices of the Los Angeles County Board of Supervisors, Los Angeles Police Department, Los Angeles Unified School District, Metropolitan Transit Authority, and Immigration and Naturalization Service.

In addition, the 33rd Congressional district boasts a multitude of cultural attractions and resources. The Dorothy Chandler Pavilion, Shrine Auditorium, Latino Museum, Chinese American Museum, Japanese American National Museum, and the Museum of Contemporary Art are located in my congressional district. In addition, the new Our Lady of the Angeles Cathedral is being built in the center of downtown Los Angeles.

Our community also reflects the rich history of the state of California. The district is home to such historic sites such as Union Station, Olvera Street Plaza and the Broadway theater district. In fact, on September 4th of this year,

the city of Los Angeles celebrated its 219th birthday.

The residents of 33rd Congressional district reflect the wonderful diversity of our State. There is a mixture of newly-arrived immigrants families and a strong, established Hispanic community. Ethnic enclaves, like Chinatown, Koreatown, and Japantown, house specialty stores and restaurants that cater to the area's thriving Asian community.

Recently, the 33rd Congressional district proudly hosted the Democratic National Convention. The convention gave Los Angeles and its residents an opportunity to showcase our city to the hundreds of thousands of visitors as well as the millions who watched the proceedings on television. The DNC took place at the recently-opened Staples Center, which also serves as the home for the Los Angeles Kings, Lakers and the Clippers.

I am extremely proud of all that the 33rd Congressional district has to offer and delighted to sing its praises on the 150th birthday of our great state, the State of California.

Mrs. NAPOLITANO. Mr. Speaker, on this Sesquicentennial Anniversary of California's admission to the Union, I am filled with tremendous pride and a deep sense of honor to represent the people of my Thirty-fourth Congressional District, composed of the cities and communities in the Southeast and San Gabriel Valley areas of Los Angeles County including the City of Industry, East Los Angeles, Hacienda Heights, La Puente, Montebello, Norwalk, Pico Rivera, Santa Fe Springs, and Whittier.

Our district is a part of Southern California that is rich in diversity and historical significance from the earliest days through the modern era. In the heart of the 34th district, is the home of Pio Pico, the last governor of Mexican California before the American takeover in 1846. One of California's most remarkable historical figures, he witnessed and helped shape nearly a century of California history. Governor Pico's ancestry includes a mixture of ethnicities, including Mexican, African, Indian and Italian. He built a mansion on what is now a three-acre state park located in Whittier, that was once the headquarters of his sprawling 8,891-acre ranch. Twice the governor of the Mexican State, his life spanned a remarkable era that saw the Spanish, Mexican and American flags fly over his native Alta California.

Early in the American era, Whittier also became the home to a vibrant community of Quakers. It was from this community in a later generation that our Thirty-seventh President of the United States, Richard M. Nixon, was educated at Whittier College. After service in the United States Navy during World War II, he returned to the area to begin his political career and was elected to Congress in 1946.

San Gabriel Mission founded by Blessed Junipero Serra, a Franciscan missionary from Mallorca, Spain, administered the vast lands composing what we know as the "Los Angeles basin," and which were later parceled out into sprawling ranchos to land-grantees during the Spanish and Mexican eras. Following the rancho era when cattle was the principal economic endeavor, these fabulously fertile lands brought forth rich agricultural commodities including citrus, avocado and walnut groves, bean fields and dairy land. Eventually major oil reserves were discovered in what is now Santa Fe Springs and Montebello, which continue producing to this day.

At the end of World War II the sudden demand in housing for returning veterans from throughout the country desiring to raise their young families and populate the massive economic engine of industrial Los Angeles attracted developers to these peaceful and pleasant locales. New homes, schools and churches were built and soon these local communities began to incorporate into new cities. All of these communities share a proud history of the development of the "Golden State" and each has a unique and special historical heritage.

California is indeed the greatest state, in population, economy, diversity and worldwide cultural influence. Its magnificent coastal areas, majestic mountain ranges, fabulously fertile agricultural valleys, vast pristine deserts, bespeak an unequalled wealth of environmental diversity. The Great Golden State was, is and will always be the treasure chest of the American experience renowned the world over. For every Californian, native and immigrant, our motto "Eureka" says it all "I have found it!"

Put another candle on our birthday cake, we are 150 years old today? God bless California. Felicidades California?

Mr. KUYKENDALL. Mr. Speaker, today I recognize the 150th anniversary of California's statehood. On September 9, 1850, California was admitted to the Union as the nation's 31st state. Much has changed over the last 150 years, but California still remains one of the world's natural treasures.

At the time of California's entry into the Union, the population for Los Angeles numbered 3,530. As Los Angeles developed and expanded, so did the South Bay. I am proud that the natural beauty of the South Bay remained unchanged over the last 150 years. The shoreline is our livelihood, as California is the gateway to the West.

We are rich in cultural diversity with a population of all races and creeds from throughout the world. California's natural resources are numerous, with some of the most breathtaking landscape in the world. From agriculture to e-commerce, we are a leader in all areas of business. California's 150 years as a state embody the American experience, one of the growth and vision.

I congratulate all Californians on this milestone. We have much to celebrate. The state of California is a model to the nation. I hope the next 150 years are as dynamic as the first 150.

Ms. MILLENDER-McDONALD. Mr. Speaker, I rise with great pride because September 9th marked the 150th anniversary of California's admission to the union. The United States Postal Service is reissuing its California Statehood stamp to honor this event. And all of the 52 members of the California delegation have come together to pay tribute to an important part of our history in the United States.

As the Representative of the 37th District of California and long time resident of this great state, I am happy to join this effort to pay homage to our historical leaders who had the wisdom to form one union of the United States.

My district in particular has made wonderful contributions to the state of California over the past 150 years. The South Bay area has a long and distinguished history that is unique and embraces the essence of Southern California.

The city of Carson has a strong Spanish presence and is home to Dominguez Rancho Adobe, built in 1826. The Goodyear blimp "Eagle" also calls Carson home. Goodyear's blimp logs over 400,000 air miles per year and have adorned the skies of Southern California as a very visible corporate symbol of the tire and rubber company.

The Los Angeles community of Watts is home to the Watts Towers. Created by Simon Rodia, the towers rise over one hundred feet tall. Composed of structural steel rods and circular hoops connected by spokes, the towers incorporate a sparkling mosaic of found materials including pottery, seashells, and glass. Rodia's house, destroyed by fire in 1957, resided within the complex.

Declared hazardous by the city of Los Angeles, the towers were threatened with demolition until an engineer's stress test proved them structurally sound. They have since been designated a cultural monument.

The city of Long Beach has a past deep in Spanish history. Created by a land grant given to soldier Manuel Nieto, the city was planned out in 1882 as Willmore City by developer Williman Willmore, and a new town began forming along the coast. Long Beach serves as home to the historic Queen Mary.

Partially adjacent to Long Beach is the community of Harbor Gateway and serves as the entrance to the Los Angeles port area. People from around the world visit and call the South Bay area home. I am proud to call the 37th Congressional District home.

Happy Anniversary California!

Mr. HORN. Mr. Speaker, as we celebrate California's 150th anniversary of statehood, this is a good time to reflect on the vast change that has occurred in this former Spanish Colony. Since California was admitted into the Union as the nation's 31st state on September 9, 1850, the state has grown to become the world's fifth largest economy.

California's history before and after statehood includes vital contributions by Hispanics and Native Americans. One of the most important has been the system of 21 missions founded by Father Junipero Serra that began in San Diego and extended over 600 miles to the north. The contributions of the missions in education and in producing clothing and food were integral in California's early development.

California has often been referred to as a bellwether state—a place where people challenge the assumptions of the present to give America a glimpse of the future. This is fitting for a state settled by far-sighted, brave individuals willing to risk everything for a second chance. Americans and others from around the world have seen California as a place to seek a better life. When Los Angeles was founded in 1781, its residents included people of European, African, and Native American ethnic backgrounds. Chinese immigrants built railroads and agricultural infrastructure in the 19th Century. In the 1880's the first direct rail connection between Southern California and the East brought hundreds of thousands to the Southland.

In the 38th District, the historical attractions include Rancho Los Cerritos, an 1884 colonial style-adobe that was once a working cattle ranch, and Rancho Los Alamitos Historic Ranch and Gardens, which was built in 1806. The port of Long Beach is home to the historic *Queen Mary*, once called the Queen of the Atlantic and arguably the most famous ship in

history. The *Queen Mary* began its maiden voyage in 1936, served as Winston Churchill's seaborne headquarters, and played a part in the major Allied campaign of the Second World War. Long Beach is also home to the Boeing C-17 military transport plant and the Sea Launch base that sends satellites into space. Additionally, the Apollo space capsules and the space shuttles were built at the NASA plant in the city of Downey.

This 150th anniversary celebration of California's statehood is as much an occasion to look forward to the future as to reflect on the past. If we live up to our state's long tradition of progress, diversity, and national and international leadership, California can look forward to another 150 years of success.

Mr. ROYCE. Mr. Speaker, I rise to pay tribute to the 150th anniversary of the founding of the golden State of California.

From the port of Long Beach to the North Orange County region, the 39th Congressional District is one of the many examples of the state's remarkable diversity. This area was once thriving farmland, rich in oranges, lemons, avocados, and walnuts. Agriculture was the first important industry. With orange groves being so abundant, Orange County was named after the fruit.

Many industrious individuals flocked to this area, like Walter Knott, who began the Knott legacy in Buena Park. He used to sell jams and jellies at a roadside stand. Mrs. Knott began serving up fried chicken dinners to those waiting in the lines, and they soon added a restaurant to accommodate more people.

Mr. Knott wanted to build something as a tribute to the Old West and the pioneers who paved the way. The idea of a ghost town was born, which eventually evolved into the Knott's Berry Farm amusement park. Its original purpose was to educate and entertain and it still does today.

The district has undergone tremendous growth since the days of the orange groves. The neighboring metropolis of Los Angeles burst at the seams and the population spilled across the rural valley. In its wake, the farmlands were replaced by an urban landscape of homes, shopping malls, and industrial parks.

Today, Orange County is home to a vast number of major industries, the most prominent being the high-tech, telecommunications, and entertainment industries.

Throughout its existence, this area has continued to thrive. No other environment is more conducive to innovation and creativity than this sun-blessed region of Southern California.

Mr. LEWIS of California. Mr. Speaker, as California celebrates the 150th anniversary of statehood, I would like to share with my colleagues a little of the history and special characteristics of the 40th Congressional District—the largest in the state—which I am proud to represent. That history stretches long before California became a state—and indeed long before the history of the West was recorded.

The 40th district stretches from the peaks of the Eastern Sierra Nevada to the fast-growing cities of the San Bernardino Valley, on the eastern edge of the Southern California urban area. The heart of the district is the Mojave Desert, which has long been known as a gateway to the Pacific Coast since the Mohava Indians forged a trail west from the Colorado River to trade with coastal tribes. The route eventually was followed by the Union Pacific

and Santa Fe railroads, and then by Route 66, the Mother Road that is still celebrated by tens of thousands of people at events in Barstow and San Bernardino.

The 40th Congressional District today boasts the highest point and lowest point in the "lower 48" states. Mount Whitney, at 14,495 feet, is the highest peak along the towering mountain chain known as the Sierra Nevada. The lowest point at 282 feet below sea level, is the Badwater area of the desolately beautiful Death Valley National Park. The two points are among many that make the district an outdoor recreation paradise. Other desert parks include Joshua Tree National Park and Mojave National Preserve. The Owens Valley, where the mountains meet the desert, is the gateway to such nationally known treasures as Sequoia National Park and the Mammoth Lakes ski resorts.

Southern California residents know that they can find world-class skiing and summer hiking trails much closer to home, in the 40th District's San Bernardino Mountains, which provide a snow-capped backdrop to the sunny Southland. Tucked under those mountains are some of the nation's fastest growing communities.

Mr. Speaker, the 40th Congressional District makes a huge contribution to our nation's defense as the home of the Army's National Training Center at Fort Irwin, the Marine Corps Air-Command Combat Center at Twentynine Palms, Edwards Air Force Base and China Lake Naval Air Warfare Center. Two recently closed installations—George Air Force and Norton Air Force Bases—are being transformed into new commercial air hubs to handle the region's burgeoning air cargo and passenger needs.

The 40th Congressional District has a wealth of universities and colleges, including fast-growing California State University, San Bernardino, the prestigious University of Redlands, and Loma Linda University and Medical Center, known nationally for its infant heart transplant program and for the first proton beam accelerator used in ground-breaking cancer treatment.

Mr. Speaker, from the discovery and mining of gold and silver to the training ground for Gen. George S. Patton's World War II tank brigades, the 40th Congressional District's history is intertwined with California's and the nation's. It is an honor to represent a district that contains such a wealth of resources, and such hard-working, forward-looking constituents.

Mr. GARY MILLER of California. Mr. Speaker, I rise today to recognize the Sesquicentennial of the great State of California's admittance to the Union. This event took place on September 9, 1850 and made California the 31st State of the United States of America.

The 41st District, which I represent, is part of what makes California special. It is centered in the area that is known as the Inland Empire on the point where Los Angeles, San Bernardino and Orange Counties come together. Decades ago, it was home to mostly orange groves, farmers and dairymen. But during the 1980's, the Inland Empire developed into a booming economic region as a result of the expansion California experienced in that time.

This district is home to many terrific cities including Chino, Chino Hills, Upland Montclair, Walnut, Diamond Bar, Brea, Rowland Heights, Ontario, Pomona, Yorba Linda and Placentia.

The international airport in Ontario is quickly becoming a major airport hub for passengers and cargo heading overseas. Pomona is the host of the Los Angeles County Fair each year. Yorba Linda is the birthplace and resting place for former President, Richard Nixon, and home to the Nixon Presidential Library. The 41st District is also the home of California State Polytechnic University, Pomona. The Collins School of Hospitality Management at Cal Poly Pomona is considered to be among the top ten hospitality management schools in the United States.

I am very proud to be a resident and the Representative of the 41st District of California. It is with great pride that I recognize the Sesquicentennial of California, the greatest State in the Union.

Mr. BACA. Mr. Speaker, this year we celebrate California's 150th anniversary of the state's admission to the union. The 42nd Congressional district of California has undergone many changes over the years.

For many years San Bernardino was the gateway to the Los Angeles Basin, situated on flat land where the route through the twisting, windy Cajon Pass took passengers on the Santa Fe Railroad and motorists on U.S. 66 from the hot and dusty high desert to the greener, tree-lined basin.

There were orange groves around the little railroad towns and vineyards to the west; this was an agricultural zone until World War II, when Henry J. Kaiser built the West Coast's first major steel mill between the Santa Fe and Southern Pacific lines in Fontana, just west of San Bernardino.

In the 1950's Ray Kroc traveled to California upon hearing about the McDonald's hamburger stand in San Bernardino running eight Multimixers at a time. Kroc had never seen so many people served so fast. Kroc pitched the idea of opening up several restaurants to Dick and Mac McDonald. Today the restaurant is an international chain.

In the 1990's the region weathered military base closures and realignments, as well as aerospace firm downsizing. But we have rebuilt, and today the Inland Empire has a thriving economy and is projected to be one of the fastest-growing areas in the United States.

Today the region has great strengths—We have inexpensive land, extensive transportation systems, including trucking hubs, a large employment pool, low unemployment, strong growth in construction, distribution, and manufacturing industries, and 23 colleges and universities, which are engaged in cutting edge research, including CE-CERT at U.C. Riverside, which is doing research on automotive technologies of the future.

IVDA/San Bernardino International Airport is poised to turn Norton Air Force Base into a high-tech incubator, through legislation I authored to provide tax incentives to businesses (AB 3, 1998). We hope to create 15,000 high-tech jobs in our region through incentives as a result of that legislation, such as 15 year net operating loss carryover, sales and use tax credits, expedited permit processing, and the creation of local incentives for employers.

We are also working to create a regional partnership with Orange County to make San Bernardino International Airport viable for businesses.

California and the Inland Empire will be a hub for the commercial space business and industries of the future. High technology will

be the key, in this decade and in the next 150 years of our state.

Scientists are working on advances that push the frontiers of science, such as new devices that can store the content of the Library of Congress on a computer the size of a sugar cube, and robots no bigger than a thumbnail. As a member of the Science Committee, I have been pleased to support these efforts.

This research will have very real benefits for California and the Inland Empire in terms of job creation and economic growth. If anyone has any doubts, look at the Internet. The Internet started as a federal research tool, and is responsible for one of the longest economic booms in history.

In addition to the above initiatives, we will continue to work on projects such as completing the Alameda Corridor, making it a route that ultimately could link us with Mexico; bringing high speed rail to the Inland Empire, and creating an Inland Empire distribution center. We are building Tech Park, a 120-acre business park to house high tech businesses.

We are also working to revitalize downtown San Bernardino with a new courthouse, through SB 35 (Baca), which provides local funding, and we have been working on federal funds.

In summary, it has been a long road from the hot and dusty origins of our area to the thriving high-tech future. But as our state celebrates its 150th anniversary, we have many changes to look back on. Our past achievements are filled with pride, our future promise is great.

Mr. CALVERT. Mr. Speaker, I rise today with the whole of my delegation to commemorate the 150th anniversary of the great state of California joining the United States of America. As the 31st state to join the union, nobody at the time could have predicted the incredible breadth of agriculture, business, military prowess or diversity that California would and continues to contribute to the nation.

My own small corner of California, anything but small really, encompasses western Riverside County, including the cities of Riverside, Corona, Norco, Lake Elsinore and Murrieta. In fact, Riverside County is the fourth largest county in the state, stretching nearly 200 miles across and comprising over 7,200 square miles of fertile river valleys, low deserts, mountains, foothills and rolling plains. Between 1980 and 1990, the number of residents grew by over 76%, making Riverside the fastest-growing County in California. By 1992, the County was "home" to over 1.3 million residents—more than the entire population of 13 states, among them Maine, Nevada, Hawaii and New Hampshire.

Of course I would be lax in my position as the Representative to the 43rd Congressional District if I did not add that it is also the most impressive district in California. Founded in 1870 by John W. North and the Southern California Colony Association, the City of Riverside took off and has never looked back. In its infancy Riverside became known for its many citrus groves, palm lined avenues and wide array of subtropical shade. The region became famous for its citrus and horticultural industries that over time gave way to military and industrial growth, and education.

In fact, in 1907, Riverside became the home to the University of California Citrus Experiment Station, sponsoring wide-ranging research that greatly benefited agriculture in the

region. The site was established as a campus of the University of California fewer than 50 years later in 1954. Today, the University of California at Riverside has earned a reputation as one of the pre-eminent teaching and research institutes in the world.

Agriculture continues to be a cornerstone of UC Riverside as California continues as the nation's top agriculture state, a position it has held for more than 50 years. From Humboldt County in the north to Imperial County in the South, California agriculture is a blend of valleys, foothills, coastal areas and deserts where a bounty of superior agricultural products unmatched anywhere in the world grow.

My home district also offers up its beautiful architecture to those who visit. Its "Mediterranean image" derives from the many examples of fine architecture in the California Mission Revival and Spanish Colonial styles that grace its landscape. The best known example being the Historic Mission Inn, in the City of Riverside, which was built between 1902 and 1932 by Frank A. Miller and his partner Henry Huntington. Bette Davis and Humphrey Bogart were married there. Teddy Roosevelt was its first Presidential guest. Richard and Pat Nixon exchanged wedding vows at the Inn. Ronald and Nancy Reagan began their honeymoon in its Presidential Suite.

Mr. Speaker, the 43rd District has obviously seen rapid growth and change over the past 150 years. We are proud to join our other friends across California in celebrating our great fortune and success as a State. California is guaranteed to continue as cornerstone of agriculture, education and industry in the next 150 years to come. Happy Birthday California!

Mrs. BONO. Mr. Speaker, in many ways, California's 44th District represents the Golden State as a whole. Rich in its geographic, environmental and cultural diversity, this area within what is now known as the "Inland Empire," has a vibrant past and promising future. The district contains towering alpine peaks and forests, arid expanses of unforgiving desert, rich agricultural fields—even beaches at the great inland Salton Sea and on the banks of the mighty Colorado River. Today, this region has fulfilled the vision of early settlers and exceeded expectations of even the most optimistic boosters.

The 44th District was first home to the southern California's indigenous desert tribal people—the Cahuilla Indians. From the high mountain peaks of Mt. San Jacinto to the depths of the Salton Sink, these tribal bands lived in harmony with a sometimes harsh but amazingly rich environment. The Cahuilla culture is still a respected part of the current desert community, and their magnificent Indian Canyons stand as a testament to their sound stewardship of these native lands. The Cahuilla people welcomed the Spanish explorers who were the first westerners to travel deep into the southern deserts, sharing the trails and watering holes that meant the difference between life and death in the forbidding expanse.

Later, settlers from first Mexico and later the United States traveled to the region—most establishing rancheros and farms as the earliest economic enterprises. These hardy souls fought against unimaginable hardships to carve out a living in this arid and sometimes hostile environment. But, they persisted, and some thrived. When California was granted

statehood in 1850, the residents became U.S. citizens. By the late 1800's the railroads had become part of the landscape, transporting new arrivals to the coastal regions of southern California. Some never got that far, instead making their home in what is now Riverside County.

From the beginning, the Cahuilla people had recognized the restorative powers and healing benefits of the *agua caliente* or "hot waters" of the desert springs. Soon, residents and visitors made the pilgrimage to Palm Springs to soak in the hot springs and find comfort in the dry desert climate. Enterprising farmers in the Coachella Valley began raising dates, grapes and other crops that could withstand the dry conditions and often searing desert heat.

During the same period, the Hemet and San Jacinto Valley attracted farmers and ranchers to its rich and productive lands. Cattle ranches, citrus groves, and a variety of different types of produce thrived in this fertile valley. But, as in all of southern California, the need for a steady supply of water limited the agricultural growth of the entire region.

Today, many Americans would have a difficult time imagining the southern California of our not so distant past. The miracle that changed the landscape was the introduction of a reliable source of water for irrigation and development. Shortly after the turn of the century, that need resulted in the creation of the Salton Sea when the Colorado River breached the holding dikes that had been constructed to route fresh water for irrigation to the eastern Coachella Valley. With the creation of the Sea and the establishment of efficient irrigation systems the unthinkable happened. A once hostile desert became a rich agricultural center. And with the new political clout enjoyed by the southern California water districts and departments, eastern Riverside County found a dependable source of water for its residents and agricultural concerns.

As the population grew in southern California, so did the reputation of the Hemet/San Jacinto and Coachella Valleys. Hemet became a favored destination for those seeking space, fresh air and community. The area around Palm Springs became a favorite vacation spot for luminaries as varied as Albert Einstein and Errol Flynn. Hollywood discovered the desert resort region and flocked to Palm Springs for sun, tennis, bathing, and later, golf. The region thrived and the population grew fast. By the middle of the last century, Palm Springs had become world renowned as a vacation haven.

Following WWII, the growth in southern California continued at an unprecedented pace. The Inland Empire had not yet received its status as one of the fastest growing regions in the country, but, it was enjoying steady and significant population increases. Improved water delivery systems and infrastructure enabled the eastern Riverside County region to handle the rapid expansion. From a few sleepy desert towns, the Coachella Valley transformed itself into nine separate municipalities with nearly a quarter million residents—seemingly overnight. The communities of Hemet and San Jacinto, along with many smaller cities in the valley and pass region between the city of Riverside and the southern

deserts also grew. However, these communities had been established earlier as residential centers and their growth was not as dramatic. The city of Temecula and the surrounding countryside became a rich wine producing center, with several local wineries achieving international prominence.

As California celebrates its sesquicentennial, the Inland Empire and the 44th district have achieved an important place in the history and future of the Golden State. The growth continues, the economic expansion is strong, and the diversity of the people and the environment prevail. The history of this great state is made rich through the contributions of individuals too numerous to list here, but to the people who chose to make southeastern California home their stories and names are familiar. As the inscription on the Capitol Building in Sacramento, California, reads: Give me men to match my mountains; the people who built the communities of the 44th Congressional District reflect that greatness and grand vision. Today, as we honor the great state of California on the occasion of her 150th anniversary, we honor also the memory of all those who contributed to her story. I want to extend special recognition to the people of California's 44th district, past and present, who made their personal commitment to the Golden State.

Mr. ROHRBACHER. Mr. Speaker, when California was admitted as a state 150 years ago, Southern California paled in comparison to the northern part of the state, which was famous for the gold rush and the new City of San Francisco. The 45th Congressional District and surrounding areas hardly qualified even as a rural backwater, being made up primarily of swamps and cattle ranches. In the late 1800's farming gradually replaced ranching and spurred the conversion of coastal swamps and river flood plains into habitable land. Huntington Beach, which is today a booming city of over 200,000 people that forms the core of the 45th District, didn't even get its start until 1902, when a group of farmers and other investors decided to found "Pacific City" in an attempt to emulate the success of Atlantic City on the East Coast. This venture then got bought out by a group of Los Angeles businessmen headed by Henry Huntington, in whose honor the town was renamed when he brought his Pacific Electric Railway into town.

The area that became the 45th District gained in population as tourism, the oil industry, and world war each took their turn as a spur to local growth. Our area played a major role in winning World War II, serving as the site for both the Seal Beach Naval Weapons Station, which even today supplies a major portion of the Navy's firepower and the Santa Ana Army Airfield. This airfield was the staging ground for G.I.'s shipping to the war from around the country, and can be credited in and of itself as a major spur to Orange County's population growth as G.I.'s experienced the pleasant Southern California climate first hand and many moved their families there after the war. Although this huge airfield was decommissioned after the war, the land on which it sat was put to good use—it is now the site of John Wayne Airport, the Orange County Fairgrounds and Orange Coast College.

Huntington Beach has become known during the last half of the 20th Century as "Surf City," becoming the nation's prime area,

hosting the first U.S. Surfing Championships in 1959 and major national and international surfing events since then.

Just as with World War II, the Huntington Beach area played a major role in winning the Cold War, providing the home for much of the nation's aerospace industry. Famous corporate names from the past: Douglas Aircraft (later McDonnell Douglas) and North American Rockwell have come under the umbrella of the Boeing Corporation, which today is by far the region's largest employer and still plays a major role in producing aircraft, satellites and rockets for both our both our military and our nation's space program.

It's appropriate that an area so closely identified with our nation's freedom became the final destination for a majority of Vietnamese refugees escaping communism after the Vietnam War. The 45th District is home to Little Saigon, the heart of the largest concentration of Vietnamese people in the world outside of Vietnam.

Mr. Speaker, I am proud to represent a district that represents our nation's finest traditions in not only serving our country in the cause of freedom, but also in knowing how to have a good time. The 45th District epitomizes my own personal motto—"Fighting for Freedom and Having Fun."

Mr. COX. Mr. Speaker, it is with great pride that I rise today to celebrate the sesquicentennial anniversary of statehood for the great state of California. For 12 years, I have had the privilege to represent the 47th Congressional district, which is nestled in the heart of Orange County. Our State was created out of territory ceded to the United States by Mexico in the Treaty of Guadalupe Hidalgo. It officially became the 31st State in 1850 with a population of 92,597.

Orange County was created in 1889, after residents of the southern part of then Los Angeles County felt they were not getting the attention they deserved from county officials and wanted a county seat nearer home. Santa Ana, which had grown recently due to the discovery of silver in the Santa Ana Mountains, was named the county seat.

Today, with a population of nearly 3 million people and an annual economic output of over \$110 billion, Orange County is one of the most successful and diverse hi-tech centers of commerce in the world. Its economy is larger than all but 31 nations in the world—ranking ahead of Israel, Portugal, and Singapore. Orange County's diverse population is larger than 20 states, and its economy is bigger than 25 states. It is one of California's top exporting regions, behind only Silicon Valley and Los Angeles, and tied with San Francisco. Orange County exports more than \$12 billion worth of goods each year, from computers to state-of-the-art medical equipment, biotechnology, and other ultra-sophisticated technological goods. In just the last three years, high-tech exports from Orange County companies have grown by 53 percent.

Orange County is home to some of the most beautiful beaches in the world, stretching for miles along the Pacific Ocean between Los Angeles and San Diego. The "Places Rated Almanac" has selected Orange County as the best place to live in the nation, ahead of more than 350 other metropolitan areas. Orange County is a national center for higher education. Universities and colleges in my district include the University of California, Irvine,

where I serve on the Advisory Board of the world-class Brain Imaging Center, and Chapman University, on whose Board of Trustees I serve. Orange County has also been home to the world-famous Festival of the Arts and Pageant of the Masters for 68 years. In addition, Laguna Beach, the southernmost point in my district, is a year-round haven for artists and craftsmen, and its entire coastline has been declared a "Marine Life Refuge" to protect and preserve the rich variety of marine life forms for all to observe and enjoy.

The Anaheim Angels baseball team and the Anaheim Mighty Ducks hockey team make their homes in my district. The Anaheim Pond, home of the Ducks, is also the second most active concert venue in America, behind only Madison Square Garden. Finally, Orange County is home to the Ronald Reagan Federal Courthouse, authorized in legislation I wrote as a member of the House Public Works Committee in 1992. Once again, it is with great pride that I stand here today to mark 150 years of prosperity and leadership for the great state of California, and to recognize Orange County's important role in our state's history and future success.

Mr. PACKARD. Mr. Speaker, today I would like to take a moment to recognize the great State of California. One hundred and fifty years ago, California became a part of the United States of America. On September 9, 1850, President Millard Fillmore signed a bill admitting California as the 31st State in the Union.

In the early 1800's, settlers very slowly filtered into California until 1848, when gold was discovered at Sutter's Mill. Suddenly, people from all over the world looking to strike it rich flooded through San Francisco. They traveled up the Sacramento River to the gold fields. It was this discovery of gold that hastened California's statehood.

In September 1849 a convention met at Monterey and adopted a state constitution. The constitution was approved by popular vote on November 13, and on December 15 the first legislature met at San Jose to create an unofficial state government. The Compromise Measures of 1850, a series of congressional acts passed during August and September 1850, admitted California as a free, or non-slave, state. On September 9, 1850, California became the 31st state in the Union. The state capital was moved successively from San Jose to Monterey, Vallejo, and Benicia. In 1854 it was located permanently at Sacramento.

The 48th District of California, which I represent, was created in 1982 after the 1980 Census. It has been described as the most agreeable climate in the continental United States. This district has the beautiful scenery, which is typical of California. The location occupies the southernmost portion of Orange County, the North County part of San Diego County and a small slice of Riverside County, the instant town of Temecula. It includes the seaside communities of San Clemente and San Juan Capistrano, where the swallows famously return every year. The well-known Old Spanish Mission at San Juan Capistrano is located in the quaint little town located above the shores of the Pacific, halfway between San Diego and Los Angeles.

Inland, there are the newer communities of Mission Viejo and Laguna Niguel; just south of Pendleton in San Diego County are Ocean-side and Vista. Farther inland amid the hills

are Fallbrook and, in Riverside County, Temecula, in the mid-1980s a corner-grocery town serving a vineyard district, now the center of an area with 100,000 people, mostly commuters to Orange County and Riverside attracted by low-priced homes and traditional values. Growth has been and continues to be a factor in this area of southern California.

California has a rich history. It is the 3rd largest state in area and the largest state in population. California has the largest population of Native Americans, a continuing growing Hispanic population and a large Asian population, all of which help California to lead the nation in cultural diversity. I am proud not only to represent this area in Congress, but also to be a resident of the wonderful state of California. I would like to wish a Happy Anniversary to the 31st State of America.

Mr. BILBRAY. Mr. Speaker, this is a great time to reflect on the greatness of our country. With California celebrating its 150th anniversary of the state's admission to the union, one automatically recalls that inspiring phrase, "Go West, young man!" and the beginning of our trail blazing history. As Californians, we can rejoice in the adventurous and rugged spirit of our forefathers and be grateful that these men and women were willing to risk life and limb for a new and unknown life in California. Just envisioning those covered wagons poised on the pinnacle of the Sierra Mountains and looking down on the promised land brings a shiver to my soul. Those were truly trying times and those first California settlers were truly brave people.

I am proud of my roots—my father is from the East, specifically Alabama, and my mother is from Northwest Australia. However, my family and I are grateful for those brave spirits who ventured from the East because we now have the opportunity to benefit from their risk and foresight.

San Diego is the jewel of California, and I have had the privilege of representing one of the most beautiful and inspiring districts in our nation. San Diego is the area where Father Junipero Serra set up one of the first missions in California. This early history can be explored in the preserve of Old Town San Diego.

Presently, the residents of San Diego relish in telling all of their friends and relatives outside of Southern California about the incredible weather they enjoy year round—70 degrees and no humidity! California's 49th congressional district boasts such natural wonders as the sensual coastline from its southernmost point in Imperial Beach to the rocky cliffs of Torrey Pines' nature preserve. The 49th also holds in its stead the tranquil, deep waters of the San Diego Bay, which is home to Sea World as well as large naval bases that rival the ports of Hawaii—North Island Naval Air Station and the 32nd Street Naval Station. With San Diego being blessed with both an awesome shoreline and an incredible bay, residents and tourists alike can enjoy surfing and sunning on the beach or sailing and kayaking on the bay all year round.

An event that I enjoy the most is Sand Castle Days held every August in my hometown of Imperial Beach. This is a world-renown event that gathers the best amateur and professional sand castle designers from around the country and the world in the tiny Southern California beach town. Every year, we are surprised by the intricate designs created by the simple substance of sand.

If cultural arts are on your agenda, San Diego has set the stage for such incredible Broadway productions as "Damn, Yankees" and a revision of "Hair" from creative playhouses like the La Jolla Playhouse and the Old Globe Theater in Balboa Park. Each September for a weekend, the streets of downtown San Diego come alive with the hip and grooving sounds of homegrown musical groups as well as famous, well-established rock bands during a phenomenal music festival known as "Street Scene." The 49th also has a diverse collection of famous art museums—from the modern art of the La Jolla Contemporary Museum of Art to world classics at the San Diego Museum of Art or American artists at the Timken Museum of Art or native pieces from around the world displayed at the Mingei International Museum.

Balboa Park is a cultural center located in the heart of the 49th District. It is a serene, green oasis situated in the middle of a bustling major metropolis. Not only is the San Diego Museum of Art located in this vast cultural enclave, but adults and children alike can learn about the wonders of science at the Reuben H. Fleet Science Center, delve into man's past at the Museum of Man, and be engulfed in the beauty surrounding us at the Natural History Museum.

The most popular world famous attraction in the area is the San Diego Zoo. Just this past summer, our zoo became one of the first in history to have a baby Giant Panda live past her first year after being born in captivity. Hua Mei has become the biggest celebrity in San Diego. Visitors from all over the world have made special trips to catch a glimpse of this giant bundle of joy. But long before Hua Mei's birth, the world famous San Diego Zoo has seen the births of many beautiful creatures, such as black rhinos, giraffes, and many endangered species.

Another famous site in San Diego is located on the island city of Coronado. Hollywood superstars have flocked to the legendary and historic Hotel Del Coronado. The "Hotel Del" built in 1888, as one of the oldest standing wood structures of Victorian architecture is a national historic landmark that has a rich and colorful heritage. Ten U.S. presidents have stayed in this extraordinary hotel, starting with Benjamin Harrison in 1891, and since Lyndon Johnson, every president since has visited the "the talk of the Western world." Charles Lindbergh was honored at the Hotel Del after his successful transatlantic flight. Subsequently, the international airport in downtown San Diego is named after this famous aviator—Lindbergh Field. In 1958, the outrageously funny movie "Some Like it Hot" with Marilyn Monroe, Jack Lemmon and Tony Curtis used the Hotel Del as a stage and backdrop.

Speaking of celebrities, San Diego has also been the home of such movie celebrities as Gregory Peck and Rachel Welch, who grew up on the beaches of La Jolla, and Eddie Vedder, lead singer for the popular rock group, Pearl Jam, spent much of his youth at the clubs and beaches of San Diego. Surfing sensation and Nobel Prize recipient Kary Mullis is a friend who continues his research at UCSD. Helen Copley is a powerful newspaper woman who still boasts the only major newspaper in the area, the San Diego Union Tribune. The famous scientist who discovered penicillin, Dr. Jonas Salk, called La Jolla home and also founded the internationally acclaimed

Salk Institute, where scientists from around the world come to study and make scientific breakthroughs. Marine biologists enjoy the access to the sea from their perch in La Jolla and contribute to the Stephen Birch/Scrapps Aquarium.

Dr. Roger Revelle established a name and reputation in the area, and is responsible for the academic achievements and popularity of the University of California at San Diego. Other major universities in the 49th District, include the private and catholic University of San Diego, San Diego State University, and Point Loma Nazarene College. Golf enthusiasts can enjoy the same course played by professionals of the PGA at the public Torrey Pines Golf Course, while watching hang gliders glide off the rocky cliffs or sunbathers at world famous Black's Beach.

Grabbing food in San Diego is a delicious and unique experience—from the quick service of authentic fish tacos at local sensation Rubio's Restaurants to the more formal and decadent dining at any of the restaurants located in the historical Gaslamp District in the heart of downtown San Diego. And no one can visit San Diego without sampling the delights of authentic Mexican fare while viewing the adobes and churches of the first San Diego settlers in historical Old Town. The activities, people and places in California's 49th Congressional District are as numerous and diverse as its residents. There is no other place like it in the world and it is an honor representing its interests and people in Congress.

Happy Birthday, California! And a big thank you to those brave men and women who risked their lives to conquer the unknown and establish such a wonderful place as San Diego and the State of California.

Mr. FILNER. Mr. Speaker, on the occasion of the 150th anniversary of California's admission to the Union, I rise to bring attention to the 50th Congressional District of California—an urban district in southern San Diego County and the southernmost district in California, bordering Mexico.

I am proud that it is one of the most ethnically diverse congressional districts in the nation. No racial or ethnic group is in the majority: we have 45 percent Latino residents, 25 percent Anglo, 15 percent African-American, and 15 percent Asian-American.

Our residents include veterans, seniors, and working families. We are concerned that our children receive a quality education, that all our families have access to high-quality, affordable health care, that we invest our budget surplus to strengthen Social Security and Medicare, and that we fight to keep the promises that were made to our veterans.

The southernmost neighborhood in my district, San Ysidro, California, is situated on the Mexican border and is the busiest border crossing between any two nations in the world! The proximity of Mexico provides both challenges and opportunities for my district—but we revel in the excitement of a truly binational community.

To the east is Otay Mesa, primarily an industrial area with an expanding large-scale manufacturing base. Farther north are the cities of Chula Vista and National City, home to many residential areas and hundreds and hundreds of small businesses. One of the county's largest developments, Eastlake, is rapidly growing to the east of Chula Vista—and Bonita, a neighborhood of middle-class homes

in an unincorporated community of the county, is nearby.

At the northern border of the 50th district is the central portion of the city of San Diego, just south and east of downtown, with many neighborhoods that are experiencing gentrification by "urban pioneers" moving back from the suburbs.

All in all, the people of the 50th congressional district represent the best of America. Industrious and ambitious, striving for a good life for our children and grandchildren, we work and play together in a largely harmonious blend of race, ethnicity, and religion. We believe in the American dream.

I am proud to represent these fine men, women and children, and I am working hard in Congress to ensure the best for their future.

Mr. CUNNINGHAM. Mr. Speaker, on the 150th anniversary of California's entrance to the Union, it is with great pleasure that I introduce California's 51st district.

California's 51st district covers most of North County, only minutes from downtown San Diego. North County, well known for its beautiful beaches, ideal weather, and quiet lifestyle has proven attractive to the growing 650,000 who inhabit this region and the many who visit "America's Finest City" and the surrounding area from all over the world.

The 51st district encompasses the coastal towns of Carlsbad, Encinitas, Solana Beach, and Del Mar. Carlsbad is best known for its majestic flower fields and is the predominate supplier of commercially grown flowers on the West Coast. The flower fields are easily seen from 1-5 as one makes their way down this coastal commute. Also, newly constructed Legoland® choose to call Carlsbad home. The amusement park opened in 1999.

Del Mar is where the "turf meets the surf" and is home to the Del Mar Racetrack. One can watch the thoroughbreds and still have a view of the ocean from the grandstand. During the off-season, the Racetrack becomes the Del Mar Fairgrounds. This two-week fair has been a North County tradition since 1936. The fair features rides, livestock shows, exhibitions, agriculture, and local art. Over 1 million people visited the Del Mar Fair last year.

Inland, the towns of San Marcos, Rancho Santa Fe, Escondido, and Poway lie among the rolling hills. Escondido is home to the world famous Wild Animal Park, established in 1969. This 1,800-acre wildlife preserve allows visitors to view herds of exotic animals as they might have been seen in their native Asia and Africa.

A portion of the city of San Diego makes up the remainder of the 51st district. This area includes the former Miramar Naval Air Station. The base, made famous by the 1986 movie Top Gun, was home to the elite naval fighter pilot school of the same name. This naval base was converted to the Miramar Marine Corp Air Station in 1996. North County is also home to many veterans and active military who choose to make San Diego their permanent home during and after their military service.

San Diego is also fast-becoming the center of the growing high-tech and bio-tech industries. Qualcomm, Cubic, Hewlett Packard, Sony, Nokia, Erickson, Titan, Ligand Pharmaceuticals, Pyxis, and the Immune Response Corporation all call San Diego home. These booming industries have brought San Diego to the forefront of these exciting new fields.

With its sunny weather and stretch of coastline, it is not surprising that North County is one of the fastest growing areas in California. Mr. Speaker, I consider it a privilege to live in North County and an honored to serve and represent the people of the 51st district.

Mr. HUNTER. Mr. Speaker, I rise today to celebrate the 150th anniversary of California's admission into the Union. I am fortunate to represent the 52nd Congressional District, a beautiful area along our international border with a rich history and culture. Home to the deserts and agriculture fields of Imperial County, as well as the mountains and urban areas of East San Diego County, the 52nd is as much diverse as it is unique.

As the winter home of the Navy's Blue Angels, and thousands of "snowbirds" from all over the country who come to enjoy the scenery and weather, Imperial County is known as the place "Where the Sun Spends the Winter." It is the home of the Glamis Sand Dunes, the Brawley Cattle Call, and the best farm land in the country, which provides delicious fruits and vegetables the entire country enjoys year-round. Imperial County is also home to the largest body of water in California, the Salton Sea, as well some of the best Mexican food a person can find.

San Diego County draws its name from San Diego de Alcalá, a designation credited to Spaniard Don Sebastian Vizcaino, who sailed into what is now San Diego Bay on November 12, 1603, and renamed it in honor of his flagship and his favorite saint. The County of San Diego was established by the State Legislature on February 18, 1850, as one of the original 27 counties of California with an estimated population of at least 3,490.

Today, almost 100,000 people and 5,000 businesses reside in San Diego's East County alone. Places like El Cajon, which means "the box" in Spanish because the city is completely surrounded by mountains, provides the perfect recreation spot with horseback riding, golf courses, campgrounds, parks and easy access to the many attractions of Southern California.

Another city in East County, La Mesa, is known as the "Jewel of the Hills" to the 56,000 people who call this desirable city their home. La Mesa's location places it close to the cultural facilities, sports, recreation and water-related activities afforded by its proximity to the county's metropolitan center, beaches and bays.

The 52nd Congressional District is made up of communities in which the residents and business people take an active role in protecting and enhancing the quality of living. The number of service clubs and organizations, school and church related groups, and other civic and social organizations, give tangible evidence of the vitality of its citizenry and their active interest in the community. It is a commitment to "community" that gives the 52nd a special identity.

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#### H.R. 1323

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

Mr. GREEN of Texas. Mr. Speaker, today I want to talk about legislation that I have been working on. It is H.R.

1323. H.R. 1323 deals with breast implants, an issue that has been the subject of many court cases now for a number of years.

On Monday, the Food and Drug Administration, the FDA, hosted a meeting to discuss research on silicone gel-filled implants, and I am grateful for the FDA in their willingness not only to meet with my own constituents but also other people on my staff on this issue and hopefully will continue to dialogue with the FDA to ensure that women get the information they need on the safety of the implants.

However, the research indicates that platinum salts have been released by silicone gel-filled implants. This is significant information because the platinum salt in certain form is known to be toxic. New technology has allowed scientists to determine that the platinum used as a catalyst in making the gel and the shell of the gel-filled breast implant is being released into the body of women in a harmful toxic form.

Last week, the FDA released information on their web site citing breast implant complications. This is a victory for the consumer advocates who have been working to provide more information to women who are considering implants. However, the information provided in this web site does not include the recent findings on the toxicity of platinum salts found in gel-filled implants.

Women need to know how harmful the release of platinum in their body and to their children who may be nursing can do to them. It has come to my attention that children who breast-feed from mothers with silicon brevity implants may also experience harmful body excess from the toxicity symptoms of exposure of platinum salts.

Symptoms of exposure to platinum in a reactive form can also cause fatigue, dry eyes, dry mouth, joint inflammation, hair loss and also rashes.

As a sponsor of the Silicon Breast Implant Research and Information Act, I believe that the need for more research is especially compelling in light of the FDA's own study on the rupture of silicone breast implants.

On May 18 of this year, Dr. S. Lori Brown's research showed that 69 percent of the women with implants had at least one ruptured breast implant. The FDA concluded that the rupture of silicon breast implants is the primary concern although the relationship of the free silicon to the development or progression of the disease is unknown.

We do know there is a rupture of silicon into the body, but we do not know the impact. That is why we need more research by the FDA.

I heard from my own constituents over the last number of years and literally women across the country, Mr. Speaker, who have suffered from the long-term consequences of reconstruction and cosmetic surgery. They have experienced infections, chronic pain, deformity and implant rupture, inaccurate mammography readings due to

the implant concealing breast tissue and difficulties in getting health insurance to pay for the high costs of repeated surgeries. The cost of faulty implants is paid by all of us in the system even if it is not covered by insurance.

The Institute of Medicine estimated that by 1997, 1.5 million to 1.8 million American women had breast implants with nearly one-third of these women being breast cancer survivors. The American Plastic and Reconstruction Surgeons cited breast augmentation as the most popular procedure for women ages 19 through 34. In 1998, nearly 80,000 women in this age bracket received breast implants for purely cosmetic reasons. By 1999, an additional 130,000 women received saline breast implants.

In spite of the escalating numbers, very little is known about the long-term effects of silicone or platinum in the body. Few patients understand that even when they opt for saline breast implants, the envelope of the implant is made of silicon.

Following the FDA's decision to approve saline breast implants, the agency did warn women of the potential risk. FDA officials called upon implant manufacturers and plastic surgeons to ensure that thorough patient information is provided to women before they undergo the surgery.

Mr. Speaker, with the FDA approval process behind us, the only course of action to safeguard the future of women is that of an informed consent document. Somehow, a piece of paper cannot make up for a manufacturer's insufficient data or the retrieval analysis. It cannot make up for inaccurate labeling and even risk estimates.

There is so much we do not know, and yet the one government agency mandated to safeguard the public's food, drug and medical devices is moving so slow on this issue that could jeopardize women with a medical device that has alarmingly high failure rates.

In spite of the agency's call for post-market studies, the FDA approval of saline breast implants provides no incentive for the manufacturers to make data better or a safer medical device.

Mr. Speaker, hopefully the FDA will continue their research.

#### REASONS FOR ECONOMIC PROSPERITY IN AMERICA

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from California (Mr. CUNNINGHAM) is recognized for 60 minutes as the designee of the majority leader.

Mr. CUNNINGHAM. Mr. Speaker, before I get into my special order, I would like to address the remarks of one of my colleagues just previously on a 5-minute. He made a statement that Governor Bush would replace Medicare with insurance companies. I have never heard something so laughable. Are the Democrats so desperate that they have got to spin something that is absolutely not true?

Mr. Speaker, I have never heard something so ridiculous. The gentleman may speak of his own opinion, but I would say that the gentleman is factually challenged. First, 70 percent of Americans have insurance, both for healthcare or for prescription drugs, and they want to keep that. Unfortunately, there is a large portion of the American population that has neither healthcare nor prescription drugs.

Governor Bush wants to make sure that those people are taken care of. But if the Democrats can demagog insurance companies or biotech companies, then what is left to pick up the void? Only big government, Hillary Clinton-type of healthcare and prescription drugs, and that is exactly what AL GORE does.

He has a one-size-fits-all, big government solution. Now, I have traveled all over the country with Governor Bush, and I know not only what he says, but I know what is in his heart. While the Democrats increased veterans healthcare by zero in the last budget, Republicans put in a \$1.7 billion increase.

Governor Bush not only wants to keep the promises to our veterans for healthcare that has been given for many, many years, but he wants to also make sure that that percentage of Americans who do not have healthcare have supplement to their Medicare. What does the Federal employee have? And that is FEHBP, the Federal Employees Health Benefit Plan, which is a supplement to Medicare. That is what he has said, that is what he talks about in every speech, nothing about replacing Medicare with insurance companies, at least do not demagog, at least do not make up stories that are absolutely not true.

If my colleagues want to talk about facts in the Social Security Trust Fund and Medicare trust fund, do we remember the Clinton-Gore budget, they said well, we want to take 100 percent of the Social Security trust fund and put it for Social Security and all of the surplus.

Mr. Speaker, weeks later, they came back and said oh, not so fast we want to take 62 percent and put it into Social Security, we want to take 15 percent of the surplus and put it into Medicare. What they did not tell us is that the Clinton-Gore budget took every dime out of the Social Security trust fund, put it up here for new spending. They increased taxes \$241 billion for new spending, to justify their budget and their balanced budget.

We said no, Mr. President, no, Mr. Vice President, that we are going to put the Social Security trust fund into a lockbox so that politicians cannot touch it, that you cannot keep increasing the debt and you cannot keep spending it. So if my colleagues want to talk about facts, that is a fact.

Another fact is that Republicans brought that budget to the floor to show what a sham it was. Mr. Speaker, do we know how many Democrats

voted for that budget, because we wanted them to vote for it, to show that they supported increase in taxes, to show that they supported raiding the Social Security trust fund, to show what a sham that the budget was. Do we know how many Democrats supported it? Only four.

Yet, AL GORE uses that budget as the basis, and I quote AL GORE, I use this budget as the basis for my plan, which spends every cent and more of the surplus. It dips in and raids the Social Security trust fund. It increases the taxes on the American people. And when my colleagues want to talk about facts, that is a fact.

The reason that I stepped up from my special order was that I was in Los Angeles for the Democrat convention. I was on television. I was on radio to see the spin, and it is probably the reason why there is an article in the Washington Post, which is not exactly a conservative paper, about, it is still the economy stupid, by David Broder. And it says that during the past 8 years LIEBERMAN said in the convention, we have created more than 4 million new businesses, 22 million new jobs, the lowest inflation in a generation, the lowest African American, Hispanic unemployment rate in history, the strongest economy in a 224-year history of the United States of America. He could have added that real incomes for even the poorest Americans began to improve and poverty rate declined.

□ 1730

But what David Broder goes on to say is, "But it wasn't until the Republicans took over Congress in 1995 that the goal of a balanced budget came into view, that the economy increased at a much higher rate than under the 1993 tax increase."

The Democrats in their convention said, well, if you loved the last 8 years of the economy, you need to put us back. That is what I want to talk about, Mr. Speaker.

First of all, the Speaker of the House, the gentleman from Illinois (Mr. HASTERT), went to see the Vice President and the President last night. They asked if the President would set aside 90 percent of the surplus to reduce the debt. We pay nearly \$1 billion a day on the national debt, Mr. Speaker. The President agreed.

They walked away saying, hey, we will take the other 10 percent, we will debate in Congress, we will work back and forth as to how the 10 percent of the surplus is spent, whether it is for tax relief or increased spending in other areas, like prescription drugs.

But when he got away, and I will quote here, now when Republicans say we want to lock away 90 percent of the next year's surplus, according to today's edition of the New York Times, "Mr. Clinton told Republicans he viewed paying down the debt as a priority, but said he was not sure it could be done in the 2001 fiscal year."

Does that sound like the balanced budget? It could be done in 12 years, it

could be done in 2 years, it could be done in 4 years, it could be done in 8 years, and now already the White House is reneging on putting the money in to pay off the national debt. I think it is ridiculous.

The point is, when the Democrats claim that economic prosperity is due to their efforts, I reject that, Mr. Speaker; and I set out to show the reasons why from fact, from budget legislation, and the lack of budget legislation.

First of all, not a single White House or Democrat budget since the Republicans took over the majority in 1994 has ever passed either the House or the Senate. As a matter of fact, we brought the Democratic White House budgets to the floor just to embarrass the Democrats, to show what a sham the Clinton-Gore budget was.

In 1993, they did pass their budget, because they had control of the House, the Senate and the White House, and I will address that in just a minute. In 1994, the House voted 223 to 175 and the Senate 57 to 40 to pass their budget. But in 1995, Republicans took over and talked about balancing the budget for the first time.

In 1996, the budget from the White House failed 117 to 304. In 1997, in the Senate it failed 45 to 53. In 1998 there was no vote. There was a vote on the Democrat budget; and the Blue Dogs, and, by the way, I would say that the Blue Dogs, against the liberal leadership of the House, had some pretty good ideas and some ideas that we could accept unanimously; but the President would veto it, and the Democrat leadership would fight against it.

In 1999 we brought the budget forward from the White House, and only two Democrats supported it, because, again, it raided the Social Security trust fund, it increased taxes, it broke the budget, and it increased the national debt.

I would say that when the Democrats claim that they are responsible for the economy, and not a single one of their economic plans or budgets ever passed, I would say that that is a sham, Mr. Speaker. Yet the Democrats will go back and say, well, it was the 1993 tax increase. They refer to it as their 1993 economic package.

But after I go through this, I will also show in this newspaper article and every newspaper article within the country, liberal and conservative, it says the Al Gore economic plan would spend all of the projected Federal surplus of more than \$4 trillion and run up a deficit of \$900 billion over 10 years, no cushion at all, \$900 billion in the hole.

Does that sound familiar? It sounds familiar to 40 years of Democrat control of the House, in which in 1993 the President's budget projected deficits of \$200 billion every year throughout and beyond, and also increased taxes every single year and raided the Social Security trust fund every single year.

I would say that the 1993 package that they claim, they say, well, Repub-

licans, not a single Republican voted for the Democrat tax package. Again, they say "economic plan." Why did we not, Mr. Speaker? I think the American people need to know.

First of all, the 1993 Democrat tax increase was the largest tax increase in history, across the board. The first tax they promised a targeted tax relief plan, and does this not sound familiar with what they are doing today on the liberal leadership of the Democrats? They said, we want a targeted tax relief plan for middle-class Americans.

First of all, this body should never use the term "middle class," because there are no low class, there are no middle class, and there are no upper-class citizens in this country. There are low-income citizens, there are middle-income citizens, and high-income citizens; but the other side continually uses the term "class warfare" to get their point across. I think that is wrong.

But they promised a middle-income tax cut, and they could not help themselves. In 1993 they increased the taxes on the middle class. Why? Because it means power, Mr. Speaker. It means power to rain down more and more money to their districts so they can come back here and get reelected and maintain the majority like they did for 40 years.

But finally the American people had enough, and in 1994-1995 they said we are going to let the Republicans try and let them for the first time in 40 years control the House. Now we control the Senate as well.

The tax increase in 1993, why did we not support it? Because it took every cent out of the Social Security trust fund, just like they had for 40 years prior, to use up here for additional spending. In all the budgets, even after Republicans took the majority, the Clinton-Gore budget raided the Social Security trust fund, put it up here for new spending, increased taxes for new spending, and then put a little bit back into the Social Security trust fund or put in an IOU.

What did that do, Mr. Speaker? It increased the national debt, at the same time making the Social Security-Medicare trust fund insolvent. Republicans said, No, Mr. President, Mr. Vice President. We are going to put the Social Security trust fund into a lockbox, to where it accrues interest. Instead of increasing the debt, it is going to pay down the national debt by the year 2013.

Now, AL GORE in his budget tries to take claim for this. They did in the Democrat convention. It is not true. They fought it tooth, hook and nail, every single part of the way, because they wanted to use that extra money for spending. I think that is wrong.

Why did we not vote for the 1993 tax increase from Clinton-Gore? Because it cut the veterans' COLAs. You want to talk about priorities? Our veterans that served this country, in many cases departed from their families, not

knowing if they are coming back, their families are penalized. They have to move several times during their career, they cannot invest, their children are ripped out of schools. But yet to balance the budget, or to put their budget plan into effect, they even cut the COLAs, which is a tax increase on our veterans.

If that was not enough, they cut the military COLAs for our active duty military, the people that need it the most, that are getting shifted around all over this country. Then they cut defense, \$127 billion, after Colin Powell and Dick Cheney told the President that a \$50 billion cut would put our military into a hollow force.

Why did we not support the Clinton-Gore 1993 tax increase? Remember that it increased the gas tax? They even had a retroactive tax. Most people forget about that. Remember the First Lady changed their income tax form so she could benefit from the retroactive tax?

Remember the gas tax went to a general fund? Why, instead of a transportation fund? So that they could take the Social Security trust fund, they could take the increase in taxes, including the 18 cents Federal tax into a general fund and use it for new spending. And we said, No, Mr. President, Mr. Vice President. We are going to take that gas tax, and we are going to put it into a transportation trust; and many Republicans and Democrats and States have benefited from that, because the money, instead of going to new social spending, failed social spending, has gone to improve our roads and highways in this country, including my own California, which is a donor State when it comes to taxes, and not the general fund.

But remember in 1993 also the Clinton-Gore team tried to pass government controlled health care. It was rejected by all Americans. Remember the \$16 billion pork-barrel package? I do. I was here. It had payback for people that had voted for the Clinton-Gore team. It put parking garages in Puerto Rico, swimming pools in Florida. I mean, it was ridiculous.

In that, the deficits were projected at \$200 billion and beyond forever. Did we vote for it? No.

First of all, the Social Security tax increase, we rescinded that and did away with it. The tax for the middle class, we have given education IRAs, we have given education savings accounts, we have given R&D tax credits, we have given capital gains tax credits, which the Democrats said were all for the rich. They fought tooth, hook and nail. Yet at the convention I see the Vice President claiming credit for education IRAs, when they fought against them tooth, hook and nail. They said it was a tax only for the rich. The \$500 deduction per child, remember that side, it is only a deduction for the rich, just like the death tax and the marriage penalty. It is only a tax break for the rich.

Tax breaks they cannot stand. Why, Mr. Speaker? A tax break is a sense of

power, money in the Federal Government. A surplus that is not given back to the American people is power to spend, power to spend for constituents, whether you are a Democrat or Republican, down to your district, so you can get reelected; and they will resist tax breaks in any single way. Even the promise of middle-class or middle-income tax workers and Americans, they rejected it. They increased the tax. They just cannot help themselves in that.

The Social Security trust fund, we said no. Lockbox. Veterans' COLAs, we restored that, on a bipartisan basis, by the way, against Clinton's and GORE's wishes. The military COLAs, we reinstated that. We have replaced somewhat of the defense. The increase in taxes at the highest level in history, we have done away with much of that. The gas tax, as I mentioned, we put into a trust fund. We took the health care plan and we benefited many Americans, but we have still got a long ways to go.

So, for the Democrats to say that they are responsible for the economy, first of all, when not a single one of their budgets or economic plans have ever cleared the House or the Senate, outside when they controlled this body, and the 1993 tax increase that most of it has been rescinded, it is a little bit ridiculous for them to claim credit for the economy.

□ 1745

It is impossible. It is illogical.

Economic principles. We say well, what has not and what has, in my opinion, and 99 percent of the economists contributed to a better economy for all Americans.

First of all, when we took the majority, in our 1995 budget, even before that, with the Contract With America, we said we are going to balance the budget. Do not listen to me or to the Democrats, or to any of the leadership; listen to what Alan Greenspan said. He said, and I quote, just by speaking about balancing the budget and the potential for the Congress of the United States to balance the budget will reduce interest rates across the board. And what do interest rates mean to the American people?

I have a family, a young man that just got married. He is looking into homes. Here is a chart I pulled out of the Washington Post, and it is on home-buying, Mr. Speaker. Take a \$140,000 house, and most people would like to find a \$140,000 house today. But at 5 percent interest, one's payments are about \$1,000. If one has 8.5 percent, which is about what the prime is today, one is paying \$1,400 a month for one's payment. If it is 10 percent, one is paying almost \$1,600 a month. That is real savings to the American people, when one is buying a home.

I just sent my daughter off to Yale. I cannot tell my colleagues how expensive that is. She scored a perfect 1600 on her SAT, and she wants to be a doc-

tor. But if interest rates are important to the American people, and the balanced budget is the primary cause of interest rates going lower, according to Alan Greenspan, the head of the Fed, then that is an economic principle that we want to adopt.

Who fought against it, Mr. Speaker? The Clinton-Gore administration was here in this House fighting day by day to fight against the balanced budget because it limited the amount that they could spend and to regain a majority, and that is just wrong. But in 1997, after 2 years of demagoguery, the President finally came to the table with Republicans, against the wishes of the liberal Democrat leadership on this side. They still fought it tooth, hook and nail, fought a balanced budget, because their leadership saw that, well, that will take away their ability to retake a majority, and that was more important to them than a balanced budget and the economy of this country. The President signed a budget agreement. I give him credit for that.

A second principle is that the government should keep its books in order and cut wasteful spending. In the Washington Times today, it listed 4 government agencies responsible for \$21 billion, actually \$20.7, close enough, of fraud, and one-half of that fraud was in Medicare. I would say, whether it is the Education Department that only gets about 48 cents less than half of the dollars down to the classroom because of the bureaucracy, and that the IRS and GAO have been unable to audit; as a matter of fact, it is unauditible, that there is fraud, waste and abuse there. We look at food stamps or HUD, and yes, Mr. Speaker, Defense. I can go through and point out fraudulent and wasteful spending in Defense, which I am a hawk; well, maybe a dove that is fully armed. But there is wasteful spending, and that should be part of the principles of reducing and helping this country to economic prosperity.

Tax relief for working people. Mr. Speaker, if someone has a \$500 deduction per child or they can have an IRA in which they can set aside \$2,000 a year, which the gentleman from Missouri (Mr. HULSHOF) set forth so that working families could set aside money. If one has a child, when he is born, by the year he is 10 years old, at \$2,000 a year, well, we would say that would be \$20,000, but with compound interest, it is almost \$40,000 a year by the time that child is 10 years old. One can use it for special education, for special needs, one can use it for books, for tutoring, or one can leave it in the trust fund for higher education.

But yet, that was rejected by the Clinton-Gore administration, and now the Vice President is trying to say it was his idea, when they rejected it, and that is wrong. But tax relief for working families, they get a little more money in their pockets, and maybe they can go out and buy a car, and car dealers like that. Maybe they go out and buy a double cheeseburger, double

fries, to spread the money around a little bit. It is called micro and macroeconomics, that one has more money and they will spend it or at least set it aside and save it.

Yet, Mr. Speaker, my colleagues on the other side have never seen a tax increase they do not like, or will they ever support a tax decrease? No. At least some of my colleagues will, but the liberal Democrat leadership on that side fights it tooth, hook and nail every single day.

Less government spending. If we have less bureaucracy; for example, about 4,000 workers in the Department of Education, and we only get less than half of that money down to the classroom because of the bureaucracy, Federal education spending. I used to be the chairman on the authorization committee. Only about 7 percent of funding from the Federal government gets down to the States for Federal education programs. But yet, in most States, it takes more than half of the States' administrative body to manage that 7 percent of Federal education dollars. And the other paperwork, by the time we go back and forth with all of the different requirements, then we have even less than that to spend on the classroom, whether it is for construction, whether it is for teacher pay, whether it is for technology, or whatever it is.

So another principle should be not just to cut wasteful spending, but those items in which we have priorities for, Social Security, Medicare, prescription drugs, education, that the maximum amount of dollars should go to those groups that we are trying to help, not a bureaucracy in Washington. But the era of big government is not over. In AL GORE's budget plan we see government with 48 new government agencies in the Clinton-Gore budget last time. In the one prior to that, it was 115 new government agencies. They cannot bring themselves to cut the budget.

When they say, look at the number of government officials that have been reduced, we know that 90 percent of those Federal employees are defense and defense-related industries, not the civilian workforce.

Another principle should be to pay down the debt. Paying \$1 billion a day, nearly \$1 billion a day is robbing our children of their future and putting a debt burden on their backs that we as adults and Members of Congress should not do. We have paid down, in every single year, the debt when again, the Clinton-Gore budgets have increased the deficit by over \$200 billion, including the present Gore plan. Just read all of the papers, look at all of the economists. He spends every bit of the Social Security trust; he spends every bit of the surplus and increases taxes at the same time, and guess what? The debt goes up again.

Budgets for education. People say, look across the land. My wife was a teacher, a principal, and now she is a district administrator for the school

district. My sister-in-law, Carolyn Nunes, is the district administrator for all of San Diego city schools for special education. Allen Buerson, who was a Clinton employee before, is now the superintendent of San Diego city schools. Guess what? He is in the real world and now he is fighting for Republican principles of getting the dollars down to him so that he can make the decisions, so that the teachers, the parents and the administrators can make a decision on what happens to their dollars.

We passed a bill on the House Floor called Ed Flex. The liberals over here fought against it, because again, they want government control of health care, they want government control of education, they want government control of private property; they want the highest taxes possible so that they can keep that power and have bigger bureaucracies. But yet, Allen Buerson says, we need the money more down to the classroom, and I support Allen Buerson who is a Democrat and also the superintendent of schools for San Diego city schools, and I think he is doing a good job.

But let me give my colleagues an idea, Mr. Speaker, of the sham that the Democrats run and why it is so difficult for the American people to see the differences.

First of all, we have talked about the President's budget. Democrats did not vote for it. But yet, they will use the President's budget number of \$1.1 billion for special education. When the Democrats had control of the House, the most money ever spent on the authorized amount was 6 percent for special education. If one includes the money for Medicaid, that has gone up to about 18 percent for special education. In this budget, the Republican budget, we increase special education by \$550 million. But yet, the budget that none of the Democrats voted for because it increased taxes, stole Social Security trust, and the only way they got up to the \$1.1 figure was to use that, those gimmicks, and say that Republicans are cutting special education, when we have actually increased it more than they ever did and increased it by \$550 million over the amount. I think that is wrong, to use that kind of smoke and mirrors.

In education, for many, many years they put trillions of dollars into education programs. When I was subcommittee chairman on the authorization committee, I had 16 groups come in before me and testify. Every one of the 16 had the absolute best program that could be envisioned for their district. It worked. It was helping children to learn or it was helping special needs children or even at-risk children. Even Bishop McKinney, who has a Catholic school for abused children and at-risk children, came in and testified.

After the hearing, I asked each of them which one of the other 15 had any one of the other programs in their district. They looked at each other, and not a single one. We said, that is the

whole idea. We are trying to get in a block grant the money to you so that you, if you live in Wisconsin, this program may work best for you, but yet, the teachers, the parents, the principals and the community can make the decision of how that money is spent. We believe that with all of our hearts, that those dollars are best served by not a bureaucrat here, not a union boss telling them how they have to spend those dollars, but that it gets to them in the classroom.

The second thing was the education flex bill, the President wanted 100,000 teachers. We said 100,000 teachers, but the first half of that, there was not the quality, because many of those teachers were not even certified. As a matter of fact, in the State of California, many of them, after they were hired, have to be fired, because they could not teach in the subject that they were supposed to be trained in. We said no. To hire new teachers, first of all, with Federal dollars, there has to be quality associated with it. We think that is right too. That decision again should be made at a local level in how to do that.

□ 1800

Mr. Speaker, the principles of a balanced budget, lower interest rates, lower inflation, making sure that the Federal government puts its house in order and its books in order, making sure that if a government is wasteful, that it is eliminated, or at least fixed, they are important.

A good example is Head Start. Just like those 16 programs, many of my liberal friends would say, let us do all 16 programs, let us do them; not mean, not malicious. But in doing that, they would put all of those programs under the Department of Education. Each one would have a bureaucracy. Like Head Start and Easy Start and many of the programs, there was underfunding. They were doomed to fail.

We think that the best decisions should be made at the local level. We think that is right, too. Under a balanced budget, if Alan Greenspan says that interest rates are largely the reason for economic advancements in this country, that low inflation is important, that capital gains reductions have stimulated the economy and created jobs, then I think that is good.

But if we have liberal leadership on the other side that fights those issues in both their budgets and in the 1993 tax bill, then I think that we need to make the analysis of who is responsible for the economy.

Again, I would say that the Blue Dogs, and my colleague here on the budget has worked. I want to go through this. I have fought for 2 weeks on this. But I would say, my colleague on the other side has some real good ideas, and ones that I personally accepted. The overall budget I thought was bad, but I would say that many of those issues that the gentleman brought forward were very valuable.

Mr. STENHOLM. Mr. Speaker, would my friend yield for a minute? Any minute that I take from the gentleman, any minute I take I will be happy to give to the gentleman afterwards.

Mr. CUNNINGHAM. I yield to the gentleman from Texas (Mr. STENHOLM).

Mr. STENHOLM. I thank the gentleman for his compliments. I do not want to interrupt the gentleman now, but I would sincerely say, whatever time I take, I hope the gentleman would stick around and use a part of my hour, because I think a little dialogue between the two of us might be helpful.

I know the gentleman does not mean to misrepresent. He believes what he is saying, just as I would believe what we are saying. I think we could clear up the record a little bit if we have a dialogue. I will yield some time to the gentleman when my hour comes in a moment, and hope the gentleman will stick around.

Mr. CUNNINGHAM. Mr. Speaker, I would tell the gentleman, we have the Sportsman's Caucus dinner tonight that I am going to hustle over to, but I will stick around maybe the first 5 minutes.

I would say again, many of my colleagues on the other side, especially the Blue Dog budgets most of us on this side could adopt, but we could not go along with the liberal leadership from the gentleman's party or the White House. As a matter of fact, most of the gentleman's people could not vote for them when they were brought forward on the House floor by Republicans.

The President, as I mentioned, in 1997 signed the balanced budget agreement, but each one of those budgets following they increased taxes, they took money out of the social security trust fund, and they increased the debt by using false assumptions.

I would be the first one to say that there were many of the assumptions in the Republican budgets that we disagreed with. That is the way it worked.

But I think the overall factors of a balanced budget, tax relief for working families, social security, tax reduction so people could have their own money, not taking the money out of the social security trust, education IRAs, a \$500 deduction per child, capital gains reductions, and even my own 21st century bill that allowed businesses to donate their computers to a nonprofit, that company then took that computer, which is still in effect, by the way, they take that computer to a military brig or a prison system, they work on it, they hand that computer over to the school as a full-up round. It is a win-win for the budget, it is a win-win for education, it is a win-win for our penal system, and it sure is for our businesses, because they get to write off the tax and invest in new computers and then cycle those computers back into the education process.

I think the Republican budget strategy has been clearly successful: balancing the budget, tax relief, cutting wasteful spending.

If Members will look at the economist, Lawrence Kudlow, he says, "Declining inflation has been a pervasive tax cut for all Americans. The effect throughout the economy is in boosting real incomes."

Alan Greenspan said that long-term interest rates have declined drastically since the balanced budget and have enabled us to stimulate the economy. "It has been the first decline in long-term interest rates which, perhaps more than anything else in our economy, has been a factor which has been driving this reality quite extraordinarily, economic expansion."

That is a direct quote by Alan Greenspan, Chairman of the Board of Governors of the Federal Reserve System. Alan Greenspan also credited this decline largely to Congress's determined effort to balance the Federal budget. He often advised Congress that financial markets would respond favorably to credible deficit reduction.

Greenspan said, "A substantial part of the very considerable decline in long-term interest rates has been a function of the decline of budget deficits, because it has removed pressures on the Federal government borrowing from the marketplace." That is where our debt goes up, as well; the reverse of what has happened with President Clinton's 1993 tax bill. A year after his tax increase was enacted, interest rates have moved up about 2½ percent, percentage points. The trend for real economic growth slowed.

Interest rates peaked November 7, 1994. The next day, the national board set a new direction. They said that they wanted to stop the raid on the social security trust fund, they wanted to stop increased deficits and an increase in the debt.

If we look at Vice President GORE's budget proposal, that is exactly what he goes back to. Look at the newspapers, look at the budget analysts. He spends every single penny of the surplus. We think that is wrong, Mr. Speaker.

Federal Reserve Chairman Alan Greenspan had predicted that credible spending restraint would be rewarded with falling interest rates. I have already showed in the real estate market what that means to a young family that wants to buy a new home.

Real wages actually declined after the 1993 tax increase, and I think quite often we speak too much of numbers, but 0.5 percent. Is a balanced budget just numbers?

We speak that a lot here on the House floor: deficits, budgets, numbers, increases. But what it is is for real families. If a family has more in their pockets to spend, then they are going to set that money aside for their children. Unfortunately, in this country there are many of those families that are not responsible.

When we have someone that is irresponsible, and let me give the Members an idea, in welfare reform, I had a doctor come into my office. He said, Duke, I had a lady come into my doctor's office. She had a 12-year-old daughter. She wanted to know what was wrong with her 12-year-old daughter, that she could not have a child. The mother had a 13-year-old and a 14-year-old each with children. She wanted the extra welfare money.

My father and my mother, I lost my dad about 5 years ago, the best dad in the whole world, but I never got a nickel allowance. I had to work for it. My father and my mother never missed an academic or an athletic event that either my brother or I attended, either at home or away. I had to go to church, like a lot of us, when I was young. I would have a lot rather been on some Sundays out with my buddies riding around, having a good time, but I had to go to church.

I had to do my homework before I got to go out and play or be with my buddies when I got older. My mother and father that never had a chance to go to college said, you and your brother are going to college. You have no choice. Because my father said, his small definition of the American dream was that "If we teach you the value of a dollar, that you have to earn it, we do not just give it to you, like government gives to many people in welfare; if we teach you a sense of the family, that we are there for your education, we are there for your events, that we care; if we force you to do your homework so that you can qualify for college and you get a college education," my father's small definition of the American dream is that, "With those tools, you can make tomorrow better most days than it is today; not every day, but most days."

I would ask the Members, what chance at the American dream does that 12-year-old, that 13-year-old, or that 14-year-old or their children, what chance would they have because the mother wanted more welfare money?

The Clinton-Gore administration fought tooth, hook, and nail welfare reform. Governor Engler from Michigan, Tommy Thompson, from Wisconsin, had models. They brought them to us, on the Republican side. They said, this will work.

Can Members imagine a parent coming home with a paycheck instead of a welfare check, what that means to a child in school? Guess what, those families, and the President takes credit now for welfare reform, and half of the people off of welfare rolls. But guess what, instead of welfare money being spent out of the government or unemployment, those people are working.

Guess what, those tax rolls, they are paying money into the government by paying taxes instead of drawing from that. We think that is good. Has there been enough in that area? No. Is there enough training? No. There needs to be additional training. We agree on some of those issues on both sides.

Yet, Clinton and GORE fought welfare reform tooth, hook, and nail. The liberal leadership on that side of the aisle fought welfare reform tooth, hook, and nail. Why? Trillions of dollars they put into welfare. The average for a welfare recipient was 16 years. In my opinion, many of our inner cities with the drug problems we have, the no hope in the inner cities, is from generations of people trapped in a welfare system with no hope on where to go.

Yes, it is better to give a person a pole and teach them how to fish instead of giving them the fish. Yet, we are looking at an election where a contrast of a Governor that has balanced these budgets, working with Democrats on both sides of the aisle, to where in education he went into the school systems and said, "What is wrong? Do you not have the technology? Are your teachers not trained? Why are my Hispanic and African-American children dropping out at high rates?"

I think it was fair for him to go into the schools and say, "Why? Whatever it is, our administration in Texas is going to fix it."

If we take a look at all the press accounts, the education, the educational system for minorities, is going up the highest of any State. I do not think it is fair, where the Democrats had control of Texas for 100 years, and looking across-the-board in the State of Texas. But I think it is fair to look at the differences between the time Governor Bush took over the education systems in Texas and what he has done for the State of Texas.

I was on *Heraldo* with Al Sharpton, that was fun. I told *Heraldo*, I said, Mr. *Heraldo*, you spent your whole life reaching out, making sure that minorities have equality. Where you have someone like Governor Bush in Texas that has gone into the education system, and in my opinion education is the savior for a lot of things, for anticrime, for the economy, and for a child's benefit and a family's benefit. But I said, you have got someone that has proven in Texas what they have done, and they want to do the same thing for this great country. At least I would expect you to reach out and embrace that. Cut the cards, doublecheck what he says, but I have traveled with Governor Bush and I know he means it from his heart, and he has not only talked the talk but he has walked the walk.

I would challenge all of the Members to reach out, especially in education, and get the bucks down to the classroom.

Since we have had a balanced budget and Republicans took over, we had the second largest stock market boom in this century; we had 39 million new jobs, 11 million new business start-ups; the creation of \$25.7 trillion in new household wealth.

I reject the Democrat convention where they say that the last 8 years they are responsible for the economy. The Greenspan policy of disinflation

has neutralized the Clinton tax increases. Low inflation has lowered capital gains, has led to an information technology explosion, fueling even more productivity, growth, and wealth creation.

Nearly half of all Americans own at least \$5,000 worth of stocks, bonds, or mutual funds. We should not tax those annuities.

□ 1815

We should reward work. We should reward savings, Mr. Speaker, unlike the Gore budget.

American families treasure their ability to improve their condition throughout their own efforts. I think in our history there is no country in the world that has out-produced our workers if we give them a chance.

On a sense of equal opportunity, is there in this country? Absolutely not. Has it gotten better? Yes, it has. Do we need to work in that direction? Yes, we do. Economic growth is not just about numbers; it is about the values on which America and its people thrive.

Let me go through some of the things that I think have hurt our chances for the economy: first of all, by spending the Social Security trust fund; secondly, 149 deployments for our military in which our military was at a pretty sad state.

We put \$3 billion into Haiti. Go to Haiti. I challenge any Republican or Democrat to go there. Look between the airport and the embassy. There is an average of three murders a day on that highway, and carjackings. One can drive a semitruck into the holes; but yet we put money into Haiti. Do my colleagues know where the money is? Take a look at Arastide's bank account. But yet we have not done a thing in Haiti. But, yes, we lost some people there. We got kicked out of there.

In Somalia, the same thing. We cannot fight a Kosovo and fly 86 percent of all the missions just because the U.N. and NATO do not have the aircraft and the technology. Either they need to upgrade their aircraft and technology for standoff weapons or they need to pay the United States those billions of dollars that it costs us: \$16 billion for Bosnia, the four times going into Iraq, bombing an aspirin factory. At the same time, General Ryan told me we put a year's life on every one of our aircraft, a year's life, and which we have parts.

What is happening today? We are only keeping in 22 percent of our enlisted into the military. I talked to the SEAL team commander yesterday. He has right the opposite. Those kids are motivated. They have increased their recruiting and retention; but yet they have problems in research and development and procurement. But when we only keep 22 percent of our enlisted, think about our experience level in maintenance.

The average fighter in the Air Force is 18 years. Our bombers are 39 years

average age. I have got Marines carrying World War II radios. Yet, Mr. LIEBERMAN says that our military is the best in the world.

If we tell these kids to go somewhere, they are going to do it; and they are going to try and achieve. But that is not the point. A, they need the training.

Do my colleagues know that, in Kosovo, the two helicopters that crashed, and one helicopter crew was killed, all of them, that those helicopter crews had never had a flight in a combat-loaded helicopter because they did not have the money to train with a combat loaded? They had never trained with night goggles because they could not get the goggles into the squadron. Both those helicopters crashed.

Do my colleagues know Captain O'Grady that was shot down was not air combat qualified when he was shot down over Bosnia because they did not have the money for the training?

Do my colleagues know that in the Navy and the Air Force we have no more adversary aircraft? The reason that I am alive today is because, when I fought against the MiGs in Vietnam, I had better training and better equipment. But the training today is substandard. We do not have those adversary aircraft.

I just spoke to the COs in the fighter weapons schools in both services. The FMC rate, the full mission capable rate of our aircraft and our equipment has gone down. If we had to meet the minimums of a quadrennial review or bottoms-up review, we could not do it today. I think that is wrong.

I think for the Clinton-Gore White House to drag our military through 149 deployments, depreciate our men and our women and our equipment, cut their military and then the veterans' COLAs I think is wrong.

I stand before my colleagues, Mr. Speaker, tonight. Are we perfect on the Republican side? Absolutely not. We have got a long way to go, I think, with our own budgets and everything else.

But I do think the principles of Ronald Reagan of less taxes and smaller government, of making sure that government that is wasteful is eliminated, those principles are sound and go forward a long way.

Mr. Speaker, I yield to the gentleman from Texas (Mr. STENHOLM).

Mr. STENHOLM. Mr. Speaker, I thank the gentleman from California for yielding to me.

Mr. Speaker, I would like first to associate myself with the gentleman's remarks as he has discussed the defense needs of this country and the needs that we need to follow through. I certainly want to join with him.

But by the same token, I think it is important, and I say this now, anytime one starts pointing fingers, I was reminded that anytime one points one's finger, there are always three pointing back at one.

The gentleman from California (Mr. CUNNINGHAM) has been doing a lot of

finger pointing at this side of the aisle, talking about liberal leadership.

Mr. CUNNINGHAM. Mr. Speaker, reclaiming my time, in talking about the liberal leadership, many of my colleagues support some of the same things we want to do, including defense. But the leadership along with Clinton-Gore has fought welfare reform, they fought a balanced budget, they fought a lot of the initiatives we think are responsible for the economy.

Mr. STENHOLM. Mr. Speaker, if the gentleman will yield, Presidents do not spend money. Congress appropriates.

Mr. CUNNINGHAM. True.

Mr. STENHOLM. Mr. Speaker, the shortages that we allowed to happen in the defense needs of this country have originated in this House of Representatives, not the President. We both agree to that.

Therefore, my concern about the current budget implications today is that, when my colleagues base their entire budget on a tax cut, and the newest one now that they have proposed, the gentleman's leadership has proposed, not the gentleman, there is no money left. If we take 90 percent of the total unified budget and apply it to the debt, there is no money left this year to increase defense spending in those areas where the gentleman from California and I would agree. That is my problem. If my colleagues take it out 10 years, there is no money.

Let me go back. The gentleman from California mentioned the Reagan years. I happen to be a Member that served here during that period of time. I happen to be a Democrat on this side of the aisle that helped pass much of the Reagan revolution.

But I think it is important that we set in proper perspective, when we start comparing total outlays in spending as a percent of gross domestic product during the Reagan years was 21½ percent. It increased to 22 percent in the Bush years. It has dropped to 20 percent in the Clinton years, which the gentleman's side of the aisle had deserved some credit for bringing down the spending.

But when one counts administrations, it is not correct to say that government has grown in the last 8 years. It has not. Federal employment has dropped from 2.1 million Federal employees during the Reagan years, went up to 2.2 million in the Bush years, and dropped to 1.8 million in the Clinton years.

I do not say that in defense, because I am much more interested in the future than I am in the past. I rejoice in the fact that we now have a surplus, that we are, in fact, discussing how we shall spend the surplus. During my hour, we are going to talk about this surplus is fictional. We cannot spend it like it is real money. It is projected.

But discretionary spending, defense, defense spending, let me make this point to bear out what the gentleman has been saying as regards to defense. The Johnson years, oh, how we have

heard about those. Discretionary spending as a percent of gross domestic product was 12 percent. The Reagan years, it dropped to 9.5. The Bush years, it dropped to 8.5. The Clinton years, 6.8. Nondefense, though, 3.7. Johnson. Reagan, 3.5.

#### ORDER OF BUSINESS

Ms. KAPTUR. Mr. Speaker, I ask unanimous consent to reclaim my 5 minutes that was yielded to me earlier in the evening.

The SPEAKER pro tempore (Mr. SCARBOROUGH). Is there objection to the request of the gentlewoman from Ohio?

Mr. CUNNINGHAM. Mr. Speaker, reserving the right to object, and I will not if the gentlewoman from Ohio will agree with this. The gentleman from Texas (Mr. STENHOLM) has just spoken. I would like to make maybe a 1- or 2-minute comment. I have to run to a dinner.

Mr. STENHOLM. Mr. Speaker, I can yield from my time.

Ms. KAPTUR. Mr. Speaker, I have no problem with that.

#### ONGOING SAGA OF BUDGET SURPLUS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from Texas (Mr. STENHOLM) is recognized for 60 minutes as the designee of the minority leader.

Mr. STENHOLM. Mr. Speaker, I yield to the gentleman from California (Mr. CUNNINGHAM).

#### REASONS FOR ECONOMIC PROSPERITY IN AMERICA

Mr. CUNNINGHAM. First of all, I agree with the gentleman that it is Congress that spends money. Congress is responsible for the budgets that go forward. The President and the Vice President make recommendations. My point is that those recommendations have not been wise. The recommendations that we have made have been fought, whether it is welfare reform, balanced budget and so on.

Secondly, the defense, we spent the money. I believe that, without the 1993 defense cuts, without the additional cuts, without the 149 deployments which has mostly come in, and the gentleman from Texas I think would agree, comes out of operation and maintenance for the military, those cuts have come deep.

There is also, fraud, waste, and abuse within DOD. We need to eliminate that as well, and I will work with the gentleman on that. But when it says that we are responsible for the state of the military, I disagree in the fact that we have been unable, whether it was extension of Somalia or Haiti or Kosovo and Bosnia, all of those different things, that that has put an additional toll on our military that we would not have had if we had not been forced into

those peacekeeping missions. That is all I wanted to make a statement for.

Mr. STENHOLM. Mr. Speaker, I thank the gentleman from California (Mr. CUNNINGHAM) for that comment. Again, in that area, he and I are going to find that we agree a heck of a lot more than we disagree. But I wish he could stick around for the remaining hour because I would love to have a good honest discussion about where we might differ on some of how we get to that point. But maybe next time.

Mr. CUNNINGHAM. Mr. Speaker, I would be glad to arm wrestle with the gentleman from Texas (Mr. STENHOLM) or even the gentlewoman from Ohio (Ms. KAPTUR) in the future.

Mr. STENHOLM. Mr. Speaker, I yield to the gentlewoman from Ohio (Ms. KAPTUR).

#### MARKETING OF VIOLENCE TO CHILDREN BY ENTERTAINMENT INDUSTRY

Ms. KAPTUR. Mr. Speaker, I thank the kind gentleman from Texas (Mr. STENHOLM) for yielding me a few brief moments here. I will not encroach on his time. I know he has been waiting. No one has been a finer leader on the issue of balancing our budget and getting the long-term debt and the annual deficits down than the gentleman from Texas (Mr. STENHOLM). He has been a leader for all of us. So for him to yield me a few moments of his time this evening is a great privilege for me, and I thank the gentleman so very much.

Mr. Speaker, I wanted to enter some remarks in the RECORD here concerning the recent ruling by the Federal Trade Commission that was highlighted in the New York Times yesterday and in every major newspaper around the country with the headline: "Violence in the Media is Aimed at the Young, Federal Trade Commission says. Report finds pervasive and aggressive marketing of films and video games to our youth."

I am so concerned about this I will be sending parts of my remarks tonight to the gentleman who represents the motion picture industry here in Washington, Mr. Jack Valenti, along with the heads of all of our three major commercial networks, along with the heads of those that sponsor MTV in our country, to say that we are the most affluent society in the world; and yet we witness constantly school shootings, teens committing murders, first graders carrying guns into our schools to shoot fellow students.

We can all ask ourselves what is happening deep inside this society and why do we have to read about children committing crimes, violent crimes almost on a daily basis. With all the national reports indicating major crime is coming down in our country, why is it that parents in my neighborhood feel that they cannot allow their children to ride their bicycles more than two blocks away from the house because they fear for their lives and for their health?

We live in a very, very working-class normal community in our country

where people go to work every day, where seniors reside and so forth.

Following the terrible events at Columbine High School last year, President Clinton ordered the Federal Trade Commission to investigate the role that the entertainment industry played in promoting youth violence. The report that came out by chairman Pitofsky of the Commission says, and I quote: "For all three industry segments, the answer is yes. Targeted marketing to children of entertainment products with violent content is pervasive and aggressive. Whether we are talking about music recording, movies or computer games, companies in each entertainment segment routinely end run and thereby undermine parental warnings by target marketing their products to young audiences."

I bring this up also because we did a recent survey in our office of constituents in our district asking them about television.

□ 1830

Seventy-three percent of the respondents graded the impact of television on America's youth as unwholesome with a negative impact on youth development. Moreover, when asked to list three major concerns facing our country, constituents in Ohio's Ninth District responded television, radio, and movies contributed to the moral debasement of our youth.

If that is not bad enough, and that is the reason I am down here tonight, I received this letter from the country of Ukraine this week from a religious leader in that country who says to me, "Congresswoman, you know, there is a deep economical crisis in our country today. Social wounds are opened like crimes, alcoholism, prostitution, drugs, and much of the humanitarian help coming from all over the world is in the form of clothing and food and medical goods. But, please, there is a lot of bad, immoral, wild nourishment," and he puts those words in quotes," that comes here as an ultra modern one.

"All this stinking mud that comes to Ukraine comes from America and from Europe. The cult of violence and pornography just fell as locusts onto our children's souls and their schools, their houses, and on the streets.

"The television today is working for hell, straight. Children are unprotected as no one else."

So I say to those in charge of the visual images put before the people of the world, when a Member of Congress receives a letter like this from a citizen in another country, I have to tell you, it is a heavy burden that we carry of true embarrassment.

How do we defend this not just here at home, but abroad? It is defenseless. You cannot be happy about any of this.

Do my colleagues know what he asks? And I am going to ask Mr. Valenti, I am going to ask the major media moguls of our country. He says, "We need help with ethics in our schools. We need help with printing

books to try to teach the youth here about our ethics. We need at least 10 copies of every book for every school library in our country. But, Congresswoman, publishing of these books on ethics cost money.

"Can you help us? In the current situation here, we do not have the ability to help ourselves yet."

He says, "Please share our opinion and our longing and then we ask you to help us in this thing for the children's good."

So I appreciate the gentleman from Texas (Mr. STENHOLM) allowing me these few moments this evening.

I include this statement for the RECORD:

DEAR CONGRESSWOMAN KAPTUR: I ask you hoping your helping for us in the very necessary and important thing. "Not with the bread alone lives a man"—these words might be the title of it.

There is a deep economical crisis in Ukraine now: a lot of social wounds are opened like crimes, alcoholism, prostitution, drugs etc. Much of the humanitarian help now come here from all over the world. Most of it is clothes, food, remedy, some goods. But, gentlemen, besides it there are a lot of bad, immoral, wild "spiritual" nourishment that comes here as an ultramodern one. All this "stinking mud" comes to Ukraine from America and Europe. The cult of violence and pornography just fell as locust onto children souls in their schools, houses, on the streets. The television today is working for hell, straight. Children are unprotected. They, as none else, need the pure hopeful spiritual nourishment. In the network of the secondary schools is introduced such a subject as ethics—the very important subject especially in the new democratic countries of the Western and Middle Europe, as well as in the whole world. But there is a lot of administrative formalism here. We still don't have good books for pupils. Today we need at least 10 copies of every book for every school library. We work on this field a lot. But publishing of the thousands books needs considerable cost.

Please share our opinion and our longing, then we ask you to help us in this thing, for the greater God's glory and for the children good.

With respect,

S.P.

Mr. Speaker, I say to the Federal Trade Commission, be strong in what you do. Please help our country lead each of us to a better world for ourselves and for our children here at home and abroad.

Mr. Speaker, I thank the gentleman whose words of wisdom I know on our budget situation will also help lead us to a wiser course. He has been so responsible for the better situation in which we find ourselves.

Mr. STENHOLM. Mr. Speaker, I thank the gentleman for her comments, and I thank her for her remarks on another very important subject to a lot of us.

Mr. Speaker, let me take just a few moments again and discuss the ever ongoing saga of the Federal budget. And again I repeat, as I did to my good friend the gentleman from California (Mr. CUNNINGHAM) a moment ago that, whenever it sounds like I am pointing a finger, I always acknowledge that there are three pointing back at me.

But so often is the case that we tend to exaggerate the truth. I am often reminded of the infamous words of an Oklahoman, Will Rogers, who once observed, "It ain't people's ignorance that bothers me so much. It is them knowing so much that ain't so is the problem." And we get an ample amount of statements on this floor that are just not so.

It is great for our country that we are now running a theoretical surplus. But just as in the September 4 issue of U.S. News and World Report, Mortimer Zuckerman, the editor in chief, stated, "the surplus is a mirage." He is correct.

We have heard the gentleman from Mississippi (Mr. TAYLOR), and perhaps he will join us a little bit later again this evening, talking about the fact that there really is no surplus. Well, I think we have to adjust that statement a little.

The Concorde Coalition's debt clock on Wall Street came down last week. Last week was the first week in which we did begin to run a small surplus. But to those that continue to talk about a \$4.6 trillion surplus like it is real money, I would urge a little bit of concern and caution.

We all acknowledge when we hear \$4.6 trillion in surpluses that these are projected. Not a one of us in this body can predict tomorrow much less the next 10 years.

All of us, both sides of the aisle, agree that of that \$4.6, \$2.3 trillion is now Social Security trust fund. It is the amount working men and women are paying into the Social Security system over and before what is being paid out to those receiving their Social Security checks today.

Now, that \$2.8 trillion we are agreeing to set aside. It is in a lockbox. Call it what you want to. But the basic truth is we are paying down the debt with that amount of money, and that is the best lockbox we can put on it.

But what is not mentioned on this floor is that \$2.3 trillion over the next 10 years is not going to be enough to fully pay the guarantees under Social Security beginning in 2010, the year that the baby boomers begin to retire.

Therefore, that is a concern and that is why some of us have been insisting that before we pass large tax cuts we should first decide how are we going to fix Social Security for the future so that our children and grandchildren will have the opportunity to receive the benefits that are promised to them under current law. And no one can come to this floor and say that that will happen unless we make some changes in the current system.

But of the remaining \$2.8 trillion, most of this is a mirage. Quoting again from Mortimer Zuckerman because he is right on target: "The surplus forecast assumed that nonentitlement spending including defense spending will not exceed the rate of inflation."

Now, we have already heard from our colleague, one of the true experts on

defense spending, that we must increase the amount of spending that we are now doing on defense because we are short of parts, we are short in the area of operations and management and maintenance, and we are drastically short changing the future by not making capital investments in our defense capabilities.

That means that by assuming that we are going to only increase defense spending at the rate of inflation is a mirage.

What is scary to me is that, if enough people believe this and we should pass a \$1.6 trillion tax cut that we would find out there will be no money there for any increases and that our country cannot afford.

Now, we hear about Social Security, another trust fund that I think needs to be locked up and taken off budget, and again I hear bipartisan agreement to this; and that is in the area of Medicare, \$400 billion.

If we take all of the needed increases, defense, military and veterans' programs, health care, this is one area that the majority of Members on both sides of the aisle agree that we are going to have to put some additional monies into the Medicare and Medicaid reimbursement system or we are going to close tens if not hundreds of hospitals around the United States, 10 to 12 in my district alone. Therefore, this will require some additional investment of our taxpayer dollars.

Let me be very clear. When I talk about dollars in spending, I readily concur and agree that Congress has no money to spend except that which we take from the American people through the tax system. So whenever we are talking about the expenditure of funds, expenditure of dollars, I readily agree it is your dollars, it is our dollars, but I think it is important when we add up all of these set-asides and lockboxes, increased defense needs, the true surplus projected is closer to \$800 billion than \$4.6 trillion.

That is why the Blue Dogs on this side of the aisle have for the past year been advocating a simple formula as to how we deal with this year's budget.

We have suggested that we ought to apply half of the projected on-budget surplus to pay down the debt first and divide the remaining half equally in half and say devote half of it to tax cuts targeted toward the death tax relief, the marriage tax penalty relief, and many other muchly needed tax relief proposals, but do it in a conservative way; and then use the other one-fourth of this surplus, or half of the half, for those spending increases in defense, as I agree with the gentleman from California (Mr. CUNNINGHAM) that the need is there, for our veterans, for our military retirees, for health care, for our pharmaceutical benefit.

Now, here is the problem: Today, once again, we had a veto override and the rhetoric flowed around this body about the need for that tax cut. Let me make it very clear. I totally agree, 100

percent, that we should eliminate the marriage tax penalty. But it does not require \$292 billion of the projected surplus in order to eliminate the marriage tax penalty. It takes \$82 billion. And that is where the problem comes in, because that extra \$292 billion adds up to a total number of tax cuts that we do not have the money to do.

Let me quickly run over those, because my colleagues are going to hear a lot now about the new budget. I would congratulate my friends on the other side of the aisle for coming around finally to the Blue Dog position on debt reduction, at least in their rhetoric. But, unfortunately, when we start talking about 90 percent of the surplus being applied to the debt, those numbers do not add up.

I am surprised that the leadership of this body would continue to put out numbers that anyone that understands simple arithmetic knows do not add up.

The unified surplus for this year, for example, 2001, is projected at \$268 billion. If we take 10 percent of that, that is \$28 billion available for tax cuts and appropriations this year. Debt service costs \$1 billion.

Already this year, we have voted the marriage penalty tax cut. That takes \$15 billion in 2001 if it would have passed. But it did not. It was vetoed. I am saying if it would have passed, which I assume was the desire of my friends on the other side of the aisle or they would not have attempted to override the President.

The small business minimum wage tax cuts would cost \$3 billion. The Portman-Cardin pension and IRA tax cuts \$1 billion. Telephone excise tax repeal \$1 billion. Repeal of the 1993 tax on Social Security benefits \$4 billion. Total tax cuts \$25 billion. Medicare provider restorations, of which we are in agreement, \$4 billion. That makes the total proposals \$29 billion. That has a deficit of \$2 billion.

And we have not made any increases in defense spending. We have not dealt with the emergency conditions all over this country, the drought, the fires in the northwest, the lack of drinking water over much of Texas. None of these needs have been met as yet. But yet, we continue to talk about, or at least we did up until today, that the major emphasis this year must be on tax cuts.

Now, the Blue Dogs believe very, very sincerely and very strongly that the best tax cut we could give the American people is to pay down the national debt first. And after we have agreed on paying down the debt, then let us discuss how we might in fact deal with fiscally responsible tax cuts just in case the projections are not accurate.

□ 1845

It is amazing to me how businessmen and women who serve in this body, who would never, ever, think in terms of spending a projected surplus in their own business or in their own family

situation, suddenly can come to this floor and suggest that that is what we ought to do with our country.

I do not understand it. But then when you start being critical, it is important to then start talking about what you are for. To our leadership, I would suggest that one of the things that we have done over the last several years, and I give credit to the other side of the aisle for their share of this accomplishment, caps on spending have worked fairly well in reducing discretionary spending. In fact, let me again read to you some interesting numbers, because one would never believe, never believe, that discretionary spending is coming down when they listen to the charges that are made from the other side of the aisle.

Discretionary spending as a percent of our gross domestic product in the Johnson years was 12 percent; in the Reagan years it dropped to 9.5 percent; in the Bush years it dropped to 8.5 percent. In the last 8 years, it has dropped to 6.8 percent. Nondefense discretionary spending has gone from 3.7 percent in the Johnson years to 3.5 in the Reagan years up to 3.7 in the Bush years and dropped to 3.4 percent in the last 8 years.

These are the accurate and honest numbers.

Now, what do we do? I am very disappointed that we have not been able to sit down now and put a new set of caps. We have to put some discipline on spending in this body, on my side of the aisle and, quite frankly, on the other side of the aisle, because it is interesting to me, when we hear that somehow we on this side of the aisle are still blamed for spending we have been in the minority for 6 years. Last time I checked, the minority party cannot spend money. We do not have 218 votes, and, therefore, again, spending is bipartisan.

I would like to see us put some discipline on us. I would like to see us argue for a change on this floor as to what the caps on discretionary spending ought to be in 2001, and then put some caps, realistic caps, in what we can do and must do in 2002, 2003, 2004, and 2005. It would put some discipline on this body that, quite frankly, we need. It is healthy for the Congress and all of the committees to be giving realistic numbers, but also tight numbers that we must follow because that tends to help us avoid being wasteful, which we can do a pretty good job of.

The Concord Coalition has recommended this. Spending caps should be retained but raised to realistic levels, and I think as we debate now what those spending levels shall be in this omnibus spending bill that it would make good sense for us to agree on that level. The Blue Dogs have suggested, and here the Republican budget calls for the expenditure in the discretionary, that is what Congress votes to spend, of \$600 billion. The President is recommending \$624 billion. The Blue Dogs have suggested all year that the

number of \$612 billion would be a reasonable compromise. It is a good target to shoot for and in a total budget of 1.8 or 900 billion, compromising somewhere around \$612 billion on discretionary spending would be a good place to start, but maybe there is a different number. Whatever it is, I would hope that we would not do a 1-year budget but that we would put in caps that are realistic that will meet the human needs of the defense of this country, the health of this country in Medicare and Medicaid, our much needed improvement in veterans, in military retirement programs, in the much needed investment in education in this country, and in agriculture, because in agriculture we are in the depths of a depression. Our prices are as low as they were during the Depression. We have drought. We have all kinds of problems in which we are going to need to make some kind of an investment there, or pay the price.

One never has to do anything, but there are some needs here and these are the priorities.

Fiscal discipline, it would be nice if every once in a while we did have a true bipartisan attempt to arrive at these numbers, but it seems like those are illusory; and I guess we are going to have to wait until the 107th Congress before we will get a chance to do some of what I am talking about tonight, but maybe not.

Let me refresh all of our memories again because my friend from California was talking the blame game a moment ago, and I hate to talk about him, he is no longer on the floor; but as he and I agreed we are going to try to find another hour sometime in which we can have some of these discussions because I happen to agree with him on much of his defense positions.

But it is interesting when we look at the economy and where it is today and who is taking the credit for what, from a pure budget standpoint, voted by the Congress, I happen to still believe very strongly the foundation of this economy that has given us the longest peacetime economic expansion in the history of our country these last 8 years, that the foundation was laid in 1991. It was the so-called Bush budget, President Bush. He paid dearly for it. He was unelected in 1992, but many of the tough decisions that were made in that budget, I believe, laid the foundation for the economy that we now enjoy. That is a personal opinion, and it is interesting when we look at who voted for that budget we will find that only 37 Republicans supported our President in 1991. It took bipartisan support to pass that budget, and many of us have been blamed for that ever since.

Then we come to the 1993 budget. Remember that one? That was the Clinton budget. That was one that we Democrats paid dearly for. We got unelected and we got in the minority for the first time in 40 years. Zero Republicans voted for that budget that

year, but I think that put the walls up on the economy. It was a tough budget. Admittedly, I did not support all of that budget. I had my differences, particularly on the spending side, but it passed.

Then we go on to the 1997 balanced budget agreement, and that budget also took bipartisan support. One would think from the rhetoric on the other side of the aisle that this was all done with Republican support, but only 187 Republicans supported it. I should not say only. I give them tremendous credit for being 187 to pass that budget, but it took 31 Democrats to stand up for that one, too; and not everybody has been happy with that budget, but that is the history.

When we start talking about the budget for this year, the Blue Dogs have been suggesting the 50/25/25 solution all year long. Take all of Social Security off budget. Take the remaining surplus projected and half of it pay down the debt and divide the other half equally between spending and tax cuts. We have 177 votes for our budget. That is not enough. 140 Democrats support it. Only 37 Republicans support it, but I appreciate the 37 and the 140.

That brings us to where we are today. It is interesting today, because, again, one listens to the rhetoric, I am reading from the Congressional Daily today. Senator LOTT said we know the fiscal year 2001 surplus will be \$240 billion to \$250 billion. We do not know what the surplus will be in 6 years. Exactly. That is the point some of us have been trying to make. That is why some of us have cast some very difficult votes regarding the death tax, regarding the marriage tax penalty.

We have said let us fix those two problems the best we can. In the case of the death tax, let us make sure that no estate of \$4 million and less will ever have to deal with the confiscatory, sometimes downright, what I would consider, almost criminal confiscation of property of small businesses. We can do that, and the President will sign that. It does not take \$105 billion, and it does not take leaving a black hole in 2010 for Social Security, which is my primary objection to that bill that is no longer on the table.

The Concord Coalition has some good ideas. In deciding the future of discretionary spending caps, policymakers must balance four major objectives: adequate funding for national priorities. We can find some bipartisan support for determining that number, and we can put some new caps into place that we can certainly live with for the next 5 years. They have to have some political reality. We cannot come on the one hand and spend all of it on a tax cut before we get into the priority spending and we have to get honesty in budgeting. I think the Concord Coalition is on to something, as they usually are, because they are bipartisan in nature. They avoid the partisan rhetoric that often flows around this body, particularly in those years divisible by two.

Let me just say kind of in conclusion, I believe the gentleman from Iowa (Mr. GANSKE) is here and I do not want to take the entire hour today. I was expecting some other colleagues to join me, but they are not here. Let me just say that let us not get too carried away with this new budget that has been offered by the leadership of this body to suggest that 90 percent solution.

Mr. Speaker, it does not add up. It just does not add up, and it is time for us to realize that we cannot go an entire year on a game plan of saying that the most important thing we need in this country is a tax cut and then find out we cannot pass it because we should not pass it, and then all of a sudden flip to a new budget that does not add up. Neither one has added up, but there is still support on this side of the aisle, and we would be surprised how much bipartisan cooperation we could get if we just acknowledged that the \$4.6 trillion surplus that is projected is not real and should not be spent as real money.

#### PATIENT PROTECTION LEGISLATION AS IT RELATES TO HEALTH MAINTENANCE ORGANIZATIONS

The SPEAKER pro tempore (Mr. SCARBOROUGH). Under the Speaker's announced policy of January 6, 1999, the gentleman from Iowa (Mr. GANSKE) is recognized for 60 minutes.

Mr. GANSKE. Mr. Speaker, I thank the gentleman from Texas (Mr. STENHOLM) for yielding a little earlier this evening. Just as a form of notice to the next speaker, I will probably speak somewhere between 20 and 30 minutes.

Mr. Speaker, I want to talk tonight about a topic that I have come to the floor many, many times in the last several years to speak about, and that is on the issue of patient protection legislation as it relates to health maintenance organizations, HMOs.

Mr. Speaker, I remember a few years ago, it must be about 4 years, that my wife and I went to a movie called *As Good as It Gets*. We were in Des Moines, Iowa, at a theater and I saw something happen that I do not think I have ever seen at a theater. During that scene, when Helen Hunt talks to Jack Nicholson about the type of care that her son in the movie, with asthma, was getting from her HMO and she uses some rather spicy language that I cannot say here on the floor of the House of Representatives, people stood up and clapped and applauded in that movie theater. I do not think I have ever seen that before.

□ 1900

Mr. Speaker, that was an indication 4 years ago that there was a problem with the type of care that HMOs were delivering. Then, Mr. Speaker, we began to see the problems that patients were having with HMOs captured in political cartoons. Things like cartoons

in the *New Yorker Magazine*. Here was one. This is pretty black humor. We have a secretary at an HMO, and she is saying "Cuddly care HMO. My name is Bambi. How may I help you?"

Next one, "You are at the emergency room and your husband needs approval for treatment." Next one, "Gasping, writhing, eyes rolled back in his head does not sound all that serious to me. Clutching his throat, turning purple. Um-hum?" And she says here, "Have you tried an inhaler?" She is listening on the phone. "He is dead. Then he certainly does not need treatment, does he?" And the last picture there on the lower left shows the HMO bureaucrat saying "People are always trying to rip us off."

For years now we have seen headlines like this one from the *New York Post*, "What his parent did not know about HMOs may have killed this baby."

Here is another cartoon. This is the HMO claims department, HMO medical reviewer with the headphone set on is saying, "No. We do not authorize that specialist. No. We do not cover that operation. No. We do not pay for that medication." Then apparently the patient must have said something, because all of a sudden the medical reviewer at that HMO kind of sits up and then angrily says, "No. We do not consider this assisted suicide."

Or how about this headline from the *New York Post*, "HMO's cruel rules leave her dying for the doc she needs." Pretty sensational headlines.

And then we had this cartoonist's view of the operating room, where you have the doctor operating. You have an anesthesiologist at the head of the table and then you have an HMO bean counter. The doctor says, "Scalpel." The HMO bean counter says, "Pocket knife." The doctor says, "Suture." The HMO bean counter says, "Band-Aid." The doctor says, "Let us get him to the intensive care." The HMO bean counter says, "Call a cab."

Some of these I think have passed the realm of being even humorous, because it has just been going on too long. You notice you do not see Jay Leno or David Letterman talking much any more about HMOs. It has just gone on too long. People are being hurt every day by capricious rules that deny people medically necessary care by HMOs; and patients have lost their lives because of it.

Here are some real-life examples. This woman was hiking in the mountains west of Washington, D.C., in Virginia. She fell off a 40-foot cliff. She fractured her skull. She broke her arm. She had a broken pelvis. She is laying there at the bottom of this 40-foot cliff. Fortunately, her boyfriend had a cellular phone. So they flew in a helicopter. They strapped her on, flew her to the emergency room. She was in the ICU, there for weeks on intravenous morphine for the pain.

And then a funny thing happened, when she finally got out of the hospital, she found out that her HMO refused to pay the bill. Why, you ask.

Well, the HMO said that she did not phone ahead for prior authorization.

Now, I ask you something, this lady's name is Jackie, how was Jackie supposed to know that she was going to fall off that cliff, then maybe when she is lying at the bottom of that cliff semicomatose she is supposed to have the presence of mind with her non-broken arm to reach into her coat pocket and pull out a cellular phone and dial an 1-800 HMO number and say I just fell off a 40-foot cliff, I need to go to an emergency room, is that okay? Maybe when she is in the ICU for a week on intravenous morphine, she is supposed to have the presence of mind to phone the HMO? Real life story.

How about this woman in the center? This woman's case was profiled on a cover story on Time magazine 2 years ago, maybe it was 3 years ago now. Her HMO denied her medically necessary care, and she died. Now, her little boy and her little girl do not have a mother and her husband does not have a wife.

Before coming to Congress, I was a reconstructive surgeon. I took care of babies that were born with this type of birth defect, a cleft lip and a cleft palate. Do you know that more than 50 percent of the surgeons who repair these types of birth defects have had HMOs deny operations for repairs related to this defect, because HMOs have said that that is a "cosmetic defect"?

Just imagine that you were the parents of a baby born with this defect, number one, the baby is not going to learn how to speak normally, because there is a hole in the roof of the mouth. Food is going to come out of the nose. Is that a cosmetic problem? Is speech a cosmetic problem? Not that I ever heard of. I happen to think it is a human right. It is a divine right to look human, and I think it is just absolutely wrong for HMOs to do what they do to kids who are born with birth defects, many times worse than this.

Let me tell you about this little baby boy. His name is James. When he was 6 months old, about 3:00 in the morning, his mother found that he was really sick, and he had a temperature of about 105. She asked her husband what they should do, and they said well, we better phone that HMO that we belong to. They phoned the 1-800 number talked to a member a thousand miles away, explained how sick their baby was, and that voice at the end of the line, who never examined this baby to see how sick he was, said, well, I will authorize you to go to an emergency room, but we only have a contract with one, so we are only going to let you go to that one, that is it.

Well, mom and dad are not medical professionals, so they hop in the car. Unfortunately, that authorized hospital was more than 60 miles away, 60 miles away, clear on the other side of metropolitan Atlanta, Georgia. En route mom and dad passed three emergency rooms that they could have stopped at.

They knew Jimmy was sick. They were not medical professionals. They did not stop because they knew if they did it without authorization, they would be left with a bill. Unfortunately, before they got to the authorized hospital, Jimmy had a cardiac arrest. Imagine you holding little Jimmy trying to keep him alive while you are trying to find that distant emergency room. Finally, when they pull in to the hospital emergency room, mom throws open the door, leaps out, screaming, help my baby, help my baby, a nurse comes running out, resuscitated Jimmy.

They put in lines. They give him medicines. They get him going. They save his life. Unfortunately, because of that delay in medically necessary treatment, they cannot save all of Jimmy because gangrene sets in in his hands and his feet, and little Jimmy's hands and his legs have to be amputated. That HMO made a medical decision, instead of saying it sounds like he is sick, take him to the nearest emergency room, it is okay with us, we will pay for it. They said, no, no, we only authorize you going to that far away hospital.

Mr. Speaker, little Jimmy is going to live all the rest of his life with bilateral hooks for hands, with prostheses for legs. He is about 7 years old now. In fact, I brought him to the floor of this House of Representatives during our debate on patient protection legislation almost a year ago, and he is a great kid. He is doing good. He has got good folks, but I will tell you what, he is never going to play basketball, and he is never going to touch with his hand the cheek of the woman that he loves, and that HMO should be responsible for that decision.

Unfortunately, there is a Federal law, a 25-year-old Federal law called the Employee Retirement Income Security Act. It was really written to be a pension law, but it was applied to health plans. And what it did was it took away oversight of health insurance from the States for people who get their insurance through their employer, and it did not institute any of the safeguards for quality control to prevent the types of problems like little Jimmy had, that your State insurance commissioners normally do. It left a vacuum.

Furthermore, it said that the only liability that that health plan would have would be the cost of treatment denied, the cost of treatment denied. That means that if little Jimmy is in an employer-sponsored health plan, a self-insured plan, the only thing that that health plan is liable for is the costs of his amputations. What about all the rest of his life? Is that fair? Is that just? I do not think so. Neither does the Federal judicial, neither do the Federal judges whose hands are tied, because of this law called ERISA.

Judge Gorton in *Turner v. Fallon Community Health Plan* said even more disturbing to this court is the

failure of Congress to amend a statute that, due to the changing realities of the modern health care system, has gone conspicuously awry from its original intent.

I have had Federal judges tell me, beg me to change that Federal law; number one, they think that these types of medical malpractice decisions should be handled in the State courts, like they are for anyone else. Number two, they realized that because of provisions in that law, they cannot even address the issue of the health plan defining medical necessity in any way they want to.

What does that mean? Well, under the ERISA law, a health plan can write a contract for the employees that basically says we are not liable for anything if we follow our own definition of what we consider to be medically necessary. So they can write a provision in the contract for an employee, for you, that would basically say we define medical necessity as the cheapest, least expensive care, quote, unquote, as determined by us.

That means that for this little boy who was born with a cleft lip and palate, instead of the traditional and optimal treatment of surgical correction utilizing the baby's own tissues to rebuild the defect, that HMO could say well, under our definition of the cheapest least expensive care, you know, just in the roof of his mouth, that big hole there, just put like an upper denture plate.

□ 1915

It is called an obturator, made of plastic. Of course, a baby like this, it might fall out, it might even be swallowed. So what? We can do that, because we defined it, medically necessary care, as the cheapest, least expensive care. I think that is wrong. That is why judges are saying, they are begging Congress, please, please, change that law. Our hands are tied.

Well, here we are, as I said before, almost a year since we passed in this House a bipartisan vote, 275 to 151, the Norwood-Dingell-Ganske Bipartisan Consensus Managed Care Reform Act, a real patient protection act. It has been almost a year. And I will tell you what, the public's opinion has not changed one bit about HMOs.

Today in USA Today they quote from a Gallup organization poll a list of occupations or organizations that people say they have a great deal of or quite a lot of confidence in those institutions. At the top of the list is the military; 64 percent of the public have a great deal of confidence in the military. Organized religion, 5 percent of the public; the police, 54 percent; the Supreme Court, 47 percent.

Then we get down toward the bottom of the institutions. Congress is down here at 24 percent. The criminal justice system, 24 percent. This probably reflects all of the news stories on the death penalty lately. But right at the very bottom of this, of institutions

that the public respects, only 16 percent of the public thinks HMOs are deserving of respect, only 16 percent.

In fact, overwhelmingly, the public thinks that Congress should pass and the President should sign a real patient protection law, one that would do many things: one that would cover all Americans; one that would allow doctors to make medical decisions; one that would hold those HMOs accountable for their decisions; one that would guarantee minimum health plan standards; one that would allow you to appeal a decision to an independent review panel if an HMO denies your care; and one that would have that independent panel make that determination of medical necessity, not some bogus definition by the health plan. These are all things that were in our bill, the Norwood-Dingell-Ganske bill, that we passed.

Well, the Senate passed a bill too; and, unfortunately, to be honest, I would have to characterize that Senate-passed bill as an HMO protection bill, an HMO protection bill, because it actually, in my opinion, had provisions that were worse than the current situation, that gave additional protections to health maintenance organizations, rather than additional protections to patients.

After the House passed its bill and the Senate passed its bill, it went to conference to iron out differences between the bills, and that conference has not met in months. It is a failed conference, nothing has come out of it, so it is time to move; it is time to try something different.

In an effort to get patient protection legislation signed into law, the gentleman from Georgia (Mr. NORWOOD), the gentleman from Michigan (Mr. DINGELL), myself, and Senator KENNEDY have created a new discussion draft of the House-passed bill, the Norwood-Dingell-Ganske bill, that seeks compromise with Senator NICKLES' amendment; and some of the ideas of the House substitute bills from last year that did not pass.

We continue to think the original Norwood-Dingell-Ganske bill is just fine and should be signed into law, but we are willing to be flexible in order to get a law, in order to get action in the Senate. We and the American Medical Association and over 300 health care groups who supported last year's House-passed bill have developed this discussion draft to see if it would help bring some Republican Senators on board.

We have had positive responses from a number of Republican Senators, including those who have previously voted against the Norwood-Dingell bill, as well as those who have voted for the Norwood-Dingell bill. We remain optimistic that we may soon have an opportunity to break this logjam.

This discussion draft, which we have provided to the Speaker of the House along with the actual legislative language in detail, does many things. It

includes many of the protections nearly all parties need to be addressed, including the right to choose your own doctor, protections against gag clauses, access to specialists, such as pediatricians and obstetricians and gynecologists, access to emergency care, so we can prevent something from happening like happened to poor little Jimmy, and access to information about the HMO's plan.

This discussion draft applies the patient protections to all plans, including ERISA plans, non-Federal Governmental plans, and those covering individuals. So we cover over 190 million Americans. This new draft addresses the concerns of those who want to protect States' rights by allowing States to demonstrate that their insurance laws are at least substantially equivalent to the new Federal standards, thereby leaving the State law in effect. State officials could enforce the patient protections of State law. The Secretary of Labor and Health and Human Services can approve the State plan or challenge it on grounds that it is inadequate.

Under the new draft, doctors will make medical decisions involving medical necessity. When a plan denies coverage, the patient has the ability to pursue an independent review of the decision from a panel independent of the HMO. This external review is composed of medical professionals totally independent of the plan and whose final medical necessity decision is legally binding on the plan.

We took the lead from the Nation's courts with particular attention given to the Supreme Court's decision in *Pegram v. Hedrick*. The new draft reflects emerging judicial consensus. Recent court decisions have suggested injured patients can hold health plans accountable in State court in disputes over the quality of medical care, those involving medical necessity decisions. However, patients would have to hold health plans accountable in Federal court if they wanted to challenge an administrative decision to deny benefits or coverage or for any decision not involving medical necessity.

In addition to specific legislative provisions, the discussion draft, this discussion draft, answers continuing questions about the original Norwood-Dingell-Ganske bill. For instance, the draft says employers may not be held liable unless they "directly participate" in a decision to deny benefits as a result of which a patient was injured or killed. Even then defendants could not be required to pay punitive damages unless they showed "willful or wanton disregard for the rights or safety" of patients.

Another concern about the Norwood-Dingell-Ganske bill was whether it would affect the ability of health plans to maintain uniformity in different States. This new draft only subjects plans to State law when they make medical decisions that result in harm. This discussion draft will allow Repub-

lican Senators who have voted against the original Norwood-Dingell bill to vote for a real patient protection bill. Will they take up this opportunity? Stay tuned. But time is running out. People are waiting to see whether this Congress will actually deal with one of the major health concerns that the public has. Eighty-five percent-plus of the public thinks Congress should pass patient protection legislation to protect them from HMO abuses, 85 percent. About 75 percent think that that should include legal responsibility for the HMOs.

If this bill, this discussion draft, is ignored, then I am sure we are going to see this as one of the major issues in the coming election, and we should, and we should. We have been working on this legislation now, the gentleman from Georgia (Mr. NORWOOD), the gentleman from Michigan (Mr. DINGELL), SENATOR KENNEDY and others, for about 4 years.

When I am back home in the district people say, Why is it taking you so long to get something passed that the public overwhelmingly wants? I tell them we are fighting a very, very powerful industry that has spent \$100 million lobbying against this piece of legislation, some very, very powerful Washington special interests, who are seeking to, in my opinion, make sure that their bottom line profits come ahead of patient protections.

Well, we will see whether we get this done. There are not too many more weeks when I will be able to come to the floor and speak about this issue, but as long as we are in session for the rest of this year, I will try to get an opportunity to inform my colleagues on where we stand. But I wanted my colleagues on both sides of the aisle to know that the Republicans and the Democrats who truly want a real patient protection piece of legislation are working together.

We have never said, along with the 300-plus consumer groups and professional groups that think that this legislation should pass too, we have never said it has to be the Norwood-Dingell-Ganske bill word for word. That is why we have come up with this discussion draft. That is why the language for many of these provisions is taken from the Nickles amendment, the Coburn-Shadegg amendment and others, at least half of the language. We have made some adjustments to correct some of the defects as we see it in some of those provisions, but we have been willing to work towards a compromise to finally get this signed into law. We are this close. It would be a shame for the leadership of Congress to hold this important piece of legislation up.

As a physician who has taken care of patients who have had a lot of troubles with HMOs, I have been on the front line; and I have seen that we truly need this type of legislation.

This is not a piece of legislation for physicians. In fact, there are provisions in our bill that could actually decrease

physician income. Nevertheless, the professional groups support this. Why? Because their first and foremost job is to stand up for and to advocate for their patients. That is why they take that Hippocratic Oath.

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The patient-doctor relationship is foremost. HMOs have interposed themselves between the doctor and the patient. Quite frankly, they have put a financial consideration rather than the patient's best care into that decision-making. Mr. Speaker, we need to swing that pendulum back.

Now, this brings me, finally, and I just would like my colleagues from the other side to know that I only have a few more minutes in which to speak; this brings me to another health care issue, and that is that when we passed the Balanced Budget Act in 1997, we passed several provisions on reducing the rate of growth in Medicare. The implementation of those provisions has actually produced significantly more savings than we planned on, and those savings have had a significantly harmful effect on some of the provider groups.

Mr. Speaker, I just finished a series of town hall meetings around my district. I represent Des Moines, which is a major metropolitan suburban area, but I also represent southwest rural Iowa. There are a lot of small town county hospitals in my district. Because of certain provisions from the Balanced Budget Act with reduced payments to those hospitals, those hospitals are having a real hard time and are right on the verge of financial insolvency.

I grew up in a small town in northeast Iowa. I know how important it is that a small town have a hospital. It is important for a number of reasons. It is important for the people who live in that town or the farm families around it so that they do not have to travel 70 or 80 miles if they have a heart attack or if they want to deliver a baby, but it is also very important to the financial survival of that small town. If we do not have a hospital in that small town, it is hard to keep doctors in the town. If we do not have a hospital and doctors in that town, it is hard to keep businesses in that town, and it is almost impossible to convince any other business development in that community. So we are talking about not only an issue of public health, but we are also talking about an issue of economic survival.

My committee, the Committee on Commerce, is in the process, along with the Committee on Ways and Means, of drawing up a bill to bring some additional funds back into Medicare. I am working hard to ensure that we get some additional funding for those small towns and rural hospitals in Iowa and in other areas around the country. There will be discussion on whether we should provide additional payments to Medicare HMOs. I think we need to be careful on doing that.

Mr. Speaker, I have here a Report to Congressional Requesters from the United States General Accounting Office on Medicare Plus Choice. It is Entitled Payments Exceed Cost of Fee-for-Service Benefits, Adding Billions to Spending, and it is dated August 2000, and it was requested by Senator GRASSLEY, by Senator ROTH, by the gentleman from Michigan (Mr. DINGELL), and by the gentleman from California (Mr. THOMAS). I think it is really important for me to read the summary, the results, in brief:

"Medicare Plus Choice," this is a quote from this GAO report:

Like its predecessor managed care program, has not been successful in achieving Medicare savings. Medicare Plus Choice plans attracted a disproportionate selection of healthier and less expensive beneficiaries relative to traditional fee-for-service Medicare, a phenomenon known as favorable selection, while payment rates largely continue to reflect the expected fee-for-service costs of beneficiaries in average health. Consequently, in 1998, we estimated that the program spent about \$3.2 billion or 13.2 percent more on health plan enrollees than if they had received services through traditional fee-for-service Medicare. This year, the Health Care Financing Administration implemented a new methodology to adjust payments for beneficiary health status. However, our results suggest that this new methodology, which will be phased in over several years, may ultimately remove less than half of the excess payments caused by favorable selection. In addition, the combination of spending forecast errors built into the plan payment rates and the Balanced Budget Act payment provisions cost an additional \$2 billion, or 8 percent in excess payments to plans instead of paying less for health plan enrollees. We estimate that aggregate payments to Medicare Plus Choice plans in 1998 were about \$5.2 billion, or approximately \$1,000 per enrollees more than if the plan's enrollees had received care in the traditional fee-for-service program. It is largely these excess payments, and not managed care efficiencies, that enable plans to attract beneficiaries by offering a benefit package that is more comprehensive than the one available to fee-for-service beneficiaries while charging modest or no premiums.

Mr. Speaker, this brings us directly to the issue of prescription drug coverage. Because what this is saying is that number one, the Medicare HMOs have been skimming off the healthier beneficiaries so that they would have lower costs. That way they make more money on covering those. They are getting paid more for those Medicare beneficiaries than if those beneficiaries were simply in the regular Medicare plan. With those excess profits, what they do is they can entice other healthier seniors into it by offering a prescription drug benefit. I think as we consider whether and how Congress should implement a prescription drug benefit, we need to take into account this GAO report that documents that we have actually lost money with our Medicare HMOs, rather than saved money with our Medicare HMOs.

So when we look at this Medicare give-back bill that is coming along and will be signed into law, passed and signed into law, I am pretty sure, I

think we ought to be very careful and judicious about providing more money to those Medicare HMOs. We ought to be looking, in my opinion, at ways to provide pharmaceutical coverage, a prescription drug benefit for Medicare beneficiaries, regardless of whether they live in New York or Los Angeles or Miami or Harlan, Iowa. That benefit I think should be equally available, regardless of where one lives in this country. If we dump additional billions into a failed HMO program called Medicare Plus Choice, then I think we will be throwing money down the drain.

So clearly, this will be a package of provisions, and I absolutely feel that it is important to support provisions for additional coverage for our rural hospitals, for example, but I will also do my best to try to make sure that we do not go overboard with providing additional funds to Medicare HMOs, when this report from the GAO shows that even with the implementation of a new risk adjuster, we will still only take care of 50 percent of the excess payments.

Well, Mr. Speaker, I very much appreciate the opportunity to speak tonight on health care issues, and I look forward to working with my leadership and with members on both sides of the aisle to try to get adjustments made for Medicare for our rural hospitals and to get finally signed into law a real patient protection bill modeled along the lines of what we passed here in the House almost a year ago, the Norwood-Dingell-Ganske bipartisan consensus Managed Care Reform Act.

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. GILCHREST (at the request of Mr. ARMEY) for today on account of family matters.

#### SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MCNULTY) to revise and extend their remarks and include extraneous material:)

Mr. HOLT, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Mr. INSLEE, for 5 minutes, today.

Mr. PASCRELL, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. GREEN of Texas, for 5 minutes, today.

Mr. FARR of California, for 5 minutes, today.

(The following Members (at the request of Mr. DUNCAN) to revise and extend their remarks and include extraneous material:)

Mr. MCCOLLUM, for 5 minutes, today and September 19 and 20.

Mr. DUNCAN, for 5 minutes, today.  
Mr. BILBRAY, for 5 minutes, today.

#### SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 1027. An act to reauthorize the participation of the Bureau of Reclamation in the Deschutes Resources Conservancy, and for other purposes.

S. 1117. An act to establish the Corinth Unit of Shiloh National Military Park, in the vicinity of the city of Corinth, Mississippi, and in the State of Tennessee, and for other purposes.

S. 1937. An act to amend the Pacific Northwest Electric Power Planning and Conservation Act to provide for sales of electricity by the Bonneville Power Administration to joint operating entities.

#### ADJOURNMENT

Mr. GANSKE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 40 minutes p.m.), under its previous order, the House adjourned until tomorrow, September 14, 2000, at 9 a.m.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

9988. A letter from the Administrator, Food and Nutrition Service, Department of Agriculture, transmitting the Department's final rule—Food Stamp Program: Electronic Benefit Transfer (EBT) Systems Interoperability and Portability (RIN:0584-AC91) received September 7, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9989. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule—Pink Bollworm Regulated Areas [Docket No. 00-009-2] received September 1, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9990. A letter from the Secretary, Department of Defense, transmitting a report on the approved retirement and advancement grade of Admiral Donald L. Pilling, United States Navy; to the Committee on Armed Services.

9991. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule—Biological Products Regulated Under Section 351 of the Public Health Service Act; Implementation of Biologics License; Elimination of Establishment License and Product License; Technical Amendment [Docket No. 98N-0144] received September 1, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9992. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule—Indirect Food Additives: Adjuvants, Production Aids, and Sanitizers [Docket No. 99F-0127] received September 1, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9993. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule—Indirect Food Additives: Polymers [Docket No. 98F-0484] received September 1, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9994. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule—Amendment of Various Device Regulations to Reflect Current American Society for Testing and Materials Citations, Confirmation In Part and Technical Amendment; Correction [Docket No. 99N-4955] received September 1, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9995. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—National Emission Standards for Halogenated Solvent Cleaning received September 1, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9996. A letter from the Director Regulations Policy and Management Staff, Federal Drug Administration, transmitting the Agency's final rule—Topical Antifungal Drug Products for Over-the-Counter Human Use; Amendment of Final Monograph [Docket No. 99N-1819] (RIN: 0910-AA01) received September 1, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9997. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's report pursuant to title VIII of Public Law 101-246, the Foreign Relations Authorization Act, as amended; to the Committee on International Relations.

9998. A letter from the Chair and Ranking Member, OSCE Congressional Delegation, transmitting a report on the Bucharest Declaration of the Organization for Security and Cooperation in Europe Parliamentary Assembly; to the Committee on International Relations.

9999. A letter from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting the Department's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 630 of the Gulf of Alaska [Docket No. 000211039-0039-01; I.D. 082900A] received September 7, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10000. A letter from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting the Department's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Other Red Rockfish in the Bering Sea Subarea of the Bering Sea and Aleutian Islands Management Area [Docket No. 000211040-0040-01; I.D. 082800B] received September 7, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10001. A letter from the Acting Assistant Secretary, U.S. Fish and Wildlife Service, Department of Interior, transmitting the Department's final rule—Migratory Bird Hunting; Migratory Bird Hunting Regulations on Certain Federal Indian Reservations and Ceded Lands for the 2000-01 Early Season (RIN 1018-AG08) received August 31, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10002. A letter from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Species in the Rock sole / Flathead sole / "Other flatfish" Fishery Category by Vessels Using Trawl Gear in the Bering Sea and Aleutian Islands Manage-

ment Area [Docket No. 000211040-0040-01; I.D. 082500A] received September 1, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10003. A letter from the Acting Director, Office of Sustainable Fisheries, National Oceanic Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 630 of the Gulf of Alaska [Docket No. 000211039-0039-01; I.D. 082900A] received September 7, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10004. A letter from the Acting Director, Office of Sustainable Fisheries, National Oceanic Atmospheric Administration, National Marine Fisheries Service, transmitting the Administration's final rule—Fisheries of the Northeastern United States; Atlantic MACKEREL, Squid, and Butterfish Fisheries; Closure of Fishery for Loligo Squid—received September 7, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10005. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 777-200 Series Airplanes [Docket No. 97-NM-260-AD; Amendment 39-11873; AD 2000-16-16] (RIN: 2120-AA64) received August 31, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10006. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model DC-10-10, -15, -30, -30F, (KC-10A Military), and -40 Series Airplanes; and Model MD-10-10F and MD-10-30F Series Airplanes [Docket No. 2000-NM-50-AD; Amendment 39-11866; AD 2000-16-10] (RIN: 2120-AA64) received August 31, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10007. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A330 and A340 Series Airplanes [Docket No. 2000-NM-62-AD; Amendment 39-11867; AD 2000-16-11] (RIN: 2120-AA64) received August 31, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10008. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; British Aerospace HP137 Mkl, Jetstream Series 200, and Jetstream Models 3101 and 3201 Airplanes [Docket No. 98-CE-117-AD; Amendment 39-11870; AD 2000-16-13] (RIN: 2120-AA64) received August 31, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10009. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Wytornia Sprzetu Model PZL-104 Wilga 80 Airplanes [Docket No. 2000-CE-52-AD; Amendment 39-118969; AD 2000-16-51] (RIN: 2120-AA64) received August 31, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10010. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 767-200, -300, and -300F Series Airplanes [Docket No. 99-NM-54-AD; Amendment 39-11871; AD 2000-16-14] (RIN: 2120-AA64) received August 31, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10011. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Bombardier Model DHC-7-100, and DHC-8-100, -200, and -300 Series Airplanes [Docket No. 2000-NM-90-AD; Amendment 39-11857; AD 2000-16-03] (RIN: 2120-AA64) received August 31, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10012. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Saab Model SAAB 340B Series Airplanes [Docket No. 2000-NM-225-AD; Amendment 39-11872; AD 2000-16-15] (RIN: 2120-AA64) received August 31, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10013. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Industrie Model A300 B2 and B4 Series Airplanes [Docket No. 97-NM-184-AD; Amendment 39-11862; AD 2000-16-07] (RIN: 2120-AA64) received August 31, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10014. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 737-100, -200, and -200C Series Airplanes [Docket No. 2000-NM-183-AD; Amendment 39-11844; AD 2000-15-12] (RIN: 2120-AA64) received August 31, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10015. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Request for Statement of Qualifications (RFQ) for Administrative, Technical and Scientific Support to the Chesapeake Bay Program; Fiscal Years 2001-2006—received September 1, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10016. A letter from the Associate Administrator for Procurement, National Aeronautics and Space Administration, transmitting the Administration's final rule—Property Reporting Requirements—received September 7, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

10017. A letter from the Associate Administrator for Procurement, National Aeronautics and Space Administration, transmitting the Administration's final rule—Insurance—Partial or Total Immunity from Tort Liability for State Agencies and Charitable Institutions—received September 7, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

10018. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Definition of a Qualified Interest in a Grantor Retained Annuity Trust and a Grantor Retained Unitrust [TD 8899] (RIN: 1545-AW25) received September 5, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. ARCHER: Committee on Ways and Means. H.R. 4986. A bill to amend the Internal Revenue Code of 1986 to repeal the provi-

sions relating to foreign sales corporations (FSCs) and to exclude extraterritorial income from gross income; with an amendment (Rept. 106-845). Referred to the Committee of the Whole House on the State of the Union.

#### PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. MCGOVERN (for himself, Mr. PETERSON of Pennsylvania, Mr. HILLIARD, Mr. WATKINS, Mr. JEFFERSON, Mr. ENGLISH, Mr. MCINTOSH, Mrs. THURMAN, Mr. HILLEARY, Mr. WEYGAND, Mr. SANDERS, Mr. COOK, Mr. RAHALL, Mr. TIERNEY, Mr. MOAKLEY, Mr. WAMP, Mr. POMEROY, Mr. CONYERS, Mr. GOODE, Mr. DICKEY, Mr. DOYLE, Mr. FRANK of Massachusetts, Mr. NEY, Ms. MILLENDER-MCDONALD, Mr. ROMERO-BARCELLO, Mr. FROST, Mr. KIND, Mr. BALDACCI, Mr. OLVER, Mr. MURTHA, Mr. GOODLING, and Mr. ALLEN):

H.R. 5163. A bill to amend title XVIII of the Social Security Act with respect to payments made under the prospective payment system for home health services furnished under the Medicare Program; referred to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. UPTON (for himself, Mr. TAUZIN, Mr. MARKEY, Mrs. WILSON, Mr. BOUCHER, Mr. WHITFIELD, Mr. GREEN of Texas, Mr. ROGAN, Mr. WAXMAN, Mr. BILBRAY, Mr. FOSSELLA, Mr. GORDON, Ms. DEGETTE, Mr. LUTHER, Ms. ESHOO, and Ms. MCCARTHY of Missouri):

H.R. 5164. A bill to amend title 49, United States Code, to require reports concerning defects in motor vehicles or tires or other motor vehicle equipment in foreign countries, and for other purposes; to the Committee on Commerce.

By Mr. BLUMENAUER (for himself, Mrs. CHRISTENSEN, Ms. DELAURO, Mr. FARR of California, Mr. KUCINICH, Mr. MCGOVERN, Mr. PALLONE, Mrs. JONES of Ohio, Mr. WEYGAND, and Mr. HOFFEL):

H.R. 5165. A bill to assist States with land use planning in order to promote improved quality of life, regionalism, sustainable economic development, and environmental stewardship, and for other purposes; to the Committee on Resources, and in addition to the Committees on Banking and Financial Services, and Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. SCHAKOWSKY (for herself, Mr. RUSH, Mr. BLAGOJEVICH, Mrs. MCCARTHY of New York, Mr. WAXMAN, and Mr. FROST):

H.R. 5166. A bill to amend titles XVIII and XIX of the Social Security Act to impose requirements with respect to staffing in nursing facilities receiving Medicare or Medicaid funding; referred to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. CAPPS:

H.R. 5167. A bill to amend title 38, United States Code, to protect ratings of service-

connection for certain presumptive disabilities of Persian Gulf War veterans participating in Department of Veterans Affairs health study; to the Committee on Veterans' Affairs.

By Mr. FROST:

H.R. 5168. A bill to amend the Public Health Service Act with respect to the compensation rules under the National Vaccine Injury Compensation Program for vaccines administered before the effective date of such program; to the Committee on Commerce.

By Mr. LAHOOD (for himself and Mr. GOODLATTE):

H.R. 5169. A bill to reenact the United States Warehouse Act to require the licensing and inspection of warehouses and other structures used to store agricultural products, to provide for the issuance of receipts, including electronic receipts, for agricultural products stored or handled in licensed warehouses, and for other purposes; to the Committee on Agriculture.

By Ms. MILLENDER-MCDONALD:

H.R. 5170. A bill to amend the Internal Revenue Code of 1986 to reduce the marriage penalty by providing for adjustments to the standard deduction and the earned income credit and to repeal the reduction of the refundable tax credits; to the Committee on Ways and Means.

By Mr. POMEROY:

H.R. 5171. A bill to amend the Internal Revenue Code of 1986 to permit a husband and wife to file a combined return to which separate tax rates apply; to the Committee on Ways and Means.

By Mr. SHAW (for himself and Mr. KLECZKA):

H.R. 5172. A bill to amend title XVIII of the Social Security Act to ensure access to digital mammography through adequate payment under the Medicare system; referred to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FORBES (for himself, Ms. ROSLEHTINEN, Mr. DEUTSCH, Mr. LANTOS, Mr. HASTINGS of Florida, Mr. PALLONE, Mr. SANDERS, Mr. BONIOR, Mr. FRANK of Massachusetts, Mr. MCGOVERN, Mr. FROST, and Mr. MCNULTY):

H. Con. Res. 398. A concurrent resolution expressing the sense of the Congress that a postage stamp should be issued to honor the Jewish War Veterans of the United States of America; to the Committee on Government Reform.

By Mr. GOODLING (for himself, Mr. MCKEON, Mr. CASTLE, Mrs. ROUKEMA, Mr. BALLENGER, Mr. GREENWOOD, Mr. MCINTOSH, Mr. NORWOOD, Mr. ISAKSON, Mr. GEORGE MILLER of California, Mr. KILDEE, Mrs. MINK of Hawaii, Mr. SCOTT, Ms. PRYCE of Ohio, Mrs. WILSON, Mr. BASS, Mr. BALDACCI, Mr. FRELINGHUYSEN, Ms. BALDWIN, Mr. BEREUTER, Mrs. BIGGERT, Mr. BILBRAY, Mr. BILIRAKIS, Mr. BROWN of Ohio, Mr. BURR of North Carolina, Mr. ENGLISH, Ms. ESHOO, Mr. EWING, Mr. FARR of California, Mr. FILNER, Mr. FOSSELLA, Mr. FRANKS of New Jersey, Mr. GIBBONS, Mr. GUTKNECHT, Mr. HILL of Montana, Mrs. JOHNSON of Connecticut, Mrs. KELLY, Mr. KNOLLENBERG, Mr. LATOURETTE, Mr. LOBIONDO, Mr. MILLER of Florida, Mr. GARY MILLER of California, Mrs. MORELLA, Mr. NUSSLE, Mr. PETERSON of Pennsylvania, Mr. RAMSTAD, Mr. REYNOLDS, Ms. RIVERS, Mr. ROGAN,

Ms. ROS-LEHTINEN, Mr. SERRANO, Mr. SESSIONS, Mr. SISISKY, Mr. SHERWOOD, Mr. SKEEN, Mr. THUNE, Mr. UDALL of New Mexico, Mr. WALSH, and Mr. WELDON of Pennsylvania):

H. Con. Res. 399. A concurrent resolution recognizing the 25th anniversary of the enactment of the Education for All Handicapped Children Act of 1975; to the Committee on Education and the Workforce.

#### ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 207: Mr. NORWOOD.  
 H.R. 284: Mr. KUCINICH, Mr. FALEOMAVAEGA, Mr. MASCARA, Ms. KAPTUR, Mr. REYES, and Mr. SKELTON.  
 H.R. 303: Mr. HILL of Montana.  
 H.R. 534: Mrs. ROUKEMA, Mr. PAYNE, Mr. RYUN of Kansas, Mr. HASTINGS of Florida, Mr. PALLONE, Mr. THUNE, Mr. GEPHARDT, Mr. COBLE, Mr. TAYLOR of North Carolina, Mr. GILMAN, Mr. EHRLICH, and Mrs. CHENOWETH-HAGE.  
 H.R. 566: Mr. BALDACCI.  
 H.R. 601: Mr. WHITFIELD.  
 H.R. 700: Mr. MOORE.  
 H.R. 919: Mr. FATTAH and Mr. NADLER.  
 H.R. 925: Mr. TIERNEY.  
 H.R. 1021: Mr. DOYLE.  
 H.R. 1075: Ms. MCCARTHY of Missouri.  
 H.R. 1172: Mr. HORN, Mr. HALL of Texas, Mr. ROTHMAN, and Mr. QUINN.  
 H.R. 1303: Mr. ABERCROMBIE.  
 H.R. 1322: Mr. GOODLATTE and Ms. BALDWIN.  
 H.R. 1452: Ms. DELAURO.  
 H.R. 1469: Mr. MINGE.  
 H.R. 1622: Mr. BLAGOJEVICH.  
 H.R. 1684: Ms. LOFGREN.  
 H.R. 1689: Ms. BROWN of Florida.  
 H.R. 1914: Mr. RAMSTAD.  
 H.R. 1946: Mr. CAMPBELL.  
 H.R. 2273: Mr. BRYANT and Mr. ANDREWS.  
 H.R. 2597: Mr. PITTS.  
 H.R. 2624: Mr. TIERNEY.  
 H.R. 2655: Mrs. CUBIN.  
 H.R. 2738: Mr. WISE and Mr. MATSUI.  
 H.R. 2814: Mr. GREEN of Texas.  
 H.R. 2819: Mr. MOORE.  
 H.R. 2870: Mr. BACA.  
 H.R. 3004: Ms. LEE and Mr. FOLEY.  
 H.R. 3083: Mr. BORSKI.  
 H.R. 3118: Mr. GREEN of Wisconsin.  
 H.R. 3143: Ms. MCKINNEY.  
 H.R. 3192: Mr. WOLF and Ms. BALDWIN.  
 H.R. 3266: Mr. HINCHEY, Mr. FILNER, Ms. WOOLSEY, and Mr. TIERNEY.

H.R. 3275: Mrs. MINK of Hawaii.  
 H.R. 3328: Ms. DELAURO.  
 H.R. 3372: Mr. BALDACCI.  
 H.R. 3573: Mrs. CUBIN.  
 H.R. 3580: Mr. PETRI and Mr. YOUNG of Alaska.  
 H.R. 3712: Ms. DELAURO.  
 H.R. 3809: Mr. ENGEL.  
 H.R. 3861: Mr. BALDACCI.  
 H.R. 3887: Mr. NADLER and Mrs. LOWEY.  
 H.R. 3891: Mr. NADLER.  
 H.R. 4004: Mr. RAHALL and Mr. WU.  
 H.R. 4046: Ms. PELOSI, Mr. BORSKI, and Mr. BERKLEY.  
 H.R. 4057: Mr. LARGENT, Mr. SHERMAN, and Ms. ESHOO.  
 H.R. 4113: Mr. LUCAS of Kentucky and Mr. BARTON of Texas.  
 H.R. 4213: Mr. LINDER and Mr. LEWIS of California.  
 H.R. 4239: Mr. SMITH of New Jersey, Mr. LATOURETTE, and Mr. COSTELLO.  
 H.R. 4259: Mr. REYES, Mr. GEJDENSON, Mr. GREEN of Wisconsin, Mr. PETERSON of Pennsylvania, Mr. PACKARD, Mr. OSE, Mr. MILLER of Florida, Mr. MICA, Mr. MARTINEZ, Mr. MCKEON, and Mr. MATSUI.  
 H.R. 4308: Mr. WAMP and Mr. ANDREWS.  
 H.R. 4356: Mr. BORSKI.  
 H.R. 4393: Mr. THOMPSON of California and Ms. BALDWIN.  
 H.R. 4438: Mr. STUPAK.  
 H.R. 4483: Mr. BALDACCI and Ms. WOOLSEY.  
 H.R. 4487: Mr. KUCINICH and Ms. DANNER.  
 H.R. 4543: Mr. ROYCE, Mr. BARTON of Texas, Mr. MCINNIS, and Mr. SMITH of Texas.  
 H.R. 4565: Mrs. MORELLA.  
 H.R. 4567: Mrs. LOWEY.  
 H.R. 4636: Mr. BLAGOJEVICH.  
 H.R. 4664: Ms. ROS-LEHTINEN.  
 H.R. 4670: Mr. DAVIS of Virginia, Mr. TANNER, Mr. CRAMER, Mr. HALL of Texas, Mr. SISISKY, Mr. SANDLIN, Mr. THOMPSON of California, Mr. BOYD, Mr. MOORE, Mr. MCINTYRE, Mr. HOLDEN, Mr. JOHN, Ms. SANCHEZ, Mr. KIND, Mr. MORGAN of Virginia, Mr. LARSON, and Mr. WU.  
 H.R. 4673: Mr. BURR of North Carolina.  
 H.R. 4688: Mr. DICKEY, Mr. TERRY, and Mr. EHLERS.  
 H.R. 4715: Mr. CALVERT.  
 H.R. 4723: Mr. OXLEY and Mr. SANDLIN.  
 H.R. 4732: Mr. LUCAS of Kentucky.  
 H.R. 4740: Mr. KLECZKA.  
 H.R. 4791: Mr. LOBIONDO.  
 H.R. 4793: Mr. HILLIARD.  
 H.R. 4848: Mr. SPRATT, Mr. SCOTT, Mr. WAXMAN, Mr. SANDLIN, Mr. KUCINICH, Mr. HOLT, and Mr. GREEN of Texas.  
 H.R. 4857: Mr. SANDLIN.  
 H.R. 4935: Mr. GREEN of Texas.  
 H.R. 4971: Ms. DANNER, Ms. DUNN, and Mr. PHELPS.

H.R. 4976: Mr. HEFLEY, Mr. HINCHEY, Mr. SANDLIN, Mr. GARY MILLER of California, Mr. FROST, Mrs. MORELLA, Mrs. TAUSCHER, Mr. HOEFFEL, and Mr. BLAGOJEVICH.  
 H.R. 4977: Mr. HINCHEY and Mr. ABERCROMBIE.  
 H.R. 5005: Mrs. JOHNSON of Connecticut.  
 H.R. 5018: Mr. BLUNT and Mr. BACHUS.  
 H.R. 5042: Mr. LATOURETTE.  
 H.R. 5073: Mr. SCOTT and Mr. KILDEE.  
 H.R. 5095: Mr. GEORGE MILLER of California and Mr. UDALL of Colorado.  
 H.R. 5101: Ms. PELOSI, Mr. RANGEL, Mr. JACKSON of Illinois, Mr. GUTIERREZ, Mr. CONYERS, Mr. PASCRELL, and Mr. BRADY of Pennsylvania.  
 H.R. 5109: Mr. SMITH of New Jersey, Ms. BALDWIN, Mr. REYES, Mr. OBERSTAR, Mr. HILL of Montana, Ms. BROWN of Florida, Mr. WAMP, Mr. JONES of North Carolina, Mr. GREEN of Texas, Mr. HAYWORTH, Mr. LAHOOD, Mr. SAWYER, Mr. GEKAS, Mr. LEWIS of Kentucky, Mr. HALL of Texas, and Mr. DEAL of Georgia.  
 H.R. 5116: Mr. LAFALCE, Ms. SLAUGHTER, Ms. MILLENDER-MCDONALD, Mr. MCNULTY, Ms. DELAURO, Mr. BALDACCI, Ms. CARSON, Mr. FRANK of Massachusetts, Mr. RANGEL, and Mr. WISE.  
 H.R. 5132: Mrs. MINK of Hawaii, Mr. WELLER, and Mr. GREEN of Texas.  
 H.R. 5152: Mr. ENGLISH.  
 H. Con. Res. 252: Mr. RUSH.  
 H. Con. Res. 273: Mr. NADLER.  
 H. Con. Res. 36: Ms. KILPATRICK.  
 H. Con. Res. 370: Mr. ROYCE and Ms. PELOSI.  
 H. Con. Res. 384: Mr. STENHOLM and Mr. BURR of North Carolina.  
 H. Con. Res. 390: Mr. KING, Mr. UPTON, Mr. GARY MILLER of California, Mr. FOSSELLA, Mr. HILL of Montana, Mr. ORTIZ, and Mr. CAPUANO.  
 H. Con. Res. 397: Mr. LANTOS and Mr. ROHR-ABACHER.  
 H. Res. 347: Mr. GALLEGLY.  
 H. Res. 414: Ms. CARSON.

#### PETITIONS, ETC.

Under clause 3 of rule XII,

112. The SPEAKER presented a petition of the Legislature of Rockland County, New York, relative to Resolution No. 490 petitioning the United States Congress to request the United States Immigration and Naturalization Service to reverse its decision and order to deport Suringder Singh; which was referred to the Committee on the Judiciary.