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No. 142

House of Representatives

The House met at 10 a.m.

□

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer: Come let us worship God together.

We rejoice and give thanks to our God who has raised up heroic people in every age.

The Lord is true to His name and faithful to His promises. The Lord rewards the just and is compassionate to the brokenhearted.

May we be inspired by those who have gone before us and are remembered to this very day for their noble deeds and their lives of dedication to establish this Nation in a oneness that brings justice to all.

May God be blessed again today in us and in our common endeavors to serve God's people.

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

The SPEAKER pro tempore. 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. MCNULTY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make a point of order that a quorum is not present.

The SPEAKER. 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 313, nays 58, answered "present" 1, not voting 60, as follows:

NOTICE—OCTOBER 23, 2000

A final issue of the Congressional Record for the 106th Congress, 2d Session, will be published on November 29, 2000, in order to permit Members to revise and extend their remarks.

All material for insertion must be signed by the Member and delivered to the respective offices of the Official Reporters of Debates (Room HT-60 or S-123 of the Capitol), Monday through Friday, between the hours of 10:00 a.m. and 3:00 p.m. through November 28. The final issue will be dated November 29, 2000, and will be delivered on Friday, December 1, 2000.

None of the material printed in the final issue of the Congressional Record may contain subject matter, or relate to any event that occurred after the sine die date.

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By order of the Joint Committee on Printing.

WILLIAM M. THOMAS, *Chairman*.

□ 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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H11717

[Roll No. 586]

YEAS—313

Abercrombie Ford
Ackerman Fossella
Aderholt Frank (MA)
Allen Frelinghuysen
Andrews Frost
Armey Gallegly
Baca Ganske
Bachus Gekas
Baker Gephardt
Baldacci Gibbons
Baldwin Gilchrest
Ballenger Gillmor
Barr Gilman
Barrett (NE) Gonzalez
Barrett (WI) Goode
Bartlett Goodlatte
Barton Goodling
Bass Gordon
Bentsen Goss
Bereuter Graham
Berkley Granger
Berman Green (WI)
Berry Hall (TX)
Biggert Hastings (WA)
Billirakis Hayworth
Bishop Herger
Blagojevich Hill (IN)
Bliley Hilleary
Blumenauer Hinchey
Blunt Hinojosa
Boehlert Hobson
Boehner Hoeffel
Bonilla Hoekstra
Bonior Holden
Bono Horn
Boswell Hostettler
Boyd Houghton
Brady (TX) Hoyer
Bryant Hutchinson
Burr Hyde
Buyer Insee
Callahan Isakson
Calvert Istook
Camp Jackson (IL)
Cannon Jefferson
Capps Jenkins
Cardin John
Carson Johnson (CT)
Castle Johnson, E. B.
Chabot Johnson, Sam
Chambliss Jones (NC)
Chenoweth-Hage Jones (OH)
Clayton Kanjorski
Clement Kaptur
Clyburn Kelly
Coble Kildee
Combest Kilpatrick
Cooksey Kind (WI)
Coyne King (NY)
Cramer Kingston
Crowley Kleczka
Cubin Knollenberg
Cummings Kolbe
Cunningham Kuykendall
Davis (FL) LaHood
Davis (IL) Lampson
Davis (VA) Largent
Deal Larson
DeGette LaTourette
DeLahunt Leach
DeLauro Lee
DeLay Levin
DeMint Lewis (CA)
Deutsch Lewis (GA)
Diaz-Balart Lewis (KY)
Dixon Linder
Doggett Lipinski
Doolittle Lofgren
Doyle Lowey
Dreier Lucas (KY)
Duncan Lucas (OK)
Edwards Luther
Ehlers Maloney (CT)
Ehrlich Maloney (NY)
Emerson Manzullo
Engel Markey
Eshoo Mascara
Etheridge Matsui
Evans McCarthy (MO)
Everett McCarthy (NY)
Ewing McHugh
Farr McInnis
Fattah McIntyre
Fletcher McKeon
Foley McKinney
Forbes Meehan

Meek (FL)
Meeks (NY)
Millender-
McDonald
Miller (FL)
Miller, Gary
Minge
Mink
Moakley
Moore
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Nethercutt
Ney
Northup
Norwood
Nussle
Ortiz
Owens
Oxley
Packard
Pascrell
Pastor
Paul
Payne
Pease
Pelosi
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Pombo
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Rangel
Regula
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sanders
Sandlin
Sanford
Sawyer
Saxton
Schakowsky
Sensenbrenner
Serrano
Sessions
Shadegg
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Smith (MI)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stearns
Stump
Sununu
Tanner
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas

Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Udall (CO)

Upton
Velazquez
Vitter
Walden
Walsh
Wamp
Watkins
Watt (NC)
Weiner

Weldon (FL)
Weldon (PA)
Weygand
Whitfield
Wilson
Wolf
Woolsey
Young (FL)

NAYS—58

Baird
Becerra
Borski
Brady (PA)
Capuano
Clay
Condit
Costello
Crane
DeFazio
English
Filner
Gejdenson
Green (TX)
Gutierrez
Gutknecht
Hayes
Hefley
Hilliard
Holt

Hooley
Hulshof
Kucinich
LaFalce
Latham
LoBiondo
McDermott
McGovern
McNulty
Menendez
Miller, George
Moran (KS)
Neal
Oberstar
Obey
Olver
Pallone
Pickett
Ramstad
Rothman

Sabo
Sanchez
Schaffer
Slaughter
Stark
Stenholm
Strickland
Stupak
Sweeney
Taylor (MS)
Thompson (CA)
Thompson (MS)
Udall (NM)
Visclosky
Weller
Wicker
Wu
Wynn

ANSWERED "PRESENT"—1

Tancredo

NOT VOTING—60

Archer
Barcia
Bilbray
Boucher
Brown (FL)
Brown (OH)
Burton
Campbell
Canady
Coburn
Collins
Conyers
Cook
Cox
Danner
Dickey
Dicks
Dingell
Doolley
Dunn
Fowler

Franks (NJ)
Greenwood
Hall (OH)
Hansen
Hastings (FL)
Hill (MT)
Hunter
Jackson-Lee
(TX)
Kasich
Kennedy
Klink
Lantos
Lazio
Martinez
McCollum
McCrery
McIntosh
Metcalf
Mica
Mollohan

Ose
Peterson (MN)
Pomeroy
Reyes
Salmon
Scarborough
Scott
Shaw
Shays
Smith (NJ)
Stabenow
Talent
Turner
Waters
Watts (OK)
Waxman
Wexler
Wise
Young (AK)

□ 1025

Mr. KUCINICH and Mr. HILLIARD changed their vote from "yea" to "nay".

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

So the Journal was approved.

The result of the vote was announced as above recorded.

□

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore (Mr. LATOURETTE). Will the gentleman from Michigan (Mr. KILDEE) come forward and lead the House in the Pledge of Allegiance.

Mr. KILDEE 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.

□

GENERAL LEAVE

Mr. YOUNG of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.J. Res. 122, and that I might include tabular and extraneous material.

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

There was no objection.

□

MAKING FURTHER CONTINUING APPROPRIATIONS FOR FISCAL YEAR 2001

Mr. YOUNG of Florida. Mr. Speaker, pursuant to the provisions of House Resolution 662, I call up the joint resolution (H.J. Res. 122) making further continuing appropriations for the fiscal year 2001, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the joint resolution.

The text of the House Joint Resolution 122 is as follows:

H.J. RES. 122

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Public Law 106-275, is further amended by striking the date specified in section 106(c) and inserting "November 2, 2000".

The SPEAKER pro tempore. Pursuant to House Resolution 662, the gentleman from Florida (Mr. YOUNG) and the gentleman from Wisconsin (Mr. OBEY) each will control 30 minutes.

The Chair recognizes the gentleman from Florida (Mr. YOUNG).

Mr. YOUNG of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this is another one of those 1-day continuing resolutions. Since the President of the United States refuses to sign more than a 1-day continuing resolution, this is something that we have to do. It is pure and simple. It is no different than what we did yesterday and the day before and the day before and the day before and the day before.

Mr. Speaker, as I have said so many times on so many of these CRs that I am basically through with presenting this continuing resolution. I will be prepared to reserve the balance of my time unless there is some reason that I need to respond to a situation that we did not anticipate.

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

Mr. OBEY. Mr. Speaker, I yield myself 11 minutes.

Mr. Speaker, as my colleagues know, we are stuck here because the major appropriation bill that is yet to be resolved had been brought to a compromised conclusion by the conferees Sunday night; and then when the majority party leadership reviewed that compromise on Monday morning, they said "No way baby".

What blew up the agreement was the objection of the majority party leadership to the language in the conference report that would have, after a 10-year struggle, finally allowed, after yet one more 6-month delay, for the enforcement of a rule by OSHA to protect workers from debilitating, career ending workplace injuries caused by repetitive motion.

□ 1030

I want to review for my colleagues the history of OSHA for those of my friends on the Republican side who were not here when OSHA was created. I was. I want you to know who the sponsor of the OSHA legislation was. It was a man by the name of Bill Steiger, who was my best friend in the House, a Republican from Wisconsin. We went to college together. We were in the legislature together. We served here together. And then he, unfortunately, died at age 40.

It was always my belief that, if he had lived, he would have been the first Republican Speaker. He was a wonderful human being and a very balanced one, a strong conservative. But he was the sponsor of the OSHA legislation. He was the first employer in Washington for a fellow by the name of Dick Cheney. So that ought to give you some idea of Bill's political philosophy. I think the gentleman from Illinois (Mr. HYDE) served with him. Some of you will remember Bill.

When OSHA was adopted, the Chamber of Commerce insisted that the standards that were used by OSHA be the consensus standards which had been developed by business advisory committees and OSHA simply took those standards and enforced them as their own.

An article on the business page of "The Washington Post" this morning points out that "80 percent of all current OSHA health and safety standards are the same voluntary standards U.S. businesses were using in the late 1960s reflecting a long history of business and political opposition to new OSHA standards." And that is the case.

The history on this floor after OSHA was established has been a 2-decade long effort on the part of the majority party to resist new protections for workers. The cotton dust standard. You fought that for 4½ years and tried to have it delayed twice by legislative limitations. The methychloride standard to prevent leukemia. My brother-in-law died of leukemia and was always convinced it was workplace related. The standard to prevent that exposure in the workplace was resisted, and several times the majority tried to offer legislative language forbidding OSHA from proceeding with this standard.

The lead standard. We know what lead does to brain development. We know what it does for brain damage. The majority party tried to stop that standard. And for a decade they have been trying to stop the standard on repetitive motion injuries so that human beings do not go around with this kind of problem.

At first the actions taken by the majority party in the Committee on Appropriations in the form of an amendment by the gentleman from Texas (Mr. BONILLA) centered around denying OSHA the opportunity to even gather information about the occurrence and incidence of repetitive motion damage in the workplace.

Then after they failed to stop the gathering of information, then they switched rationales and said, "Oh, we do not have enough information." And so, no matter how much information was developed by OSHA, they still said, "Oh, we need more. We need more. Do not know enough. Do not know enough." And so that standard has been delayed for years and years.

Now, we finally reached, after four successive delays imposed by this House and after a promise a year and a half ago that you would impose no more delays, the majority leadership is once again trying to promote delay of both the implementation and the promulgation of the standard to protect people like the woman in this picture.

And so, what happened? We finally reached agreement after 4 hours of going word by word over language. Both sides left the room numerous times to consult their lawyers. Senator STEVENS did. The White House people in the room did. It was scrubbed by lots of lawyers who were outside the room, but it was checked repeatedly. We finally had a deal. As I said last night, it was even sealed with toasts of Merlot.

And then what happened? Well, what "The Washington Post" reports this morning that "Fierce lobbying by powerful corporate groups with considerable sway among the GOP leadership helped kill a deal sealed with the Republican negotiators early Monday. Led by the U.S. Chamber of Commerce and the National Association of Manufacturers, the industries include groups representing trucking companies, bakeries, soft drink makers, and parcel delivery companies."

And then it goes on to say, "Business leaders have also bankrolled political ads over the workplace rules. In recent weeks, the National Association of Manufacturers has been running radio ads in key congressional districts." So on and so forth.

The article ends by quoting a 32-year-old woman, Heidi Eberhardt, who said, "I do not know if I will ever be able to type again. I will always have to be careful with my hands. If I had had any kind of ergonomic knowledge back then, I would not be injured today."

What we are trying to do is to prevent that from happening to other Heidi Eberhardts in the future.

Now, in my view, there is only one reason for what happened that night. It was my position, and in that conference, I opposed the conference deal that the White House cut with the Republican majority because I felt that after all these years there should be no further delay, none whatsoever. The compromise that was cut is that it was finally agreed to allow a standard to be promulgated but it could not be enforced in any way until after July. So that, if a new President was elected who disagreed with that standard, he would have time to go through the Administrative Procedures Act and repeal it; and he could, incidentally, suspend it the day he walked into office. We

feel that within 45 days, certainly within 60, he could shut it off.

I am convinced that the only reason the majority party leadership is doing this is because, if their party leader wins the White House, they want him to be able to stop that regulation without ever having to publicly stand up and oppose it.

Now, as we used to hear when there was a Republican President, we used to hear there is only one President at a time. Well, there is only one President at a time; and in my view, this President, after over 10 years of analysis and study and review, he has the right to impose a standard which was called for for the first time by a Secretary of Labor by the name of Libby Dole. She is the one who started this process, and she is the one who initially said that this was needed and crucial for the safety of people in the workplace. I would urge you to remember, that is why we are stuck here on the CR.

If the majority party leadership wants to get out of town, there is only one thing they have to do. All they have to do is take the D.C. bill, the Treasury-Post Office, and the Legislative appropriations bill and, by reference in the Labor, HHS bill, put it together, stick to the original deal on Labor, HHS, and so far as appropriations are concerned, we could be out of here in one day. That would leave only the Commerce, Justice State bill remaining.

For the life of me, I do not see how those differences are going to be bridged in this short period of time. But all other appropriations work could be done. That is what the leadership could do. All it has to do is to honor the agreement that was reached, reference those other four bills, and we could be out of here in a day and a half going back and reintroducing ourselves to our constituents.

So that is what I would hope the majority leadership would do in the interest of ending this session with some degree of comity. But I am afraid that the same principle that is operating here to prevent helping this woman in the picture is the same principle that had been operating here for months on other issues. We have been trying to get prescription drug coverage all year long. But in the end, the majority party has decided that a tax cut that primarily benefits the top 2 percent of people in this country outweighs the need for millions of Americans to have prescription drug coverage. The same principle.

Who wins in the end? Money. That is what this is about. It is about money. Shame.

Mr. YOUNG of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to say to my friend who just spoke in the well in reference to his statement that the majority party wants to get out of town, well, we would all like to get home. But I want him to know and I want everybody to know we are here for the

long haul, we are here to get the job done, we are here to do the people's business however long it takes.

And these 1-day CRs, one after the other after the other after the other, use up a lot of time. We could be productive in other ways. We are not anxious to get out of town and leave the business undone. We are anxious to get out of town when the business is complete, and we are not going until we are finished and we have done it in a responsible way.

Now, the gentleman has made a substantial case about this agreement on ergonomics. I want to remind the Members what I have reminded them of before when the gentleman makes that argument. We reached an agreement. We started Sunday about 4 o'clock and we finally ended up about 1 o'clock Monday morning.

The gentleman from Wisconsin (Mr. OBEY) was there and I was there, Senator STEVENS and Senator BYRD were there. Senator HARKIN was there. Jack Lew from the White House was there. We negotiated in good faith and we reached an agreement, and we have not gone back on that agreement.

Now, the agreement was to allow the new President adequate time to make a decision. We do not know for sure how it is going to go either way regardless of which Presidential candidate is elected. But that was the agreement we reached, and nobody has gone back on that agreement.

Here is where the difference is. The difference is the language that was written that was checked by the White House lawyers. I do not know that we left the room. I did not leave the room to consult with any lawyers. But we took the word of the White House that that language did what they said it did.

Now, Senator STEVENS is a lawyer. The gentleman from Illinois (Chairman PORTER), the chairman of the subcommittee, is a lawyer. We wrote the language at least eight or nine times to try to make sure that it did what the agreement said.

Now for someone to suggest that we are going back on our agreement just is not accurate. We are not trying to change the agreement with you one iota. All we are trying to do is make sure that the language that is finally written actually does what the agreement was supposed to do.

Now, what is wrong with that? That, in my opinion, is being responsible to make sure that our actions and our words are the same. Actions speak louder than words.

□ 1045

Actions speak louder than words, and action should at least be the same as the words. That is where we have the disagreement. We are trying to work it out.

Mr. Speaker, I yield 6 minutes to the distinguished gentlewoman from Connecticut (Mrs. JOHNSON).

Mrs. JOHNSON of Connecticut. Mr. Speaker, it is my hope that they will

be able to work out the language to reflect the agreement that they came to so that this House could move forward. But I think it is very important, too, for the body to think carefully about what is at stake in these ergonomic regulations because this controversy does go to very fundamental principles and it is true. Those fundamental principles are part of the Presidential election going on around us. I do not believe as a Republican, and I am proud of this but I also know that there are many Democrat friends of mine who agree with me, that the Federal Government should mandate on State governments that somebody injured as a result of an ergonomics injury should get 90 percent of wage replacement and full benefits when someone working right beside them but injured by a piece of steel falling on their foot and crushing all the bones in that foot gets the State compensation under workmen's comp rules, usually about 75 percent, I believe, in Connecticut. Why would we mandate inequitable compensation rules? Why would we mandate compensation rules that depend on what kind of injury you got?

I have had ergonomic problems. I have had carpal tunnel syndrome in both my wrists, and I have had operations on both my wrists and, thank you, it worked beautifully. But why when I was home recovering should I get 90 percent of wage replacement when my friend severely injured in a fall at a construction site would get the State's rate which is always in every case at least below that 90 percent? Why would we mandate inequity on working people? Why would we do that?

Furthermore, one of the plants in my district was a research site for these ergonomic regulations, and the researchers from the government as well as the workers as well as the management found certain repetitive motion problems that they could not find a solution for. Yet under these regulations you do not even have to have a pattern of problems. You can have one single incident and then you are mandated by law to adopt an incredibly costly and burdensome administrative process and fix the problem. Now, if we have already seen problems in the research process that we do not know the answer to, why would we penalize every small business in America?

This is going to be extraordinarily costly, extraordinarily burdensome to small business. This is not only a very good example of the difference between the parties on the issue of local control and respect for State and local government but it is a very good example of the difference between the parties on the issue of small business. Small business is the engine of America's economy. It is the job creator. It is the inventor. It is our strength. Yet we would lay over it this program that would begin to suffocate it. I have to say that this President has been absolutely blind to the value of small business. He

wanted to go in and inspect your home office, have the government come in and inspect your home office to be sure that you had a correct chair. He has no respect for privacy, no respect for small business, and these ergonomic regulations are about fundamental principles of the role of the Federal Government and fairness to working people in America. They are a big issue.

Ironically, this President has fought against riders on appropriations bills. Riders are legislating on appropriations bills. Often I have agreed with him on those riders and said, Let's get the riders off the appropriations bills. This is a big issue in environmental areas. This is a big issue in choice areas. But now in your areas you want riders. You not only want this rider, you want a mammoth health program that has received not one single hearing and that is going to knock the stilts out from under private sector health insurance. Mark my words. Already employers in my district are beginning to drop family coverage because now it is \$7,000 a year because their kids can go into our Huskie program under CHIP. That is not a bad solution. But not even to have a hearing on whether your big expansion of CHIP to all families in all situations, what impact that is going to have on the private insurance system, how much weight that is going to transfer from the private sector to a taxpayer-funded program is grossly irresponsible.

Mr. Speaker, this is about principle. It is about the principle of local control and State responsibility in our society. It is about the principle of a sound legislative practice governing authorizing of major programs. It is about the principle that a free market depends on that allows small business to be inventive, nimble and strong. I stand firmly behind our leadership in negotiating appropriations bills and not legislating new programs and creating standards that vary and treat working people unfairly.

I would call on all of us to move forward. We should have overridden the President's veto. We should resolve the issues on HHS, and we should move forward and go back home and campaign and let this be fought out on the level that it should be fought out, on the Presidential level.

Mr. OBEY. Mr. Speaker, I yield myself 3 minutes.

Let me say, first of all, I do not believe it is the role of the Congress to debate the substance of a rule which is not yet promulgated, because I think that this body is primarily influenced by political decisions rather than on the basis of merit. It is a political institution. OSHA does not get campaign contributions based on how they rule. A lot of Members of Congress do get campaign contributions on the basis of how they vote.

The gentlewoman is mixing apples and oranges. The fact is that States, different States have different standards. Some of them use 75 percent of

gross pay and others use 90 percent of net pay. The fact is when OSHA comes down on the side of using 90 percent of net pay, that is virtually the same as using 75 percent of gross pay. The gentlewoman in my view is simply confusing the issue when she tries to suggest that there is a great variance here.

But what is really at question is this: in the Washington Post article this morning, we have a very interesting quote that answers what the gentlewoman just said. She said the issue is whether State or Fed should rule. That is not the issue here. I want to read what Harley Shaiken, labor relations specialist at the University of California said. He said,

The question is whether the best role in this field is to have the government essentially set the rules of the game in some circumstances versus putting a much heavier reliance on corporations to police themselves in an increasingly competitive globalized economy.

Now, we all know what will happen to workers if the government does not serve as an umpire to protect the weak from the powerful. With all of the pressure that globalization brings on corporations for a profit, with all due respect to my friends on the majority side of the aisle, I am not about to trust the self-policing of some of these industries given the fact that their self-policing for years has led us to a situation where we have 600,000 Americans who suffer from these injuries every year.

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

Mr. YOUNG of Florida. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Georgia (Mr. KINGSTON), a member of the Committee on Appropriations.

Mr. KINGSTON. I thank the gentleman from Florida for yielding me this time.

I also appreciate the passion and the sincerity of the Democratic and the Republican leadership and the appropriators in trying to work out this situation. I know that you have been hard at it, and I know that you have worked hard over the weekend. But as I sat there listening to you, it was curious to me. I kept hearing about some unelected guy, Jack Lew or somebody, and I kept hearing this vague generic reference to the White House, but I did not hear about the President, and I am concerned. Maybe the gentleman from Florida could tell me. Was the President of the United States negotiating with you or not? I will be glad to yield to the gentleman from Florida or maybe somebody could help me from the Democrat side in these very, very important, high-level negotiations which the President is keeping Congress in town at the cost of millions of dollars to the taxpayers that of course could be going to health care or education or worker safety.

What was the President doing? Was he there Saturday night? He was not

there, was he? Was he there Sunday night? He was not there again, was he? Was he there Monday night? He was not there Monday night. Well, surely he showed up Tuesday night. No, wait. He was in Kentucky.

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

Mr. KINGSTON. I yield to the gentleman from Maryland.

Mr. HOYER. This President, I will tell you, and I have been here for a long period of time, has been more engaged in working with Congress than any of his predecessors. Period. The gentleman has not been here as long as some of the rest of us have been, but this President is more engaged in the legislative process than any President I have had the experience of serving with.

I will tell you further in response to your observations that the principals were not in the room. The gentleman from Texas (Mr. DELAY) apparently was not in the room. That was one of the problems because he is the one that after an agreement was reached apparently took the deal back and said, "I won't agree."

Mr. KINGSTON. Let me reclaim my time. The gentleman is right. I have not been here as long as some of these in-town government people. I know, for example, the Vice President is very proud he has been here 24 years. He came straight from the hotel room to the floor of the Congress. But to a lot of us being in the private sector is a badge of honor, and I am glad I have not been here all my life because I am proud that I have had private sector experience.

My question was, is the President who is so engaged, was he here for these negotiations Saturday, Sunday, Monday, Tuesday?

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

Mr. KINGSTON. I yield to the gentleman from Arizona.

Mr. KOLBE. Mr. Speaker, yesterday after this deal fell apart and we were trying to get it back together, and clearly the President's help would have been very essential, the President was unfortunately engaged in campaigning in Kentucky in a congressional race and then in New York. I believe there is a Senate race there he has some interest in that he was fundraising for. So the President has not been available throughout this time for these negotiations.

Mr. KINGSTON. Of course I am saying that I know where the President was. He was out campaigning. He was out fundraising. But this is a legitimate question. If it is worth the taxpayers to pay millions of dollars to keep the Congress, 435 Members and 100 Members of the Senate, in town to negotiate, then certainly it is worth his time to be here. I do not think you are negotiating in good faith when you are not here, when everybody else is coming to the bargaining table to try to work something out but the President

is in New York campaigning, he is in Kentucky campaigning, he is, I understand, on his way to California campaigning. Now, if he were in the Middle East, I would say that is understandable. If he was in North Korea, I understand that. But, instead, he is campaigning.

Here is where we are on all our bills. This is the appropriations rundown. We have come up with levels of spending for Agriculture, for Commerce, State and Justice, for Defense, Energy and Water, Foreign Operations, Interior, VA-HUD, and we are pretty much where the President is. I will say sometimes we are up and sometimes we are down, but this is the chart. It is open for public record. We are trying to work things out. But it is not enough. It is never enough with this President.

I want to quote and close with a question by 16-year-old Sarah Schleck from Albert Lea, Minnesota, to why are we still in town because the President wants to spend more money. She said, the 16-year-old wisdom, "Isn't our government big enough already?" Must we really stay in town so that we can spend a couple of more billion to pay off one constituency group or another? I do not think we should do that. I think that this House, the Democrat and the Republican leadership, ought to come to its own conclusion, give it to the President, and then maybe we can go back home and tell the folks what we are up to.

□ 1100

Mr. OBEY. Mr. Speaker, I yield myself a minute and a half.

Mr. Speaker, the previous gentlemen has given the most off point speech that I have heard on this floor since the last time he addressed this body.

Let me simply say, Mr. Speaker, that the reason the President was not in the room is because since the President stole Mr. Gingrich's socks the last time they negotiated together, your leadership has refused to sit down in an omnibus meeting with him and put it together. That is why he was not there. You very well know you would not even let the President's representative come into the room until 10:00 at night. You first insisted we negotiate all other remaining items. The gentleman from Georgia (Mr. KINGSTON) further ought to know, even if you do not, you ought to know there is not a single dollar difference remaining in this issue. This has nothing to do with how much we spend. The issue is who we spend it on and which side are we on. Big business, big business or the working people of America?

We ought to have a decent balance between the interests of both, but you want it all one way for the top dogs in this society. No way. No way.

Mr. Speaker, I yield 4 minutes to the distinguished gentleman from Michigan (Mr. BONIOR), the minority whip.

Mr. BONIOR. Mr. Speaker, "The New York Times," considered one of the most authoritative papers in the country, even in the entire world, and the

gentleman over here said oh, right, and laughed, well, I just want to remind the gentleman that earlier this year the Vice Presidential nominee, Mr. Cheney, even described one of "The New York Times" reporters as big time.

Well, today that big time newspaper has offered its opinion of this Congress, and I quote, "the 106th Congress, with little to show for its 2-year existence, has all but vanished from public discourse on almost every matter of importance: Gun control, patients' bill of rights, energy deregulation, Social Security, Congress has done little or nothing."

Mr. Speaker, it goes on to say, "if Congress has done a lousy job for the public at large, it is doing a fabulous job feathering its own nest and rewarding commercial interests and favored constituencies with last minute legislative surprises that neither the public nor most Members of Congress have digested," end of quote.

But, Mr. Speaker, if one asks me, the story of this Republican Congress is not only being written by The New York Times editorial page, listen to what others are saying around the country. The Baltimore Sun, "The Republicans in Congress still cannot get their act together." Roll Call, "What a mess. House leaders have been utterly uninterested in working with House Democrats." The Washington Post, "Gagging the Senate. It has been a time-serving Congress in which the majority, having lost control of the agenda, has mainly tried to give the impression of dealing with issues that it systematically has finessed."

"The un-Congress," The Washington Post, "the un-Congress continues neither to work or adjourn. For 2 years, it has mainly pretended to deal with the issues that it has systematically avoided."

The Baltimore Sun, "Republican Gridlock Again in Congress. Whatever happened to the fine art of compromise," they say. "It seems to have vanished from the lexicon of the Republicans on Capitol Hill."

The USA Today, just a couple of days ago, "This Congress is a monument to fiscal irresponsibility."

The Los Angeles Times today, "A Sputtering Finale. It is fitting that as it sputters toward an end, this Congress is engaged in an unproductive game of political brinkmanship with the President. This 106th Congress will not be missed."

Well, those are people who are looking from the outside and judging the catastrophe that has befallen all of us here in this Chamber in this Republican-led Congress. If you want the real story of the 106th Congress, just talk to the millions of families that the Republican leadership has turned its back on. Talk to the older people who desperately need prescription drugs. Talk to young parents who want to send their kids to safe, modern public schools. Talk to the men and working

women of this country who work in restaurants and child care centers and work to take care of our elderly and our sick; and the janitorial crews, all of those folks struggling to earn a decent wage.

Talk to the patients and doctors and families battling against HMO executives for their right to quality health care. That is who is paying the true price for the failure and the indifference of this Republican Congress; not the K Street lobbyists or the crowd down at the country club. It is the American working families, Mr. Speaker. That is who we are here to serve, and I would tell my friends on this side of the aisle, if the Republican leaders cannot understand that, it is high time they step out of the way in favor of us who do understand it.

Mr. YOUNG of Florida. Mr. Speaker, I yield myself 4 minutes.

Mr. Speaker, what I am hearing today is a lot of political campaigning. The problem is the minority does not like the majority. We love them in the minority, and we hope that they stay the minority for many, many years.

There is a difference between the parties. There is a reason that one party is a majority and the other party is a minority, but here is an interesting point. We have come together. There are arguments about whether the President was in the room or not. He was represented but he was not in the room. He was busy doing other things. We understand that. The President is looking for whatever he is looking for out there around the country, mostly money for campaigns, but let me say what the President thinks about this Congress.

Some heard me read this last night. I am going to read it again today, in view of some of the rather strong diatribes that I have heard here. The President said on Monday in his press conference, he said, "Again we have accomplished so much in this session of Congress in a bipartisan fashion. It has been one of the most productive sessions." Now, if only we could get to the bipartisanship that he talks about here. I am glad he feels that way because on the majority side we have tried to be bipartisan. We get really excited when the minority leader comes to the floor and says, come on guys, we have to get together. We have to be bipartisan and get the work done. But speaker after speaker after speaker who followed the minority leader's admonition brought out their vicious partisan attacks on the majority party.

Well, Mr. Speaker, we are the majority; and we have made a decision on what we believe is the right thing to do, and we are satisfied that we agreed with President Clinton when he said the era of big government is over, standing right there in the well of the House.

The era of big government is over. We are tired of the government being everything. There is a responsible role for the government, but it is not to run everybody's life. Whatever the govern-

ment does should be done in a responsible fashion, and not one that meets the whims of somebody's political campaign. Political campaigns ought to be back home on the campaign trail, not here in the people's House. It is our job to get the people's work done and put their work ahead of politics. People above politics, and that is what we are going to stand for every day. We are not going to be stampeded by the political rhetoric that comes out of the minority party who is so anxious to become the majority party again.

Well, people of America are going to make that decision. They are going to decide whether they want to go back to the old days of decades of deficit spending, interest payments on the national debt that almost exceed the investment in our national defense; whether they want to go back to the days of raiding the Social Security trust fund to spend for their big spending programs. We have stopped that. Our majority party, the Republican Party, has stopped that. We are not spending money out of the Social Security trust fund. We are paying down the debt. We have balanced the budget, and, oh, we had a lot of opposition to what we had to do to accomplish all of these things, but we stood fast. We are going to continue to stand fast for what we believe in, and the ideals that the American people agreed with when they made us the majority party.

Mr. Speaker, I yield 3 minutes to my friend, the gentleman from California (Mr. THOMAS), who has an interesting chart that I think will demonstrate this.

Mr. THOMAS. Mr. Speaker, I thank the gentleman from Florida (Mr. YOUNG) for yielding me this time.

Mr. Speaker, in an attempt to improve the atmosphere here, I do want to reach out in a bipartisan way and indicate to the gentleman from Maryland (Mr. HOYER) that he has had extensive legislative experience here in this body. He has seen a number of Presidents in terms of the way they have performed. He has indicated that this current President has been more active, more involved than any other President that he is aware of. So I guess I am a little confused, and I would like to reach out because why would quotes from third parties then be relied on, the liberal fourth estate newspaper folk who have not been in the room, to try to characterize the way in which we have operated? Why would the quote from the gentleman who has been most involved of any Presidents be relied on?

So instead of looking at what some editorial writer writes, who has never been in the room, let us take a look again at what this President, who has been the most active President working with Congress in the minds of people who have been here a long time, and he said, quote, President Clinton, on October 30, just a couple of days ago, "we," we, kind of an encompassing word, the government, the executive

branch, the legislative branch, "we have accomplished so much in this session of Congress in a bipartisan fashion."

Now I take him at his word, the guy who has been more involved than any other President, we have accomplished so much in this session of Congress in a bipartisan fashion.

"It," this Congress, "has been one of the most productive sessions."

Now I know he has only been around 8 years, and others who have been around longer can grade how productive the sessions are, but if this President has been the most active of any President we have seen, I will accept his judgment. His judgment is, we have done a lot in a bipartisan fashion. This has been one of the most productive sessions ever. Why rely on third parties? Go to the horse's mouth.

Mr. OBEY. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, I simply want to congratulate the gentleman from California (Mr. THOMAS), because that is the largest stretch I have ever seen. I want to congratulate them. They have been so desperate to find any way to suggest that they have accomplished anything of significance in this session of Congress that they even have stretched to rely on their old reliable friend, President Clinton, the man to whom they have given so much substantive support when in a moment of conciliatory weakness he engaged in a little bit of rhetorical hyperbole to say something nice about the majority.

If that is the best that you can find, be my guest. The people who serve in this Chamber know what you have accomplished. The people waiting for prescription drugs know what you have accomplished. The people waiting for a patients' bill of rights know what you have accomplished. The people waiting for a minimum wage bill know what you have accomplished. On the big stuff, the result unfortunately is zip. You passed a lot of stuff through here that would help the very wealthiest 2 percent on the Tax Code. Outside of that, you are still dragging behind about 8-to-0 in terms of meeting your major responsibilities.

Mr. Speaker, I yield 5 minutes to the distinguished minority leader, the gentleman from Missouri (Mr. GEPHARDT).

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

Mr. GEPHARDT. Mr. Speaker, I rise in support of this continuing resolution, our twelfth in 5 weeks, to keep the government operating; but I deeply regret that we have reached this point and I am deeply disappointed by what has happened to America's education priorities in the last 72 hours.

On Sunday night, after 3 days of no negotiations, Republicans met face-to-face with Democrats on a good faith basis to resolve our differences on education. Democrats asked Republicans whether they had full authority to negotiate a final deal and they answered,

yes. In an example of bipartisan compromise, both sides came together and both sides sought common ground. Negotiators toiled late into the evening. Each side made concessions, as must be done in a bipartisan compromise, and consensus was reached through sensible dialogue. I give great credit to the gentleman from Florida (Mr. YOUNG), and I give great credit to the gentleman from Wisconsin (Mr. OBEY), and the Senators who were involved. The bill that came out of that room was a bipartisan bill that would have lifted up every community and every school in this country. This bill included full funding for 100,000 new teachers, teacher training, after-school programs and a billion dollars for school repair and school modernization.

Less than 12 hours after the agreement was reached, the leaders of the Republican Party ripped this deal apart as a favor to a business lobby.

□ 1115

The Republican leadership bowed to business lobbyists who, according to the Washington Post, were making, and I quote, "urgent calls to the Hill to try to block this compromise," simply because they did not like worker safety provisions that protected workers from repetitive stress injuries. This Republican-led Congress scuttled a bipartisan agreement that would have provided local districts with the means to hire new teachers and build new classrooms so that we could get smaller classroom sizes, so that our children could be better educated.

Mr. Speaker, I guess it is not a surprise, because Republican leaders have spent the last 6 years frustrating America's agenda, a bipartisan agenda, by giving in to special interests. On every one of these issues, the Republican leadership has taken the side of the special interests over America's agenda.

We tried to get an affordable, effective prescription medicine program; we forced it on to the agenda with the help of Republican members, and it was scuttled in conference; and it is not going anywhere, because I guess the pharmaceutical companies did not want it.

We worked with Republicans to force on to the agenda of this House an effective and enforceable Patients' Bill of Rights, and it has been stifled in a conference committee because I guess the insurance companies did not want it.

We could have had targeted tax cuts for college and long-term care and child care, but instead we passed huge tax cuts for the top 1 percent of Americans instead of getting something done in a bipartisan way that we could have gotten done.

We fought for sensible gun safety legislation, but it is stifled in a conference committee, I guess as a favor to the National Rifle Association.

We have tried to get a sensible increase in the minimum wage; but it too

is stifled, even though it has strong bipartisan support.

We forced on to the agenda of this House campaign finance reform, which is desperately desired by the people of this country, and it too passed by a bipartisan vote in this House, and it has been stifled in a conference committee.

There is a pattern here, Mr. Speaker. There is a pattern. Bipartisan efforts, which even passed by bipartisan votes on the floor, are being held hostage by the special interests of this country and by the Republican leadership that is running this Congress.

The Speaker said 2 years ago that the trains were going to run on time and that we would finish our budget in regular order. Well, it is 4 weeks into the fiscal year, we are 6 days away from a general election, and we have not gotten the work done that we could have gotten done if the leadership of this Congress would have simply let the bipartisan majority that was trying to break out and do these things to be able to do them. And as a result, we have a dysfunctional Congress; we have an ineffectual Congress.

Education is our most important priority. We have schools with cracked walls and no air-conditioning and leaky windows. We have cornices falling off of buildings. We have kids in temporary structures, in movable classrooms, in inadequate facilities in the wealthiest Nation on Earth. Our children deserve our help in getting them the world-class education that every child in this country deserves.

Let us pass this resolution, let us stay here in these next days, and let us get the job done for America's children. We may not be able to do the health issues, campaign reform, gun safety or the minimum wage; but in the name of common sense, let us get done something in these last 2 or 3 days for the children of this country. Let us get them better classrooms, let us get them more teachers, let us get them a better education.

Mr. YOUNG of Florida. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, I would just like Members to know that I have a great respect for the minority leader who just spoke, but some of the things that he said I do not disagree with. I think there is either a misunderstanding about what the situation is, or there is misrepresentation of the situation. Now, the items that the minority leader just talked about that were in this package that we negotiated until the wee hours of Monday morning, the good things that were in that package, they are still there. To try to imply that they are not there is just not accurate, and it is not fair, because the good things that he said were in there are still there.

What is the major change? We have gone over it and over it and over it. We will go over it again. The major change was on the ergonomics language. We reached an agreement. We continue to this minute to have that same agreement. The difference is, we are trying

to make sure that the language actually does what the agreement says. But as far as the other items that the minority leader said got blown apart, that is not true. They did not get blown apart. They are still in the package. So either it is being misunderstood, or it is being misrepresented. Misunderstanding, we can understand that; but misrepresenting, we are not prepared to accept that.

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

Mr. YOUNG of Florida. I yield to the gentleman from Massachusetts.

Mr. TIERNEY. Mr. Speaker, maybe the gentleman can help me understand something.

Sunday night, you ostensibly had an agreement, and now the gentleman tells me it is just some legal language. I practiced for about 22 years, most of it in business law, contracts, things of that nature, as well as others. So I guess what the gentleman is telling us is that all night Monday, all day Tuesday, all night Tuesday, and then on Wednesday, the gentleman's lawyers have yet to come up with language that would be acceptable to accomplish the purposes that are wanted, so therefore, we are still here, and we are going on and on. Is that what I understand to be the case?

Mr. YOUNG of Florida. Mr. Speaker, let me suggest to the gentleman that their own lawyers at the White House either misunderstood or misrepresented. The lawyers from the White House that were checking, because Jack Lew called his lawyers, at least he told us he called his lawyers, and they said, yes, this language does what the agreement says. Now, if their lawyers cannot figure it out, and our lawyers did not figure it out, maybe we ought to take a little bit of time to do it and to do it right.

Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. GARY MILLER).

Mr. GARY MILLER of California. Mr. Speaker, this is an interesting debate today. The gentleman from Georgia, a good friend of mine, stood up and asked a simple question: Was the President of the United States in the meeting, and he was attacked when he left the podium, because that is an unreasonable question to ask. Then the gentleman from California, good friend of mine, comes before this honorable body and puts a quote before us about what the President of the United States said, and he was attacked. I would never stand on this floor and accuse the President of the United States of being a liar. Yet, members of his own party did that, because they said he did not mean what he said. Obviously, we would never impugn what the President said in that fashion.

Then, the Republican leadership was attacked because they are running this House. Well, let me read to my colleagues from the Hill newspaper, what the Hill newspaper says today: "Despite President Clinton's pledge to stay

here with you and fight for his legislative priorities, not one House Democrat leader was present last weekend for all 7 votes taken on session-ending procedural matters."

My Democrat colleagues might attack the Republican leadership, they might impugn the Republican leadership; but if it were not for the Republican leadership on this floor, there would be no leadership at all.

Mr. OBEY. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Texas (Mr. STENHOLM).

Mr. STENHOLM. Mr. Speaker, I would like to lower the tenor of the debate and accept a couple of offers, correct one statement, and accept one offer today to see if we might find a way to take this restless herd and not start a stampede, but start it in a slow walk to a solution.

The first thing I hope everybody will understand and stop bringing the posters to the floor saying how much is enough when we all should know by now, \$645 billion is enough. We are not talking about money. Anybody that proposes spending more money is going to have to find it somewhere else, because the appropriators have got their orders. I think the gentleman from Florida (Mr. YOUNG), as chairman of the Committee on Appropriations, is doing a good job. My fuss is not with him, but it is with the leadership of the House that seems to not be willing to bring this thing to a culmination.

Now, it seems to me, and I have listened today, there is an agreement within reach on ergonomics, there is an agreement within reach on school construction, in the appropriate places by the appropriate leaders. There is an agreement in place on immigration, if we can just find that appropriate place. The one area that we do not have an agreement though, and it seems from what I have heard said, is in the area of Medicare and the BBA fix. That is what we are saying.

To the gentleman from California, the chairman of the committee that made the speech a moment ago, there is a willingness on this side to reopen that particular part of the tax bill and do a little better job for our hospitals, our rural hospitals, our nursing homes, and others. There is some additional knowledge in this House, other than the chairman of the committee, the same man that wrote the BBA fix in the first place in 1997, that had to be convinced to do more at that time, and I see the gentleman from Iowa (Mr. NUSSLE) on the floor who has been a tremendous leader in the Rural Health Care Coalition. We know this. We can have a better agreement, and that is one that we must get done, or we will not finish by the election, or by January 1, unless we can do more.

So in the spirit of bipartisanship, there is a large number of Democrats; in fact, there are 137 on my side of the aisle that said we should not spend \$645 billion this year, we should only spend \$633 billion.

Mr. YOUNG of Florida. Mr. Speaker, I reserve the balance of my time for a closing statement.

Mr. OBEY. I yield myself the remaining time.

Mr. Speaker, when we are in negotiations, the only way that we can reach agreement is to reduce those agreements to writing, and that is what we did. It took 4 hours to get the language right for both sides, because the lawyers who were in and out of the room talked to each other, and this was the language that they came up with. The only thing that changed was the amount of heat that the majority party leadership took from the big business lobbyists in this country. That is the only thing that changed.

It has been clear to me from the beginning that the majority leadership did not ever want us to conclude action on this bill, and what is going on now to me is very clear. This session is over. This session is over. The leadership is going through the pretense that something else is likely to happen, but behind the scenes, what they are trying to do is to get negotiated a longer-term CR so that they can get out of here, leaving undone this issue, so that they do not have to face the issue of education funding before the election, and they do not have to ever vote on scuttling the deal on protecting workers' health, which we had in this bill.

So what they may do is to send up some meaningless let-us-pretend compromise language to the White House, language that has probably already been rejected. But the fact is, they want to slip out of town. If they cannot do that, then the next best thing to do is to pretend that they expect something to happen in the future. It is clear to me that the majority party leadership will not let anything further happen on this bill if it means antagonizing their big business lobbyist friends. That is the problem.

The solution on this issue that we had in the conference was a balanced one. It said, the rule could be promulgated to protect workers from repetitive motion injury, but that the future President, if he wanted, would have 6 months to repeal it. That was the balance between the interests of business and the interests of workers who have no one to rely upon but us. It is clear the leadership pulled the plug on the deal because they do not want that, and they do not want this bill to go forward. That is sad.

□ 1130

So we will wind up not only with the workers not being protected, but we will wind up without the education achievements that we could have had in this bill, without the health research achievements we could have had in this bill, without the worker protections we could have had in this bill.

This could have been a bipartisan closure for the Congress. Thanks to the leadership's genuflecting to special interests, it will now not be. That is the saddest thing of all about this session.

Mr. Speaker, I yield back the balance of my time.

Mr. YOUNG of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, with all of the rhetoric we have heard here this morning, the truth of the matter is that it all revolved around one issue. That is the issue of the language trying to comply with the agreement that we reached early Monday morning, on the issue of the language relative to ergonomics.

Now, the only reference in that negotiating session to having checked with a lawyer is from the Office of Management and Budget. They are representing the President, who suggested that he had checked with his lawyers and that they decided that the language actually did what the agreement supposedly did.

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

Mr. YOUNG of Florida. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Speaker, I would tell the gentleman, I am sorry but that is just not true. Both Mr. STEVENS and the White House left the room on at least two occasions to check the language with their legal experts. The gentleman knows that.

Mr. YOUNG of Florida. I do not know that. I do not know that the Senator checked with his lawyers. I do not know that.

Mr. OBEY. Mr. STEVENS said he did. I take his word for it.

Mr. YOUNG of Florida. Mr. Speaker, I might have been talking to the gentleman at the time. I did not hear him say that.

I did hear the Director of OMB say that he checked with his lawyers and that this was their understanding. Misunderstanding is one thing and misrepresenting is something entirely different.

On the issue of ergonomics, just let me suggest one thing. I asked the staff of the Committee to give me a dictionary description of the word "ergonomics." It goes something like this: "The science of doing the same thing over and over until the simple act of repetition causes bodily harm."

That is what we have been doing here in the House for the last couple of weeks, over and over again, continuing resolution after continuing resolution, the same arguments over and over again, most of which do not have anything at all to do with this continuing resolution.

Mr. OBEY. Mr. Speaker, if the gentleman will yield for the last time on that, that is a great line. The difference is that, for the workers we are trying to protect, it is no laughing matter because it is their livelihood.

Mr. YOUNG of Florida. The gentleman and I, as he knows, while we tend to be good friends and I have every confidence in his trustworthiness, when he tells me something I know that I can believe it, and I think that he feels that he can be-

lieve what I say to him, but we have some strong disagreements, general philosophical disagreements.

He knows that and I know that. That is why we have the two political parties, rather than just one.

But anyway, the deal, as the minority leader referred to it as "the deal," and I refer to it as a conference report, the conference report continues to contain all of the items that the minority leader talked about that were in that deal that were so good that fell apart. They did not fall apart, they are still there. They are still in the package. They are still part of the conference report.

Mr. Speaker, I have just 2 minutes left, and I do not know if we are going to have this argument again tomorrow, though we probably will. But something offended me yesterday that I did not really have the time to respond to in the way that I wanted to. That was when one of the speakers on the minority side accused and referred to our leadership as legislative terrorists.

I thought about that overnight and I really got upset about that, Mr. Speaker. Our leadership are not legislative terrorists. They are firm, they are strong, they have their commitments, and they have their convictions.

I want to tell Members about the Speaker of the House, the gentleman from Illinois (Mr. HASTERT). He is a very strong man of great integrity. He leads this House the best that he can, realizing that he has one of the smallest majorities that has ever existed in this House in its entire history.

The gentleman from Illinois (Mr. HASTERT) is not a legislative terrorist, by any means. The gentleman from Illinois has done everything that he could to keep this House together, to keep it moving, to get our job done, while remaining true to the principles upon which the majority of this House was elected.

So I did take offense at that. I try to ignore most of the offensive things that I hear in these debates, but I could not let this go without having made some comment about this suggestion that our leaders were legislative terrorists.

They are strong and they are determined. They have tremendous conviction. They are committed. They are going to do their job regardless of the accusations and the rhetoric that comes from their opposition.

I say amen to that, because that is why we are here. We are here to do a job for the people of America. We are here to put people above politics. We are here to do our job and then go home and do our campaigning on the campaign trail, not in the House of Representatives, where all of the people should be represented here.

So Mr. Speaker, I just hope that the House will pass this continuing resolution. I hope that we can find a way to get this business completed without having to spend hours and hours every day just on one more CR because the

President of the United States refuses to be realistic and sign more than a 1-day continuing resolution.

Mr. Speaker, we are here to cooperate, we are here to serve in a bipartisan fashion, but we are not here to yield or compromise on our principles.

The SPEAKER pro tempore (Mr. LATOURETTE). All time for debate has expired.

The joint resolution is considered as having been read for amendment.

Pursuant to House Resolution 662, the previous question is ordered.

The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the joint resolution.

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

Mr. OBEY. 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 371, nays 13, not voting 49, as follows:

[Roll No. 587]

YEAS—371

Abercrombie	Cannon	Eshoo
Ackerman	Capps	Etheridge
Aderholt	Cardin	Everett
Allen	Carson	Ewing
Andrews	Castle	Farr
Armey	Chabot	Fattah
Baca	Chambliss	Filner
Bachus	Chenoweth-Hage	Fletcher
Baker	Clay	Foley
Baldacci	Clayton	Forbes
Baldwin	Clement	Fossella
Ballenger	Clyburn	Frank (MA)
Barcia	Coble	Frelinghuysen
Barr	Coburn	Frost
Barrett (NE)	Combust	Gallegly
Barrett (WI)	Condit	Ganske
Bartlett	Cook	Gejdenson
Bass	Cooksey	Gekas
Becerra	Cox	Gephardt
Bentsen	Coyne	Gibbons
Bereuter	Cramer	Gilchrest
Berkley	Crane	Gillmor
Berman	Crowley	Gilman
Berry	Cubin	Gonzalez
Biggert	Cummings	Goode
Bilirakis	Cunningham	Goodlatte
Bishop	Davis (FL)	Goodling
Blagojevich	Davis (IL)	Gordon
Bliley	Davis (VA)	Goss
Blumenauer	Deal	Graham
Blunt	DeGette	Granger
Boehlert	DeLauro	Green (TX)
Boehner	DeLay	Green (WI)
Bonilla	DeMint	Gutierrez
Bonior	Deutsch	Gutknecht
Bono	Diaz-Balart	Hall (OH)
Borski	Dixon	Hall (TX)
Boswell	Doggett	Hastert
Boyd	Doolittle	Hastings (WA)
Brady (PA)	Doyle	Hayes
Brady (TX)	Dreier	Hayworth
Bryant	Duncan	Hefley
Burr	Edwards	Herger
Burton	Ehlers	Hill (IN)
Buyer	Ehrlich	Hilleary
Callahan	Emerson	Hincheey
Calvert	Engel	Hinojosa
Camp	English	Hobson

Hoefel	Meek (FL)	Sanford
Hoekstra	Meeks (NY)	Sawyer
Holden	Menendez	Saxton
Holt	Metcalf	Schaffer
Hooley	Millender-	Schakowsky
Horn	McDonald	Sensenbrenner
Hostettler	Miller (FL)	Serrano
Houghton	Miller, Gary	Sessions
Hoyer	Minge	Shadegg
Hulshof	Mink	Sherman
Hunter	Moakley	Sherwood
Hutchinson	Moran (KS)	Shimkus
Hyde	Moran (VA)	Shows
Inlee	Morella	Shuster
Isakson	Murtha	Simpson
Istook	Myrick	Sisisky
Jackson (IL)	Nadler	Skeen
Jefferson	Napolitano	Skelton
Jenkins	Nethercutt	Slaughter
John	Ney	Smith (MI)
Johnson (CT)	Northup	Smith (NJ)
Johnson, E.B.	Norwood	Smith (TX)
Johnson, Sam	Nussle	Smith (WA)
Jones (NC)	Oberstar	Snyder
Jones (OH)	Obey	Souder
Kanjorski	Olver	Spence
Kaptur	Ortiz	Spratt
Kelly	Owens	Stabenow
Kildee	Oxley	Stark
Kilpatrick	Packard	Stearns
Kind (WI)	Pallone	Stenholm
King (NY)	Pascrell	Strickland
Kingston	Pastor	Stump
Klecza	Paul	Sununu
Knollenberg	Payne	Sweeney
Kolbe	Pease	Tancredo
Kucinich	Pelosi	Tanner
Kuykendall	Peterson (MN)	Tauscher
LaHood	Peterson (PA)	Tauzin
Lampson	Petri	Taylor (MS)
Largent	Pickering	Taylor (NC)
Larson	Pickett	Terry
Latham	Pitts	Thomas
LaTourette	Pombo	Thompson (CA)
Leach	Pomeroy	Thornberry
Lee	Porter	Thune
Levin	Portman	Thurman
Lewis (CA)	Price (NC)	Tiahrt
Lewis (GA)	Pryce (OH)	Tierney
Lewis (KY)	Quinn	Toomey
Linder	Radanovich	Towns
Lipinski	Rahall	Trafficant
LoBiondo	Ramstad	Udall (CO)
Lofgren	Rangel	Udall (NM)
Lowe	Regula	Upton
Lucas (KY)	Reyes	Velazquez
Lucas (OK)	Reynolds	Vitter
Luther	Riley	Walden
Maloney (CT)	Rivers	Walsh
Maloney (NY)	Rodriguez	Wamp
Manzullo	Roemer	Watkins
Markey	Rogan	Watt (NC)
Martinez	Rogers	Weiner
Mascara	Rohrabacher	Weldon (FL)
Matsui	Ros-Lehtinen	Weldon (PA)
McCarthy (MO)	Rothman	Weller
McCarthy (NY)	Roukema	Weygand
McDermott	Roybal-Allard	Whitfield
McGovern	Royce	Wicker
McHugh	Rush	Wilson
McInnis	Ryan (WI)	Wolf
McIntyre	Ryan (KS)	Woolsey
McKeon	Sabo	Wu
McKinney	Sanchez	Wynn
McNulty	Sanders	Young (AK)
Meehan	Sandlin	Young (FL)

NAYS—13

Baird	Ford	Stupak
Barton	Hilliard	Thompson (MS)
Capuano	LaFalce	Visclosky
Costello	Miller, George	
DeFazio	Phelps	

NOT VOTING—49

Archer	Dooley	Lantos
Bilbray	Dunn	Lazio
Boucher	Evans	McCollum
Brown (FL)	Fowler	McCreery
Brown (OH)	Franks (NJ)	McIntosh
Campbell	Greenwood	Mica
Canady	Hansen	Mollohan
Collins	Hastings (FL)	Moore
Conyers	Hill (MT)	Neal
Danner	Jackson-Lee	Ose
Delahunt	(TX)	Salmon
Dickey	Kasich	Scarborough
Dicks	Kennedy	Scott
Dingell	Klink	Shaw

Shays	Waters	Wexler
Talent	Watts (OK)	Wise
Turner	Waxman	

□ 1159

So the joint resolution was passed.
The result of the vote was announced as above recorded.
A motion to reconsider was laid on the table.

□

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Ms. Wanda Evans, one of his secretaries.

□

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate has passed with amendments in which the concurrence of the House is requested, a bill and a joint resolution of the House of the following titles:

H.R. 4986. An act to amend the Internal Revenue Code of 1986 to repeal the provisions relating to foreign sales corporations (FSCs) and to exclude extraterritorial income from gross income.

H.J. Res. 84. Joint resolution making further continuing appropriations for the fiscal year 2000, and for other purposes.

□

PERSONAL EXPLANATION

Mr. BOYD. Mr. Speaker, I was unavoidably detained on rollcall vote 580 and rollcall vote 581.

Mr. Speaker, had I been present, I would have voted no on rollcall vote 580 and no on rollcall vote 581.

□

□ 1200

“THE LONG PARLIAMENT”

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

Mr. FRANK of Massachusetts. Mr. Speaker, sometimes we can get wisdom from the ages. I am not a fan of Oliver Cromwell. His semi-genocidal attacks on the Irish was certainly one of the low points in history. But even he occasionally got something right.

During the 1650s, there was a Parliament in England which could not seem to find a way to leave London. Oliver Cromwell decided they needed some encouragement. Some of what he said in his gentle way, waiving a sword seems to me to be not entirely inappropriate. So I would, therefore, like to read some excerpts from Oliver Cromwell’s speech to what was called “The Long Parliament.”

It is high time for me to put an end to your sitting in this place . . .

“Ye are grown intolerably odious to the whole nation. You were deputed here to get grievances redressed; are not yourselves become the greatest the grievance? Your country therefore calls upon me to cleanse the Augean stable by putting a final period to your

. . . proceedings in this house and which by God’s help and the strength he has given me I am now come to do. I commend ye therefore upon the peril of your lives to depart immediately out of this place. . . Go and get out, make haste ye venal slaves be gone. So take away that shining bauble there and lock up the doors.

□

HOUR OF MEETING ON THURSDAY, NOVEMBER 2, 2000

Mr. YOUNG of Alaska. Mr. Speaker, I move that when the House adjourns today, it adjourn to meet at 6 p.m. tomorrow.

The SPEAKER pro tempore (Mr. LAHOOD). The question is on the motion offered by the gentleman from Alaska (Mr. YOUNG).

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

Mr. GEORGE MILLER of California. 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 239, nays 130, not voting 63, as follows:

[Roll No. 588]

YEAS—239

Abercrombie	Crane	Hoefel
Aderholt	Cubin	Hoekstra
Armey	Davis (IL)	Holt
Bachus	Davis (VA)	Horn
Baker	Deal	Hostettler
Ballenger	DeLay	Houghton
Barr	DeMint	Hunter
Barrett (NE)	Diaz-Balart	Hutchinson
Bartlett	Dixon	Hyde
Barton	Doolittle	Isakson
Bass	Dreier	Istook
Bereuter	Duncan	Jackson (IL)
Berman	Ehlers	John
Biggart	Ehrlich	Johnson (CT)
Bilirakis	Engel	Johnson, Sam
Bishop	English	Jones (NC)
Blagojevich	Eshoo	Kanjorski
Bliley	Etheridge	Kelly
Blunt	Everett	King (NY)
Boehrlert	Ewing	Kingston
Boehner	Fletcher	Klecza
Bonilla	Foley	Knollenberg
Bono	Fossella	Kolbe
Borski	Frank (MA)	Kuykendall
Boswell	Frelinghuysen	LaHood
Boyd	Gallegly	Largent
Brady (PA)	Ganske	Latham
Brady (TX)	Gekas	LaTourette
Bryant	Gibbons	Leach
Burr	Gilchrist	Levin
Buyer	Gillmor	Lewis (CA)
Callahan	Gilman	Lewis (KY)
Calvert	Goode	Linder
Camp	Goodlatte	Lipinski
Cannon	Goodling	LoBiondo
Capps	Gordon	Lucas (KY)
Cardin	Goss	Lucas (OK)
Castle	Graham	Manzullo
Chabot	Granger	Martinez
Chambliss	Green (WI)	McHugh
Chenoweth-Hage	Gutknecht	McInnis
Clement	Hall (TX)	McKinney
Coble	Hastings (WA)	Meehan
Coburn	Hayes	Meeks (NY)
Combest	Hayworth	Miller (FL)
Condit	Hefley	Miller, Gary
Cook	Hergert	Moore
Cooksey	Hilleary	Moran (KS)
Cramer	Hobson	Morella

Murtha	Royce	Sununu	Turner	Watts (OK)	Wexler
Myrick	Rush	Sweeney	Waters	Waxman	Wise
Nethercutt	Ryan (WI)	Tancredo			
Ney	Ryan (KS)	Tauzin			
Northup	Sanford	Taylor (NC)			
Norwood	Sawyer	Terry			
Oxley	Saxton	Thomas			
Packard	Schaffer	Thompson (CA)			
Paul	Sensenbrenner	Thornberry			
Pease	Serrano	Thune			
Petri	Sessions	Tiahrt			
Pickering	Shadeeg	Toomey			
Pitts	Sherwood	Traficant			
Pombo	Shimkus	Udall (NM)			
Pomeroy	Shows	Upton			
Porter	Shuster	Vitter			
Portman	Simpson	Walden			
Pryce (OH)	Sisisky	Walsh			
Quinn	Skeen	Wamp			
Radanovich	Skelton	Watkins			
Ramstad	Smith (MI)	Weldon (FL)			
Rangel	Smith (NJ)	Weldon (PA)			
Regula	Smith (TX)	Weller			
Reynolds	Snyder	Whitfield			
Riley	Souder	Wicker			
Roemer	Spence	Wilson			
Rogan	Stabenow	Wolf			
Rogers	Stark	Wu			
Rohrabacher	Stearns	Young (AK)			
Ros-Lehtinen	Stump	Young (FL)			
Roukema	Stupak				

NAYS—130

Ackerman	Hilliard	Olver
Allen	Hinchey	Ortiz
Andrews	Holden	Owens
Baca	Hooley	Pallone
Baldacci	Hoyer	Pascrell
Baldwin	Inslee	Pastor
Barcia	Jefferson	Payne
Barrett (WI)	Johnson, E. B.	Pelosi
Becerra	Kaptur	Peterson (MN)
Bentzen	Kildee	Phelps
Berkley	Kilpatrick	Pickett
Berry	Kind (WI)	Price (NC)
Blumenauer	Kucinich	Rahall
Bonior	LaFalce	Reyes
Capuano	Lampson	Rivers
Carson	Larson	Rodriguez
Clay	Lee	Rothman
Clayton	Lewis (GA)	Roybal-Allard
Clyburn	Lofgren	Sabo
Costello	Lowey	Sanchez
Coyne	Luther	Sanders
Crowley	Maloney (CT)	Sandlin
Cummings	Maloney (NY)	Schakowsky
Cunningham	Mascara	Sherman
DeFazio	Matsui	Slaughter
DeGette	McCarthy (MO)	Spratt
DeLauro	McCarthy (NY)	Stenholm
Deutsch	McDermott	Strickland
Doggett	McGovern	Tanner
Doyle	McIntyre	Tauscher
Edwards	McNulty	Taylor (MS)
Evans	Menendez	Thompson (MS)
Farr	Metcalf	Thurman
Fattah	Millender	Tierney
Filner	McDonald	Towns
Ford	Miller, George	Udall (CO)
Frost	Minge	Velazquez
Gejdenson	Mink	Visclosky
Gephardt	Moakley	Watt (NC)
Gonzalez	Moran (VA)	Weiner
Green (TX)	Nadler	Weygand
Gutierrez	Napolitano	Woolsey
Hall (OH)	Oberstar	Wynn
Hill (IN)	Obey	

NOT VOTING—63

Archer	Emerson	McCollum
Baird	Forbes	McCreery
Bilbray	Fowler	McIntosh
Boucher	Franks (NJ)	McKeon
Brown (FL)	Greenwood	Meek (FL)
Brown (OH)	Hansen	Mica
Burton	Hastings (FL)	Mollohan
Campbell	Hill (MT)	Neal
Canady	Hinojosa	Nussle
Collins	Hulshof	Ose
Conyers	Jackson-Lee	Peterson (PA)
Cox	(TX)	Salmon
Danner	Jenkins	Scarborough
Davis (FL)	Jones (OH)	Scott
Delahunt	Kasich	Shaw
Dickey	Kennedy	Shays
Dicks	Klink	Smith (WA)
Dingell	Lantos	Talent
Dooley	Lazio	
Dunn	Markey	

□ 1220

Messrs. MORAN of Virginia, OLVER, DEUTSCH, OWENS, and FARR of California changed their vote from “yea” to “nay.”

Mr. WU changed his vote from “nay” to “yea.”

So the motion was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

□

COMMITTEE ON RESOURCES
CONTEMPT RESOLUTION

(Mr. GEORGE MILLER of California asked and was given permission to revise and extend his remarks at this point in the RECORD.)

Mr. GEORGE MILLER of California. Mr. Speaker, I rise again in strong opposition to this Contempt of Congress resolution.

When there are so many important issues such as energy and health care and education policy which have languished in this Congress, it is ridiculous that this vendetta is taking the time of the House.

The crime charged in this resolution is the refusal of three witnesses to answer certain questions from Republican members of the Committee on Resources.

Let's be clear: these three individuals have worked to assure that the taxpayers receive a fair share of the royalties from oil companies drilling on public lands.

Those same oil companies, who have never received a Republican subpoena, have short-changed the taxpayers by billions of dollars in royalty under payments, as most recently evidenced by a total of \$438 million in settlement payments in litigation which inspired the committee's investigation.

We should be spending our time and resources in Congress on issues that really matter to the American people.

We should not use the vast powers of Congress to punish those who helped to blow the whistle on the oil company rip-offs and who, understandably, refused to cooperate with a rogue committee operating without regard to the House rules.

And we should not be burdening the U.S. Attorney, who has plenty of work to do combating serious crimes, with an ill-conceived contempt resolution based on an investigation so procedurally flawed that the criminal charges would not survive judicial review.

Let's start by making it clear what this contempt resolution is not about.

The question before the House is not whether the arrangement between the project on Government Oversight and two Federal employees to share royalty underpayment litigation awards was illegal or even improper.

Federal employees have been allowed, under certain circumstances, to participate as whistle blowers in False Claims Act litigation. In this case, the POGO arrangement is under active investigation by the Department of Justice.

But no one has been indicted, no one has been tried, and certainly no one has been convicted. For Congress to prejudice that process with premature conclusions of illegality would be irresponsible.

So, let us be clear what this resolution is about.

The real question before the House is whether three individuals who were subpoenaed as witnesses by the Committee on Resources should serve up to a year in prison for violating a Federal criminal statute.

As is the case with all criminal statutes, the three individuals cannot be convicted of Contempt of Congress unless guilt is proven beyond a reasonable doubt in a court of law.

Before we consider a resolution that could subject three citizens to criminal jeopardy, let's look carefully at the case the committee has brought before the House.

The courts have held the congressional process in strict scrutiny, and in 1983 acquitted the last person charged by the House with contempt.

In this investigation, the Committee Republicans have repeatedly failed to follow the House Rules. For over a year, they ignored House Rule XI governing investigations despite Democratic objections. They further violated House Rules by curbing the rights of Democratic members to question witnesses at hearings.

They abused those witnesses by, among other things, not allowing them to make opening statements at hearings, despite Democratic objections.

One Republican member called the Department of the Interior employee a “common thief” prior to his appearance before the committee.

In short, as we detail in the Dissenting Views, this partisan investigation has been biased, unfair, and was a rogue operation that violated the Rules of the House and of the committee.

Moreover, the committee Republicans failed to demonstrate—either to the witnesses or the Democratic members—a clear nexus between the questions and the purpose of the investigation. Specifically, they failed to establish a foundation for the questions that make them “pertinent” for purposes of applying the contempt statute to refusals to answer.

And the courts have insisted that questions must be “pertinent” at the time they are asked of a witness at a hearing. After the fact rationale is not sufficient.

My point in mentioning the procedural flaws in the committee's investigation is to show that there are many reasons for members to be very cautious before concluding that these three citizens are guilty of Contempt of Congress.

And unless members are convinced that the committee's process can withstand judicial scrutiny and the statutory elements of contempt have been proven beyond a reasonable doubt, then they should not vote for this resolution.

CONGRESS OF THE UNITED STATES,
Washington, DC, October 31, 2000.

STOP THE POGO PERSECUTION

DEAR COLLEAGUE: Today the House will unwisely reconsider the resolution (brought up on the floor last Friday and withdrawn by its sponsor) that charged three individuals with the crime of Contempt of Congress for failing to cooperate with a Committee on Resources investigation. This rare exercise of congressional power could subject these individuals to criminal prosecution and up to one year in jail.

This charge was prompted by the Project on Government Oversight's (POGO) decision

to share \$767,200 of a \$1.2 million False Claims Act settlement with two federal employees who had long worked to curb underpayments of royalties owed to the United States by oil companies. Faced with multi-billion dollar allegations of royalty rip-offs, 15 oil companies have reached settlements with the Department of Justice totaling \$438 million.

The Department of Justice is investigating whether the payments by POGO were inappropriate or illegal actions. Despite that review, the Resources Committee Majority has duplicated DOJ's effort and issued dozens of subpoenas, held multiple hearings, and consumed nearly two years and many tens of thousands of dollars searching for additional evidence of wrongdoing by POGO and its associates while proclaiming their alleged guilt.

And what about the oil companies who have paid \$438 million in settlement for cheating the American people—and especially children whose schools utilize royalty payments—out of the money they are owed? The Committee Majority has let the oil company misconduct go scot free:

ZERO—Hearings on oil royalty underpayments;

ZERO—Investigations of oil royalty underpayments;

ZERO—Subpoenas issued to oil companies.

ZERO—Condemnation of oil company royalty rip-offs.

To bring the full power of the committee down upon three individuals who have worked to curb oil company fraud without any effort to address billions of dollars in fraudulent underpayments is a blatant misuse of the Committee's resources and the Congress' time. For the House to further condemn these individuals because they declined on advice of counsel to respond to questions which were not pertinent in an abusive investigation which was not conducted in compliance with House rules, is beneath the standard Congress should use when employing the weighty hand of criminal contempt.

If the Majority insists on further discussion and votes on the Contempt resolution, we strongly advise you to vote "No" and protect private citizens and whistleblowers from such misuse of Congress' prosecutorial authority.

Sincerely,

George Miller, Edward Markey, Earl Blumenauer, Peter DeFazio, Bob Filner, Carolyn Maloney, Robert Underwood, Jay Inslee, Janice Schakowsky.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON RESOURCES,
Washington, DC, October 31, 2000.

THE POGO INVESTIGATION: CONTEMPT FOR
INDIVIDUAL RIGHTS AND THE HOUSE RULES

DEAR COLLEAGUE: The Committee on Resources' Majority is asking you to vote for a resolution which charges three citizens with the statutory crime of contempt of Congress. Those three individuals, associated with the Project on Government Oversight (POGO), would be subject to criminal prosecution and up to one year in prison. The contempt resolution, which will come up again on the floor tonight, is a substitute for much broader charges of contempt reported by the committee.

Before you vote to send three people you've never ever seen to jail, consider whether you can rely on a rogue committee investigation that has abused the rights of witnesses and Members and failed to adhere to the House rules. In applying the criminal contempt statutes, the Supreme Court has required that a committee strictly follow its own rules and those of the House. *Yellin v.*

United States, 374 U.S. 109 (1962). Yet the conduct of the Committee on Resources' investigation related to the pending contempt resolution is so egregious that it would dishonor the House to subject it to judicial review. Among the many procedural deficiencies are the following:

(1) Failure to conduct the investigation within the jurisdiction of the committee under House Rule X, Clause 1. The Majority has not maintained a consistent purpose for its investigation within the scope of the committee's authority as delegated by the House. The Supreme Court has held that a clear line of authority for the committee and the "connective reasoning" to its questions is necessary to prove pertinency in statutory contempt. *Gojack v. United States*, 384 U.S. 702 (1966). Instead, the Majority has constantly shifted their explanations of what they are investigating and why. For example, on March 6, 2000, Chairman Young wrote to POGO's attorney to explain that broad subpoenas were necessary "to begin weighing the merits of those conflicting statements" made in civil litigation. How a probe of potential perjury in a lawsuit relates to the committee's legislative jurisdiction over oil royalty management laws and policies was not clear at the time to witnesses—who declined to answer questions which were not pertinent—and remains unclear to Democratic Members.

(2) Failure to follow House Rule XI, Clause 2(k) applicable to investigative hearing procedures. It was not until June 27, 2000—over a year after subpoenas were issued—that Chairman Young authorized Subcommittee Chairman Cubin to "begin an investigation to complement the oversight inquiry underway." This is a meaningless effort to draw a distinction between "oversight" and an "investigation" when no such distinction exists for purposes of House Rule XI, Clause 2. Accordingly, over the protests of Democratic Members, the Majority failed to follow House Rules applicable to the rights of witnesses in Subcommittee hearings held May 4, and May 18, 2000. These flaws range from the failure to provide witnesses with the committee and House Rules prior to their testimony, to the failure to go into executive session.

(3) Failure to allow Members to question witnesses under House Rule XI, Clause 2(j). On multiple occasions, the Subcommittee Chair prevented Democratic Members from exercising their rights to question witnesses, either under the five-minute rule or time allocated to the Minority under clause 2(j)(B).

(4) Failure to have a proper quorum under committee Rule 3(d). The Committee rules require a quorum of members, yet no such quorum was present during the hearings at the times of votes on sustaining the Subcommittee Chairman's rulings on whether questions were "pertinent."

(5) Failure to allow subpoenaed witnesses to make an opening statement under committee Rule 4(b). This rule states, "Each witness shall limit his or her oral presentation to a five-minute summary of the written statement, unless the Chairman, in conjunction with the Ranking Minority Member, extends this time period." In contravention of this rule and longstanding committee practice, the Chair refused to grant hearing witnesses the opportunity to make opening statements. Democratic objections were overruled.

(6) Failure to hold a hearing on the contempt issues. It is fundamentally unfair not to allow the parties charged with contempt an opportunity to explain their legal arguments for declining to answer questions or supply specific documents in contention. The Chair repeatedly refused the efforts of Democratic Members to recognize legal counsel to

address the Subcommittee on these issues. The failure to provide due process in a hearing to those accused of violating a criminal statute further weakens the Majority's case.

(7) Failure to fully inform Members of the committee. At the July 19th committee markup of the contempt resolution, the Majority failed to provide Members with the language of the contempt statutes. They cited no judicial standards or precedents of the House for applying those criminal statutes in a contempt proceeding. They did not adequately explain or refute the legal rationale that the subpoenaed parties, based on advice from counsel, had asserted when they declined to answer specific questions which were not pertinent to the investigation. And they neglected to explain to Members that the witnesses had appeared at hearings and produced thousands of pages of documents in compliance with multiple subpoenas.

No matter what wrongdoing may be alleged, all citizens of the United States have the right to expect that they be given fair treatment and due process in compliance with the rules. The real threat to the integrity of the House of Representatives stems from the abusive and irresponsible manner in which the Committee on Resources investigation was conducted. To subject this record to judicial review—in what would be the first contempt of Congress referral since 1983—could threaten to undermine the powers of the House to conduct legitimate oversight and investigations in the future.

By offering a substitute for the original resolution, the sponsors have tacitly acknowledged that the broad contempt charges of contempt reported by the committee were unsustainable. Especially when considered in the context of the myriad procedural deficiencies in this investigation, this latest change of direction ought to give Members ample reason to vote "NO" on the contempt charges.

Sincerely,

GEORGE MILLER,
Senior Democratic Member.

□

POSTPONING CONSIDERATION OF COMMITTEE ON RESOURCES CON- TEMPT RESOLUTION

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

Mr. YOUNG of Alaska. Mr. Speaker, as many of my colleagues know, we were going to take up the contempt report following this vote. We have decided not to do that until a later time. It is not because of the issue. It is because of the number of people that saw fit to leave this body on both sides of the aisle to return to their homes. It will be considered next time.

□

REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST CON- FERENCE REPORT ON S. 2796, WATER RESOURCES DEVELOP- MENT ACT OF 2000

Mr. GOSS, from the Committee on Rules, submitted a privileged report (Rept. No. 106-1022) on the resolution (H. Res. 665) waiving points of order against the conference report to accompany the Senate bill (S. 2796) to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the

United States, and for other purposes, which was referred to the House Calendar and ordered to be printed.

□

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON TODAY

Mr. GOSS. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with today.

The SPEAKER pro tempore (Mr. LAHOOD). Is there objection to the request of the gentleman from Florida?

There was no objection.

□

VOICING CONCERN ABOUT SERIOUS VIOLATIONS OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN MOST STATES OF CENTRAL ASIA

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 397, as amended.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Nebraska (Mr. BE-REUTER) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 397, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 362, nays 3, answered "present" 1, not voting 66, as follows:

[Roll No. 589] YEAS—362

- Abercrombie Callahan Duncan
Ackerman Calvert Edwards
Aderholt Camp Ehlers
Allen Cannon Ehrlich
Andrews Capps Engel
Army Capuano English
Baca Cardin Eshoo
Bachus Carson Etheridge
Baird Castle Evans
Baker Chabot Everett
Baldacci Clay Ewing
Baldwin Clayton Farr
Ballenger Clement Fattah
Barcia Clyburn Filner
Barr Coble Fletcher
Barrett (NE) Coburn Foley
Barrett (WI) Combest Forbes
Bartlett Condit Ford
Barton Cook Fossella
Bass Cooksey Frank (MA)
Becerra Costello Frelinghuysen
Bentsen Cox Frost
Bereuter Coyne Gallegly
Berkley Cramer Ganske
Berman Crane Gejdenson
Berry Crowley Gekas
Biggart Cubin Gephardt
Billirakis Cummings Gibbons
Bishop Davis (FL) Gilchrist
Blagojevich Davis (IL) Gillmor
Blumenauer Davis (VA) Gilman
Blunt Deal Gonzalez
Boehner DeFazio Goode
Bonilla DeGette Goodlatte
Bonior DeLauro Goodling
Bono DeLay Gordon
Borski DeMint Goss
Boswell Deutsch Graham
Brady (PA) Diaz-Balart Granger
Brady (TX) Dixon Green (TX)
Bryant Doggett Green (WI)
Burr Doolittle Gutierrez
Burton Doyle Gutknecht
Buyer Dreier Hall (OH)

- Hall (TX)
Hastings (WA)
Hayworth
Hefley
Herger
Hill (IN)
Hilleary
Hilliard
Hinchey
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Jackson (IL)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Kelly
Kildee
Kind (WI)
King (NY)
Kingston
Klecza
Knollenberg
Kolbe
Kuykendall
LaFalce
LaHood
Lampson
Largent
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowe
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKinney
McNulty
Meehan
Meeks (NY)
Menendez
Millender-
McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Nethercutt
Ney
Northup
Norwood
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanders
Sandlin
Sanford
Sawyer
Saxton
McNulty
Schaffer
Schakowsky
Sensenbrenner
Serrano
Sessions
Shadegg
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeean
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Porter
Thurman
Tiahrt
Tierney
Toomey
Towns
Trafigant
Udall (CO)
Udall (NM)
Upton
Visclosky
Vitter
Walden
Walsh
Wamp
Watkins
Watt (NC)
Weiner
Weldon (PA)
Weller
Weygand
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—3

Chenoweth-Hage Metcalf Paul
ANSWERED "PRESENT"—1
Kucinich

NOT VOTING—66

- Archer Danner Hill (MT)
Billbray Delahunt Hinojosa
Bliley Dickey Hutchinson
Boehlert Dicks Istook
Boucher Dingell Jackson-Lee
Boyd Dooley (TX)
Brown (FL) Dunn Jones (OH)
Brown (OH) Emerson Kasich
Campbell Fowler Kennedy
Canady Franks (NJ) Kilpatrick
Chambliss Greenwood Klink
Collins Hansen Lantos
Conyers Hastings (FL) Larson
Cunningham Hayes Lazio

- McCollum Pitts Velazquez
McIntosh Salmon Waters
McKeon Sanchez Watts (OK)
Meek (FL) Scarborough Waxman
Mica Scott Weldon (FL)
Mollohan Shaw Wexler
Neal Shays Wise
Nussle Talent
Ose Turner

□ 1243

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

□

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate has passed a concurrent resolution of the following title in which the concurrence of the House is requested:

S. Con. Res. 159. Concurrent resolution providing for a conditional adjournment or recess of the Senate and a conditional adjournment of the House of Representatives.

□

MOTION TO INSTRUCT CONFEREES ON H.R. 4577, DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

Mr. HOLT. Mr. Speaker, I offer a motion.

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

The Clerk read as follows:

Mr. HOLT moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill, H.R. 4577, be instructed to insist on disagreeing with provisions in the Senate amendment which denies the President's request for dedicated resources for local school construction and, instead, broadly expands the Title VI Education Block Grant with limited accountability in the use of funds.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. HOLT) and the gentleman from Delaware (Mr. CASTLE) each will be recognized for 30 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. HOLT).

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

I would like to speak today on why we are still in session in November and why we may have a lame duck session in front of us. In fact, I would like to speak about work not done. And I am not talking about the Patients' Bill of Rights or gun safety legislation or campaign finance reform or minimum wage legislation or workplace safety legislation or prescription medicine coverage under Medicare.

Yes, that is some of the work that is not done. But in particular I would like to talk about overcrowding in our schools and the need to provide adequate classrooms for our students so

that we may educate them for the 21st century.

□ 1245

I have visited nearly 100 schools in my district, and everywhere I go I hear from parents and teachers and administrators and students about the problems of overcrowding. It is no wonder. The number of school children is growing at a record pace. In the last 11 years, the student population of South Brunswick in my district has doubled from 3,500 to 7,000 students. In Montgomery, total enrollment has more than doubled in the past 6 years from 1,500 students to more than 4,000 students.

In some of my school districts, the number of children in kindergarten outnumbers the number of students in grade 12. One does not need higher mathematics to understand the implications of these numbers.

Our classrooms are overcrowded. To alleviate this crowding, many of the schools in my district are installing trailers. Now, while trailers may be a temporary solution, they are ill-suited for classroom use. Not only are they expensive to install and maintain, but their long, narrow floor plan creates an awkward learning environment.

Moreover, in many cases they are not connected to the Internet; and of course, students get wet when it rains and they have to go to the main building. Many schools do not have a choice about whether or not to use trailers. With the cost of a new school at tens of millions of dollars, our property taxpayers can no longer afford to shoulder this financial burden alone. This is evident in the fact that a number of the school construction referenda in my district have had very close votes, some of them resulting in turning down the referendum and the inability of the school district to proceed with the construction.

New Jersey communities, as in many other parts of the country, need assistance in building new classrooms and schools. A recent report issued by the National Education Association estimates that \$322 billion is needed to repair and modernize America's public schools and to construct new classrooms. Last month, the U.S. Department of Education issued its annual baby boom echo report that documents not only the record 53 million children in our Nation's schools today but projects explosive enrollment growth over the next 10 years. We cannot continue to delay on this issue. We should take care of this issue before we leave Washington.

It is time we stopped talking about improving education and actually act on it. We have bipartisan legislation that the Republican leadership has refused to act on. The President's proposal, as introduced by Representative JOHNSON and the gentleman from New York (Mr. RANGEL) would provide \$25 billion in new tax credit bonds to help build and modernize 6,000 schools. This

new type of bond would provide interest-free financing to help State and local governments pay for school construction and renovation. There would be no Federal involvement in the selection, in the design, in the implementation of school modernization projects. The only Federal role would be in providing tax-subsidized financing under the same procedures that are currently utilized for tax exempt bonds.

In addition, the President has proposed \$1.3 billion in loans and grants to fund 8,300 emergency renovation and repair projects in America's schools. This is for schools where there is a critical, immediate need such as dangerous electrical plumbing or asbestos problems.

Now, this part of what I am talking about was in the agreement for the Labor-HHS, Education appropriations agreement that fell apart after the lobbyists for special interests forced the leadership to drop it over the issue of worker safety.

Our schools should not be lost in the last-minute wrangling over these appropriations bills. Our schools must be made safe for our children. There is no logic in refusing to act on these important proposals. The Federal Government assists the States in other areas of local need. We give millions of dollars at the local level to help them build roads and bridges. We respond to emergencies.

All of these are important areas of assistance but so are our children. We have a responsibility to ensure that our children are receiving the best education possible for all children and that our students are not falling over one another in crowded hallways and classrooms.

Mr. Speaker, I urge my colleagues to support this motion to instruct conferees.

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

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

Mr. Speaker, let me just say that I have watched this debate taking place on the floor. This certainly is *deja vu*. This is about at least, I guess, the third time that we have had the exact same debate on the same issues. There are a couple of points that are very clear to me. One is that there are, I think, enormous problems with respect to school repairs, school construction across the United States of America. We have a growing population of school-age youth in our country, and I think we do need to address that. As a matter of fact, I think Republicans and Democrats agree on that. As a matter of fact, I think in terms of the dollars that are being allocated to this, there is agreement as well, particularly on the grant side of it, of the \$1.3 billion.

The basic difference is how is that going to be done. Is it given to the local districts for flexibility, which is what the Republicans believe? Or should it be given directly from the Federal Government to wherever the

schools are, which is what the Democrats believe?

There is not that much disagreement.

The other point is this: when we talk about that extent of money, we are talking about a very small percentage, less than one half of 1 percent, I think about a third of 1 percent of the total needs which are out there, even by the most minimal standards. So I think it is somewhat unfair for any of us to stand here or for the President, for all that matters, to stand before the people of America and say that this is going to solve the problems of school construction.

Hopefully, we can work something out eventually, and it is being worked on. It is in the language of the Labor-HHS Education bill that may come back before us; and when we do, we can help with the problem. But it is a fairly small contribution to the solution of the problem. I think it is something that we should do. The agreement is relatively sound. The disagreements are relatively minor, and we should go forward.

I guess until that time we will play politics with it and continue ahead.

Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Pennsylvania (Mr. GOODLING), the chairman of the House Committee on Education and the Workforce.

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

Mr. GOODLING. Mr. Speaker, I thank the gentleman from Delaware (Mr. CASTLE) for yielding me this time.

Mr. Speaker, I am amused by this performance again today. I am amused because, of course, our constituents, if any of them are watching, I think in New Jersey they probably have already gone back from their lunch break and in Oregon they have not gone to their lunch break yet, so I do not know if anybody is watching; but if they are, they are very fortunate because they get to see the same play that was put on on the same stage Saturday afternoon. The only difference is, they replaced the leading ladies with the leading men. So that is the only difference today. Of course, the same thing is true today that was true on Saturday. We have settled this issue. We spent days and nights with the administration, Saturdays and Sundays, to settle this very issue.

We have an agreement. They know on the other side that we have an agreement. We have an agreement on class size. They know that. So here we go through this same charade one more time. As I said, it is a replay of Saturday.

Well, I always have to laugh when somebody mentions roads and bridges. Of course that is an interstate problem. That is also a dedicated tax problem. So it has nothing relevant to do with this; but again, time and time again, I have tried to tell, particularly center

city representatives for 26 years, as a matter of fact, if they would just do something about their mandate, the special ed, can one imagine what local school districts would have been able to do with class size reduction? Can one imagine what local school districts could have done with preventative maintenance and remodeling? Well, of course, if we just look at the facts, we know. We know that Los Angeles, for instance, would get an additional \$100 million every year. Multiply that by 25, and that sounds like pretty big money; New York City, \$170 million extra every year. That is big bucks. Even Newark would get \$7 million or \$8 million, \$9 million every year to do all the kind of things that they would do if they did not have to fund the Federal mandate.

When I became chairman after all of those years of sitting there on the minority trying to encourage them along with the gentleman from Michigan (Mr. KILDEE) to do something about the unfunded special ed mandate, they were only up to 6 percent. I am happy to say at the end of this year we will probably be up to 15 percent and that is a long, long way.

It is also interesting that this issue comes up again this particular year. Why is that interesting? Well, the former majority decided that in 1995 that they would pass the School Facilities Infrastructure Improvement Act. Now that is a big title. It sounds very interesting. That was passed in 1995, and the appropriators put \$100 million in at that particular time. Guess what? Somebody brought about a recession to that effort. Now, who was that somebody? Somebody sent us a notice and they said, and I quote, "The construction and renovation of school facilities has traditionally been the responsibility of State and local governments, financed primarily by local taxpayers. We are opposed to the creation of a new Federal grant program for school construction. No funds are requested for this program in 1996. For the reason explained above, the administration opposes the creation of a new Federal grant program for school construction."

Is that not interesting in this same administration who is now seeking for something else?

Let me again close by simply saying, I know there must be political purposes for this. There has to be some reason for it, but it has already been concluded. After lengthy negotiations, it has already been completed and agreed to by those of us who were negotiating and by the White House, as was and is the class size reduction legislation.

So again it is just an exercise in futility. I do not know what it is, as a matter of fact; but obviously, as I said, not too many people in New Jersey and Oregon will be watching this debate, and that is unfortunate because they will not get to hear, if they did not hear it Saturday, the same repeat of what we did on Saturday.

Mr. Speaker, negotiators have made substantial progress on the issue of school construction, and I am optimistic that we will soon be able to reach agreement on this issue.

I have made it clear to the administration that state and local flexibility must be a component of federal funding for classroom modernization and renovation. I would like to see a substantial portion of the funding available for other pressing needs, such as activities related to the Individuals with Disabilities Act.

I am not doing this to be stubborn. School districts across America are clamoring for help with the additional costs of educating special needs children. When Congress passed the law requiring public schools to provide educational services to these children, we promised that the federal government would help with the increased costs.

We promised to provide 40 percent of the national average per pupil expenditure. Here we are, 25 years later, and we are only at 13 percent—significantly less than what we promised. And we've only reached that under the Republican Congress, because that 13 percent represents a doubling of what the federal government was providing when we became the Majority.

The result of our failure to provide the promised funds is that school districts are using their own money to make up the shortfall. These are funds which could otherwise be used for school maintenance costs and other local needs. If the federal government were actually providing the 40 percent we promised, school districts across the country would receive significant funding:

- New York would receive an increase of more than \$170 million;
- Los Angeles would receive nearly \$100 million more;
- Chicago would get an additional \$76 million;
- Miami would receive an increase of \$45 million; and
- Newark would receive an increase of \$8 million.

The primary responsibility for school construction should remain at the state and local levels. However, the federal government can provide assistance to help states and localities comply with federal laws that mandate school building modernization.

The Administration has switched positions on whether the federal government has a role in school construction over time.

The Congress under Democrat control appropriated \$100 million for Fiscal Year 1995 for the School Facilities Infrastructure Improvement Act. But the President rescinded this, and subsequently, the program has received no funding.

Following the rescission of funds for FY 1995, the President's FY 1996 budget request did not include any money for the "Education Infrastructure Act." In fact, Department of Education budget documents stated:

The construction and renovation of school facilities has traditionally been the responsibility of State and local governments, financed primarily by local taxpayers; we are opposed to the creation of a new Federal grant program for school construction. . . . No funds are requested for this program in 1996. For the reason explained above, the Administration opposes the creation of a new Federal grant program for school construction.

Mr. Speaker, I again point out that this motion to instruct conferees is irrelevant given

our current negotiations on the Labor/HHS/ Education appropriation's legislation. As such, I oppose the gentleman's motion.

MEETING THE FEDERAL IDEA MANDATE

(Selected Cities)

City	Funds received ¹	If 40% mandate met	Additional funds needed to meet commitment of States
New York	\$41,435,700	\$212,316,300	\$170,880,600
Los Angeles	23,145,989	118,600,048	95,454,000
Chicago	18,438,243	94,477,557	76,039,400
Miami	10,873,800	55,717,300	44,843,500
Philadelphia	7,501,863	38,439,546	30,937,600
Jacksonville	7,305,504	37,433,402	30,127,900
Houston	5,738,851	29,405,873	23,667,000
Dallas	3,881,900	19,890,700	16,008,800
Washington, DC	3,047,500	15,615,500	12,568,000
St. Louis	2,032,800	10,416,100	8,383,300
Newark	1,932,760	9,903,462	7,970,700
Pittsburgh	1,514,077	7,758,131	6,244,000

¹ 1995 data (most recent available).

Mr. HOLT. Mr. Speaker, I yield such time as he may consume to the gentleman from North Carolina (Mr. ETHERIDGE), one of the leading men in this debate on school construction and classroom construction, who will explain why this has not yet been settled and why it is necessary for us to bring this up yet again today.

Mr. ETHERIDGE. Mr. Speaker, I rise in strong support of the Holt motion. I thank the gentleman from New Jersey (Mr. HOLT) for his leadership on this important issue because my friend, the gentleman from New Jersey (Mr. HOLT), has not only been a Member representing his people but he has only been here about 2 years and he has already made a tremendous difference for his district and for this country on the issue of children.

Let me say to my friend, the gentleman from Pennsylvania (Mr. GOODLING), who said he was amused, I want everybody to understand that I am not amused. I do not get amused one little bit when we are talking about issues that affect children. I was the State superintendent of my school system in North Carolina for 8 years, an office to which the people elected me twice. I do not get amused when we are talking about the needs of children. I know we talk about rhetoric, and is this a political issue? Darn right, it is a political issue. Everything we do in this body is about politics. But this is the kind of politics we ought to be dealing with for the children of this country, because they cannot vote; they cannot sit in this body. If we cannot do it, then who does it?

Yes, I recognize only 7 percent of the money comes through the Federal Government, but there are places in this country where they are hurting, and they have great needs today, and we have a responsibility. Yes, we do provide money for roads; and, yes, we do provide money for prisons and a number of other things. And to say it is interstate money, the answer is, yes, it is dedicated; but there was a time when there was no money dedicated and there were those that said we ought not to be putting it in. I happen to read history, and I remember that. We can do it for our children, too, Mr. Speaker.

Let me just share a couple of quick statistics before my time runs out. In my home district, there are a number of areas, and I am in a district where we have spent a lot of money and we have raised taxes to build schools. We have 55 trailers in the small county of Franklin that is struggling now to meet their needs; 16 in Granville; 41 in my home county of Harnett; 98 in Lee; 40 in Nash County; 162 in Sampson; 76 in Wilson; a total of 530 in our capital county, and they are working hard.

□ 1300

Yes, this is an issue we ought to deal with; and yes, this Congress ought to act. I ran for this office 4 years ago because I was tired of the Republican leadership in this Congress at that time who wanted to close down the Department of Education, close school lunch programs. It was cynical against education. We have changed our rhetoric, yes; we have changed it, but there is still a deep resistance to helping public education. We should come together. We should not be here arguing about these issues. Children are not Democrats nor Republicans. They are children. And we can help. We have the resources to do it. Now is the time to act. We do not need to put it off until next year. We should not put it off until next year because if we put it off until next year, there are going to be children in cramped quarters; and we will not be able to reduce the class sizes the way we ought to to teach them properly, and I am here to tell my colleagues that children know the difference between a quality facility and a poor one.

How do we tell a child that quality education is important, and we then send them to a run-down school? They know better. No, it is not our total responsibility, but we can sure help. We can provide the leadership and show the way, and I think this Congress ought to do it. I am willing to do my part, and I ask all of my colleagues on both sides of the aisle to do the same.

Mr. CASTLE. Mr. Speaker, I yield such time as he may consume to the gentleman from Georgia (Mr. ISAKSON).

Mr. ISAKSON. Mr. Speaker, I thank the distinguished gentleman from Delaware (Mr. CASTLE), the former governor of Delaware and now standing Congressman, for yielding me this time.

I too share the same passion the gentleman from North Carolina does about education. He was an elected superintendent; I was a State board chairman in neighboring States in the South. I respect the gentleman from New Jersey (Mr. HOLT) and his comments about helping public schools, and I am sure the comments that are to come. I am not amused in one way, but I share amusement in another way with the chairman, because we are repeating a debate we did Saturday afternoon.

But just for the sake of facts, I want to take the comments we have heard

from the other side so far and place them in perspective.

First of all, the conferees have agreed on \$1.3 billion. The disagreement is over whether it is done one way or another way, and I will get into that in a minute. On Saturday when we had the debate, everyone agreed the unfunded school construction in the United States of America is \$303 billion. The public should listen to this, that if we do \$1.3 billion a year, then in 300 years we would have solved the problem. Well, that is not going to happen and that is ridiculous. As the gentleman from North Carolina said, we cannot do it all, but we can help, and therein is why everybody needs to understand the basic agreement that exists between the parties today is to do exactly that. Mr. Speaker, \$1.3 billion, in which school systems can make the decision as to where best within certain parameters the Federal Government can help. Maybe it is asbestos removal, maybe it is ADA improvements, maybe it is the satisfaction of any number of Federal mandates.

But we must be clear. We cannot mislead the American people to believe that there is enough money in Washington to build the schools needed in the United States of America. The unfunded need in American schools today exceeds the budget surplus projected for the next year. So should we spend it all and not save Social Security and not save Medicare which are our responsibilities? No. Although I would love to do anything I could to relieve the property tax in my home district, the fact of the matter is that the United States of America, the dedicated tax for public education is the property tax in our local areas, because people get to vote on it. Therefore, they can have schools that are accountable. Therefore, they can spend the money wisely. If there was a pot in Washington and the belief that we would build all of their schools, New Jersey would never pass a new bond referendum to build schools; and we would have failed on a false promise, because we do not have the money.

Mr. Speaker, I respect every Member of this House, and I love children; and I support public education with all of my heart. But I do not believe, and we are on the momentary cusp of settling what is already settled in making a \$1.3 billion contribution to local schools, Democrats and Republicans alike. We should not leave Washington or leave this House with the misperception that there is enough money for us to build the schools that are needed in America, that Congress can reduce local property taxes for schools. If we do that, we have offered false hope and false promise.

Instead, what we should say is we are willing to do our part on that which we have mandated; we are willing to give local schools flexibility, and we have joined together in a bipartisan effort to do that. But to leave any other false promise out there is wrong for chil-

dren, it is wrong for America, and it is wrong for public education.

Mr. HOLT. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from New York (Mr. CROWLEY), my colleague, a freshman Member of Congress and an outstanding member of our freshman class, who will explain that indeed, \$1.3 billion is not enough, but why we should do it and we must do it now.

Mr. CROWLEY. Mr. Speaker, I thank the gentleman from New Jersey for yielding me this time to speak on an issue of grave importance to my constituency. I say that because I represent a district that has the most overcrowded school district in the City of New York, School District 24, which right now is operating at 119 percent. In the year 2007, I will have three of the most overcrowded school districts, three of the top five in New York City, School Districts 24, 30, and 11, which will be operating, right now are operating at 119 percent, 109 and 107 respectively. In my district in the year 2007, every school district in my district will be operating at or above capacity. If that is not an emergency, I do not know what is.

I have a very diverse district, a district made up of many different cultures and ethnic groups. But what really, I think, New York is known for, really a melting pot, if there was ever such a thing as a melting pot, my district is it. But my children and our schools are at a severe disadvantage.

Mr. Speaker, the average school age in my district is 55 years of age. One out of every school in New York City is over 75 years of age. We still have schools in my district that are being heated by coal, heated by coal in my district.

Mr. Speaker, I support the Rangel-Johnson bill, sending \$25 billion around this country to construct and modernize schools. The \$1.3 billion is not enough, but if we have the \$1.3 billion, where is it? We have not voted on this floor yet.

Maybe I will agree with the gentleman from Pennsylvania. Maybe this is a waste of time. Maybe this is all a song and dance. Maybe we have been through this 100 times before. But it seems as though everything we have done here lately has been a song and dance. Committees come together and bipartisanly agree on budget bills, and then the leadership of the House determines that the bill is no good, we have to go back to the drawing board again. So it seems as though song and dance is the name of the game here lately.

Mr. Speaker, I do not think \$1.3 billion is enough; but it is something, it is a start, but I would like to see it on the floor. I would like to see the \$1.3 billion brought to the floor and acted on.

Mr. CASTLE. Mr. Speaker, I yield 30 seconds to the gentleman from Pennsylvania (Mr. GOODLING), the chairman of the committee.

Mr. GOODLING. Mr. Speaker, I just want to again remind Members that for

instance, as I said, New York City would get an additional \$170,880,600, if I would have gotten some help, other than from the gentleman from Michigan (Mr. KILDEE), to get that 40 percent back there. Again, I repeat, we have agreed, through bipartisan negotiations with the White House, we have agreed on the \$1.3; we have agreed how it should be spent and how it should be distributed. That has all been done. If we can wrap up ergonomics, it is all over.

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

Mr. Speaker, I just would like to put all of this in perspective. First, this is the fourth time that we have argued almost the exact same language on this floor. It is one of these situations in which it has all been said; but not everybody has said it, except that everyone is saying it more than one time at this point now as well. That is fine. I think it is a very important discussion. I do not mind that particularly, except that we are sort of plowing ground that has already been plowed.

There are certain basic facts that need to be pointed out, and I pointed out some of those at the beginning; but I just want to reiterate these facts. One is that the amount of money that we are talking about in this particular motion to instruct conferees is the grand total of \$1.3 billion, a very large sum of public money that we have in the Federal Government to expend on this problem. But in conjunction with how much it would take in order to solve all of the problems of school repairs and construction, which is a minimum \$300 billion today, and I have seen estimates as high as \$500 billion, \$1.3 billion is not very much. At the most, it is a little more than one-third of 1 percent, and if the numbers are higher than we think it is at \$300 billion, it drops substantially below that. So we are talking about a fairly small contribution to the solution in this, setting aside of course the Rangel-Johnson thing which, hopefully, also will be resolved at some point.

Now, we in the Federal Government only put in about 6 or 7 percent of all of the dollars that go into public education in this country, and most of the money which we put in goes to specific areas that we have carved out, such as educating or helping to educate children with disabilities, for example, or individuals who are from poorer backgrounds and need additional help in a program called Title 1. That is what we do. We have not in the past really done a lot with respect to construction. But I think we agree, certainly we as Republicans agree, we have put it in the Labor-HHS-Education appropriation bill the same amount that we are talking about here today, so there is agreement on that.

A couple of other facts, for whatever they are worth. In the last 5 years, under the tutelage of the gentleman from Pennsylvania (Mr. GOODLING) and the gentleman from Illinois (Mr. POR-

TER) in the Committee on Appropriations, the contribution to education by the Federal Government in the budget has been 8.2 percent, on average. In the 5 years before that which was under the control of the Democrats, it was 6 percent per year, not the 8.2 percent it is now. In this year's appropriation bill, which is a key appropriation bill that we are all waiting for around here and the reason that we debate this every afternoon, this particular issue, because it is not done, the increase for this year is 20 percent, which is a recognition I think that everyone is becoming more in tune to the fact that this is the number one issue as far as the country is concerned, a grand total for K through 12 of about \$45 billion, a substantial donation to local and State governments.

So we are not talking about any differences in dollars, and we are not talking about the ability to fix up all of the problems of all of the schools of all of us who are going to stand up and say our schools have problems. That is a recognized fact. We have many good educators here, starting with the chairman, who was a superintendent, and two gentlemen here have spoken, North Carolina and Georgia, who were the heads of education in their States. I was a governor of my State and I saw the same thing. I went into every single school in my district as well, but I also fought to get some referenda passed and did other things, because I think we have to do it on a local basis.

There are slight differences, not in dollars, but in how the money would be used. In the appropriation bill which we are discussing now, before we get to the motion to instruct conferees, we as Republicans have said, let us give flexibility with respect to this money in terms of what they are going to be able to do with it. Let the local and the State people be able to make the decision. And within the Democrat proposal that is in the motion to instruct conferees, I would describe it, and some may disagree with this, but I would describe it as being more rigid in terms of how that money would be used without as much flexibility.

There are schools in this country, and I just was to two of them in the last few months in Delaware, two brand-new schools. They do not need construction money or repair money, they do not even need to reduce class size, but they would like to prepare their teachers better if they could, so perhaps they would like to use the money otherwise. My own view point of that is if we could put money in title VI, which is the flexibility of a block grant, we should do that as often as we can here in Washington, because I think it gives our local districts the flexibility in turn to be able to make the decisions to help with the education there.

So that is a difference perhaps in philosophy, but I am afraid that what we are talking about here on the floor of the House of Representatives is unfor-

tunately the politics of all of this; and to me, there is not a lot of difference between the politics of it; It is just a slight philosophical difference, as we have here. I hope it gets worked out. I hope it gets worked out in the Labor-HHS-Education appropriation bill and maybe eventually in this tax bill as far as the Rangel-Johnson proposal is concerned.

□ 1315

But the bottom line is that we are arguing about something which hopefully would be helpful but cannot go as far as some people would like in terms of what we would do with respect to our schools.

Also, I do not think the Federal government could afford to get into \$300 or \$400 billion dollars. I think it is very wrong for us to stand up and suggest that we are going to solve the problems of the schools. Where there are trailers now, there are probably going to be trailers later. Unfortunately, when there are schools not in good repair, maybe they will still stay not in good repair. But I think we can help in some way so maybe we can move in that direction.

That is where we are. It is a relatively minor circumstance we are dealing with here, but it is a major problem out there in terms of what has to be done.

What I really hope is this, that we do pass something. I do not really care if Republicans or Democrats get credit for it. I hope we pass something. I hope we can use that as the initiation or the instigation of additional local and State money being put into schools to fix up schools for our children, because I think we all agree that educating our children is as important as anything we can do in this country. Obviously, we need good facilities if we are going to do that.

I just wanted to make those basic points as we go through and continue with this argument.

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

Mr. HOLT. Mr. Speaker, I am pleased to yield 2 minutes to the distinguished gentlewoman from Ohio (Mrs. JONES), who will explain why it is necessary for us to plow this field again, if I may use a rural metaphor for a gentlewoman from an urban district, because we do not yet have it. There may be an agreement, as the gentleman from the other side said, but show us the vote.

Mrs. JONES of Ohio. Mr. Speaker, I thank my colleague, the gentleman from New Jersey, for yielding time to me and for the opportunity to address this body.

Mr. Speaker, I wish, as the gentleman is seated there, that he would tell me how much money is allocated for Ohio schools in the proposal that he says is about to come to the floor. I will walk over and get that information from the gentleman when we get done.

But I was a prosecutor and I was a judge. I saw what poor education can

do for children. I saw more money allocated to build prisons in Ohio and across this country than to build schools.

If we are serious about school construction, why do we not take that \$4 billion that we gave the Defense Department that they did not need and build some more schools in this country? Overcrowding, aging, is a significant issue for schools in our country.

I have a specific example. In the city of Cleveland, just less than a month ago a high school roof fell in on the public school. To fix that roof, it cost \$2 million. We need money in our systems to fix schools, modernize all these aging buildings where we are sending our children.

We work on modernizing our cars for emissions standards. We deal with issues of smoke detectors, checking toys for children, all kinds of other things. We know our schools are in a hazardous condition. We have children who are suffering from asthma from problems within those schools. We need to fix it.

Right now we are in one of the best economic times we have ever been in, and our children ought to reap the benefit. They should not have to wait until they are adults and seniors to reap the benefit, they should reap it now, because we will reap the benefit. Having smart children who grow into smart adults who grow into smart grandparents will make a difference in our country.

I say, Mr. Speaker, let us get the money on the table. Fund our schools, stop funding prisons. Fund our schools, stop funding the defense at the level it is.

I want to support the defense and I want the military to be ready, but give me that \$4 billion and put it in public schools.

Mr. HOLT. Mr. Speaker, I am pleased to yield 2 minutes to the distinguished gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Mr. Speaker, I thank the gentleman for yielding time to me, and for his leadership in presenting this motion to instruct.

Mr. Speaker, I listened with great interest as our distinguished colleague, the gentleman from Pennsylvania (Mr. GOODLING), was talking about what is in this bill.

Indeed, there are many good things in it for education. That is why the Democratic negotiators, with the gentleman from Wisconsin (Mr. OBEY) leading our side, on the House side, were willing to agree to the compromise bill.

In recognizing all of the good provisions for education that are in the bill, it makes one wonder why the Republican leadership would pull the rug from under its own negotiators, make their words worthless in reaching an agreement, when so many good provisions are in there for education.

Of course, the reason is that they were beholden to the extreme elements

in the business community who would not accept a compromise on workplace safety.

Mr. Speaker, I have five children, four grandchildren. I am glad we want smart grandparents, too. We have an expression: The children can hear us.

Children are very smart. We tell children that their education is very important to their self-fulfillment, to their ability to earn a living, and also to the competitiveness of our great country.

Yet, we send children another message when we say to them, now, you go to school in a place that is dilapidated, that is leaking, that is not wired for the future. When we say that to kids, they see the hypocrisy of it, the inconsistency of it.

The strongest message we can send children about the value of education is to send them to a place that is appropriate for them where children can learn, where teachers can teach, and where parents can participate.

So it is really quite sad that when this compromise was reached, the leadership did not respect the word of its own negotiators on the Republican side. That is what has made the motion to recommit by the gentleman from New Jersey (Mr. HOLT) so necessary. If it is not going to be a compromise, we want the original provisions that the Democrats had been advocating for smaller classes and more modern schools for our children.

Mr. CASTLE. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, first of all, let me just make very clear with respect to what we have just heard that the whole reason that the deal fell apart with respect to the labor-HHS-education bill had nothing to do with the education dollars.

Let me make it also clear again what I have said about three times already today, but it does not seem to sink in. That is that the amount of money that is in this legislation, the \$1.3 billion, is the exact same amount that is being talked about on the other side of the aisle.

Let me make it finally very clear, to the gentlewoman from Ohio as well as others, that the increase in education funding in the appropriation bill that funds K through 12 education this year is 20 percent, 20 percent, which is probably the highest percentage increase education has ever received in the United States of America.

That has been a combination of Republicans and Democrats. I am not saying Republicans deserve sole credit for that.

Let me just repeat, finally, over the last 5 years that increase has been 8.2 percent. The school construction program was never discussed before, but it is actually in the Republican labor-HHS-education bill. There is no ignoring education on this side of the aisle in any way whatsoever.

Mr. HOLT. Mr. Speaker, I am pleased to yield 2 minutes to my colleague, the

gentleman from New Jersey (Mr. MENENDEZ), a champion for education and adequate school facilities.

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

Mr. MENENDEZ. Mr. Speaker, I want to congratulate my colleague, the gentleman from New Jersey (Mr. HOLT), for his leadership in offering this motion, a motion that recognizes that the Nation's competitive future in a global marketplace depends on how well this and the next generation are educated. Since the Nation's competitive future is at stake, there is clearly a Federal role to play, and a defined Federal role.

We Democrats are not as pessimistic as the view that many of our Republican colleagues have expressed here. No, this may not be all of the money necessary to rebuild all of our schools, but it is a beginning to use as a leverage for States, municipalities, school districts to join in that effort and to stimulate local resources in that regard.

Since we are talking in terms of our competitive future at stake in terms of education, it is appropriate that the Federal government say, "We want these monies used for these purposes in order to stimulate schools and municipalities to follow in that effort." If we leave it wide open to discretion, they may not very well use it for school construction.

Across the country we tell children education is a value, and then we send them to schools that speak of a totally different value, like the South Street School in my district, a school built 115 years ago as a factory, a school that today is a school, a school that has no hallways. One walks up a flight of stairs, goes into one classroom off the landing on one side, the other on the other side. There are no technology connections to the future, no blackboards we can read. There are temporary units, 20 years ago they were temporary, still being used today. How do we educate a child under that set of circumstances?

What the gentleman from New Jersey is trying to say is since the Nation's competitive future is at stake by how well educated these kids are, we need to be able to have a defined Federal purpose.

Lastly, I keep hearing we have an agreement. We keep having Members say, "We do not agree on Davis-Bacon, we do not agree on flexibility." That is not an agreement.

Mr. HOLT. Mr. Speaker, I yield 2 minutes to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Speaker, I rise in strong support of the motion offered by my friend, the gentleman from New Jersey (Mr. HOLT).

The fact is that our economy has changed and education may have changed, but the connection between education and success and opportunity for the future has never changed. It is stronger now than ever. We need to

provide our youngsters with that competitive advantage that my colleague just talked about, and we do that through education.

Mr. Speaker, after years of waiting, we came to a bipartisan agreement, bipartisan. Republicans and Democrats agreed that we would deal with the needs of America's schools in the education spending bill.

We did it. The gentleman from Florida (Mr. YOUNG) and the gentleman from Wisconsin (Mr. OBEY), two leaders that I have a great deal of respect for, sat down in good faith. They hammered out a bipartisan bill.

It would have made one of the greatest investments in public education in a generation. Congress would have passed that bill with bipartisan support and the President would have signed it.

But let us take a look at what happened instead. I quote today's Washington Post:

"Fierce lobbying by powerful corporate groups with considerable sway among the GOP leadership helped kill a deal sealed with Republican negotiators early Monday, led by the U.S. Chamber of Commerce and the National Association of Manufacturers. Business leaders have also bankrolled political ads over the issue that they disagreed on."

That is what happened. We worked to get this agreement, the special interests weighed in with the Republican leadership, and they blew up the deal. Why? Because big business did not like a part of the bill that protects the health and safety of workers from crippling repetitive stress injuries.

So big business said, "Jump," and the Republican leadership said, "How high?" And jump they did. They scuttled the bipartisan agreement. They put the whole investment in education in serious jeopardy.

The Republican leadership is telling America's schoolchildren, "Wait, because the special interests must be served." That is wrong. It is wrong. It is unfair. It is an affront to the values of American families, who want their kids to be able to go to a first-class school.

Mr. CASTLE. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, a couple of points. One is, again, we have in the basic appropriation bill that is going through, that will pass here eventually, the \$1.3 billion for construction.

Secondly, it is a 20 percent increase in education for this year.

I want to look at the history of this for a moment. This is very important, because we are only talking about 5 years ago.

The Congress, under Democrat control, appropriated \$100 million for fiscal year 1995 for the School Facilities Infrastructure Improvement Act. But the President rescinded this, and subsequently the program has received no funding.

Following that rescission of funds for fiscal year 1995, the President's fiscal

year 1996 budget request did not include any money for the Education Infrastructure Act.

In fact, the Department of Education budget documents stated: "The construction and renovation of school facilities has traditionally been the responsibility of State and local governments, financed primarily by local taxpayers. We are opposed to the creation of a new Federal grant program for school construction. No funds are requested for this program in 1996. For the reasons explained above, the administration opposes the creation of a new Federal grant program for school construction."

That was the last year that the Democrats had control of the House of Representatives here, and they refused to do anything about school construction in conjunction with the President.

Now that it is a popular issue politically out there, everyone is talking about it. I do not have a great problem with that because I think we should be doing that, but it is the Republicans who have led the charge for expending more money and making sure we are helping our schools.

Mr. HOLT. Mr. Speaker, I am happy to yield 15 seconds to the gentleman from New York (Mr. OWENS).

Mr. OWENS. Mr. Speaker, I wanted the gentleman to clarify his remarks about the President rescinding money for infrastructure. It was a Republican-controlled Congress that rescinded the money. They came in just after that bill was passed. It was the Senator from Illinois that led that and got \$100 million into the budget, and it was a Republican-controlled Congress who rescinded that.

□ 1330

Mr. HOLT. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts (Mr. OLVER), another champion for excellent education.

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

Mr. Speaker, I rise to support the motion to instruct conferees to put our children's education first by giving them modern, safe schools, and smaller class sizes.

We, as Members of the 106th Congress from both parties, could not find a more legitimate, nor a more timely, use of a proportion of our surplus than to help our communities build new schools and equip those schools with up-to-date technology. All of our public school kids deserve an equal opportunity for a good education, including those who come from communities with the highest property tax burdens who therefore cannot afford to build and repair their schools.

Mr. Speaker, the average age of our public schools is now 42 years, a third of them are in bad need of repair or complete replacement.

As only one example, in my district in Greenfield, Massachusetts, a town of 20,000 people, the middle school was

closed because the walls were literally crumbling, threatening the safety of the students. Now the middle school students are crammed into the town's overcrowded high school which has a leaking roof.

Mr. Speaker, last week, the majority passed the flawed \$2½ billion school construction bond program in their tax bill. In that same bill, they gave \$18 billion, seven times as much in a variety of business tax breaks, including, of all things, additional tax deduction for business meals and the repeal of taxes for producers and marketers of alcoholic beverages.

Remember the three martini lunches?

Those are simply wrong priorities. We should not put tax breaks for business ahead of our schools and our children's education.

Mr. Speaker, I urge my colleagues to accept this motion and thereby improve the Labor-HHS bill.

Mr. Speaker, if, as the gentleman from Pennsylvania (Mr. GOODLING) has said, this issue is all agreed, then bring the negotiated Labor, Health and Education agreement to the floor, and we will take a long step toward completing our work.

Mr. CASTLE. Mr. Speaker, I yield 2½ minutes to the gentleman from Pennsylvania (Mr. GOODLING), the distinguished chairman of the Committee on Education and the Workforce, we probably said this about 10 times, we keep thinking this is the last time he is going to be on the floor, but we keep coming back. This is truly a friend of education in the United States.

Mr. GOODLING. Mr. Speaker, I just want to take a couple of minutes, because I do not think most people know what is in the agreement when I sit here listening to the discussion.

First of all, please do not use the word construction. We are not talking about construction at all. The \$1.3 billion has nothing to do with construction. The \$1.3 billion is renovation, modernization. The whole thing is renovation and repair, that is what the \$1.3 billion is all about.

Do not get people out there thinking that somehow or another with \$1.3 billion we are going to do some construction. Obviously, you cannot construct two classrooms or three classrooms with \$1.3 billion, so let us make sure we have our terminology correct.

That construction business they are talking about over on bond issues and so on, but not \$1.3 billion.

First of all, under the proposal, everybody understands we are talking about \$1.3 billion. It does not matter whether you are the White House, whether you are Republicans or Democrats. It is \$1.3 billion.

Under this proposal, we say 75 percent would be allocated to school districts for one-time competitive grants for classroom renovation and repair. A portion of the funds would be targeted to high-poverty schools and rural schools.

School districts would receive 25 percent of the funds through competitive grants for use under the Individuals with Disabilities Education Act or school technology, discretion of the local agency. It goes out based on title I formula to the States, and then those grants go from that point on.

Criteria for awarding renovation grants to school districts would include the percentage of school children counted for title I grants, the need for renovation, the district's fiscal capacity to fund renovation repairs without assistance, a charter schools ability to access public financing and the district's ability to maintain the facilities if renovated.

Funds for renovation repair could be used for emergency repairs for health and safety, compliance with the Americans with Disabilities Act, access and accommodations provisions for the Rehabilitation Act, and asbestos. No new construction would be allowed, except in connection with Native American schools. The 25 percent would be distributed to school districts through competitive grants.

Under the \$25 million, they could use that for charter school demonstration projects to determine in public schools what is the best means for leveraging the money.

Again, I want to make sure we understand what it is that the Democrats have agreed to, the Republicans have agreed to, and the White House has agreed to.

Mr. HOLT. Mr. Speaker, I yield 2 minutes to the gentleman from North Carolina (Mr. PRICE), my distinguished colleague who will explain that we do indeed understand what is stated here.

Mr. PRICE of North Carolina. Mr. Speaker, I want to commend the gentleman from New Jersey (Mr. HOLT), my colleague, for this motion to instruct. On this Labor HHS appropriations bill or on another pending bill, we must address this issue of school construction. The gentleman from New York (Mr. RANGEL) and Representative JOHNSON have offered a very positive proposal, as has the gentleman from North Carolina (Mr. ETHERIDGE), my colleague, with his particular focus on high-growth areas.

Mr. Speaker, I come from one of those high-growth areas, where thousands of students are going to school in hundreds of trailers, and we have to do something about it.

Some have portrayed this as some kind of grab for Federal control; that could not be more inaccurate. The decision about when and how and if to build would remain with local authorities, but the Federal Government would be a partner, using tax credits for bond holders to lessen the interest burden on local communities, to stretch those bond dollars further, and to relieve pressures on the local property tax.

A survey in my district recently showed that over 90 percent of our students grades K through 3 were going to

school in classes of over 18. Almost one-third of the students were going to school in classes of 25 or more. We need to do better than that.

I fully expect us to approve a bond issue next Tuesday that will help in my district's largest county, but we have to stay with this challenge.

We need to recruit more well-trained teachers, and we need to build and modernize school facilities so that those teachers and their students can do their best work.

Vote for this motion to instruct. This Congress should not adjourn before we have addressed the pressing needs in our communities for school construction.

Mr. CASTLE. Mr. Speaker, I yield 30 seconds to the gentleman from Pennsylvania (Mr. GOODLING), the chairman of the Committee on Education and the Workforce.

Mr. GOODLING. Mr. Speaker, again, I just want to repeat. We are not talking about school construction in this one \$1.3 billion so everybody understands that.

But I do want to correct the gentleman from Connecticut (Ms. DELAURO), she made a statement that it fell apart because of the Republicans. It did not fall apart because of the Republicans. It did not fall apart because of the Democrats. It did not fall apart because of the White House, although I think the White House may have known that what they agreed to was not the language that was written.

As soon as we saw the language, it was obvious what they thought they were doing they were not doing, and that all deals with ergonomics. I am sure that will be repaired. It was not Republicans. It was not Democrats. It was not the White House. It was the language.

Mr. HOLT. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. BACA).

Mr. BACA. Mr. Speaker, I wish to thank the gentleman from New Jersey (Mr. HOLT) for bringing up this important issue of not only construction but modernization, which we need both. It is not one issue, but it is both issues. I think it is important that we look at it.

Mr. Speaker, I would like to address this from California's perspective. By the year 2003, California will have to provide more new schools than the entire number of schools that exist in Nebraska. This is in the whole State of Nebraska, California will need more than the whole State, it will cost approximately \$6 million to provide new buildings.

Our existing schools need to be modernized and repaired at a cost of over \$10 million, and 60 percent of our public schools in California are more than 25 years old.

It is important that we look and put a high priority in education. Education is the number one priority. If we do not invest in education, we are failing America. We need to invest in our fu-

ture. We need to look at our children to make sure that we create an atmosphere that is good for them. That means that they have to have the construction in the schools there.

In California, alone, we have more portable trailers than we do anything else. When we look at safety, it is important that we provide a safety environment for our children as well. If we do not have, what is going to happen to America? We need to invest in education. This is the beginning.

We need to invest both in modernization and school construction, if we need to meet the demands of our future as well. We want to make sure our children have an opportunity to learn, an opportunity and environment that is conducive like anyone else.

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

Mr. Speaker, after the funds for construction or renovation were taken away in fiscal year 1995—we are talking about 5 years ago now—the President's fiscal year 1996 budget request did not include any money for the Education Infrastructure Act.

I think it is important, and I did this earlier, but I want to put this in, this is exact quotes from what the Department of Education budget documents stated, this is President Clinton, "the construction and renovation of school facilities has traditionally been the responsibility of State and local governments financed primarily by local taxpayers. We are opposed to the creation of a new Federal grant program for school construction. No funds are requested for this program in 1996. For the reason explained above, the administration opposes the creation of a new Federal grant program for school construction."

It is now 5 years later the tea leaves are reading a little differently. People seem to favor education and all of a sudden we have a reversal of fortune as far as school construction is concerned from the administration and obviously from some of the people who have spoken here.

Mr. Speaker, I would just say that on this side of the aisle, we have met the needs of education from the Federal point of view, as well as we could, having higher percentages of increases, 8.2 percent for the last 5 years versus 6 percent for the 5 years before that under the Democrats. This year, in particular, the increase, Mr. Speaker, is 20 percent from last year to this year. It meets all of the requests as far as construction is concerned of \$1.3 billion that the President has made.

I do not know what the arguments are, but they are relatively small time as far as any differences that can be picked upon that the Republicans have proposed to try to help with these problems and the problems of education.

Mr. HOLT. Mr. Speaker, I yield 1½ minutes to the gentlewoman from California (Ms. WOOLSEY) a champion for education for all.

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

Ms. WOOLSEY. Mr. Speaker, I rise in strong support of the Holt motion to instruct on H.R. 4577, because we cannot expect our children to get a first-rate education in second-rate and third-rate school buildings. A recent GAO study on the condition of America's schools found that 60 percent of schools in America need at least one major repair or they need renovation.

On top of that, and we have said it today, even though it is not part of this, on top of repairs and renovation, we also have a great need for new schools, in my home State alone, in California, more than 30,000 additional classrooms will be needed in the next 8 years.

What is the message that we are sending our young children, when their communities boast new, shiny shopping malls and new sports stadiums, while we tell them that they must try to learn in overcrowded, crumbling schools?

This is the time, Mr. Speaker, for us to show our children that they are absolutely as important as a new mall or a new stadium.

A vote for the Holt motion is a vote for this Nation's most precious resource, our children. Our children are 25 percent of our population. Our children are 100 percent of the future of our Nation.

Mr. CASTLE. Mr. Speaker, I yield 2¼ minutes to the gentleman from California (Mr. CUNNINGHAM).

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

Mr. Speaker, I have no doubt that both sides care about education. I think that from the bottom of my heart. But the way we get there is different. My colleagues on the other side have their interests. We have ours.

When my colleagues on the other side talk about school construction, for example, my colleagues on the other side want it to fall under Davis-Bacon which costs 35 percent more. We want to let the schools keep the money. My colleagues on the other side want it to go to the unions.

The only interests that both sides should have here is the school children, not the unions. I had a hearing when I was chairman of the Authorization Committee, some of my colleagues were here at that hearing.

□ 1345

We had 16 people from all over the country. They said they had the absolute best program in the entire world. At the end of the hearing, as chairman, I said; Which one of you have any one of the other 15 in your district? Of course, none.

We said that is the whole idea. We want to send you the money directly to the school where the parents, the teachers, the community can make those decisions on spending education

dollars, not Washington bureaucrats. That way, you get more effective results.

In my opinion, that is a lot of the reason why Head Start and some of the other education programs do not work. They are underfunded, because there are too many other bureaucracies that eat up the money, and one gets very little money down to the classroom in the Federal program.

Federal education spending is only about 7 percent, yet it ties up a lot of the money at the local level. We think that is wrong. So when one talks about children, we want the money to get down to children, not the unions, not the liberal trial lawyers and special education administrators, not the bureaucracy back here in Washington; but to children, to teachers, to the community.

I would say to my colleagues, we care about education, and I believe you do. But let us both come together and get the maximum amount of dollars to the schools, not the special interests.

Mr. HOLT. Mr. Speaker, how much time is remaining?

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from New Jersey has 4¼ minutes remaining.

Mr. HOLT. Mr. Speaker, I yield myself 30 seconds just to address the comment there, because here we go again. This has been held up. The agreement has been held up over worker safety. We have failed to get the minimum wage.

I have to remind the gentleman from California (Mr. CUNNINGHAM) who just spoke that Davis and Bacon were two Republicans who thought that it was really unfair to have outside workers come in and, not just undercut wages, but undercut working standards. That is what we are trying to preserve here.

As I understood from the gentleman from Pennsylvania (Mr. GOODLING) and the gentleman from Delaware (Mr. CASTLE), this was in fact agreed upon. Davis-Bacon is not the issue here.

Mr. Speaker, I am now pleased to yield 2 minutes to the distinguished gentleman from New York (Mr. OWENS), a member of the Committee on Education and the Workforce.

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

Mr. OWENS. Mr. Speaker, there are two very good academic studies that have been done that show that Davis-Bacon does not increase the cost of schools. In fact, the best schools and the best buildings are put up by Davis-Bacon contractors, so much so that the Fortune 500 corporations have recently decided that they prefer to hire Davis-Bacon contractors because they get the best work done in the final analysis.

We have all kinds of impediments being thrown in the way of the use of Federal dollars to solve a basic problem. In the context of a \$230 billion surplus, why are we quibbling about \$1.3 billion for school renovations, repair, construction, whatever one wants to

say? If a coal burning furnace in the school is removed, are we going to call that renovation or repair? I do not care. Let us get the deadly fumes and the pollution of the coal burning furnace out of the schools.

We have more than 100 schools in New York that still have coal burning furnaces. Do we have to have the Federal Government do this? Obviously we do since the States are lagging so far behind. Or perhaps the Federal Government can serve as a stimulus, and by providing some of the money, stimulate and embarrass the States and the local governments into doing far more.

The estimate is that we need about \$320 billion just to take care of infrastructure needs for the current enrollment, without projecting future enrollment. That is the estimate of the National Education Association. One might say they are a teacher organization, they are biased.

Well, the education commissioner recently came up with a statement that \$127 billion is needed. Some years ago, 1994, the General Accounting Office said we needed \$110 billion then.

The need is great. We are going to improve education. The least we can do is take care of the highly-visible infrastructure problems. It does not require the Federal Government getting involved with decision making. It is a capital expenditure.

You go in; you give help; you get out. It is the best way to spend Federal dollars, most efficient way to spend Federal dollars. Let us do it today.

Mr. CASTLE. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Florida (Mr. FOLEY).

Mr. FOLEY. Mr. Speaker, the other side of the aisle spent a lot of time talking about two deceased Republican Members of Congress, Davis and Bacon. We on this side are talking about the future of the children of our communities.

My father taught all his life in public schools. He retired as a principal. Oftentimes he and many of his fellow educators would tell me, please, get rid of the burden imposed upon us by the Federal Government. Let us teach the kids. Give us the resources to do it.

In this bill we have the resources. We have spent 20 percent more than last year on education. Our construction dollars are identical to what the demands of the minority are. We are meeting in the middle to try and solve the problems for children.

The rhetoric should stop. The actions should start. The children will be able to learn if we pass this bill without some of the sentiment attached.

I can just tell my colleagues, going to classrooms every time I am in Florida, I find kids eager to learn. Yes, the conditions are poor. But I was in a portable in 1973 in high school. I was in the same conditions then, and that is when the Democrats ran this place. For 40 years, they ran it; and, finally, education is getting better, thanks to the majority party today.

The SPEAKER pro tempore. Each side has 1¼ minutes remaining. The gentleman from New Jersey (Mr. HOLT) has the right to close.

Mr. CASTLE. Mr. Speaker, I yield the balance of our time to the distinguished gentleman from Pennsylvania (Mr. GOODLING), chairman of the Committee on Education and the Workforce.

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

Mr. Speaker, I have not been able to make the point, I do not believe, for the membership of the Congress that we are not talking about school construction. So I guess I will now address everyone who is sitting up here and everyone who might be watching it, please do not get the idea that we are talking about school construction.

We are talking about \$1.3 billion that the President asked for for renovation and repairs, \$1.3 billion. That is what the President asked for. That is what the Democrat-Republican group on the Committee on Appropriations said he gets. That is what those of us who negotiated how the money goes out said, here is your \$1.3 billion. Renovation and repair. A done deal.

Let me once again say, under this proposal \$1.3 billion would be distributed to States under the title I formula, with a set-aside for small States. Seventy-five percent would be allocated to school districts for one-time competitive grants for classroom renovation and repair.

A portion of the funds would be targeted to high-poverty schools and rural schools. School districts would receive 25 percent of the funds through competitive grants from the State for use under the Individuals with Disabilities Education Act and school technology. That is what we have negotiated. That is what the President has asked for. That is what everybody has agreed will happen.

The legislation we are discussing now has not been sidetracked, as I said before, because of Republicans. It is sidetracked because, at midnight or after midnight, they thought they had language that they, the Republicans, Democrats and the White House, agreed to in relationship to ergonomics. They discovered after re-reading it that it did not do what they said at all. We now have new language, hopefully, that will go forward. But it is a done deal.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are reminded to address their comments to the Chair.

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

Mr. Speaker, I think the speakers here have made it clear why it is necessary to instruct the conferees to depart from the Senate amendment, which denies the President's request for dedicated resources for local school construction and instead broadly expands block grants.

The other side has said we are plowing the same ground. Any farmer in my district will tell us that one can plow ground again and again. Until one plants, one cannot reap.

We want to make sure that we actually get some benefits, that the students of America can reap the benefits here. Talk is cheap. We have yet to have a vote on this. That is why it is necessary to instruct conferees so we can bring to the floor legislation that will take care of the decrepit and crumbling schools and the pressing need for construction of new classrooms.

We are not here to refight partisan squabbles of 1995 and 1996 the other side seems to want to do, about who killed what and who rescinded what. That is not the point. The point is that, today, we have a multi-hundred billion dollar need in the schools of America to provide adequate facilities so students can learn for the 21st century.

That is why it is necessary to instruct the conferees to depart from the Senate language so that we can actually, not just talk about providing these facilities for the students of America, but vote on it and see that it is done.

Mrs. MALONEY of New York. Mr. Speaker, I rise today in support of the motion to instruct Labor-HHS Appropriations Conferees to insist on dedicating funding for school construction.

Right now, three-quarters of the nation's schools need funding to bring their buildings into a "good overall condition."

Right now, the average age of a public school building is 42 years, an age when schools tend to deteriorate.

How can a child learn when she has to cross a courtyard to get to a temporary trailer for one of her classes?

How can a child learn when her classes are held in janitor closets?

How can a child learn when her school needs emergency repairs?

How can a child learn when her class meets in a hallway?

How can a child learn when the school is crumbling around her?

We have an obligation to do something about this problem. And our children should not have to wait.

Two hundred and thirty Members of Congress support the Johnson-Rangel school construction measure.

This bipartisan bill helps communities to modernize their current schools and construct new facilities so our children will learn in the finest facilities possible.

Mr. Speaker, it is unconscionable that while the Republican leadership can't set aside \$25 billion for modernization and construction of new schools, it has no problem giving \$28 billion in tax breaks to big businesses, HMOs, and insurance companies.

It is unfortunate that we are at the end of the appropriations process and the education priorities are still not taken care of.

Our number one priority must be education. And school construction funding must happen this year.

Our children are counting on us.

Mr. HOLT. Mr. Speaker, I yield back the balance of my time.

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 New Jersey (Mr. HOLT).

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

Mr. HOLT. 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 176, nays 183, not voting 73, as follows:

[Roll No. 590]

YEAS—176

Abercrombie	Hoeffel	Oberstar
Allen	Holden	Obey
Andrews	Holt	Olver
Baca	Hookey	Ortiz
Baird	Hoyer	Owens
Baldacci	Inslee	Pallone
Baldwin	Jackson (IL)	Pascrell
Barcia	Jefferson	Pastor
Barrett (WI)	John	Payne
Becerra	Johnson, E. B.	Pelosi
Bentsen	Jones (OH)	Phelps
Berkley	Kanjorski	Pomeroy
Berman	Kaptur	Price (NC)
Berry	Kildee	Quinn
Blagojevich	Kind (WI)	Rahall
Blumenauer	Kleczka	Rangel
Bonior	Kucinich	Reyes
Borski	LaFalce	Rivers
Boswell	Lampson	Rodriguez
Brady (PA)	Larson	Roemer
Capps	Lee	Rothman
Capuano	Levin	Royal-Allard
Cardin	Lewis (GA)	Rush
Carson	Lipinski	Sanchez
Clayton	LoBiondo	Sanders
Clement	Lofgren	Sandlin
Clyburn	Lowey	Sawyer
Costello	Lucas (KY)	Schakowsky
Coyne	Luther	Serrano
Cramer	Maloney (CT)	Sherman
Crowley	Maloney (NY)	Shows
Cummings	Markey	Sisisky
Davis (IL)	Mascara	Skelton
DeFazio	Matsui	Slaughter
DeGette	McCarthy (MO)	Smith (NJ)
Delahunt	McCarthy (NY)	Smith (WA)
DeLauro	McDermott	Snyder
Deutsch	McGovern	Souder
Dixon	McHugh	Stabenow
Doggett	McIntyre	Stark
Doyle	McKinney	Strickland
Edwards	McNulty	Stupak
Engel	Meehan	Tanner
Eshoo	Meek (FL)	Tauscher
Etheridge	Meeks (NY)	Thompson (CA)
Evans	Menendez	Thompson (MS)
Farr	Millender-	Thurman
Fattah	McDonald	Tierney
Filner	Miller, George	Towns
Frost	Minge	Udall (CO)
Gephardt	Mink	Udall (NM)
Gonzalez	Moakley	Velazquez
Gordon	Moore	Vislosky
Green (TX)	Moran (VA)	Watt (NC)
Gutierrez	Morella	Weiner
Hall (OH)	Murtha	Weygand
Hill (IN)	Nadler	Woolsey
Hilliard	Napolitano	Wu
Hinchey	Ney	Wynn

NAYS—183

Aderholt	Bartlett	Blunt
Armey	Barton	Boehner
Bachus	Bass	Bonilla
Baker	Bereuter	Bono
Ballenger	Biggert	Bryant
Barr	Bilirakis	Burr
Barrett (NE)	Bliley	Burton

Buyer	Herger	Ramstad
Callahan	Hilleary	Regula
Calvert	Hobson	Reynolds
Camp	Hoekstra	Riley
Canady	Horn	Rogan
Cannon	Hostettler	Rogers
Castle	Houghton	Rohrabacher
Chabot	Hulshof	Ros-Lehtinen
Chenoweth-Hage	Hunter	Roukema
Coble	Hutchinson	Royce
Coburn	Hyde	Ryan (WI)
Combust	Isakson	Ryun (KS)
Condit	Istook	Sanford
Cook	Johnson, Sam	Schaffer
Cooksey	Jones (NC)	Sensenbrenner
Cox	Kelly	Sessions
Crane	King (NY)	Shadegg
Cubin	Kingston	Sherwood
Cunningham	Knollenberg	Shimkus
Davis (VA)	Kolbe	Shuster
Deal	Kuykendall	Simpson
DeLay	LaHood	Skeen
DeMint	Largent	Smith (MI)
Diaz-Balart	Latham	Smith (TX)
Doolittle	LaTourette	Spence
Dreier	Leach	Stearns
Duncan	Lewis (CA)	Stenholm
Ehlers	Lewis (KY)	Stump
Ehrlich	Linder	Sununu
English	Manzullo	Sweeney
Everett	Martinez	Tancredo
Ewing	McCrery	Tauzin
Fletcher	McInnis	Taylor (MS)
Foley	Metcalf	Taylor (NC)
Fossella	Miller (FL)	Terry
Frelinghuysen	Miller, Gary	Thomas
Galleghy	Moran (KS)	Thornberry
Ganske	Myrick	Thune
Gekas	Nethercutt	Tiahrt
Gilchrest	Norwood	Toomey
Gillmor	Nussle	Trafficant
Gilman	Oxley	Upton
Goode	Packard	Vitter
Goodlatte	Paul	Walden
Goodling	Pease	Walsh
Goss	Peterson (MN)	Watkins
Graham	Petri	Weldon (PA)
Granger	Pickering	Weller
Green (WI)	Pitts	Whitfield
Gutknecht	Pombo	Wicker
Hall (TX)	Porter	Wilson
Hastings (WA)	Portman	Wolf
Hayworth	Pryce (OH)	Young (AK)
Hefley	Radanovich	Young (FL)

NOT VOTING—73

Ackerman	Fowler	Mica
Archer	Frank (MA)	Mollohan
Bilbray	Franks (NJ)	Neal
Bishop	Gejdenson	Northup
Boehrlert	Gibbons	Ose
Boucher	Greenwood	Peterson (PA)
Boyd	Hansen	Pickett
Brady (TX)	Hastings (FL)	Sabo
Brown (FL)	Hayes	Salmon
Brown (OH)	Hill (MT)	Saxton
Campbell	Hinojosa	Scarborough
Chambliss	Jackson-Lee	Scott
Clay	(TX)	Shaw
Collins	Jenkins	Shays
Conyers	Johnson (CT)	Spratt
Danner	Kasich	Talent
Davis (FL)	Kennedy	Turner
Dickey	Kilpatrick	Wamp
Dicks	Klink	Waters
Dingell	Lantos	Watts (OK)
Dooley	Lazio	Waxman
Dunn	Lucas (OK)	Weldon (FL)
Emerson	McCollum	Wexler
Forbes	McIntosh	Wise
Ford	McKeon	

□ 1416

Mr. NUSSLE, Mr. GALLEGLY, Mrs. WILSON, Mr. EHLERS, Mrs. ROUKEMA, and Mr. PORTMAN changed their vote from "yea" to "nay."

Mr. NEY changed his 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 for:

Mr. SAXTON. Mr. Speaker, on rollcall No. 590, I was unavoidably detained. Had I been present, I would have voted "yea."

Stated against:

Mr. GIBBONS. Mr. Speaker, I was unavoidably detained and missed House rollcall Vote No. 590. Had I been present, I would have voted "nay."

Mr. SOUDER. I erroneously voted in favor of rollcall vote No. 590, the Holt Motion to Instruct Conferees on H.R. 4577, the Departments of Labor, Health, and Human Services, and Education and Related Agencies Appropriations Act for fiscal year 2001. I intended to vote "nay" on that rollcall vote.

□

NATIONAL RECORDING PRESERVATION ACT OF 2000

Mr. THOMAS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 4846) to establish the National Recording Registry in the Library of Congress to maintain and preserve sound recordings that are culturally, historically, or aesthetically significant, and for other purposes, with Senate amendments thereto, and disagree to the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Senate amendments:

Page 2, line 13, after "recordings" insert "and collections of sound recordings".

Page 2, line 20, after "recordings" insert "and collections of sound recordings".

Page 2, line 23, strike out "10" and insert "25".

Page 3, line 4, after "recordings" insert "and collections of sound recordings".

Page 3, line 10, after "recording" insert "or collection of sound recordings".

Page 3, line 14, after "recording" insert "or collection of sound recordings".

Page 3, line 22, after "recording" insert "or collection of sound recordings".

Page 4, line 11, after "recording" insert "or collection of sound recordings".

Page 4, line 20, after "recording" insert "or collection of sound recordings".

Page 4, line 22, strike out "recording," and insert "recording or collection."

Page 6, line 21, after "access" insert "(including electronic access)".

Page 11, line 21, after "TION" insert "OR ORGANIZATION".

Page 13, line 5, after "recordings" insert "and collections of sound recordings".

Page 14, after line 21, insert:

(c) ENCOURAGING ACCESSIBILITY TO REGISTRY AND OUT OF PRINT RECORDINGS.—The Board shall encourage the owners of recordings and collections of recordings included in the National Recording Registry and the owners of out of print recordings to permit digital access to such recordings through the National Audio-Visual Conservation Center at Culpeper, Virginia, in order to reduce the portion of the Nation's recorded cultural legacy which is inaccessible to students, educators, and others, and may suggest such other measures as it considers reasonable and appropriate to increase public accessibility to such recordings.

Page 15, after line 7, insert:

SEC. 126. ESTABLISHMENT OF BYLAWS BY LIBRARIAN.

The Librarian may establish such bylaws (consistent with this subtitle) as the Librarian considers appropriate to govern the organization and operation of the Board, includ-

ing bylaws relating to appointments and removals of members or organizations described in section 122(a)(2) which may be required as a result of changes in the title, membership, or nature of such organizations occurring after the date of the enactment of this Act.

Page 16, after line 18, insert:

SEC. 133. ENCOURAGING ACTIVITIES TO FOCUS ON RARE AND ENDANGERED RECORDINGS.

Congress encourages the Librarian and the Board, in carrying out their duties under this Act, to undertake activities designed to preserve and bring attention to sound recordings which are rare and sound recordings and collections of recordings which are in danger of becoming lost due to deterioration.

Page 16, line 19, strike out "133" and insert "134".

Amend the title so as to read: "An Act to establish the National Recording Registry in the Library of Congress to maintain and preserve sound recordings and collections of sound recordings that are culturally, historically, or aesthetically significant, and for other purposes."

Mr. THOMAS (during the reading). Mr. Speaker, I ask unanimous consent that the Senate amendments be considered as read and printed in the RECORD.

The SPEAKER pro tempore (Mr. HASTINGS of Washington). Is there objection to the request of the gentleman from California?

There was no objection.

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

There was no objection.

A motion to reconsider was laid on the table.

□

MOTION TO INSTRUCT CONFEREES ON H.R. 4577, DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

Mr. WU. Mr. Speaker, I rise to offer the motion to instruct that I presented yesterday pursuant to clause 7(c) of rule XXII.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. WU moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill, H.R. 4577, be instructed to insist on disagreeing with provisions in the Senate amendment which denies the President's request for dedicated resources to reduce class size in the early grades and instead, broadly expands the Title VI Education Block Grant with limited accountability in the use of funds.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Oregon (Mr. WU) and the gentleman from Delaware (Mr. CASTLE) each will be recognized for 30 minutes.

The Chair recognizes the gentleman from Oregon (Mr. WU).

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

Mr. Speaker, today I urge the leadership to keep our promise to the Nation's school children by continuing the program to reduce class size in the

early grades. For the past 2 years, this Congress has provided funds through the class size reduction initiative to reduce class size in the early grades to a size of students of 18 or less.

I have seen this program work in my home State of Oregon. At Reedville Elementary School in Aloha, Oregon, there was an extraordinarily large incoming class of first graders of 54 students. Instead of the two first grade teachers that they did have, the class size reduction initiative permitted Reedville Elementary School to hire an additional first grade teacher, and because of this program, working exactly as intended, Reedville Elementary School has three classes of 18 first graders instead of two classes of 27 first graders. Something similar has been happening at William Walker Elementary School in Beaverton, Oregon, where class size in first grade was reduced from an average of 25 to 22. It would have been reduced more if not for significant and unexpected population growth.

This program is working. It has worked for the past 2 years. We should keep our agreement with each other across this aisle, but, more importantly, our agreement with the school children of Oregon and America and work as hard as we can before this session ends to reduce class size in the early grades.

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

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

Mr. Speaker, I do rise in opposition to the specifics of the motion to instruct conferees presented by the distinguished gentleman from Oregon; but in the principle of what he is saying, I reach full accord and agreement, and I think frankly most Members here probably do and most people involved with education probably do.

I have been worried about education for many, many decades now in my State of Delaware. I have visited all of the public schools in Delaware at one time or another. I have been in those classes, and I have watched what happens as you get smaller class sizes, particularly with the younger ages, with the use of teachers or teacher aides who can achieve the level of being able to teach at a teacher's level, and I have seen the benefits that come from that. That is something that we in my State have done. With legislation we have mandated, particularly in the lower class sizes, the lower ages and we think that has made a difference as far as all this is concerned.

I think we as Republicans have recognized that fully in the Congress of the United States. As a matter of fact, I think it is very important to point out, and to me this is the crux of this whole discussion we are having right here, and, that is, that what is conspicuously absent from this motion to instruct is language requesting further increases in education spending.

The Republican Congress has provided dramatic education spending in-

creases in recent years. In the 5 years before this, we have increased spending for education by 8.2 percent a year, well above the cost of inflation and well above the 6 percent a year in the 5 years before that when the Democrats were in control of the Congress of the United States of America. As I have said in the previous discussion, the increases for this year in the Labor-HHS-Education bill for K-12, and there is no argument with this, there are arguments with another part of that bill right now, are 20 percent which is a dramatic commitment to education. We in the majority side, of course, are very proud of that.

That having been said, we need to deal with this particular issue. Again we are not dealing with numbers. We are dealing with flexibility and how one is going to spend money. We are willing to expend the money, but we have indicated that, of the \$1.7 billion request, that three-quarters of it should go to class size and a quarter of it should go for teacher training, unless you have more than 10 percent who are not qualified to teach a course, in which case 100 percent would go for class size.

Why do it that way? It is very simple, Mr. Speaker. As you go across the United States of America, you are going to find that there are 15,000 school districts with over a million classrooms. You are going to find classrooms that have a large number of students in them, with good teachers, who have the ability to handle those children and teach them well. You are going to find other circumstances in which you have a classroom with somebody who could be a good teacher but needs some sort of training in order to become better. You are going to have a variety of situations with teachers and aides where they are able to make it all come together and teach kids as well as possible, all driving at the purpose of the motion to instruct conferees, that is, to reduce class size but, more importantly, to make sure that we are teaching those children as well as we possibly can.

We say give them that flexibility, give them some flexibility in some instances to be able to train teachers better. There are too many teachers, frankly, who are teaching courses for which they are ill prepared. Perhaps they did not study that as a substantive course when they prepared to be a teacher; perhaps they just do not have the knowledge. Perhaps they do not have teaching skills. We say that we need to address that.

But that is not what is really important. What is important is we are saying, Let's put some flexibility into the program. The decision should not be made here in Washington at the Department of Education or at the White House. It should be made back in Oregon, Delaware, Pennsylvania, or wherever it may be, or done in the various towns and school districts within our States as they make the decision as to

what is in the best interests of those children for their education.

Those are the differences. The differences are not great, but they are important and they are distinguishable differences. I happen to believe the flexibility side of it is the side which is right. Obviously, the gentleman from Oregon feels differently; but my view is that we have put the money in, we have provided the necessary flexibility, we are trying to help with more teachers and help teachers prepare better. If we do that, then we have taken the right steps to help all of our children with their education.

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

Mr. WU. Mr. Speaker, I yield myself 1 minute.

I thank the gentleman from Delaware. The gentleman must recall that we worked closely together on the Education Flexibility Partnership Act. We both believe in flexibility. We both believe in local control. In the funding for the class size reduction program, last year we negotiated additional flexibility for the use of these funds. We negotiated an increase in flexibility in using the funds for teacher training from 15 percent going up to 25 percent.

I must point out to the gentleman that local school authorities are using only 8 percent of those funds for teacher training. The rest they are using for class size reduction as was originally intended. The gentleman and I share our interest in flexibility. However, it appears to me that local school authorities are using the funds for class size reduction the way that we think they would.

Mr. Speaker, I yield 2½ minutes to the distinguished gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Speaker, I rise in strong support of the motion offered by the gentleman from Oregon (Mr. WU). Every parent wants to send their child to a public school with the best qualified teachers, high standards that challenge students, and that provides the kind of discipline that our youngsters need. That means an investment in teacher training, a commitment to turning around failing schools and helping schools with the cost of special education, helping school districts build and modernize 6,000 crumbling schools.

But at the center of every quality school are high-quality teachers. There is a serious teacher shortage on the horizon. Class sizes are already exploding, making it more difficult for teachers to reach every student and to be able to inspire them. Studies clearly show that reducing class size makes a tremendous difference. By keeping class size down, classrooms can become again a place of learning, of discipline, where teachers can teach and children can learn.

This is not about numbers. It is about an educational environment. We ought to be able to do that for America's families and for America's children.

Despite what my colleagues say on the other side of the aisle, this issue is not settled and that is for one specific reason: the Republican leadership of this House went back on their word. They wrecked a bipartisan agreement that would have made this investment in schools. And they did it all because of an issue that was totally unrelated to education, but an issue that the special interests could not abide. So the Republican leadership faced the choice. They could side with public school children or they could side with the special interests. The choice that they made speaks volumes about their priorities and their values. They stood with the special interests.

Let me quote the Washington Post today: "Fierce lobbying by powerful corporate groups with considerable sway among the GOP leadership helped kill a deal sealed with Republican negotiators early Monday, led by the U.S. Chamber of Commerce and the National Association of Manufacturers."

They stood with the special interests. That is why we are here today. That is why we are fighting to make this education investment happen. We cannot trust the Republican leadership to keep their word and invest in schools unless we keep their feet to the fire. We have got to speak up for America's public schools, to make sure that the voices of America's public schools and the children that rely on them are heard in this House. Ninety percent of our youngsters are in public schools today. We should not be here for the special interests, but because of America's children.

Pass this motion. Let us do something positive for America's children and for America's families today. That is what our values dictate that we do in this body.

□ 1430

Mr. CASTLE. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Pennsylvania (Mr. GOODLING), chairman of the Committee on Education and the Workforce.

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

Mr. GOODLING. Mr. Speaker, as I said at the beginning of the last discussion on school renovation, how lucky people are if they did not get to see it on Saturday, they now get to see the same production on the same stage today. They get to see it twice in a couple of days. The only difference is that the leading players were leading ladies on Saturday. Today the leading players are leading men. That is the only difference in the debate and the discussion.

Of course, again, we are talking about something that is already a done deal. Last year, we tried to make it very clear to the President that everybody understands that class size reduction in early grades is very, very important if, if there is a quality teacher

to put in the classroom. I could not get him to talk about quality, but I am so happy that the last year and a half that is all he has been talking about. So I made some progress.

When we were negotiating last year, fortunately one of the largest school districts of the newspaper that covers that area had the entire front page said, parents, do you understand that 50 percent of the teachers that are teaching your children are not qualified? So every time I would talk about flexibility, I would open this up. We were not talking about flexibility to do anything you want under the sun. We were saying, wait a minute. If they have 50 percent of unqualified teachers in that classroom now, should we not be allowing them to use some of this; perhaps they have some potentially very good teachers, that, with some additional instruction, some additional help, could make a first class teacher? Of course, what happened? The first group of teachers hired under this program, over 30 percent were not qualified, and the tragedy was that they went right into those same school districts where they already had 20, 30, 40 and 50 percent unqualified teachers. That is exactly what I knew would happen. We should have taken a lesson from Governor Wilson. He pushed the same issue, but he did not have the flexibility in it.

So what happened? In Los Angeles, they hired 30 some percent of totally unqualified teachers. When a new classroom is created, it has to have someone in that classroom. So they had to hire unqualified teachers.

Fortunately, we got our message through last year. We negotiated in good faith. We got our flexibility to make sure that if potentially there were good teachers, there was an opportunity to make them real quality teachers. There is no substitute, after the parent, for a quality teacher in the classroom. I do not care whether it is a marble building, whatever it is. It is the quality teacher in the classroom.

Mrs. Yost had to teach all of us in one building, 100-year-old building I might mention. She had to teach all the special needs children. She had to teach everybody. She had to teach all four grades, but she was an outstanding quality teacher and she could do that.

So what we negotiated last year, what we got, was that there has to be the flexibility. What we have already negotiated again this year is exactly what we got last year, and, therefore, it is a done deal. So we are here, again as I said before, maybe in Oregon they are not on lunch break yet, but I do not know why we are going through this same procedure that we went through on Saturday. I said all we did was change the leading characters. I said that to two of the ladies that were the leading characters on Saturday and they said well, we thought we would give the men a chance today. So I guess that is what it is all about.

We want reduced class size if there is a class quality teacher to put in that

classroom. The biggest job we are going to have from now until I do not know when is getting quality teachers in the center-city America and quality teachers into rural America. I do not know the answer to that. We have tried to give all sorts of monetary benefits. We will reduce their loan if they will just commit to going there and teaching. It has not worked. We have tried to have alternative certification, but we do not have anything to do with certification.

So if we get someone that wants to change their career in the middle of their lives, they are not going to go back and take 30 credits in pedagogy. I do not blame them. I have had 90 of them. That is enough for a lifetime. You are going to have to find some way to get quality teachers in center-city America and rural America. We have not come up with that solution.

As I have mentioned many times, it used to be easy because we had the brightest and best women who had two choices. They could be a teacher or they could be a nurse if they wanted to be a professional. That is gone forever and, therefore, getting teachers in areas that are quality teachers is very difficult.

This great idea that we will have national certification, what does that do for center-city America? It does nothing. It does nothing, because where do they go? They go where they are sure that they will have an opportunity to teach as they want to teach.

So, again, we are going through an exercise today, as we went through on Saturday, which is an exercise in futility. It has already been negotiated. It is exactly the same as last year, which makes everybody happy because now we are talking about a quality teacher in the classroom. Do not reduce the class from 23 to 18 and put somebody in that classroom that does not know how to teach and does not have the qualifications to teach, because I will guarantee that the only thing that will have been done is spare five other people from being in a classroom where there is not a quality teacher.

So let us quit playing the games. Let us get on with the business. It is negotiated. It is there. It is the same as last year. It gives us the flexibility we say one positively has to have if they are going to get quality teachers in classrooms. That should be our whole emphasis: Quality, quality, quality.

I sat there for 20 years and all I ever heard was, if we just had another \$5 billion, if we could just cover another 100,000 children, then all the problems would go away.

Nobody ever asked, are we covering them with quality or are we covering them with mediocrity? In many instances we were covering them with mediocrity. That is a tragedy. The disadvantaged under title I are still disadvantaged. We have not closed the achievement gap at all. We have to have a quality teacher in a classroom and then reduce class size. Do not put

the cart before the horse. Do not try to eliminate the flexibility to try to make existing teachers who are in that workforce now anything other than better teachers. That is what we should be doing. That is what we agreed to do, and, therefore, as I said, it is a done deal, same as last year; and again hopefully, we will not make the mistake we made the first year, because the first year 30 percent of all of those who were hired had no qualifications whatsoever and tragically went into the very classrooms in center-city America where the very best teacher was needed. That was a real tragedy. We cannot let that happen.

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

Mr. Speaker, I would like to agree with the distinguished chairman on one issue, and that is I agree with the chairman and with the Bard that we are but players temporarily on this stage, but it is not so for the children of America. For each day that passes in their school year we never get that day back. We never get a day back when we miss a day of quality education, and that is what makes this debate absolutely crucial.

I disagree with the distinguished chairman on two important issues. This is not exactly the same as last year. The dollar amounts are different. There is a one-third increase in this bill for the class size reduction program; and, in addition, the chairman's concern about qualified teachers is addressed because there is a requirement this year for 100 percent qualification for the teachers hired under this program.

Mr. Speaker, I yield 2½ minutes to the gentlewoman from Oregon (Ms. HOOLEY).

Ms. HOOLEY of Oregon. Mr. Speaker, I would like to thank my friend and colleague, the gentleman from Oregon (Mr. WU), for bringing this important issue to the attention of the Congress.

As a former teacher, Mr. Speaker, I rise in strong support of the class size reduction program. There is overwhelming data to demonstrate the single most significant factor in boosting academic achievement in the classroom is the presence of a fully qualified teacher in smaller classrooms, and in conjunction with high standards.

What this means is that we can search out the very best teachers in the country. We can send them through top-of-the-line training programs. We can give them the latest technology and textbooks, but if we do not do something to reduce the size of the classrooms, particularly in kindergarten through third grade, which exceeds over 30 students in many of our schools, we will not be giving our children the education they deserve.

In the 1999/2000 act, due to the class size reduction program, schools in my district received the following: 17 new first grade teachers; 14 new second grade teachers; 12 new third grade teachers; and 3 new teachers for other

grades. When I visit with school administrators, when I visit with parents, when I visit with teachers, they like this program. They say it works.

This is a program that makes a difference in their schools. Altogether, this program has helped our Nation's schools hire 29,000 highly qualified new teachers. If we eliminate this program, we not only jeopardize the gains we have made but we will prevent schools from hiring additional 20,000 qualified teachers to serve over 2.9 million children.

As the end of this session draws near, hopefully it draws near, this is a program that we cannot let fall through the cracks. We talked this session a lot about having a surplus. We need to use that surplus to pay down the debt. We need to use that surplus to shore up Social Security and Medicare. We need to use that surplus for reasonable tax cuts, but we need to use that surplus to continue the investment in our children.

I urge my colleagues to support this motion.

Mr. CASTLE. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania (Mr. GOODLING), the chairman of the Committee on Education and the Workforce.

Mr. GOODLING. Mr. Speaker, I just want to repeat one more time, there is no argument about whether reducing class size is good in early grades if there is a quality teacher to put in the classroom. Everybody agrees to that. I did that 30 years ago as a superintendent of schools. I did not come to Washington and ask to do that. I went to my school board and asked to do that, and they agreed. I hope no one on that side was somehow or another saying these qualifications were put in because somebody on that side or somebody down at the White House wanted to do it. The qualification issue was forced upon the administration, and I was one of the leading enforcers, and the gentleman from California (Mr. GEORGE MILLER) helped me, I might also say, when the Secretary came up to enlist his support last year. He said he was tired of the gentleman from Pennsylvania (Mr. GOODLING) beating us up over the issue of quality.

Again, let me remind everyone that this year's negotiation is even better, because last year we said if there was more than 10 percent unqualified teachers 100 percent of the money could be used to improve the quality of the teachers in the force, if the State was an ed-flex State. The White House agreed with us. We will remove the ed-flex State business so all of those center cities now have an opportunity, as a matter of fact, to use their money to improve the quality of teachers in their classrooms.

Mr. WU. Mr. Speaker, I yield myself such time as I might consume, to say that the chairman and I share a passion for flexibility at the local level.

Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. CROWLEY).

Mr. CROWLEY. Mr. Speaker, I thank the gentleman from Oregon (Mr. WU) for yielding me such time.

Mr. Speaker, I do not doubt for one minute the commitment by my colleagues and the Chair on the other side of the aisle for 1 minute his dedication towards helping reduce class sizes throughout this country.

I just want to talk about the effects that it had on New York City. For the bill that was passed last year, the 1999/2000 act, New York City received \$61 million in Federal class size reduction funds. In addition, the city received some \$49 million in State funds to help reduce the size of classes as well. The State and Federal funds created 950 new smaller classes in grades K through 3 with an average of about 20 students in each class. New classes were created in 530 of the district's 675 schools; remarkable usage of that Federal and State dollars.

The Independent Education Priorities Board recently completed a study, and the study revealed, among improvements reported, results were that noticeable; declines in the number of disciplinary referrals; improved teacher morale; a focus on prevention rather than remediation; and higher levels in classroom participation by students. This is really working, and we want to see that continue.

I understand this may have taken place on Saturday, the debate as well again, and once again we find ourselves in the same act being repeated, but we had an agreement. The conferees met. The conference report was signed, and the leadership, the GOP leadership, killed that deal, making a mockery, in my opinion, of the conferee process. So if this is a show, if this is a ploy, the Republican leadership has created it.

I suppose we will take this play on the road. We will take this play off Broadway and on the road back to our districts, and I guess on Tuesday the people will decide who was right and who was wrong.

Mr. CASTLE. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Wisconsin (Mr. PETRI), a senior member of the Committee on Education and the Workforce in the House of Representatives.

□ 1445

Mr. PETRI. Mr. Speaker, I thank the gentleman from Delaware (Mr. CASTLE) for yielding me this time.

I rise in opposition to the motion because it is a step backwards as far as flexibility is concerned for local school districts, and that is very important.

The legislation that we are basically talking about increases funding for schools and for hiring teachers and for teacher training, and that carries forward a pattern that we have seen under the chairmanship of the gentleman from Pennsylvania (Mr. GOODLING) during the last 6 years in this committee. He has constantly talked to us, as we have heard here this afternoon, about the importance of having quality in

education; and he has not just talked about it, he is the point man in negotiations over a number of budgets and has actually managed to get significant flexibility in these programs.

What is the difference? Well, let me just give my colleagues an example. If one happens to represent a relatively rural area or an area with a small school district, without the efforts of the chairman of this committee in negotiations, one would get nothing out of this program, because half the school districts in the country, their share of the money we are talking about would be less than the salary of one teacher. Because of the flexibility that the gentleman from Pennsylvania (Mr. GOODLING) negotiated a year ago in the budget, if we do not get enough money under this Federal program to hire even one teacher, then one gets the money for teacher training and upgrading, and one can participate in this program. That is half the school districts in the United States.

He also fought repeatedly to try to have as much of the funds we are talking about in this program to be able to be used not just to hire bodies, but to assure quality, by teacher training and a variety of other approaches, and that is important. In the real world, the area that I represent, I visit a lot of schools and, by the way, in our State, school construction is going forward at a very great pace because of changes in the way the State aid program works. And the new schools, of course, are much different than the older schools. We have electricity, not just a couple of lights, but wired all the way through, and the kids are going to be learning with computers and personal computers as an aid from early grades on in the next few years. The whole configuration of the school and how it works changes.

Also, we are in our communities trying to get much more parental and community involvement in education. I was just recently at a school district dedication where there was, in addition to the classrooms, a senior citizens center. Why? Because they wanted to have a separate entrance for the senior citizens and then the doors open so that seniors could be honorary grandparents to young kids and read with them and have them as friends. We have had a family crisis in our country. We have many families with just one parent and that person having to work, and what is to happen to the little kid? There is no one taking an interest in them.

So trying to do things like this makes a lot of sense, and just a one-size-fits-all that does not provide flexibility would miss opportunities in the areas I represent and all across the country. So I hope my colleagues will listen to the gentleman from Pennsylvania (Mr. GOODLING) and not support the motion.

Mr. WU. Mr. Speaker, I yield myself such time as I may consume to point out that on a bipartisan basis we

passed that flexibility. We all believe in that flexibility. The gentleman from Delaware and the chairman share that perspective, as do most of my colleagues on this side of the aisle.

Mr. Speaker, I yield 3½ minutes to the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Mr. Speaker, I want to acknowledge the leadership of the gentleman from Portland, Oregon (Mr. WU), not only on this important motion, but on his work throughout this session of Congress on behalf of schoolchildren and teachers in the Committee on Education and the Workforce. It has been very important not only to Oregon, but it has certainly been important to the children that I represent down in central Texas.

Mr. Speaker, as I was sitting here last night of, at all times, on Halloween evening, amidst the colossal mismanagement of this Congress that has continued throughout the last 2 years, I could not help but think that perhaps this House was haunted, haunted by the ghost of Newt Gingrich, or perhaps it is only that the extremist spirit that we faced throughout his leadership never really left the House.

The program that we debate today is patterned after the program that Newt Gingrich and his extremists fought back at the time that they were shutting the government down and inconveniencing people across this country. At that time they opposed our proposed 100,000 federally financed cops on the streets of America. I think that this COPS program has worked.

But if we were to replay the arguments of those who opposed that program, our Republican colleagues, they would sound very much like the arguments that we have just heard against the gentleman's very insightful, intelligent, and important motion. At the time of the last Republican government shutdown, they were saying, "oh, let us just give the States all the money and let them run it through their bureaucracy." They were saying, "well, maybe there will not be enough qualified people out there to work in our neighborhoods and help us deter and reduce crime"; and they fought us through two, three sessions of this Congress against the 100,000 Cops on the streets of America, until they were finally convinced by the people of America, that this was a rather good Federal initiative.

I can tell my colleagues that in Travis County, in the center of Texas, we have over 200 additional law enforcement officers in our neighborhoods, protecting our families and our businesses as a result of the COPS program. This 100,000 teacher program that the gentleman from Oregon is supporting takes exactly the same approach, and it is already beginning to work. Last session, over the objections of the Republican leadership, we got additional teachers into the classrooms specifying that that was going to be a specific purpose of our appropriations

bill for education. At the beginning of this current school year, with my school superintendent there in Austin, Texas, I went out at that happy time when new teachers and parents and kids were sharing the excitement of a new school year. There to greet those students in Travis County, Texas, were 72 new teachers employed as a result of this classroom size reduction initiative. Not one of them would have been funded had the Republicans prevailed during the last session.

What we are saying through this motion is, it works, just like our COPS program. Let us support new, well qualified teachers, so that classes will be of a size where they can maintain discipline and can work in creative ways with these young minds. There is substantial evidence that if we have smaller classroom sizes, our students can benefit. So we say through this motion, let us do something constructive to back up local efforts, not to interfere with them, give them the flexibility that they need, but back them up in their efforts to improve the quality of education.

Mr. Speaker, as we review this Republican Congress, we have to say that, with reference to this motion and so many others, that the words that come to mind are failure and flop and fiasco. Unfortunately, the report card for the performance of this Republican leadership is pretty much straight Fs. In contrast, the approach that the gentleman from Oregon (Mr. WU) has suggested is an enlightened one that can really help improve the quality of education for young people in the center of Texas, in Oregon, and across this country.

Mr. CASTLE. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Georgia (Mr. ISAKSON), another strong member of the House Committee on Education and the Workforce.

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

I do not know who is enlightening whom, but I would like to say a few things. This motion, while superfluous really, and I think the gentleman really knows that, and based on some of his own statements I think he realizes it is, it does give me a chance to come down and jog everyone's memory. Because of the gentleman from Pennsylvania (Mr. GOODLING), the chairman of your committee and mine, last year, when the President's plan for 100,000 teachers was the focal point of the debate on the budget, it was our chairman who convinced the President that there are not 100,000 certified in-field teachers who are not working, and that if we gave the option to certify some of those that were already teaching and were not certified by use of some of the funds, and the flexibility to do it, then we could not only reduce classroom size, but we could also enlighten students by having better qualified existing teachers.

Last week, in our hearing in the Committee on Education and the

Workforce when asked the question, are there 100,000 certified in-field teachers to be hired, Secretary Riley said, no, there are not. Because he knows that as well, and he acknowledged the need for training.

Another enlightening statement, and it has not been mentioned yet, and we all deserve credit. Let us get out of this finger-pointing. This one issue we pretty much agree on except when facts are manufactured. But the fact of the matter is that under title I of this year, 66,002 title I teachers are being hired with Federal money, and 107,000 paraprofessionals, that is notwithstanding the 100,000 teachers and class size reduction.

For someone to say that our Congress is a fiasco, that our leadership is not responding, I do not see it. In fact, the truth of the matter is, and I know the gentleman's intentions are well intended, and I know the gentleman cares, and I know in his opening statement he said Oregon has already benefited, Oregon has already benefited because last year this Chairman and your President agreed we ought to train them and hire them and they did in Oregon get more teachers. And this year, it has already been agreed to, though yet to be signed, a portion that deals with classroom size reduction is better in money, as the gentleman said, than last year's. The truth of the matter is, the unintended consequence of this resolution would be less qualified teachers in America's public schools, because it would take the flexibility to use 25 percent of the money to train noncertified teachers who are already in the classroom, and I know the gentleman does not mean that to happen, and I would never accuse him of intending for it to happen.

But, Mr. Speaker, why do we not for once agree that we have made major steps in education. We have followed a leader. We have responded to a President. And in the end, America's classrooms are less crowded in K through 3. Teachers who were not certified are being certified and/or gone and Georgia and Pennsylvania are better off for it.

Mr. WU. Mr. Speaker, I yield 2 minutes to the gentlewoman from Ohio (Mrs. JONES).

Mrs. JONES of Ohio. Mr. Speaker, I would like to thank the gentleman from Oregon (Mr. WU), my freshman colleague. It has been a great first term for us, and I have had a great time working with him.

Mr. Speaker, to the gentleman from Georgia (Mr. ISAKSON), my good friend, the only thing I can say to the gentleman is that consider this: a less qualified teacher with a smaller class is better than a less qualified teacher with too many children. That is just basic mathematics. But the gentleman was being revealing in his statements and enlightening.

I am fortunate to have a brand-new young staff member on my staff, and she just completed a year of teaching in elementary school, and she wrote

this statement for me. Her name is Beverly Smith, and she said, a teacher told this story: imagine throwing a birthday party for your child and 25 of his or her 7-year-old classmates decided to come. You have hats, a full-service amusement center, and the parents will pick the children up in just 2 hours. Now, imagine those same kids, for 7 hours in a classroom with one teacher. Let us face it. It is difficult to learn to be an innovative and inquisitive thinker in a class of 25 or more students. In fact, with 25 students, the teacher may never even get the chance to ask every student a question.

We need smaller class sizes. This is what Beverly Smith says. Otherwise, the students shut down, the teachers burn out, and we find ourselves back at square one. We want to provide quality education for each and every student, not just the chosen ones, not just the privileged ones. We want every student to get quality attention in education every day.

□ 1500

See, that is what class size reduction is all about. It is about giving students the opportunity to practice the skills they need to succeed, not only today but also in the future.

I am thankful for Beverly Smith, and I am thankful for the dedication of her and all the other teachers who work in classrooms. Let us give them some support. Reduce the class size. Help them to get better qualified and help our Nation.

Mr. CASTLE. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, I would like to just sort of review where we started all this, because sometimes I think we get a little beyond where we really have commenced and where we are going.

Basically, the request in terms of dollars to go to teachers is the same in terms of what is in the bill, what the minority is requesting, as what we have provided at \$1.7 billion. As a matter of fact, we have agreed on this side that 75 percent of that money should go to the class size issue which they are mentioning.

So basically we are arguing over the other 25 percent, and the question is, should that 100 percent go to class size or should it go to teacher training to help with quality.

Obviously, I come down on the side of more flexibility. A little bit later, when I have a little more time, I am going to talk about that.

I would like to talk about Mrs. Buckles for a moment. I had her in seventh grade. She taught us diagramming in seventh grade. I am surprised I survived all that.

I can tell the Members, the woman could teach brilliantly, as a matter of fact. I learned something about the construction of a sentence, which I remember to this day because of her ability to teach. I do not think it would have made any difference if there were five people in that classroom or 100

people in that classroom, she had the ability to get our attention, the ability to enforce discipline, the ability to process the work that was there. Everybody in that classroom learned dramatically as a result of being in there with Mrs. Buckles. A good teacher can do that.

I have also visited elementary schools in Wilmington, Delaware, and other parts of Delaware where I have seen teachers I thought needed extra assistance in terms of what they are doing, and perhaps needed another teacher to help reduce class size, or a teacher aide.

I think we need to provide those teachers the inspiration, the educational experience, the training, perhaps the quality experience, whatever it may be in order to improve their teaching.

Frankly, where we lose a lot of teachers is in their first or second year of teaching. In fact, maybe the young lady who has gone to work for the gentlewoman from Ohio is in that capacity. We lose them because they do not necessarily have the proper training. That is where the greatest percentage of teachers is lost. We need to retain them, as well.

That is why I beseech everybody here to get behind the concept of having some flexibility on these particular dollars which we are talking about. I hope we can come to an agreement at some point on it.

Mr. WU. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, I would like to just point out to the gentleman from Delaware that in fiscal year 1999 funding, school districts, local educational authorities, used only 8 percent of the allocations under this fund for personal development and teacher training.

We upped that amount from 15 percent to 25 percent, but the evidence from the flexibility that we have granted local education authorities is that we have lots of flexibility under this program because they are not using anything close to the 15 or the 25 percent of the monies that they can for teacher training under this program.

I must further add that the reason why we are here today, this is not an exercise in futility. This is not a dry fire exercise. The reason why we are here today is because the passage of each and every day means the loss of an opportunity to make a difference in a child's life.

Mr. Speaker, I yield 2½ minutes to the gentleman from New York (Mr. OWENS), my colleague on the Committee on Education and the Workforce.

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

Mr. OWENS. Mr. Speaker, we have a problem of a failure of vision, a failure to understand that every time the word "flexibility" is used, it is used in a way which says that there is a limited pot of money here. We want to squeeze it

in as many ways as possible. We want to give the flexibility to the people who have neglected the priority in the first place.

The State governments have neglected the priority. The local education agencies either have neglected the priority or they do not have the funds. We have only a few basic initiatives being undertaken by the Federal government.

The initiative is based on a recognition of the need. There is a need for smaller class sizes. There is clear research that has proven that smaller class sizes are very effective. The class size of the class my colleague, the gentleman from Delaware (Mr. CASTLE), went to when he was young did not have any 32 youngsters in it, I can assure the Members.

There is a clear need for a focus in this area. There is a clear need for a focus on school repair, innovation, and construction, as we were talking about before.

The American voters have made it quite clear that they understand the need. They have the common sense to see that we need more government assistance in education, and underneath that, they have pinpointed certain areas where the need is.

Instead of my Republican colleagues, the Republican majority, recognizing that we should approach the problem comprehensively, with a comprehensive plan, where we have additional money for teacher development, professional development, as well as money to reduce class sizes, they want to seize upon the fact that here is an initiative that is moving, it has the approval of the populace out there, it is popular; therefore, let us strangle it and wrestle it until we get something out of it that we can use for some other purpose: We can hand money to the Governors, or hand money to the local elected officials.

Let us have an additional amount of money for professional development. Mr. Speaker, let us have a comprehensive approach: more money for professional development, more money for certification of teachers, more money for the recruitment of teachers, more money for undergrads.

We have a major crisis underway already. We need many more teachers. We need numerous incentive programs. Across-the-board, we should recognize the need to move to take care of our brain power needs in America. Our brain power needs are overwhelming. With our nickel-and-dime approach, squeezing each program, trying to get flexibility, trying to use the same money in two or three different ways, that is not appropriate. We need a brain power approach which requires that the Committee on Education and the Workforce have the courage and vision to take a comprehensive approach.

Mr. WU. Mr. Speaker, I yield 3 minutes to the gentlewoman from California (Ms. PELOSI), a senior member of the Committee on Appropriations.

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

Mr. Speaker, I want to join those who have commended the gentleman for his leadership on the education issue so important to our country.

I would also like to commend the gentleman from Pennsylvania (Mr. GOODLING). This may be the last debate on education, one never knows.

I listened with great interest to the gentleman's comments earlier about all of the good provisions that were in the Labor-HHS appropriations bill, and now bemoan the fact that the Republican leadership has walked away from all the good things that the gentleman says are in there.

Of course, I think it is important for us to do everything in our power to help equip our children with the tools necessary for them to reach their self-fulfillment. It is in their personal interest, as well as in the competitiveness of our great country, to have an educated work force.

That is why it is so sad to see the Republican leadership walk away from the Labor-HHS bill that was negotiated by chairmen, respective chairmen in the House and Senate, on this bill.

If it is, as the gentleman says, as the gentleman from Pennsylvania (Mr. GOODLING) and others on the majority have said, that it contains all of these great provisions, why squander all of that just to pander to the needs of the extreme in the business community that does not want to have workplace safety for so many millions of Americans who are susceptible to repetitive stress injuries?

I want to get back to the professional development that the gentleman from New York (Mr. OWENS) talked about. He has been a champion over the years on this, as well.

The research that is contained in this very bill, the funding for the National Institutes of Health and the institutes within that that study how children learn, tells us that children learn better in smaller classes. Indeed, they do better in smaller schools.

We cannot have smaller classes and smaller schools without school construction. We talked about that in the previous motion to instruct.

The motion of the gentleman from Oregon (Mr. WU) addresses the need for more teachers. If we are going to have the smaller classes that the scientists tell us help children learn better and thrive better and succeed, then it is necessary, of course, to have more teachers, better trained, and have the professional development that is necessary.

The \$1.7 billion that was in the bill is a good start. It goes a long way. Then we see the need that this very science describes that we in this body fund, that we support, and then, what, turn away from it because the business community did not like chapter and verse of an agreement reached in good faith by Republicans and Democrats in a bipartisan way on the Labor-HHS appropriations bill?

So again, I always say the same thing: The children can hear us. They hear us when we speak, especially when we speak about them. Let us not send them a mixed message that education is important, but we do not want to spend the money on it to help them reach their fulfillment. Education is fulfillment, it is important, except if the business community does not like some other comma or semicolon in the bill.

I urge my colleagues to support the gentleman's motion to instruct.

Mr. WU. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from New Jersey (Mr. ANDREWS), my colleague on the Committee on Education and the Workforce.

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

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

Mr. Speaker, I rise in support of the motion of the gentleman from Oregon (Mr. WU). I congratulate and thank him for his tireless efforts in his first term on behalf of the principle of reducing class sizes. I think his motion correctly understands a problem that we do have and a tradition that we should have.

I certainly respect the judgment of local school districts. I admire those who serve on school boards and who work in the school districts. I also understand, though, that there is an unfortunate tradition of growing redundant administrative staffs in local school districts. There is an unfortunate tradition of diverting resources away from direct instruction to the education bureaucracy at the local level.

That is why I am very reluctant to change this administration's emphasis from targeted dollars for class size reduction to a more flexible discretionary block grant that I believe would not serve the purposes that I believe we all seek to serve.

The tradition that we ought to keep is a tradition of some decisions at the national level for national purposes. We should make a national decision at the national level to favor smaller class sizes, particularly in the primary grades, in order to enhance reading skills and other skills for students.

Mr. Speaker, when we passed the 100,000 police, we did not give every mayor in the country a block grant and say, "Go out and try to reduce crime." We instructed the local governments to hire more police officers, and it worked.

When we passed a water resources bill in this House, we did not go to the local elected officials and say, "Which flooding problems or drainage problems do you have? Figure out how to solve them, and here is some money." We say, "build this dam" or "dredge this river" or "solve a certain problem."

We should not substitute our judgment for those of local elected people, but we should not abdicate our right

and responsibility to make certain crucial judgments for the commonwealth of a nation.

I think the motion of the gentleman from Oregon (Mr. WU) reflects one of those judgments. I urge its adoption.

Mr. CASTLE. Mr. Speaker, I yield 3 minutes to the gentleman from Pennsylvania (Mr. GOODLING), chairman of the Committee on Education and the Workforce.

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

First of all, I want to make sure everybody understands there is no discretionary block grant. We are not talking about any discretionary block grant. There is not such in what we have negotiated.

What we have negotiated is the same as what we negotiated last year. The reason we were able to negotiate it last year is because the President understood, after experience, that I was right. When he discovered that 30 percent of the first group were not qualified and went into areas where they already had 30, 40, 50 percent unqualified teachers, he realized that was a mistake.

So all we said last year, and say this year, is that if there are some teachers who have potential, please use some of the money to make sure that they become quality teachers.

I am so glad to hear that everybody has accepted the idea of flexibility. Boy, I will tell new members on the committee, for 20 years in the minority I could not even get the gentleman's side to put the word in the American dictionary, or any dictionary, as a matter of fact.

But again, the public is probably wondering, what is it they are discussing? They are talking about 100,000 teachers. Do they not realize there are 16,000 public school districts? Do they not realize there are 1 million classrooms? That is just a spit in the ocean.

Well, it is a spit in the ocean, but it is the right spit, because it will go to rural America. It will go to center city America, where the problem is the greatest, trying to attract quality teachers.

But again, I just heard down in the well one more time how wonderful it is to have 18 in a classroom. I do not know where the 18 came from. All the research would indicate if we cannot get down to 12 or 13, we are probably not making much difference.

However, what the gentlewoman should have said was if there are 23 in the classroom and the teacher is qualified, please do not take my five youngsters in order to bring that down to 18, and put them into some classroom where the teacher is not qualified.

□ 1515

Any parent wants their child to be in a classroom where the teacher is fully qualified enthused and dedicated.

Again, let us not talk about the Republican leadership bringing this to an

end, that is not what it is all about. When we are negotiating at midnight and 1 o'clock and 2 o'clock in the morning and we do not have everybody there that we should look at language, all three sides thought that they negotiated the same thing, then they read the language and discovered, as a matter of fact, that is not what they negotiated at all.

Now we are on the business of trying to make sure that what all three sides think they agreed to is written in such a manner that that is what it says, and my colleagues would not want it to be any other way.

Again, let me remind everyone what we are doing this year is what the White House agreed to last year, to make sure that we talk about quality in every classroom; that we do not try to put somebody in a classroom that is unqualified just to reduce the class size; that, as a matter of fact, we try to find some way, some way to get qualified teachers into center-city America and rural America, a difficult job my colleagues will have to solve after I am gone.

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

Let me start, Mr. Speaker, by just pointing out what the gentleman from Pennsylvania (Mr. GOODLING), the chairman of the Committee on Education and the Workforce has stated again, which has already been stated several times. We are not talking about a difference in money here at all. The \$1.75 billion is in the Labor, HHS Education bill. It is a controversial bill, but not about that sum of money, I think we all know that, that sum of money will survive all of this.

As a matter of fact, 75 percent of it will be used for the exact purpose that is talked about in the motion to instruct conferees offered by the gentleman from Oregon (Mr. WU), the reduction of class size and a balance to be used for teacher training.

This is not a block grant situation, but the balance will be used for teacher training. So we are talking about a minor degree of flexibility.

Here is what I would ask everybody to do, maybe there are some people listening in their offices and they have a moment to do this before they vote on this or on the Labor, HHS bill, but to call their Governors up, I do not care if they are Republicans or Democrats, and ask them about this. Ask them if they want it mandated that they have to use all this money to hire teachers or if they could have some flexibility to use some of the money for teacher training.

Mr. Speaker, I would be willing to wager a small bet, if you will, that 100 percent of those answers would be give us whatever flexibility you can in order to use that money so we can accommodate our State and our local school districts as best we can.

Mr. Speaker, at a recent committee hearing, I asked Secretary Riley, who, of course, is a former Governor, if he

would prefer to have some measure of flexibility in the use of Federal funding which, as my colleagues will recall, it accounts for about 6 percent of all Federal spending, and he was unresponsive to that. But I would point out that the one issue I know of that all of the Governors got behind in the last couple of years and that has been referred to by the gentleman from Oregon (Mr. WU), too, is the Education Flexibility Partnership Act, which I think speaks volumes about flexibility in this area, it is called Ed Flex.

We did get it passed. We all agreed to it in every way we possibly could. So my judgment is that we are talking about flexibility. We are talking about giving us the opportunity to be able to spend money properly.

Let me finally just say this, and I will quote, "we can reduce the education gap between rich and poor students by giving schools greater flexibility to spend money in ways they think most effective, like reducing class sizes in early grades." They are also those who support, and again I quote, "granting expanded decision-making powers at the school level, empowering principals, teachers and parents with increased flexibility in educating our children," and that ends the quote.

We have fought a lot about this, but it is interesting to note that those quotes that I just gave my colleagues are two principles which can be found on page 86 of then Governor Bill Clinton and Senator AL GORE's book Putting People First.

I think we can all agree that education flexibility is what is needed here. Twenty-five percent of this money is for choice of the district. They can use it all for class size reduction if they want. They even have that option as well.

Let us give them the flexibility; and I politely say that, because I respect what the gentleman from Oregon (Mr. WU) is trying to do. But I would urge all of us to turn down the motion to instruct conferees to give the flexibility to the States to improve education for all of our children.

Mr. Speaker, I yield back the balance of my time.

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

Mr. Speaker, the facts are sometimes inconvenient. Facts can be somewhat inconvenient. We have been hearing that there is no difference between what would happen if we did not pass this motion and what would be happening under last year's appropriations and next year's appropriations. That is absolutely not true. That is absolutely not true.

Class size reduction program, a 30 percent increase, that would not happen if we go home under a continuing resolution as is currently proposed. Next, school renovation, school renovation, there will be no school renovation money if we go home under a continuing resolution as is currently proposed.

Next, 21st century community learning centers offering families a safe place and their children to learn, there is 100 percent increase in funding for 21st century community learning centers that would not occur if we go home without this next new appropriation completely done.

Eisenhower Professional Development grants, a two-thirds increase for the Eisenhower grants.

Finally, Pell Grants, a \$500 increase in Pell Grants, that would not occur, not occur if we go home under a continuing resolution, rather than getting the work of the House done.

Why have we not been getting the work of the House done? We did reach agreement on all of these education issues, but the deal was broken. I noticed this motion on Sunday, with an intent to bring it up on Monday, but we had an agreement as of Sunday night.

Because powerful special interests called into the Republican leadership, and I do not fault the gentleman from Pennsylvania (Chairman GOODLING) and I do not fault the gentleman from Delaware (Mr. CASTLE) for this, but because telephone calls were made, that deal to increase education funding, to increase Pell Grants, to increase 21st center learning centers, to increase teachers, to reduce class size, that deal was broken.

In my congressional district, I commissioned a study on class size, only 6.4 percent of students in my congressional district are in class sizes of 18 or fewer. The other students, the other 94 percent of Oregon's students in the 1st Congressional District are equally split between class sizes of 19 to 24 students, or 25 or more.

More devastatingly, in Clackamas County, almost 50 percent of students in kindergarten through third grade are in class sizes of 25 or more.

In Multnomah County, Portland, the percentage of students in grades K through 3 in classes of 25 or more is also at almost 50 percent. In Washington County, it is more than one-third of the students. In Yamhill County, it is almost one-third of the students.

This is a program which makes a difference. I saw it. I visit schools all the time, as my colleagues do. At Reedville Elementary School in Aloha, it worked exactly as intended by adding only one additional first grade teacher, it brought the average class size down from 27 students to 18 students.

Mr. Speaker, with all due respect, the studies do show that when we bring class size down from 27 to 18, it makes a measurable difference which lasts over the years. The SAGE study from Wisconsin demonstrates that, the STAR study from Tennessee demonstrates that, and even the program in California, which has been very difficult to measure, indicates that in the third grade, there are measurable differences.

But the fact is this: This class size initiative makes a difference. I have

seen it make a difference. I have seen it cut class size from 27 to 18, but it is not being done today, because powerful interests called the leaders of this Chamber.

I want the students of America to have the same access to leadership as these powerful interests.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. HASTINGS of Washington). 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 Oregon (Mr. WU).

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

Mr. WU. 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 168, nays 170, not voting 94, as follows:

[Roll No. 591]

YEAS—168

Abercrombie	Gordon	Mink
Allen	Hall (OH)	Moakley
Andrews	Hall (TX)	Moore
Baca	Hill (IN)	Moran (VA)
Baird	Hilliard	Morella
Baldacci	Hincheley	Nadler
Baldwin	Hoeffel	Napolitano
Barcia	Holden	Oberstar
Barrett (WI)	Holt	Obey
Becerra	Hooley	Olver
Bentsen	Horn	Ortiz
Berkley	Hoyer	Owens
Berman	Inslee	Pallone
Berry	Jackson (IL)	Pascarell
Blagojevich	Jefferson	Pastor
Blumenauer	John	Payne
Bonior	Johnson, E. B.	Pelosi
Borski	Jones (OH)	Peterson (MN)
Boswell	Kanjorski	Price (NC)
Brady (PA)	Kaptur	Quinn
Capps	Kennedy	Rahall
Capuano	Kildee	Rangel
Cardin	Kind (WI)	Reyes
Carson	Kleczka	Rivers
Clay	Kucinich	Rodriguez
Clayton	Lampson	Roemer
Clement	Lee	Roybal-Allard
Clyburn	Levin	Rush
Costello	Lewis (GA)	Sabo
Coyne	Lipinski	Sanchez
Cramer	LoBiondo	Sanders
Crowley	Lofgren	Sandlin
Cummings	Lowe	Sawyer
Davis (IL)	Lowy	Schakowsky
DeFazio	Lucas (KY)	Serrano
DeGette	Luther	Sherman
Delahunt	Maloney (CT)	Sherman
DeLauro	Maloney (NY)	Shows
Deutsch	Markey	Skelton
Dixon	Mascara	Slaughter
Doggett	Matsui	Smith (NJ)
Doyle	McCarthy (MO)	Snyder
Edwards	McCarthy (NY)	Stabenow
Engel	McDermott	Stenholm
Eshoo	McGovern	Strickland
Etheridge	McHugh	Sweeney
Evans	McIntyre	Tanner
Farr	McKinney	Tauscher
Fattah	McNulty	Thompson (CA)
Filler	Meek (FL)	Thompson (MS)
Ford	Menendez	Thurman
Frost	Millender-	Tierney
Gephardt	McDonald	Towns
Gonzalez	Miller, George	Udall (CO)
	Minge	Udall (NM)

Velazquez
Viscosky
Watt (NC)

Weiner
Wooley
Wu

Wynn

NAYS—170

Aderholt	Goode	Pombo
Armey	Goodlatte	Porter
Bachus	Goodling	Portman
Baker	Goss	Pryce (OH)
Ballenger	Granger	Radanovich
Barrett (NE)	Green (WI)	Ramstad
Bartlett	Gutknecht	Regula
Barton	Hastings (WA)	Reynolds
Bass	Hayworth	Riley
Bereuter	Hefley	Rogan
Biggert	Herger	Rogers
Bilirakis	Hilleary	Roukema
Blunt	Hobson	Royce
Boehner	Hoekstra	Ryan (WI)
Bonilla	Hostettler	Ryun (KS)
Bono	Houghton	Sanford
Bryant	Hulshof	Saxton
Burr	Hunter	Sensenbrenner
Burton	Hutchinson	Sessions
Buyer	Isakson	Shadegg
Callahan	Istook	Sherwood
Camp	Johnson (CT)	Shimkus
Canady	Johnson, Sam	Shuster
Castle	Jones (NC)	Simpson
Chabot	Kelly	Skeen
Chenoweth-Hage	Kingston	Smith (MI)
Coble	Kolbe	Smith (TX)
Coburn	Kuykendall	Smith (WA)
Combest	LaHood	Souder
Condit	Latham	Spence
Cook	LaTourette	Stearns
Cooksey	Leach	Stump
Cox	Lewis (CA)	Sununu
Crane	Lewis (KY)	Tauzin
Cubin	Linder	Taylor (MS)
Cunningham	Lucas (OK)	Taylor (NC)
Davis (VA)	Manzullo	Terry
DeLay	Martinez	Thomas
DeMint	McCreery	Thornberry
Diaz-Balart	McInnis	Thune
Doolittle	Metcalf	Tiahrt
Dreier	Mica	Toomey
Duncan	Miller (FL)	Traficant
Ehlers	Miller, Gary	Upton
Ehrlich	Moran (KS)	Vitter
Everett	Myrick	Walden
Fletcher	Nethercutt	Walsh
Foley	Northup	Watkins
Fossella	Norwood	Weldon (PA)
Frelinghuysen	Nussle	Weller
Gallely	Oxley	Whitfield
Ganske	Packard	Wicker
Gekas	Paul	Wilson
Gibbons	Pease	Wolf
Gilchrest	Petri	Young (AK)
Gillmor	Pickering	Young (FL)
Gilman	Pitts	

NOT VOTING—94

Ackerman	Franks (NJ)	Neal
Archer	Gejdenson	Ney
Barr	Graham	Ose
Bilbray	Green (TX)	Peterson (PA)
Bishop	Greenwood	Phelps
Bliley	Gutierrez	Pickett
Boehlert	Hansen	Pomeroy
Boucher	Hastings (FL)	Rohrabacher
Boyd	Hayes	Ros-Lehtinen
Brady (TX)	Hill (MT)	Rothman
Brown (FL)	Hinojosa	Salmon
Brown (OH)	Hyde	Scarborough
Calvert	Jackson-Lee	Schaffer
Campbell	(TX)	Scott
Cannon	Jenkins	Shaw
Chambliss	Kasich	Shays
Collins	Kilpatrick	Sisisky
Conyers	King (NY)	Spratt
Danner	Klink	Stark
Davis (FL)	Knollenberg	Stupak
Deal	LaFalce	Talent
Dickey	Lantos	Tancredto
Dicks	Largent	Turner
Dingell	Larson	Wamp
Dooley	Lazio	Waters
Dunn	McCollum	Watts (OK)
Emerson	McIntosh	Waxman
English	McKeon	Weldon (FL)
Ewing	Meehan	Wexler
Forbes	Meeks (NY)	Weygand
Fowler	Mollohan	Wise
Frank (MA)	Murtha	

□ 1547

Messrs. SHIMKUS, RILEY, EHLERS, and TAYLOR of Mississippi changed their vote from "yea" to "nay."

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.

□

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate has passed without amendment a joint resolution of the House of the following title:

H.J. Res. 122. Joint resolution making further continuing appropriations for the fiscal year 2001, and for other purposes.

□

LEGISLATIVE PROGRAM

Mr. BONIOR. Mr. Speaker, I would like to inquire of the majority the schedule for today and the remainder of the week.

Mr. Speaker, I inquire of the majority, whomever may want to respond, about the schedule. Members are confused with respect to when we will finish today, if we will finish today, if we will meet on Friday and Thursday, or on the weekend.

We would like to know on our side of the aisle, and I imagine Members on their side of the aisle would like to know, as well. If there is someone over there who could apprise us where we are in terms of the schedule, we would appreciate it.

Mr. Speaker, I yield to the gentleman from California (Mr. THOMAS) if he could help us with the schedule for today and the remainder of the week.

Mr. THOMAS. Mr. Speaker, my understanding is that we are here tonight, that we have a functional CR for tomorrow and that that will be good until Thursday. So clearly, we will be here tonight, we will work all day Thursday, and we may very well be here on Friday.

My understanding is that the House will convene at 6 p.m. tomorrow, and we will continue to work.

Mr. BONIOR. Mr. Speaker, can the gentleman tell me whether he anticipates the Committee on Appropriations meeting on the Labor, HHS bill and if there will be any other conferences meeting?

Mr. THOMAS. Mr. Speaker, I will tell the gentleman that the answer to that question probably lies more on his side of the aisle than ours.

Mr. BONIOR. Mr. Speaker, our people are ready. They are right here.

Mr. THOMAS. Mr. Speaker, we are ready.

Mr. BONIOR. Mr. Speaker, will the gentleman tell us the room number and we will be there. In fact, we will even bring the coffee, the pizza, the pop, whatever they want.

Mr. THOMAS. Mr. Speaker, I will tell the gentleman, as we move forward tonight, I will try to get that room number for him and we will continue to work the rest of the evening. We will be here tomorrow convening at 6 p.m., and we will work through Thursday evening and possibly into Friday morning.

Mr. BONIOR. Mr. Speaker, I thank my colleague for his comments. May I ask him one other question.

The gentleman said possibly into Thursday or Friday or Saturday. That is not clear yet, I anticipate, whether we are going to work the weekend. Is that correct?

Mr. THOMAS. Mr. Speaker, I say to the gentleman, all things are possible if we only believe. That will be determined, I assume, as we continue our work schedule. As the gentleman knows, we have been functioning with 1-day CR's, and it has been difficult to predict beyond the 1 day.

I have provided information which I believe the leadership would back up all the way through tomorrow to midnight or perhaps slightly beyond. That is stretching the 1-day CR to more than 1 day. And then we will make decisions after that.

One day at a time I believe was the request that the President had made, and we have been following that.

Mr. BONIOR. Mr. Speaker, I yield to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Speaker, I wonder if the gentleman from California (Mr. THOMAS) could answer this question: Could he tell us what legislation is expected to be on the floor yet today and what legislation is expected to be on the floor tomorrow?

Mr. THOMAS. Mr. Speaker, I will tell the gentleman that I do appreciate the attention I am receiving and that I could run off a list of legislation for him if that would make him feel more comfortable; but, frankly, it would not be worth squat right now.

We believe that WRDA will be up. That is something that was sent over to us by the Senate. And we believe, if we could move forward on that piece of legislation as we have done on a daily basis that that would be a continuing and significant step forward.

Mr. OBEY. Mr. Speaker, if the gentleman from Michigan (Mr. BONIOR) will continue to yield, does the gentleman expect WRDA to be up today or tomorrow after 6.

Mr. THOMAS. Mr. Speaker, our belief is it will be up at the latest tomorrow after 6.

Mr. OBEY. Mr. Speaker, since my understanding is that the House is not going into session until 6 o'clock tomorrow, how can it be up before 6 o'clock?

Mr. THOMAS. Mr. Speaker, I said at the latest 6 o'clock. That means 6 o'clock may very well be the time at which it comes up or later.

Mr. OBEY. Mr. Speaker, does the gentleman mean the earliest?

Mr. THOMAS. Mr. Speaker, if the gentleman prefers "earliest," I will say "earliest."

Mr. OBEY. Mr. Speaker, no, that is what I thought the dictionary said.

If I could say to the gentleman from Michigan (Mr. BONIOR), it is obvious to me that there is no game plan which the majority wishes to disclose to the minority at this time.

Good luck and Godspeed. May they find one before the day is over.

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

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

Mr. RANGEL. Mr. Speaker, I would ask the gentleman from California (Mr. THOMAS) that, if we do not reach any agreement, will some method be arranged so that we will have the opportunity to go home to vote on Tuesday?

Mr. THOMAS. Mr. Speaker, I will tell the gentleman, that functions under a 24-hour continuing resolution and the answer to the question of the gentleman will probably work its way to the surface sometime over the next 24 hours.

Mr. RANGEL. Mr. Speaker, but it is his present thinking and that of, for lack of a better word, the leadership that we could be working here until the election?

Mr. THOMAS. Mr. Speaker, well, I understand we are here on the 24-hour continuing resolution at the request of the President; and if there is any other suggested work schedule, maybe he can telephone us from California or send us an e-mail from California to let us know we could be doing something else.

Mr. RANGEL. Mr. Speaker, the President is trying desperately hard not to close down the Government and this is why he is signing these resolutions.

Mr. THOMAS. Mr. Speaker, I will tell the gentleman, if he is searching for the Government in Kentucky and in California, he could find quite a bit of it right here in Washington, D.C.

Mr. RANGEL. Mr. Speaker, well, since he is the President of all of these United States and the leader of the free world, I think that we should give him some flexibility.

But I want to thank the gentleman for his concise answers.

Mr. THOMAS. Mr. Speaker, I will tell the gentleman that the problem with the flexibility is that the taxpayers are funding the need to pass the CR and take it to wherever he happens to be. It would certainly be a more convenient procedure if he were at 1600 Pennsylvania Avenue so we could operate on a daily basis.

Mr. RANGEL. Mr. Speaker, I cannot begin to tell my colleague how thankful we are for how helpful he has been to us this evening.

Mr. THOMAS. Mr. Speaker, we are here to serve.

CONTINUATION OF SUDAN EMERGENCY—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 106-307)

The SPEAKER pro tempore (Mr. HASTINGS of Washington) laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice, stating that the Sudan emergency is to continue in effect beyond November 3, 2000, to the *Federal Register* for publication.

The crisis between the United States and Sudan that led to the declaration on November 3, 1997, of a national emergency has not been resolved. The Government of Sudan has continued its activities hostile to United States interests. Such Sudanese actions and policies pose a continuing unusual and extraordinary threat to the national security and foreign policy of the United States. For these reasons, I have determined that it is necessary to maintain in force the broad authorities necessary to apply economic pressure on the Government of Sudan.

WILLIAM J. CLINTON,
THE WHITE HOUSE, *October 31, 2000.*

□

□ 1600

CONDEMNING THE HARSH TREATMENT OF EDMOND POPE

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

Mr. WALDEN of Oregon. Mr. Speaker, it saddens me that my speeches on the floor condemning the harsh treatment of Edmond Pope have become all too regular. Mr. Pope, an American businessman being held in Russia on charges of espionage, has been in prison now for 213 days.

I learned yesterday that during his trial, apparently Mr. Pope's jailers discovered he was doubled over in pain unable to continue the trial. Other reports suggest he collapsed after returning to his prison cell. What do they expect, Mr. Speaker? Six months into his imprisonment, he has not been seen by anyone but the prison doctor despite his frail health and history of cancer. If this prison doctor is as qualified to practice medicine as Ed's captors are to deliver justice, we have reason to fear for his health.

Ed Pope has been held in unspeakable conditions in a Russian prison courtesy of a government that simply cannot let go of its legacy of human rights abuses. While we do not yet know the nature of his illness, he is obviously very sick.

I am absolutely outraged over the barbaric treatment Ed Pope continues to receive. He must be released immediately, Mr. Speaker. At a minimum he deserves the basic human right of being able to get appropriate medical care and an English-speaking doctor to review the results.

□

LEGISLATIVE LIMBO

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

Mr. FOLEY. Mr. Speaker, we just had an exchange on the floor where the minority whip asked some questions about what the schedule was. I was trying to get clarification as well because I understand we are here on a daily CR at the behest of the President, who suggested we stay here on a 24-hour basis to get our work done. Now in the last 12 hours, I understand Mr. DASCHLE and Mr. GEPHARDT met with Mr. Podesta from the White House and suggested that we have a 14-day CR that has been taken up by the Senate and passed and the Senate has left town.

Now, we did not negotiate that. We did not request it. We did not ask for it. We are here working, and we will continue to work. But I would like somebody to come to the floor today and make the point whether in fact Mr. GEPHARDT and others negotiated a 14-day CR with Mr. LOTT, the majority leader on the Senate side, so we can figure out are we working this weekend, are we going to do the people's work, or are we taking a 14-day break to campaign on behalf of the minority.

□

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. PEASE). 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.

□

GOVERNOR BUSH MISSES MARK ON COUNTRY PROSPERITY

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

Mr. SHERMAN. Mr. Speaker, in a few days a great fiscal debate will be decided by the people of this country. Before they make that decision, we need to focus on some of the statements of the Governor of Texas as he tells us about his fiscal plan.

Mr. Speaker, we are told by the Governor of Texas that every American who pays taxes deserves tax relief and

will get tax relief under his plan. The facts are clearly otherwise and the Governor of Texas knows better. He knows that under his plan some 15 million Americans who pay FICA tax and have it taken from their wages every day are going to get not a penny of tax relief while at the same time the Governor of Texas will provide nearly half his total tax relief package to those who already are in the best-off 1 percent of American families. Not one penny for those taxpayers who work in nursing homes, who clean our buildings and who wash our cars; yet hundreds of billions of dollars for the wealthiest 1 percent.

We are told, also, by the Governor of Texas, and I think he does this for political reasons, that policy here in Washington is not in any way responsible for our current prosperity. Now, I can understand why his consultants, his political consultants, would tell him to try to argue to the American people that the last 8 years of the Clinton-Gore administration is just a coincidence with our 8 years of economic prosperity. But in doing so, he lays the foundation for very dangerous policies. You see, Mr. Speaker, if fiscal responsibility here in Washington did not lead to prosperity in the country, then we are free here in Washington to be as fiscally irresponsible as we like without eliminating or curtailing that prosperity.

The fact is that while the lion's share of the credit goes to the hard-working American people and their ingenuity and their dedication, they were working hard and they were showing ingenuity back in the late 1980s and early 1990s, and this country was not prosperous because we did not have the fiscal responsibility brought to this town by the Clinton-Gore administration.

When the Governor of Texas tells us that what government does does not matter, then he lays the foundation for the fiscally irresponsible tax cuts that we cannot afford.

Finally, the Governor of Texas claims that he will provide over 10 years only \$223 billion of tax relief to the wealthiest 1 percent of Americans. He reaches this through what can only be called false fiscal facts and fuzzy figures. He does this by ignoring his promise, often repeated, to repeal the estate tax. When he repeals the estate tax, which he has promised to do, then the wealthiest 1 percent of Americans will receive over \$700 billion every decade in tax relief. The effect then is to provide nearly half the tax relief to the wealthiest 1 percent and to provide them with more tax relief than the total the Governor of Texas would have us spend on health care, shoring up Medicare, providing a greater level of readiness for our military forces, and improving our educational system. More for 1 percent than for those four top national priorities.

Mr. Speaker, the choice before America is clear. On the one hand, we can improve our schools, strengthen our

military, provide a prescription drug benefit under Medicare, safeguard Social Security, pay off the national debt, and provide for continued prosperity; or on the other hand, we can opt for nearly \$700 billion, probably over \$700 billion just for the wealthiest 1 percent. I know that we have got to make a responsible decision. I hope when we do so, we recognize that choosing a President is not a popularity contest. It is, rather, choosing a plan by which the economy of this country will be managed over the next 4 years.

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The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Ms. ROS-LEHTINEN) is recognized for 5 minutes.

Ms. ROS-LEHTINEN addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

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PRESCRIPTION DRUGS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Ms. STABENOW) is recognized for 5 minutes.

Ms. STABENOW. Mr. Speaker, beginning on April 12, for the 21 weeks that the House has been in session, I have read 22 letters from MI seniors who desperately need help with their high prescription drug costs.

In that time, I have been pushing consistently for prescription drug coverage under Medicare. Our time is nearly up, and we still have not passed this important legislation.

Looking back through the 22 letters that I have read on the House floor, I am reminded of why it is so important to modernize Medicare and provide prescription drug coverage for seniors. I would like to share excerpts from these letters to remind my colleagues why we must enact a Medicare prescription drug benefit.

From Mary Hudson of Fenton: "Last summer, I went to a doctor . . . and was given a prescription costing \$44—which I got filled. But the other was \$90—which I would not [fill]. Who can afford these prices and pay other bills too?"

From Ethel Corn of Marquette: "Here is our prescription bill for what we can afford—and you can see I don't get all of mine."

Jackie Billion of Lansing: "Quite often I have to decide whether I get some of my prescriptions or eat. I hope and pray that seniors will receive prescription coverage."

From Louise Jarnac of Cheboygan: "The last time I got my prescription it was \$99.99 . . . this time it was \$103.49. Most of the time I can't afford it and go without until I can get it again."

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BUDGET BATTLE CONTINUES

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

Mr. DEFAZIO. Mr. Speaker, it is 4:12 p.m., the House has finished its regular business for the day, the government does not yet have a budget for the fiscal year which began 1 month ago today, and no meetings are scheduled.

When the Republican leader who stood up on that side to represent the schedule to us on the minority earlier was asked, okay, where are we negotiating?, he said, well, he would try and get back to us with a room number on that. That was after they attempted to castigate this side, castigate the President and others for not negotiating in good faith. They have not, and they, of course, control all the space around here, scheduled a room.

Why have they not scheduled a room? Because they have no intention of continuing negotiations. We are limping along day to day because the majority failed to get its work done. They did not have a budget for the fiscal year which began on October 1. We have gone through a series of continuing resolutions. I believe today was the 11th.

Now, there was one little ray of hope on Monday. They negotiated all weekend. Everybody designated their hitters to go into the room. And they came to an agreement. They toasted that agreement. They left the room. The White House negotiators went back to the White House and the President said good for you. He stood behind what they did. The Senate negotiators went back to the Senate and their leaders, both sides of the aisle, stood behind them and said good for you. The Democratic negotiators came back to our side of the aisle and we said, Didn't think you could get it done. Good for you. But then in the strangest turn of events, the Republicans, the Republican leadership, pulled the rug out from the people that they sent in as their designated hitters to negotiate.

Now they are saying, Well, the President wasn't in the room. Of course the President was not in the room. The President does not sit down for endless hours working on details on legislative bills. That is our job. And we got the job done. But then you, because of the phone calls from the National Association of Manufacturers, the U.S. Chamber of Commerce and other very, very powerful special interest groups who are funding huge television campaigns right now on behalf of the majority and on behalf of the majority's candidate for President and against members of the minority said, No. No, you can't have that agreement. They stood up, saluted and said, okay.

It would have provided for additional workplace health and safety for American workers. Hundreds of thousands of workers who are injured every year would have benefited from that legislation and the financial and political masters of the majority on that side told them they could not do that. They were the only people to renege on the deal. Republicans in the Senate stood behind it, the President stood behind it, the Democrats in the House and in the Senate stood behind it; but no, the Republican leadership in the House killed the deal. And now they are pretending they want to work, but they have no discussions set. They do not even have a room scheduled.

This is really kind of a sad commentary at this ending of a Congress. I really think that we could do with a little bit of honesty around here. If they do not want to negotiate, if they just want to stay in town to make some kind of a bizarre point, then they should just be honest about it. Do not pretend. Do not go off on this stuff about, Oh, the President's not in the room. You know that no President sits down to discuss legislative details. But when they sent a hitter there, someone to go as a designated person to negotiate, this President stood behind his person. You did not stand behind your negotiators. Guess what? The Speaker was not in the room. The gentleman who killed the bill, the gentleman from Texas (Mr. DELAY), the majority whip, was not in the room. The majority leader, the gentleman from Texas (Mr. ARMEY), was not in the room.

We could have that argument all day long. Oh, your leader wasn't in the room. Oh, your President wasn't in the room. That is not what is going on here. The real shots are being called not over there with the leadership but with their funders, the people who are funding their campaigns. They call the real shots and they jerked the rug out so we do not have a deal. And it is not going to happen before the election because they cannot risk offending those people before the election.

So let us just admit that. Let us have the majority admit to that instead of continuing this farce and these false accusations.

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ON IDEA FULL FUNDING

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

Mr. MORAN of Kansas. Mr. Speaker, as our conferees deliberate the appropriations for the Department of Labor, Health and Human Services and Education, I would like to take this opportunity to urge and insist upon the highest level of funding possible for special education State grants.

November 29 of this year celebrates the 25th anniversary of the enactment of IDEA. For almost a quarter of a century now, the Federal Government has assisted in the education of our children with disabilities and for almost that same quarter of a century, the Federal Government has failed to meet its obligations.

A Kansas school on average uses 20 percent of its budget for special education purposes. Schools in my area of Kansas cannot afford to put one-fifth of their entire budget into special education. This year Kansas schools will spend \$454 million in meeting the Federal special education mandate. Of this total, only \$38 million, about 8 percent, will come from the Federal Government despite our previous commitment 25 years ago of a 40 percent commitment.

In my previous service as a member of the Kansas Senate, we struggled

each and every year to adequately fund the education of students in our State. In actual dollars if special education were actually funded at that 40 percent, Kansas would receive \$181 million from the Federal Government. This means \$143 million in Kansas State and local education funds would be available for other educational needs.

These numbers make it clear that special education costs consume education budgets of State and local school districts. Schools are not maintained properly, teachers do not get hired, and classroom materials do not get purchased. Our schools are not asking for new Federal programs. They are asking for the Federal Government to pay its share of special education costs so that other funds can be freed up for maintaining buildings, hiring teachers and buying classroom materials.

Congress has made significant progress in recent years to increase Federal funding for special education. In my 4 years as a Member of Congress, we have increased IDEA State grants from \$3 billion to \$5 billion. That is a 67 percent increase in just 3 years.

□ 1615

We still have a long way to go. For far too long, the Federal Government has mandated this program without paying its share. Today let us make the commitment to change all that and support full funding of IDEA.

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

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

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

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

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

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

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

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

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GAO STUDY ON RUSSIAN TRANSITION TO MODERN ECONOMY IS DISPIRITING

The SPEAKER pro tempore. Under a previous order of the House, the gen-

tleman from Iowa (Mr. LEACH) is recognized for 5 minutes.

Mr. LEACH. Mr. Speaker, in June of 1998, the Committee on Banking and Financial Services held a series of hearings on financial instability around the world, including Russia, whose economy was soon to be devastated by the collapse of its domestic bond market and a devaluation of the ruble.

Afterward, I asked the General Accounting Office to conduct a study of the effectiveness of U.S. and other western assistance in facilitating Russia's transition from a failed Communist-style command economy to a modern market economy. The committee's ranking member, the gentleman from New York (Mr. LAFALCE), joined me in that request.

The GAO has now completed its works and the findings are disturbing, indeed dispiriting. Between 1992 and September of 1998, the United States and the West, including the International Monetary Fund, the World Bank and the European Bank for Reconstruction and Development, provided some \$66 billion in assistance to Russia, not counting food aid, trade credits and debt rollovers. Of this, the United States contributed \$2.3 billion in bilateral grants under the Freedom Support Act to address humanitarian needs and support economic and democratization reform. According to the GAO report which was issued today, far from putting post-Communist era Russia on a course of prosperity and stability, these funds were largely wasted. Russia's economic decline has been more severe and its recovery slower than anticipated, the GAO report notes. Progress toward reaching broad program goals have been limited.

The assistance was, in fact, worse than wasted. Because donors lacked clear strategy and coordination, as the GAO observes, the money which was virtually thrown at Russia contributed to the spread of a culture of corruption and the concentration of some of the country's most valuable economic assets in the hands of a handful of oligarchs who operate on the margin of, if not altogether outside, the law.

These politically powerful economic groups have had little interest in reform. Thus, to a significant degree, western aid programs were not only ineffective; they provided fuel to groups that opposed reform.

Consider the Russian banking system. Donors recognized that an efficient and competitive financial system was a basic need if the economy was to prosper. To this day, however, 8 years after the collapse of Communism and the break-up of the Soviet Union, Russia does not have a banking system worthy of the name. There are more than 1,000 banks in Russia, but their total assets are only about \$65 billion, the level of a mid-size provincial bank in the United States.

This is because the Russian public does not trust their own banking insti-

tutions. Most of these banks, particularly the small ones, exist as money laundering platforms to help their clients evade taxes, duties and other legal requirements, and to spirit capital to overseas havens. More than \$100 billion has fled the country, and some estimates place the amount much higher.

The GAO analysis released today underscores an unfortunate but inescapable conclusion: The United States and the West missed one of the great foreign policy opportunities of this century, to bring Russia into the Western family of nations, politically as well as economically. Despite the aid, Russia's economic decline was among the most severe and its recovery among the most limited among transition countries in Eastern Europe and the former Soviet Union. Many Russians have concluded that the West deliberately impoverished their country. Today only 37 percent of the Russian people have a favorable view of the United States, down from some 70 percent in 1993.

Among the key findings of the GAO report are:

One, that the U.S. and the West failed to object strongly to the corrupt loans for shares privatization scheme that consolidated the business empires of Russia's oligarchs.

Two, Russia's primary motivation of borrowing from the IMF was less to stabilize and reform its economy than to become eligible for debt relief from the United States and other creditor countries through the Paris Club.

Three, the IMF was pressured by key shareholders to support new loans for Russia in 1994 and 1996 in an effort to demonstrate U.S. and Western political support for President Yeltsin.

Four, despite compelling evidence of an absence of the rule of law and massive governance challenges, explicit anti-corruption efforts have represented a relatively small share of international assistance to Russia.

And lastly, little or no progress has been made in strengthening Russia's banking and financial system.

The recent rise in world oil and commodity prices has improved the trade balance of Russia, but continuing capital flight indicates major legal reforms have yet to occur. As a result, the business climate in Russia is still unfavorable. In a recent strategy review, the EBRD concluded, severe weakness in the rule of law continues to undermine investment. The power of vested interest to hold back critical reforms must be effectively checked. Standards of corporate governance need to be strengthened. Without demonstrable progress in these areas, Russia's impressive recovery is not sustainable.

Despite these failures and frustrations, the U.S. cannot afford to remain uninvolved with Russia. Stretching across 11 time zones, twice the distance from New York to Honolulu, almost halfway around the world, Russia is a country without which no serious international issue can be resolved.

In recent years, some progress has been made in nuclear weapons reduction and security; and in April, Russia finally ratified the START II agreement. But many other problems remain. Among them is Russia's decision to build nuclear reactors in Iran and transfer missile technology to that country.

In this context, the recent revelations that the U.S. and Russia had entered into a secret agreement to allow Moscow to continue arms to Iran are especially troubling. It would appear that the Clinton-Gore administration, in its relations with Russia, chose to abandon the principles of progressive diplomacy established at the beginning of the century by Woodrow Wilson in his demand for open covenants, openly arrived at.

The still secret Gore-Chernomyrdin agreement not only flouted law, but also failed to safeguard our national interest and security. In what amounted to an inverted arms-for-hostage deal, U.S. policy was, in effect, taken hostage by a Russian arms strategy designed to destabilize the Middle East.

The agreement's apparent purpose was to facilitate a Russian aid policy that resulted in the squandering of American tax dollars for the benefit of a kleptocratic elite, rather than the Russian people.

The legitimization of Russian arms sales in defiance of law is hardly in the interest of a safer world. The naivete of this approach is matched only by the perfidiousness of its execution.

From an American perspective, it would appear that one of the purposes of the Gore-Chernomyrdin Commission may have been to burnish the Vice President's foreign policy credentials and make his management of U.S.-Russia relations a centerpiece of his potential campaign themes.

It is now self-evident that U.S. policy failed, and the Gore-Chernomyrdin Commission is a symbol of that failure.

The question is how the U.S. and the next Administration should proceed from here. Though isolationism is always at issue in our democracy, the American tradition is dominated by pragmatic and compassionate internationalism. Most Americans recognize that what happened in Russia, still a nuclear superpower with a seat on the UN Security Council, is profoundly important to our national security. A peaceful and democratic Russia remains a compelling U.S. interest. Consistent with the strong humanitarian strain in our foreign policy, Americans maintain an interest in helping the Russian people achieve a market economy based on the rule of law.

America need not turn its back on the international financial institutions, but it has an obligation to see that taxpayer resources are not squandered, nor used to enrich the few at the expense of the many. Americans should continue to be prepared to support genuine Russian efforts to help themselves. Here, it must be understood that Russia's economy will remain hapless unless the Russian government begins to deal effectively with corruption and takes the necessary steps to establish an intermediary financial system that services a saving public, instead of a thieving elite.

No nation-state can prosper if it lacks a place where people can save their money with confidence and seek lending assistance with security. Russia, which is the land mass most similar to our own, has been kept back for most of this century by the Big "C" of Communism and is now being kept back by the little "c" of corruption—which may prove more difficult to root out than Communism was to overthrow.

What the Russian people—and those of so many developing countries—deserve is a chance to practice free market economics under, not above, the rule of law. If attention is paid, above all, to establishing honest, competitive institutions of governance and finance, virtually everything else will fall into place.

Unfortunately, over the past six or eight years the basics of law and economics have been ignored for the sake of the politics of expediency and neither the national interest of America nor Russia has been advanced by a mistargeted and mismanaged aid program.

It is time that the symbiotic statecraft symbolized in the Gore-Chernomyrdin relationship that has legitimized and ensconced crony capitalism in Russia be brought to a halt. It is time for the American people to insist that their leaders concern themselves with the plight of the Russian people rather than the well being of a new class of kleptocrats.

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IT IS TIME TO PUT PEOPLE BEFORE POLITICS

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

Mr. FOLEY. Mr. Speaker, just a few minutes ago I asked a question on the House floor as to the schedule because it seems to me that there is some confusion. We have been asked now vis-a-vis the Senate to have a potential 14-day CR.

Now, to refresh the memory of those listening, we were asked by the President to stay and work day in and day out 24-hour CRs until we get our work done, and we have done that. We have tried to work. We have tried to negotiate. Now it appears that sometime within the last 12 hours, Mr. DASCHLE, the gentleman from Missouri (Mr. GEPHARDT), and Mr. Podesta, the President's chief of staff, had a meeting and decided to take a 14-day CR over to the Senate and place it on TRENT LOTT's desk and ask for unanimous consent, and apparently the Senate has taken them up on their offer for a 14-day CR because the politics of confusion is not working for them.

Many of the Members on my side of the aisle, including one of our most vulnerable members, the gentleman from California (Mr. ROGAN), remained in Washington, D.C. to do the people's business because he believes more in the sanctity of the voting process here than going home to protect his reelection. The courage that he has displayed will ensure his reelection, because he truly represents his district.

Unlike some of the Democratic House leaders featured today in the Hill Magazine, Wednesday, November 1 edition,

and let me read the headline because it is telling. Last night I heard the chants, work, work, work from the minority side of the aisle; gets everybody festered up, ready to do the people's business. Let me read this because it is telling. Democratic House leaders miss weekend votes. Despite President Clinton's pledge to stay here with you and fight for the legislative priorities, not one House Democratic leader was present last weekend for all 7 votes taken on session-ending procedural matters.

The gentleman from Missouri (Mr. GEPHARDT), the gentleman from Rhode Island (Mr. KENNEDY), the gentleman from New Jersey (Mr. MENENDEZ), the gentleman from Michigan (Mr. BONIOR), all missed votes while we worked trying to solve some very, very difficult issues. Some are on immigration. We have heard a blanket amnesty requested by the President, and I am all for letting people stay in America that have been tortured and oppressed from their homelands, but let us get the record straight. We do not want to just give everybody amnesty until we figure out who they are, why they are here, what their backgrounds are, do they have criminal records.

Every time they talk about blanket amnesty, people in Haiti and Cuba and other places decide maybe it is worth risking their life to come on a raft to the United States, because if they just reach our shores they will be allowed to stay because some day a future Congress will blanket amnesty them as well.

So those that go legitimately to the INS process 2 and 3 years at a time, waiting for some response that they may be citizens, are basically shunned and turned away because they do not and are not covered by blanket amnesty.

Now the Republican majority has proven itself capable of staying here in town working until the job is done. We were blamed for the shutdown of government. I remembered some on the other side howling about shutting down the government; it is the Republicans' fault. The Chamber is empty today and the Republicans are talking, I being one, and am prepared to stay through Tuesday, election day, to make certain we deliver a budget that is good for America, good for kids and schools, good for Medicare recipients, good for hospitals.

We have delivered that bill and we have delivered tax relief, and we have done so in a prudent, sensible, cost-effective manner; but we are tied up on a couple of issues and they are refusing to budge. The President is in California, Kentucky, New York, except, excuse me, let me flash back, stay here with you, said the President, until our job is done. Well, he is in New York with his wife campaigning. He will not sign a bill helping women with cervical and breast cancer. He will not do a White House ceremony because it may involve the gentleman from New York

(Mr. LAZIO) and that would give him unfair publicity in a very tough Senatorial contest.

Seemed like the White House had no problems finding a picture of the gentleman from New York (Mr. LAZIO) and Mr. Arafat at a common reception when a delegation went to visit Israel and Palestine and areas of that nature in order to talk to the people to bring about peace. They can find a photo, but they cannot make time for a bill signing.

Mr. Speaker, one other critical matter coming before the Congress, and I can assure you it will get done, and that is the Everglades. Thanks to the Speaker today and others who have urged our leadership to move forward on the Everglades, we are going to see a bill before this session of Congress ends, not in lame duck but in this session, before Friday. If the other Members of the minority think it is too important to go home and campaign, well how about it, because you are missing anyway.

We are going to stay here and make certain the principles of the democracy are upheld, that we fight the good fight on behalf of our constituents. Our constituents are as important as theirs are, but I urge every Member to stop the rhetoric and nastiness and aspersions and start focusing on why we are here.

I think we have made some tremendous successes, and I compliment the other side of the aisle on a number of them but I suggest that in this day and era we need goodwill, not a poisonous atmosphere. It is time to put people before politics.

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ANNOUNCEMENT BY SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair reminds Members that it is not in order in debate to characterize Senate action or, except as provided in rule XVII, to refer to Senators.

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ARMY DIVISIONS WERE DECREASED, NOT INCREASED, UNDER DEMOCRAT ADMINISTRATION

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

Mr. HUNTER. Mr. Speaker, we have some very serious issues on the table during this national campaign, one that involves truly all the Members of the House of Representatives, many members of the Senate and, of course, the Presidential candidates. In the last debate between Vice President GORE and Governor Bush, Vice President GORE said that he had increased a number of Army divisions.

Mr. Speaker, I think it is important for the American people to know that is not the case. When the Clinton-Gore administration took over in January of 1993, we had 14 Army divisions.

□ 1630

Today, we only have 10. So under President or Vice President GORE's leadership, along with that of President Clinton, we have actually cut the Army to 10 divisions; we have not increased it. So somewhere along the line he inadvertently invented four U.S. Army divisions.

Mr. Speaker, along with slashing the size of the Army, this administration has, I think, cut the Navy to 316 ships from 546 ships. That is a cut of almost 40 percent. They have cut the Air Force from 24 active fighter airwings to only 13. It is time to rebuild national security.

The interesting thing about these massive cuts in force structure, meaning we have about 60 percent of the military that we had when this administration took over, is that generally speaking, one would expect, when we cut a sports organization or we cut a business organization, we would think that when we cut it down in size, the half that one has left, if one cuts it in half, is going to be better prepared, better equipped and better trained than the big operation that one had earlier. That core should be a good, highly-efficient, highly-prepared operating core, whether it is in sports or in business or in the military world.

Well, the sad thing about this cut in our military force structure, cutting the Army from 18 to 10 division, cutting our fighter airwings from 24 to 13, and cutting our Navy from 546 ships to only 316 ships, the tragedy is, the small military we have today after these slashes is not as prepared as the big military that we had during Desert Storm. The chief of staff of the Army has told us that we are now some \$3 billion short on ammunition for the Army. The Marine Corps has told us that they are \$200 million short on ammunition. The Air Force chief of staff has told us that we are roughly 50 percent short on precision munitions. Those are the munitions that we have, where instead of carpet-bombing a bridge, one can fly in and put one precision munition, very, very accurate, on one strut of that bridge and knock the bridge down. It is a highly-efficient way to project American power.

So the Air Force told us they have cut those munitions down to the point where they only have 50 percent of what they need. The Navy has informed us that they only have 50 percent of their requirement for Tomahawk cruise missiles. Those cruise missiles are what we use to go into an area that is heavily defended, where if we send pilots in to drop bombs out of planes, we might lose some of those pilots. So those cruise missiles, those Tomahawks are very valuable; but today we only have 50 percent, according to the Navy, of what we need.

Now, along with that, we see the mission capability rate of our frontline fighter aircraft just dropping off the cliff. Mission capability rate is how many of our aircraft work. If I ask my

neighbor, what is your mission capability rate of your cars and he said, a minute and I will tell you, and he went outside and he tried to start them, and he had two cars and only one started, he would come back in and say, it is 50 percent, only one of the two cars starts.

Well, the mission capability rate for our frontline fighters, the F-15E and the F-16, has dropped into the 70 percent rate. That means that it has dropped about 10 points from the 83 percent-or-so mission capability rate to an average of about 72, 73 percent. That means out of 100 aircraft, 30 of them cannot get off the ground and cannot go do their job. So now there is this shortage of fighter airwings, these 13 fighter airwings we have, are only about 70 percent ready to go. That means we really only have about nine airwings that really are ready to go out and engage the enemy.

So Mr. GORE has not presided over a resurrection of the U.S. military; he has presided over a decline.

Mr. Speaker, I think that help is on the way.

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BREAST CANCER DRUGS: INTERNATIONAL PRICE COMPARISON

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

Mr. BROWN of Ohio. Mr. Speaker, by now, most Americans are aware that prescription drug prices are higher in the United States than any other industrialized country; 2, 3, even 4 times higher. It is difficult to believe that drug manufacturers manipulate prices even when a drug is used to treat a life-threatening illness like cancer. Unfortunately, that is exactly what the drug makers are doing.

A study I released yesterday looks at the prices charged for drugs used to treat breast cancer. Mr. Speaker, 8,600 women in Ohio will be diagnosed with breast cancer this year; and 1,900 will die from this disease. In the counties I serve as a Congressman, women with breast cancer pay 2½ times more for the 5 most commonly used breast cancer drugs than women in Canada pay, in France pay, in England pay and in Italy pay. Tamoxifen, the most widely used cancer drug, has the highest-priced differential. A monthly supply of Tamoxifen costs an uninsured woman in my district \$114. In Canada, it costs \$12; in France, it costs \$10.20. We are talking about price differentials in the 850 percent to 1,000 percent range. It is unbelievable and it is unconscionable. A woman diagnosed with breast cancer needs to devote all of her energy to fighting that cancer. The toughest battle should be surviving the cancer, not finding ways to pay for medications. Prescription drug prices are priced unreasonably, unjustifiably, and outrageously high in the United States.

Drug prices are two and three and four times higher here than in other industrialized countries. Why? Because the prescription drug industry can get away with it. We do not negotiate prices because this Republican-led Congress will not do that. We do not demand that drug manufacturers reduce their prices to reflect the taxpayer-funded portion, almost half, the taxpayer-funded portion of the research and development. Why? Because this Congress will not do that. We do nothing to help the 44 million Americans under 65 and the 11 million over 65 who lack insurance for prescription drugs, again because this Congress has failed to enact Medicare coverage for prescription drugs.

The U.S. is the wealthiest Nation in the world. Our tax dollars finance a significant portion, almost half, of the research and development underlying new prescription drugs. Why do we tolerate congressional inaction? The prescription drug industry has a huge stake in the status quo and spends lavishly to preserve it. They pour money into political campaigns, \$11 million in this year alone, \$9 million of it going to majority Republicans. They pour money into high-pressure lobbying, they pour money into front groups that pose as consumer organizations like Citizens for Better Medicare. They try to scare Americans into believing that if we do not let drug manufacturers charge obscenely high prices, then they will not do research and development anymore; yet drug companies could afford to spend \$13 billion promoting their products last year.

Drug companies' profits outpace those of any other industries by 5 percentage points at least. The drug industry consistently leads other industries in return on investment, return on assets, return on equity. Thanks to huge tax breaks, the drug industries' effective tax rate is 65 percent lower than the average in other U.S. industries. Why? Because this Congress will not do anything about it. It doesn't matter whether we could take steps to make prescription drugs more affordable in this country; the only thing that matters is this country has failed to take steps to do that.

Drug industry lobbying convinced the Republican leadership to weaken a bill that would have allowed Americans to buy larger quantities of prescription drugs from Canada and other countries where drugs are priced lower. Whether we build on the progress of at least some legislation depends on which party controls the White House and which party controls Congress. Republicans and Democrats should be united, Mr. Speaker, in their determination to address the prescription drug issue. Unfortunately, that is not the case. The Republican majority has consistently bucked every attempt to seriously address prescription drug coverage under Medicare and to seriously address prescription drug pricing. I urge my colleagues to check the record. It will bear me out.

Mr. Speaker, we cannot afford to waste another minute, much less another session of Congress pretending to address the prescription drug industry with watered-down legislation and unworkable Medicare prescription drug proposals. The public should demand policymakers to deliver a strategy that prevents the drug industry from robbing us blind. We should not leave here before the election until this Congress passes prescription drug coverage under Medicare and does something about the outrageously high prices that prescription drug companies charge American citizens.

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CONGRESS HAS NOT DONE AMERICA'S BUSINESS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from New Jersey (Mr. PALLONE) is recognized for 60 minutes as the designee of the majority leader.

Mr. PALLONE. Mr. Speaker, I was not planning on talking about this this evening, but I heard what my colleague from Florida (Mr. FOLEY) said about where we are tonight and the possibility of adjournment; and I have to respond to it, because I think it was very unfair to the minority side and to the Democratic side here.

The gentleman from Florida suggested that somehow the Democrats wanted to go home and that the Republicans were the ones that were keeping us here. I find it rather ironic. He talked about the fact that the other body, the other body passed a 2-week continuing resolution so that we could go home for the election and not come back for 2 weeks, and we know who is in the majority, both in the other body as well as in the House of Representatives, and that is the Republicans.

The motion in the other body to adjourn for 2 weeks came from the Republican leadership, not from the Democrats. The same is true here. As Democrats, if the Republican leadership in this House wants to take up that resolution that came up from the other body, I assure my colleagues that most, if not all, Democrats will vote no. We have made it quite clear as Democrats in the House of Representatives that we have no intention of going home, and that we are not in favor of a continuing resolution that would take us out of here for 2 weeks, and any suggestion to the contrary is not based on the facts, because we are not in the majority. How would we possibly be in a position in either House of the Congress to make a decision to adjourn for any period of time when we are not in the majority? It simply makes no sense.

I have to take offense to the fact that somehow he was suggesting that the Democratic leadership wanted to go home. It was the Republican leadership in the other body that brought up the resolution, and if anything is done with that resolution, it will have to be the

Republican leadership that brings it up.

There is absolutely no question that the Democrats want to stay here and work, and we have made the point over and over again; and I certainly have myself, along with some of the Members that are joining me here tonight, particularly on the health care issues, that we do not want to go home until we pass HMO reform and the Patients' Bill of Rights, until we pass a Medicare prescription drug benefit plan for our seniors. We have been very critical of the fact that the Republican leadership refuses to bring these major issues and major policy concerns up to be addressed here in the House of Representatives. At the same time, it is abundantly clear that the Republican leadership does not want to even get its basic work done by passing the budget, the appropriations bills. A good percentage, I think 5 or 6, of the appropriation bills are still pending, and every effort on our part to try to resolve those and say that we should be meeting to resolve them continues to be met, but with the other side saying, well, we need more time, or we cannot accept your proposals, or we do not want to meet on common ground.

Mr. Speaker, I wanted to highlight an editorial that was in today's New York Times that talked about how ineffectual this Republican Congress has been. I think, with the concurrence of my colleagues here, maybe I will just, I will put this up for my colleagues and others to see. This was in today's New York Times, and it is entitled, as my colleagues can see, "An Ineffectual Congress." If my colleagues do not believe me and my characterization of the Republican leadership's efforts of basically being ineffectual, well, then just take some sections from this editorial from the New York Times today. I just want to read a few of the parts of it that I think are particularly relevant.

It says, "The 106th Congress, with little to show for its 2 years of existence, has all but vanished from public discourse. In past Presidential campaigns, Congress has at least been an issue, but nobody, least of all the presidential candidates, is talking about this particular Congress and the reason is plain. On almost every matter of importance, gun control, Patients' Bill of Rights, energy deregulation, Social Security, Congress has done little or nothing, failing to produce a record worthy of either celebration or condemnation, nor has it been able to complete even the most basic business, the appropriations bills that keep the government functioning. Three have been vetoed," and it says, "Absent a burst of statesmanship in the next few days, it is possible that Congress will have to come back after Election Day to complete work on the Federal budget."

□ 1645

I think that is almost certain at this point. The other body has actually left.

But the editorial continues:

"But if Congress has done a lousy job for the public at large, it is doing a fabulous job of feathering its own nest and rewarding commercial interests and favored constituencies with last-minute legislative surprises that neither the public nor most Members of Congress have digested."

Mr. Speaker, I have said over and over again that what the Democrats have been saying on the floor of this House for 2 years is that we want to address these issues that are important to the average person: HMO reform, Medicare prescription drugs, education issues. You name it, we are looking at the concerns that the average person has.

What do we see with the Republican leadership? All they want to do is address concerns of special interests. The reason that they could not agree on a Labor-HHS appropriations bill and had to finally blow up the negotiations the other day was because the Democrats had put in the bill provisions for people, what we call ergonomics, people who have repetitive motions in their work, using their fingers, and what they do on the job and suffer from it, and we wanted to address that worker safety issue.

The Chamber of Commerce came in and said, we do not want that in there, so they blew up the Labor appropriations bill.

The reason we do not have a Patients' Bill of Rights is because the Republicans basically are in the pocket of the HMOs, and they want to do the bidding of the HMOs. They do not want HMO reform.

The reason we do not have a Medicare prescription drug benefit is because the drug companies oppose it and the Republican leadership is in the pocket of the drug companies and has to do their bidding, so they cannot bring up the Medicare prescription drug benefit.

This is laid out abundantly clear. Just another section, if I could, from this New York Times editorial.

It says, and this is the President, it says, "But most of his energy has been spent beating back last-minute riders he does not like. At last count, there were well over 200 special-interest items 'in play.' Originally they were attached to the Commerce-Justice-State spending bill. When the President threatened a veto, they jumped like fleas to the Labor-Health and Human Services bill."

That is what we are having here, special interest riders. The President says, no, we are not going to do that for these special interests, we are here for the people. The Republicans, they just move them from one bill to the next.

"Most of these items," according to the New York Times, "are garden-variety pork projects. But some involve real substance and bad policy. One egregious example is a bill that passed the Senate Agriculture Committee without hearings. . . . It would broadly

prohibit states from using their authority to write food safety regulations stronger than those required by the federal government."

Again, people are concerned about food safety and what they eat. No, Republicans cannot do something about that because of their special interest friends.

I do not have to go on and on. I just want to read the last paragraph on this ineffectual Congress in today's New York Times. It says, "The Republicans believe that somehow they will profit from these confrontations. But Mr. Clinton has won these stand-offs in the past, and there is no reason why he cannot do so now."

So when my colleague, the gentleman from Florida on the other side of the aisle, criticizes President Clinton, President Clinton is trying to do his job, protect the public from food safety problems, health care problems, whatever. What do the Republicans do? They just stand for the special interests.

It is very sad and it is very unfortunate, their efforts this evening on the other side of the aisle to somehow characterize us as wanting to go home. We are not the ones in charge, we are not the ones in the other body who passed the resolution to go home, and we are not going home.

I yield to my colleague, the gentleman from Florida (Mrs. THURMAN).

Mrs. THURMAN. I appreciate the gentleman yielding to me, Mr. Speaker.

Mr. Speaker, I hate this wrangling. I get so uncomfortable with what is happening out here with Democrats and Republicans, Republicans and Democrats. But there is also the idea that we have to sometimes just sort of set the record straight.

All of us would be preferring to work in a very positive way for the American people, but I have to say something to my colleague, the gentleman from Florida, who spoke earlier when he was kind of giving us a hard time about who left during this weekend.

What I found interesting about it was that he mentioned people who quite frankly are not even on the Committee on Appropriations, people who would have had no ability to really do the deal because it had to have been worked through the appropriators, and that is how this process supposedly works.

I checked the RECORD, and the gentleman from Wisconsin (Mr. OBEY), who is the ranking member of the Committee on Appropriations for the Democrats, and also who is the ranking member on the Health and Human Services bill, was here this weekend and was willing to work.

But I even went a step further, because they talked about, oh, "They just want to go home and campaign." When I looked at this last vote, just this last vote that we took, it was Republicans missing were 50, Democrats were 45. So in fairness in looking at

what is going on here, there are Members who have left, who have gone back to their districts. It is not just one side, it is a combination. They believe that there is something they need to be doing otherwise, and that is their prerogative, because they have to meet with their own voters.

Just to set the story straight, there really is commonality here as far as who is leaving, who is not. It is my understanding that Mr. LOTT was at home last weekend as well, so he also would have been one who would have made the deal. We need to get over that, because I have some issues that the folks at home are really asking me to do.

Quite frankly, I have been kind of watching some of the ads when I have been home in Florida, some of the ads. It seems to me, interestingly enough, whether one is a Democrat or Republican, everybody says, oh, I want a prescription drug benefit.

But when we get down to the meat and the actual way of passing a bill that will be beneficial, we are this far apart. We are so far apart on that part of it, and the fact that we believe that there ought to be a Medicare prescription drug benefit, not one that is left up to the HMOs and to private insurance companies.

Quite frankly, in the committee when we had a discussion, the private insurance companies told us, "We do not have an instrument to sell that just covers prescription drugs, and we will not have that available to us."

But on top of that, we had a debate on this floor 3 nights ago about the whole idea of what is happening across this country. Nine hundred thousand seniors are being pulled out of their HMO coverage, losing their prescription drug benefit. I do not mind if the HMO is there, because we do this in a voluntary way and we make sure that they help their seniors with a prescription drug. But the fact of the matter is that if they are not there and they cannot do it, then we need to have the safety net for these other people.

It really hurts me. I have to read this story to the gentleman. This actually was done in Hernando County in Florida, where the last two HMOs pulled out. We are fortunate enough because we have been able to actually get two more in there, so we think there is comparability, and I am not sure that all the benefits are the same because we have not seen all of it yet, because we actually started signing up people today.

But there is a woman, a young woman in Florida, quite frankly, who is Lucy Maimone, we will just do Lucy for a moment, and it says this is the story for her.

"Lucy pricks her finger and smears a dot of blood onto a small box that reads 'blood sugar levels'. '114, that's good,' she says. Ready for the first of two daily walks, she is dressed in her white sneakers and maroon windbreaker. The 73-year-old woman has been treading through her neighborhood twice a day after morning toast

and late afternoon supper on the advice of her doctor, who cut off Lucy's cholesterol pills because her Medicare-HMO insurance will not stretch to the end of the year.

"The cholesterol pills could go. The medicine for her diabetes couldn't. Lucy says, before munching on three quarter-size peach glucose tablets to avoid going into shock during the walk, 'The walk may not be as effective as the cholesterol pills,' she says, 'but it helps.'

"On the small screen of the television set which carries seven channels grainily, political commercials repeatedly interrupting rowdy guests, the commercials were aimed straight at Lucy. 'See? I don't want an HMO,' she yells as the commercial accuses Republican candidate George W. Bush as relying too heavily on Medicare HMOs to cover seniors' prescription drugs. 'I have been stuck with HMOs for 4 and 5 years, and all of a sudden they are pulling out. What is to say they won't pull out?'"

And she is saying to us, could we not have done something this year for Medicare? But it goes on further, because this is about three stories of people in this area.

"Like the couple before this, the Nicos, Lucy falls between the cracks. Her \$860 monthly income is too much to qualify for State Medicaid assistance for her prescription drugs, but it is too little to afford much more than that. So she skimps on everything. There is no car for grocery shopping. There is a two-wheeled cart that she makes do. Forget cable or any outside recreation like dinner or movies.

"Aside from these walks, the highlights of these days consist of cuddling with her salmon-colored cat, Bingo. 'She is my life right now,' Lucy says of Bingo. That is what really keeps me going, when she comes and sits with me.' Her warm brown eyes well with tears behind her brown-rimmed glasses. 'Sometimes I get so depressed I cry. I came here to have a good life, and what do I have but worries?'"

That is the unfinished business that we have left in this House. If I have to stay here until election day, if I thought that we could get a Medicare prescription drug benefit, one that was voluntary, that brought in all of the other people who distribute or deliver a drug benefit, I would be willing to do that. I do not know how we go home and tell Lucy.

But what bothers me the most is the commercials that are running that have made people believe that they have passed some kind of a piece of legislation up here that gives them that safety net. That has not happened in this House. That has not happened in the Senate. If anything, when the Senate walked out of here today, which they did, there is no Medicare buy-back bill, either, nothing that takes care of nursing homes, nothing taking care of home health care, nothing that takes care of accountability for HMOs to say

they have to stay 2 or 3 years, nothing that gives money back to the hospitals.

We could have figured this all out if we would have just taken the time to sit together, Democrats and Republicans, working in the people's House as they elected us to do.

What do we say to Lucy? More importantly, what do they say to Lucy?

Mr. PALLONE. Mr. Speaker, I appreciate what the gentlewoman said. I think what she did in giving us an example of an individual who is impacted by the lack of action here is so important, because that is what I really believe it is all about, to be down here for.

In other words, we bring up these issues like a Medicare prescription drug benefit, HMO reform, because we believe that these are the things that have an impact and these are the things that really make a difference for people.

I think one of the reasons that the gentlewoman and I in particular stress health care as an issue, because there are others that we could talk about, is because we know that, particularly with reference to health care, it has a direct impact on people. If they cannot lead a healthy life, then what kind of life do they have?

I just want to say briefly, before I yield to our other colleague, that the saddest thing I think in what the Republicans are trying to say in these commercials is that they try to give the impression, as the gentlewoman said, that somehow there is going to be a universal prescription drug benefit available under their proposals.

It is simply not true. The only thing they have proposed and this they tried to pass, and Governor Bush is talking about, is basically giving a subsidy, a small amount of money, I call it a voucher, to people of lower income; not the people eligible for Medicaid, which is really low, I think you have to be under \$10,000, but at a little higher level.

They are saying to them that they can go out and use that to try to get an HMO to cover them, or try to buy an insurance policy to cover prescription drugs. That is not even an option because it does not exist.

Most of the seniors, certainly every middle-class senior, the majority, would not benefit in any way, even if that passed. They have not passed it. They brought it up, and it has not gone through both Houses and been sent to the President. Not only have they not really passed it, but even if they did pass it it would be meaningless, and yet they put on commercials acting as if they have done something.

Mrs. THURMAN. If the gentleman will continue to yield, Mr. Speaker, a couple of nights ago we were on this floor again. I went through what one of my constituents had sent me as to what was even happening with the premiums, changes from one plan to another.

They said, we no longer have this plan, here is the new plan. In there,

they talk about the fact that they are going to go from \$19 from last year, which was what their cost was on the premium, to \$179 a month.

□ 1700

And then you go through it and in every category. The copayments, for whatever reason, go up from \$20 to \$35, and/or the benefit has been cut. In the prescription drug area, it has been cut.

So even whether we gave them whatever, the fact of the matter is even if they had the HMO there, actually they are not going to be able to afford it. It has outpriced them, and I think one of the things that bothers me about this too, is, these are Medicare dollars as well. Remember it is not only do they get the \$179 from the patient or the person who would get the benefit, they are also getting money, our Medicare, our tax dollars that we get through the payroll given to these as well. They get whatever that number is, depending on what part of the country they are in, plus whatever their treatment is.

This could be \$700 per patient, which is more costly than what it costs us for a Medicare fee for service, and we could be providing a prescription drug for about \$26 a month.

Mr. PALLONE. I agree. And the thing that is amazing about it is that the traditional Medicare program has one of the lowest overheads of any administrator programs. I think it is like less than 3 percent. In terms of overhead for Medicare right now, if you add a prescription drug benefit and you want to do it in a way that has a very low overhead or administrative costs, what better way to do it than to put it under Medicare? HMOs.

The overhead is so much greater, and this option of somehow finding a prescription-only policy, I mean that just does not exist.

Mr. Speaker, I yield to the gentleman from New Mexico.

Mr. UDALL of New Mexico. Mr. Speaker, I thank the gentleman from New Jersey (Mr. PALLONE) for yielding to me and thank the gentleman for all of his hard work on this issue and organizing this special order. And I think one of the things that the gentlewoman from Florida (Mrs. THURMAN) emphasized that is really important here when we talk about finishing our business, when we talk about coming to the end of a session and what have we done, the gentlewoman dramatized that we talk about programs, I mean, we are legislators. We are here. We are in committees. We deal with programs, and we talk about programs. But what the gentlewoman has really highlighted is the fact that these programs impact real people's lives.

So when we say we are ending a session and what have we done and what do we have left to do, we have heard this long list, and many of us throw it out; Medicare+Choice; prescription drugs; minimum wage; making sure that Social Security is solvent; that Medicare is on a good, sound basis; patients' bill of rights; but each one of

these programs and ideas is something that has an impact on millions of people in our society.

When we are saying we do not want to go home, what we are really talking about, let us just to pick an example, in terms of prescription drugs, there are so many people out there that are not covered that do not have prescription drugs. And I think each of us in doing townhall meetings and in participating with constituents in our districts and getting feedback back and forth, where we hear the stories of senior citizens, saying, one, I cannot afford them, so I have to make a choice between drugs and food.

Mr. Speaker, I actually had a woman stand up in a townhall meeting. I was opening up and asking for suggestions, and she said, well, I have already heard this plenty of times. She says I don't have the money. I am going to go ahead and eat; I am not going to listen to my doctor. I am not going to get the prescription drugs.

What we really have is a situation when we come to the end of a session, and I am striving to respond now in a diplomatic fashion, because I agree with the gentlewoman from Florida (Mrs. THURMAN) that we should not be wrangling over this, we should be putting our minds to work. We should be settling down to work.

Mr. Speaker, what we are talking about here is making sure that the work we started at the beginning of the year, the big, long list I just went through, prescription drugs, Medicare, fixing those problems with the HMOs and them cutting people off, minimum wage, Social Security solvency, all of those that we finish, but there is one other point here is that if we go home now, we are 1 month into the fiscal year.

All of these big departments that impact people's lives also, the Department of Education, the Department of State, the Department of Justice, they cannot be planning for the year.

We hear a lot about rhetoric on the other side of running government as a business. And we hear a lot on our side. I mean, many of us stand up and say we think it is important to run government as a business. If we are running government as a business and trying to give government agencies the ability to function in an effective way, one of the things we do is we allow them to know what their budget is going to be a year ahead of time.

We are now in a situation with these budget issues where we are already into them. We have expended a month, and we are on continuing resolutions. Who knows when it is going to end. But I know there is a deep desire just to wrap this up on the one issue of going home. There is a deep desire on our side of the aisle to stay here, to very much want to get the work of the people done.

I would just like to say a few words on the prescription drug issue a little bit more in detail, because I saw this

morning on the television about this issue. They were doing some polling, and they said, this time and in this Presidential election is one of the first times that senior citizens are more undecided, senior citizens. And they were asking the person, why is it that. Apparently what they said is, they are very confused about the prescription drug issue. They hear about these two different plans, and they hear about the proposals that are out there and they do not quite understand them.

Mr. Speaker, I thought that I would spend a little bit of time talking about that, because I think it is an enormously important issue in our Presidential election going on right now, and when somebody makes a choice in the Presidential campaign, there are going to be two different plans that are out there.

First of all, there is a plan that has been proposed, the Vice President is very supportive of it, many on the Democratic side are supportive of it, as to making a prescription drug benefit as a part of Medicare through a modest premium, through voluntary participation, making sure that everyone is covered that wants to be covered, because you are allowing them to come into a voluntary situation, and that would be a program that is going to cost some money, but it is a program that everybody knows would work and would be a reality if we just put our minds together and do it.

We passed the other plan, which is very close to Governor Bush's plan, the plan that passed the House, and that is a plan that was tried out in the State of Nevada. And by the way, I voted against the plan that came through the House, the much ballyhooed plan that they talk about saying that prescription drug benefits are going to be provided.

What that plan does is, basically you throw money at HMOs and insurance companies and say set up a plan and make it work in the private sector, because we do not want Government involved. Well, what happened is they did it in the State of Nevada. They passed a law. They said let us set it up in the private sector. They put everything into place. The remarkable thing is that the insurance industry was brutally frank with the State of Nevada, they stepped forward and said there is no market. We cannot do this. This is not something that is going to happen in the way that you have designed it.

In fact, in Nevada, no insurance companies have stepped in. Nobody has done it. There is not a reality, and I think that the thing we need to explain to people is there are big differences here. There are big, big differences between these two plans. I know that the gentlewoman from Florida (Mrs. THURMAN) has something to say on this issue.

Mr. PALLONE. Mr. Speaker, I yield to the gentlewoman from Florida (Mrs. THURMAN).

Mrs. THURMAN. Mr. Speaker, I just want to ask a question to my col-

leagues, because I think I remember something also in one of the plans where they would, instead of doing a Federal plan through the Medicare system, there was actually talk about sending some of these dollars in a block grant back to the States as well, which might have been what the gentleman from New Jersey (Mr. PALLONE) was referring to in the amount of money that would go back, then we would sit around waiting for another year for them to determine how to even spend this money out there to those folks that need it.

Mr. PALLONE. First of all, I would say that the gentleman from New Mexico (Mr. UDALL) was right, the Nevada plan is almost exactly the same as what the Republican leadership brought forth in the House. It is almost exactly the same, but Governor Bush's proposal basically gives money to the States in a block grant to try to cover people in some way. That is his proposal.

Mr. Speaker, I yield to the gentlewoman from Florida (Mrs. THURMAN).

Mrs. THURMAN. The other thing that I would say is that when we send it through, and maybe the gentleman can give us an idea of what happened in Nevada where when you rely on the private insurance, and there is nothing wrong with private insurance, I am not suggesting that some of the money that we have even talked about, because it is a voluntary system, would be used to help and prop up even some of those because of the higher costs of medicines.

But what I have looked at is, and certainly it has been the experience as we looked at HMOs who are pulling out who use this as one of the reasons that they are pulling out, is as we have in Medicare, we have at least some government, I hate to say this, but some government looks at what the real costs of it is, without any administrative costs, without any profit being built in, so we have a better opportunity to really use the dollars that we have available to us for really providing the benefit instead of having to look at what somebody else's bottom line is. No different than what we have done under Medicare.

Mr. PALLONE. If I could just reclaim a little time, the problem with the HMOs, and we have said it before, is three things. First of all, they had the administrative costs because they are for profit in most cases and the situations of CEOs getting huge sums and using it for all kinds of things.

Then you have the advertising costs in order to lure people into the program. They spend a tremendous amount of money on advertising. I have seen that in New Jersey, and I have used examples before.

Then they use the money also to lobby, and that is where we get back to the special interests on the Republican side, they use it to lobby here and to finance campaigns against HMO reform and against the prescription drug benefit.

All of those three add to the costs and tremendously to the costs in many cases.

Mr. Speaker, I yield to the gentleman from New Mexico.

Mr. UDALL of New Mexico. Mr. Speaker, one of the points that is related here, and these are the same HMOs and the same insurance companies that have pulled out in New Mexico.

Mrs. THURMAN. And also Florida.

Mr. UDALL of New Mexico. In Florida, New Jersey, and here we are, we have a situation where HMOs stepped into Medicare and said we are going to make it better. We are going to make it better than the Government does it, and they get into it and then when they do not make the profit they would like to make, they cut and run.

Really what we had happen when we got into that situation where we are talking about Medicare+Choice, we had 17,000 seniors cut off in New Mexico, and so you can imagine the phone calls.

I had a town hall meeting at a local hospital, huge auditorium, we filled the auditorium. It was standing-room only. Here are all of these senior citizens. What am I going to do? Where am I going to go?

They had some heart-wrenching decisions before them. Unfortunately, it was not like in the district of the gentlewoman from Florida when she talked about maybe some came in again, they said they are out. They are gone. They are not coming back.

Mr. Speaker, I want to read a part of the General Accounting Office's report that dealt with this, because I think this is the report that was released in September, Medicare+Choice, plan withdrawals indicate difficulty of providing choice while achieving savings. And that report said, and I think it demonstrates why we do not just throw money at the problem. Why we need accountability.

Here is what the report said, although industry representatives have called for Medicare+Choice payment rate increases, it is unclear whether increases would affect plans participation decisions. In 2000, 7 percent of the counties within Medicare+Choice plan in 1999 received a payment rate increase of 10 percent or more.

□ 1715

Nonetheless, nearly 40 percent of these counties experienced a plan withdrawal. Ten percent increase or more, 40 percent experienced a plan withdrawal. This suggests that the magnitude of rate increases needed to make participating in Medicare a sufficiently attractive business option for some plans may not be reasonable in light of countervailing pressures to make the Medicare program financially sustainable for the long-term.

So, really, what we are doing here when we talk about prescription drugs and HMOs, and we talk about this Medicare situation, they have a pretty

bad record when it comes to Medicare+Choice.

I think we ought to be very, very cautious with any plan where we say the HMOs are going to run the plan. That is the thing that really disturbs me about this plan that passed the House, that I voted against, that Governor Bush is a great supporter of and really believes that the private sector and the HMOs are going to solve it. They have not solved these other problems. I think they have got some very serious problems here.

Mr. PALLONE. Mr. Speaker, let me just make two points. I think the point of the gentleman from New Mexico (Mr. UDALL) there with that GAO report is so important in light of two things that have happened here. First of all, we know that last week the Republicans passed this tax bill that gave a lot of money back to the HMOs. The lion's share of the money that was going back for Medicare and Medicaid reimbursement increases in funding went, instead of going to the hospitals or the nursing homes, the basic providers, it went to the HMOs.

I am particularly, and all of us were, very critical to the fact that there were no strings attached. The Republicans wanted to give all this money to the HMOs, but they did not require, as we saw it, that they stay in the program for 3 years or they provide the same level of benefits that they had initially promised.

Now given what the gentleman from New Mexico said in that GAO report, to not attach some strings or accountability, as the gentleman termed it, and give them more money makes absolutely no sense. The GAO report says that will not accomplish anything based upon past experience.

The other thing is that, in our proposal, our Medicare prescription drug proposal, as opposed to the Republican and Governor Bush's proposal, in our prescription drug proposal, which is under Medicare, because it is under Medicare, it is universal, and one has a guaranteed basic benefit package; in other words, that one can go to any pharmacy, that one is going to get any drug that is medically necessary as defined by the pharmacist or the physician, and one knows what one's copayment is going to be. All that is set as part of a basic benefit package.

But under Governor Bush's proposal and the Republicans' proposal, all they are doing is giving money to the HMOs and saying to you, you can go out and try to get an HMO that will cover you, but you do not know whether or not that is going to be a good plan, what the copayment is going to be, what the premium is going to be, whether they will cover the drugs that you need, are medically necessary. All that is up in the air depending on what you can negotiate with them.

Again, based on past experience, you are not going to be in a very good position, you are not offering them that much money, and they are going to ne-

gotiate you down so you do not even know what kind of basic medicine package that you are going to get. It makes no sense.

The other thing is that we do not even say that we are against HMOs. Because if we pass our Democratic Medicare prescription drug proposal, one can stay in the basic traditional fee-for-service plan and get the basic benefit, but one can still offer the HMO. One can still go into an HMO.

But now, unlike the current law or unlike what the Republicans are proposing, if one goes into the HMO, they have to offer those same pharmaceutical benefits. They have to give one the drug that is medically necessary. They have to guarantee that they are doing the same thing as everyone else. That is the difference.

So we do not even stop one from going to the HMO. But we make sure that the HMO is giving one what is fair and what one needs. I mean, it is such a tremendous difference.

Mr. Speaker, I yield to the gentlewoman from Florida (Mrs. THURMAN).

Mrs. THURMAN. Mr. Speaker, I appreciate that. I think some of the stuff that we have heard tonight of who has pulled out and what is happening out there, we did another survey in our State, similar to what we had done with the cost of prescription drugs, as differences between who was a customer and then from Mexico and Canada. Then we went a step further because we wanted to know just what was happening in the State.

We found that, in 1998, there was only about 29 percent of our Floridians that actually had no prescription drug coverage. But that has gone up to, now in 1999, 41 percent.

I want to just take a moment, though. I, quite frankly, think we should applaud the American seniors in this country and their families, because I think this issue is intergenerational. They are the ones who have come to us. They have shown up. They have shared their stories. They have shared the kinds of things that they are having to go through on an everyday basis.

I really do believe, had it not been for the fact that they had gotten a Medicare prescription drug under Medicare Choice, then it was taken away from them, they have now truly understood the issue and what it means to them and their health and to their own security.

So when I go out to talk to my seniors, I tell them thank you for bringing this issue to us. Because I have never seen an issue of this magnitude take off as quickly and have so much support, whether we agree or disagree with our colleagues about it. Never have we ever seen this kind of an issue be raised so quickly and try to come up with some kind of an answer to it.

But I also want to be a fiscally responsible person here, too. I mean, I came here in 1993. I saw the burgeoning budget deficits. We paid those off. We

have done those kinds of things. We also know, because of the baby boomers and what is going to happen in the future, one of the things that we need to remember about this and about this issue, it is also a cost-effective tool for us.

Because the more dollars that we have that we spend in the preventive area of making sure that people have their medications, that they have their cholesterol medicine, that they have their blood pressure medicine, that they have their help with diabetes, all of those kinds of things that helps us identify and keep under control, the less cost it is to us in the Medicare dollar in general, less times having to go to the hospital, not as dramatic kinds of procedures that would have to be done.

Because we have actually, to the benefit, through research and other things, have been able to find ways to help them control and to give them a quality of life.

So I think, if for no other reason than because of what we are going to be facing in the outcome years, that these are other reasons that we need to be looking at this.

This is a fiscally responsible program, not to mention what it does for our seniors and their families. Because for every pill that they cannot buy and a parent or the child of a parent who is having to go through this, who has a child that needs to go to college or save for whatever reason and cannot because they need to be the ones helping them because they cannot afford it, and they have no where else to turn, I mean, I understand the intergenerational of this.

Mr. UDALL of New Mexico. Mr. Speaker, if the gentleman from New Jersey will yield, one of the issues in talking about prescription drugs is different ways of tackling it. I am a co-sponsor with the gentleman from Maine (Mr. ALLEN).

Mrs. THURMAN. I am, too.

Mr. UDALL of New Mexico. I know the gentleman from New Jersey (Mr. PALLONE) is also. That seems to me a piece of legislation. I do not think on this side of the aisle we are always talking just government. We are talking about ways we can get prescription drugs the most effectively and with the least amount of bureaucracy to senior citizens.

The Allen bill does something very, very simple. We have a preferred customer cost, preferred customer price that the big guys, the HMOs, the Veterans Administration, the large purchasers, they get that preferred customer price.

We all know from checking this out and having the various studies that have been done by the Government Operations Committee, one was done in my district, where it showed a differential on eight of the most commonly used drugs of about 115 percent. So there is the preferred customer price, which is down here, and the uninsured

senior is 115 percent higher, higher price. So we have price discrimination going on. There are real problems with that.

Well, what the Allen bill does is something that is very, very simple and a very simple concept. It just says we are going to say there is one price; that this preferred customer price shall also be the price for uninsured seniors. All the pharmacies in my congressional district were very interested in that idea because they have been seeing the seniors.

As I went around my district and I heard from the owners of the pharmacies, they say they come in, they cannot afford it, we try to find a way for them. They said we would pass on the cost savings. If you require them to sell it at the same price, we would pass that on to the senior citizens. So I think that is a very simple solution.

When we talk about staying here and doing our work, if we did not want to look at Medicare, and we wanted to try this as a first step before we put a Medicare prescription drug benefit into place, we can try that as a first step, because we know what a big impact it will have.

Mrs. THURMAN. Mr. Speaker, we have also and actually passed on this floor the importation, another way we were trying to figure out ways to drive costs down. The biggest problem is that, if I remember correctly, one of the problems was that there was no safety protections for seniors and making sure that the drugs that they were going to import or the pharmacist that would import it would have those safety measures.

To the point of the gentleman from New Mexico (Mr. UDALL), that is the point, we are trying to find everyday ways. Do my colleagues know what, instead of having to stand up here and find those ways, I think we could, I mean I think we could actually craft something. I think we could be doing some things. But, unfortunately, I have to go home and tell Lucy and Bingo that we are not going to be able to help them this year. But we are going to be working again for them next year.

Mr. PALLONE. Mr. Speaker, I just wanted to comment on some of the things the gentleman from Florida (Mrs. THURMAN) said, because I think they are so important.

First of all, on the whole prevention issue, obviously if one has a Medicare prescription drug benefit, one is going very far towards looking at the prevention issue. Because, I mean, the biggest prevention issue right now is that Medicare does not include prescription drugs.

When Medicare was started in the 1960s, prevention, particularly with regard to the prescription drugs, was not a major issue. There were not that many. People did not rely upon them so much.

But the modern miracle, if you will, for the last 30 years has been the fact that we have been able to produce, and

the pharmaceutical industry has produced, all these drugs that actually make it so people do not have to go to the hospital, do not have to go to the nursing home.

It was ironic to me, though, because when I saw the prioritization of this Medicare reimbursement rate, this money that the Republicans put in the tax bill last week that was going to try to help out with various health care providers, that the least amount of money went to those providers. In other words, if we think about it, if we think about it, the HMOs really, they are insurance companies. So when one gives them money, they have got all the overhead and the lobbying and the advertising and everything we have already discussed as opposed to giving it to the basic providers.

A lot of those basic providers are prevention oriented, for example, home health care agencies. Prescription drugs are a method of prevention. But home health care is a way of avoiding nursing home care or a way of avoiding hospital stays. So why not give more money to home health care agencies, because they will prevent people from having to be institutionalized.

Mrs. THURMAN. Mr. Speaker, if the gentleman will yield, I would like to go back to something that the gentleman from New Mexico (Mr. UDALL) said about running things as a business. One of the things that we have been critical about in this bill as well is to look at the dollar amounts but also look at the time period in which we would extend these until we could get some accurate information back in.

We know that the Balanced Budget Amendment Act in 1997 that we made some decisions that may have gone deeper than what has been anticipated. So in this bill, as in the 1999 bill, every year, we keep giving them a year extension, a year extension, a year extension. Now they have already been through one-eleventh of their fiscal year, or what potentially would be their fiscal year, and they cannot plan.

When we are in a crisis of having health care services available to folks, how do we go to these nursing homes and say, okay, you can go out there for 11 more months, and you can staff like we should have to make sure that your patients are being taken care of? Or how do we say to these nursing practitioners who are going to these homes, we are going to beef up our agency now because we have got 2 years to work through some of these problems and show what is going on?

Again, they have 11 months. This had happened to them every year. I mean, it is just, as a plain business, you cannot plan around crisis.

□ 1730

Mr. PALLONE. Just to give you an example, I had a hospital in my district close, South AmBoy Memorial Hospital, last year. It closed the door, Medicare reimbursement rate.

I visited with some of the nursing homes a couple weeks ago and was told

a number of them are facing bankruptcy. They cannot get the skilled nurses to come in. I mean, there is no way. They are suffering, and we are giving the money to the HMOs.

I just wanted to comment because I thought my colleague brought up the issue of price discrimination and that is important. If you listen to Governor Bush, and this goes back to I guess the first debate or each earlier around Labor Day, when he just came out and slammed Vice President GORE when he said that their Medicare prescription drug benefit was price controls. He did not even get into the Allen bill. He said that even our benefit plan was price control.

One of the things that really bothers me with the Republican leadership is that so often, and the prescription drug issue is a good one, they just get into this whole ideology that Government does not work and we do not want to do anything with the Government and that is why they cannot accept a prescription drug benefit under Medicare because Medicare is a Government program, or at least ostensibly a Government program, so they get into all these ways trying to get around that by throwing money in the private sector.

And the same thing with the Republicans on this issue of price discrimination. They do not call it price discrimination. They say it is price control. And they cannot accept the notion that we have in the Allen bill that somehow the Government should be negotiating to try to bring costs down. They do not have anybody to negotiate with them.

In our Medicare bill, we do not even have the Allen provision. We do not go that far. We just say that in each region of the country we are going to have a benefit provider that will go out and negotiate a good price, which will probably bring the cost down 10 or 15 percent. But even then Governor Bush says that is price control.

I just want the Republicans to forget about the ideology and talk about what works particularly. I do not care, I am not concerned with ideology, government versus no government, left versus right. I just think we have to look at what works. Medicare works. It does not make any sense to have Lucy and the others suffer because of some ideology.

Mrs. THURMAN. Mr. Speaker, if the gentleman would continue to yield, I just want to make one point before we walk off this floor. The reason that we are even able to have this debate today, the only reason we have this debate today, is because our House is in fiscal responsibility right now. Because I have heard on this floor over and over, Well, you could have done it. You could have done it before. You could have done it here then.

They talk about this education. They talk about that and everything. The fact of the matter is that, until this last year or so, we had been looking at

deficits; and now we have an opportunity to strengthen some areas within and for the people of this country because we believe that we can do the Medicare prescription drug benefit and we can do the school programs and we can pay down the debt. And we should be making no doubt about it. Because I am really tired of hearing that about you could have done this for the last 8 years.

Well, first of all, we have not been in the majority for the last 8 years but about 6. And secondly, there was no surplus of money. There was nothing in this Congress except deficits. It is time that the American people understand. All we are doing is standing up for the things that we believe are right that we have an opportunity to debate and talk about now which was not available to us before.

Mr. PALLONE. Mr. Speaker, if my colleagues listen to what the Democrats are saying about the surplus versus what the Republicans are saying about the surplus, the whole emphasis for the Democrats is paying down the debt and retirement security.

The idea is that the majority of the surplus would be used to shore up Social Security and Medicare because we know at some point down the road that they are going to have shortfalls in their trust fund, and we need to shore up those programs. And the two go hand-in-hand because, as you pay down the debt, you make it possible to have the money available to shore up those two programs.

The Republicans keep talking about this huge tax cut. They actually tried to pass it. Governor Bush keeps saying he wants to do it. It would take us back to deficits. Then the money would not be available for prescription drugs, for shoring up Social Security and Medicare and there would not be any retirement security. I mean, in many ways I think that is the most crucial aspect of this election November 7 is who is going to favor having the money available to shore up those two retirement security programs.

Mr. UDALL of New Mexico. Mr. Speaker, I wanted to go back to the point of the gentleman about the argument that is out there about Government not working.

Well, the HMOs have not worked when it comes to Medicare+Choice. And it is evident in my district. You cut off 17,000 people. Many of them are in rural areas. And the thing I did not like about the bill that came before the House of Representatives is it discriminated between rural areas and urban areas and you had a cut-off. You were going to increase the reimbursement to \$475 in rural areas and then have the cities at \$525.

Well, it is more expensive to provide health care in rural areas. I think if we were going to raise it, we should not have discriminated; and I think we needed rural provisions in that Medicare+Choice Medicare bill that we were considering along with these ac-

countability provisions that we talked about.

I mean, what is so bad about saying to an HMO, you are going to stay in a community for 3 years? It seems to me if they get in there and they start setting up their program and they start providing service, with the kind of money we are throwing at them and the billions of dollars, they ought to stay there for 3 years. And I think that we are all in agreement on that.

Unfortunately, we were not able to get a bill. This is another example of something that we need to finish before we go home. We need to put that in place because there are senior citizens out there in my district, in New Jersey, and in Florida and all across the country that today do not have Medicare+Choice and are hurting as a result of it.

Mr. PALLONE. Mr. Speaker, my understanding is we only have 15 percent of Medicare recipients, seniors, that are in HMOs. Yet, in that tax bill, over 40 percent of the money was going to HMOs. And they had a certain pot of money in this Republican tax bill and when you started taking out over 40 percent for the HMOs, you do not have much left to deal with rural hospitals and rural health care facilities and some of these other things. That is the problem, they just prioritize the HMOs too much with no strings attached.

Mrs. THURMAN. Mr. Speaker, on that point, I think this is the other problem that it is the providers that have to contract with the HMOs to even be able to have a network system available for the Medicare+Choice program to work. And so, it really meant you had to do two things. One was you had to make sure that there were providers available. That would be your hospitals and other assorted benefit groups that would be helping you with these patients. And when you keep them on a yearly string, or what I might call a lifeline, they cannot plan, they cannot make any decisions as to whether or not they can have a contract with an HMO because they may not be there the following day.

So it is not just about money. It is also about having the networks within those rural areas to provide those services. We do not hear much about that, but it is a very important part of this debate.

Mr. PALLONE. Mr. Speaker, I want to thank both of my colleagues for joining me tonight. The point is we are going to probably be here a few more days, and we just have to keep pressing. Whether we deal with the larger issues of Medicare, prescription drugs, HMO reform, or even if we are just able to do something to provide more funding for the basic providers, like the hospitals and nursing homes, as opposed to the HMOs, we are just going to continue to speak out and make that point.

FURTHER MESSAGE FROM THE
SENATE

A further message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate has passed without amendment bills of the House of the following titles:

H.R. 5110. An act to designate the United States courthouse located at 3470 12th Street in Riverside, California, as the "George E. Brown, Jr. United States Courthouse".

H.R. 5302. An act to designate the United States courthouse located at 1010 Fifth Avenue in Seattle, Washington, as the "William Kenzo Nakamura United States Courthouse".

H.R. 5388. An act to designate a building proposed to be located within the boundaries of the Chincoteague National Wildlife Refuge, as the "Herbert H. Bateman Education and Administrative Center".

The message also announced that the Senate recedes from its amendments to the bill (H.R. 4846) "An Act to establish the National Recording Registry in the Library of Congress to maintain and preserve sound recordings that are culturally, historically, or aesthetically significant, and for other purposes."

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TRANSFER OF RUSSIAN TECH-
NOLOGY TO ISRAEL'S ENEMIES

The SPEAKER pro tempore (Mr. PEASE). Under the Speaker's announced policy of January 6, 1999, the gentleman from Pennsylvania (Mr. WELDON) is recognized for 60 minutes as the designee of the majority leader.

Mr. WELDON of Pennsylvania. Mr. Speaker, I rise tonight to share with our colleagues some very startling information and some information that should concern every citizen in America but also every citizen in Israel because Vice President AL GORE has caused increased danger to the security and safety of every man, woman, and child living in Israel today.

That is a pretty bold statement. Why do I make that? Is it because the election is on Tuesday? No. It is because of what this Congress has just learned. The greatest threat to Israel's security is the transfer of technology from Russia to Israel's enemies, Iran and Iraq especially, and Syria and Libya.

For the last 10 years, this Congress, with bipartisan votes, has worked diligently to stop the transfer of technology to Iran because Iran's goal is to annihilate Israel and to do it with weapons of mass destruction, missiles, weapons of mass destruction involving chemical biological or nuclear agents. But Iran or Iraq do not possess that capability. They have got to buy it. They have got to acquire it.

Mr. Speaker, over the past 8 years, we have worked with this administration in what we thought was a good-faith effort to stop proliferation. I have been down in the White House twice in personal meetings with the Vice President along with colleagues from the House and the Senate where we talked specifically about stopping technology from flowing to Iran because Iran will use this technology not only against

Israel but to destabilize the Middle East and eventually to harm America and its allies.

Well, Mr. Speaker, we now have found an unbelievable revelation. In 1995, unbeknownst to anyone in this Congress despite our Constitution that says that no one, including the President, can negotiate a treaty without the advice and consent of the Congress, Vice President AL GORE arranged for a secret memorandum with the Prime Minister of Russia, Viktor Chernomyrdin.

Mr. Speaker, I will include for the RECORD articles and direct quotes from this memorandum which I am holding up in front of me.

MOSCOW JOINT STATEMENT OF MAY 10, 1995

(4) Russia will terminate all arms-related transfers to Iran not later than 31 December 1999. The United States will continue not to engage in any arms-related transfers to Iran.

* * * * *

(6) In light of the undertakings contained in the Joint Statement and this Aide Memoire, the United States is prepared to take appropriate steps to avoid any penalties to Russia that might otherwise arise under domestic law with respect to the completion of the transfers disclosed in the Annex . . .

Mr. Speaker, what does this memorandum, signed by AL GORE, our Vice President, and Viktor Chernomyrdin say that was not given to anybody in this Congress? It is a joint statement called the Moscow Joint Statement of May 10, 1995. It talks about Russia's obligations to stop proliferation of technology to Iran specifically. Let me read section 4.

"Russia will terminate all arms-related transfers to Iran not later than 31 December 1999. The United States will continue not to engage in any arms-related transfers to Iran."

Number 6: "In light of the undertakings contained in the Joint Statement and this aid memoir, the United States is prepared to take appropriate steps to avoid any penalties to Russia that might otherwise arise out of domestic laws with respect to the completion of the transfers discussed and disclosed in the annex."

The Vice President on his own, without informing anyone in this body or the other body, arranged for a secret deal with Viktor Chernomyrdin that said to Russia they could continue to sell technology to Iran which directly has increased the threat to every man, woman, and child living in Israel and every one of our allies that are within the range of Iran's weapons of mass destruction.

And to add insult to injury, Mr. Speaker, there was a classified memo that our Secretary of State sent to the Russian foreign minister in January of this year. I want to quote from this memo. I am quoting the U.S. Secretary of State Madeleine Albright. This is to the Russian foreign minister.

"We have also upheld our commitment not to impose sanctions for those transfers disclosed in the Annex of the Aide Memoire. The annex is very pre-

cise in its terms and we have followed it strictly. It does not include missile and nuclear-related cooperation with Iran," in other words allowing it, "nor does it include conventional arms transfers to other state sponsors of terrorism."

□ 1745

Listen to what Secretary Albright went on to say. "Without the Aide Memoire," without this document that GORE negotiated privately, Russia's conventional arms sales to Iran would have been subject to sanctions based on various provisions of our laws."

Following is the excerpt from the memo:

We have also upheld our commitment not to impose sanctions for those transfers disclosed in the Annex to the Aide Memoire. The Annex is very precise in its terms and we have followed its strictly. It does not include missile and nuclear-related cooperation with Iran, nor does it include conventional arms transfers to other State Sponsors of terrorism.

Without the Aide Memoire, Russia's conventional arms sales to Iran would have been subject to sanctions based on various provisions of our laws.

So now we have the Secretary of State acknowledging publicly in a letter that we got declassified, thank goodness we have a media that is willing to stand up and expose this kind of action, while the Congress was working in good faith to stop proliferation of technology to Iran, Vice President AL GORE was allowing that technology to flow to Iran and never told the Congress.

Mr. Speaker, this is outrageous. This is unconstitutional. This is immoral. Because we through one person, and he is not the President and he is not the Congress, through one person, our country allowed Iran to receive technology from Russia that is covered under our arms control agreements with Russia which no individual has the right to overtake or to supersede. Yet Vice President GORE did it. Every Member of Congress, Democrat and Republican, needs to ask the question of the Vice President, who do you think you are? The President could not even do this without the advice and consent of the Congress, to arrange a secret deal with his friend Viktor Chernomyrdin that allowed for 5 years Russia to continue to transfer technology to one of Israel's boldest and most aggressive enemies.

Mr. Speaker, tonight we are going to expose this in detail. We are going to talk about the policies of this administration. Before I yield to my good friend and colleague, I want to say one final point. 1992 was the start. When Boris Yeltsin stood atop that tank outside the Russian White House in Moscow, with tens of thousands of Russians around him announcing he was throwing off Communism, that the Soviet Union was disbanding, he waved a Russian flag and an American flag and he declared that Communism was dead and a new strategic partnership. That

was in 1992. Russia and America together.

This was the scene last fall in downtown Moscow, Mr. Speaker, as tens of thousands of Russians stood outside of our embassy throwing paint at our embassy, firing weapons at our embassy and burning the American flag. The first speech given by President Putin when he took office in January of this year was to announce a new strategic relationship for Russia, Russia and China against America. The policies of this administration and this Vice President have now put us at odds unlike any other time since the height of the Cold War against the Russian people.

Tonight we are going to discuss those issues. I now yield to our distinguished leader, our whip, the honorable gentleman from Texas (TOM DELAY).

Mr. DELAY. I thank the gentleman for yielding to me. I want to congratulate the gentleman from Pennsylvania (Mr. WELDON), who really understands these issues on bringing this special order to the floor. The gentleman speaks Russian as many in the House know and has been to Russia many, many times, so he knows what he is speaking about. The gentleman has met with many members of the Duma, many members in the Russian Government, and has been a great liaison with Russia and this House of Representatives.

I wanted to say that because he has the most credibility of any Member in this House on issues dealing with Russia. And he understands how the failed Clinton-Gore administration's foreign policy has affected Russia.

Mr. Speaker, the recent revelations that Vice President GORE and former Russian Prime Minister Chernomyrdin entered into a secret agreement to allow the Russian Government to sell dangerous weapons systems to Iran, contrary to a nonproliferation law that the Vice President himself authored with Senator JOHN MCCAIN, shed more light on the Clinton-Gore administration's inability to effectively provide for our national security. Allowing these systems to be delivered to Iran, a nation that is at the top of the list of terrorist states, again reveals this administration's failed, rudderless foreign policy based on appeasement rather than strength. Perhaps nowhere has this failed foreign policy borne more bitter tasting fruit than in those missed opportunities in Russia.

Mr. Speaker, when this administration first took office in 1993, Russia was an emerging democracy that for the first time looked to America with open eyes and open arms. But, sadly, after years of misplaced policies, Russia's optimism has been replaced by skepticism.

The Vice President headed up the administration's Russia policy, a policy which can now only be judged as a total failure. Unfortunately, the Vice President was in over his head and the results were disastrous. Anti-American

sentiment, as the gentleman says, and look at that chart that shows the anti-American sentiment among the Russian people. It is at its highest point since the fall of the Soviet Union. Russia continues to be a major proliferator of weapons of mass destruction and, most troubling, to me at least, it has entered into a strategic military partnership with Communist China, one of our most serious potential adversaries. The administration has done nothing to discourage this emerging military relationship and incredibly insists that the Russian Government selling dangerous sunburn missiles to China, missiles specifically designed to destroy American warships, poses no serious threat to U.S. security.

Instead of leading Russian policy with a very firm hand, Vice President GORE led with closed eyes and an open pocketbook. The collapse of Russia was fueled by the administration's insistence on pouring good money after bad. Billions of dollars were wasted propping up failing, inefficient, and corrupt institutions. The administration was committed to Boris Yeltsin at all costs while he and his cronies used the government to fuel their own appetites for wealth and power.

According to the Speaker's Advisory Group and the document, the document that was produced just a few weeks ago by that group, by the way, I would tell the Speaker that the American people can get this document on the Web site at policy.house.gov and receive a very complete analysis of the failed Clinton administration policy when it comes to Russia.

According to this group, and I am quoting here from this study, "The Gore-Chernomyrdin Commission contributed to a deliberately uninformed U.S. policy toward Russia. It refused to acknowledge failure and, even worse, celebrated failure as if it were success. The Clinton administration's dependence on the Gore-Chernomyrdin Commission, coupled with the commission's refusal to listen to independent information, meant that the administration's Russia policy was both procedurally and substantively unsound."

This administration had an opportunity to help Russia enter into the 21st century as an emerging and thriving democracy. Unfortunately, the Vice President's misguided policies helped fuel Russia's economic collapse and led to our relations being worse than any time since the end of the Cold War.

Mr. Speaker, it is time we stopped feeding failure. Russia needs to take responsibility for its future and be held accountable for its mistakes. The Russian Government should know that we are committed to building a very strong friendship, but the foundation of that relationship must be a mutual commitment to freedom, democracy, and individual liberty. We should not restructure or forgive the billions of dollars Russia owes us until they show progress towards building democratic

institutions committed to the rule of law, that they stop selling weapons to the Chinese, Iranians and other potentially dangerous states and dismantle their spy facility in Lourdes, Cuba.

Contrary to the view of this administration, the Russian Government does not have veto authority over our national security policy. We should not be held back from building a national missile defense system by an invalid and outdated ABM treaty predicated on an absurd Cold War notion that the only way our people can be totally secure is to be totally vulnerable.

The Russian Government should know that the American people are committed to building a comprehensive missile defense to protect our people and our allies, and we will not be deterred in doing so.

Mr. Speaker, there is still great potential in Russia, and with real leadership we can build our relationship. But we must acknowledge that real reform does not lie in any single man or leader, but in the institutions that build the foundations for democracy. Without those foundations, without the rule of law, democracy cannot take hold. Russia is blessed with a rich heritage and tremendous resources. I hope the next page in their long history will show a commitment to democracy, the rule of law and individual liberty. If it does, the United States will be ready to stand with them as true allies.

But our relationship with Russia must be based on respect and trust, not personal friendships and wishful thinking. Serious problems require serious leadership. The Russian Government should know that the United States will hold out a helping hand when that hand will be welcomed as a symbol of democratic partnership, not some sweetheart deal.

I just challenge the national media. As the gentleman knows, I think the national media has shirked its responsibility, particularly in this campaign, by not looking at the actual actions that Vice President GORE took in carrying out the Clinton-Gore foreign policy. If they would look at what part Vice President GORE played in foreign policy, they would find a situation where there was no leadership, where there was appeasement rather than strength, where there was a complete disaster in most cases.

Mr. WELDON of Pennsylvania. Mr. Speaker, I want to thank our distinguished whip for appearing tonight. He is very busy. I want to also thank him and point out to our colleagues, the whip is very much interested in working together to build a solid foundation with the Russian people. In fact, he led a delegation to Russia in the last session of Congress to try to foster that one-on-one positive relationship between the people of Russia and the people of the U.S.

We do not have a problem with the people of Russia. We want to be their friends. We want to be their strong trading partners. What we do not want

to have is the reinforcement of a government that is not acting in the best interests of Russia. That is why the Russian people no longer trust America. In fact, as I pointed out the other night, one of my Duma friends was visiting here 2 years ago; and he made the statement that for 70 years, the Soviet Communist Party spent billions of dollars to convince the Russian people that Americans were evil and they failed. He went on to say in just a matter of a few short years, your government has managed to do what the Soviet Communist Party could not do, and that is to convince the Russian people that Americans are evil.

Mr. Speaker, we have a real problem right now. You cannot blame the Russians. If they saw billions of dollars of IMF money that was supposed to go to help them build roads and bridges and schools and communities end up in Swiss bank accounts and U.S. real estate investments and if they saw our President and our Vice President going like this and like this pretending they did not see it because they did not want to embarrass their personal friends, Boris Yeltsin or Viktor Chernomyrdin, no wonder the Russian people do not trust Americans. No wonder they do not trust what our intentions were. That is why 8 years after Russia became a free democracy, the people of Russia question what America's real intentions are.

With that, I would like to yield to one of our most eloquent and outspoken rising stars in the Congress from the great West from the State of Arizona, our good friend J.D. HAYWORTH.

Mr. HAYWORTH. I think my friend from Pennsylvania for yielding.

Mr. Speaker, tonight we gather here because still we must do the people's business. Mr. Speaker, I am well aware of the fact that there are those who look at the calendar and the pending national elections and seem to think that everything must inevitably be colored with the hue of partisan politics.

Mr. Speaker, it should be our goal, no matter our partisan labels, whether Republicans or Democrats or Independents, to put people before politics. It is in that spirit that I rise this evening with my colleagues, because what has been discovered is so disturbing that it transcends traditional party politics. We are not talking about typical disagreements or differences in philosophy. To amplify the words of our majority whip, the gentleman from Texas, in his remarks, Vice President GORE, while a member of the United States Senate, worked closely with my Senator from Arizona, JOHN MCCAIN, and a bill was passed, written by those two gentlemen, that became law that dealt with weapons sales by the Russian republic to the nation of Iran.

□ 1800

It was an effort on the part of our government to issue sanctions to try and prevent the sale of those weapons

of mass destruction, because of their destabilizing, in effect, Mr. Speaker, because they represent a clear and present danger to allies of the United States and indeed the United States itself. My friend from Pennsylvania mentioned the State of Israel, still in the news, still involved in conflict and uncertainty, and the tragedy of the situation, as revealed in the documents now entered into the RECORD, and I thank my friend from Pennsylvania because the State Department has been reticent in even allowing copies of those documents to be in the possession of the proper committees of this House, even though that has happened.

What the documents reveal should shock every American. The Vice President of the United States, one of the architects along with Senator MCCAIN, of a policy that would impose sanctions on Russia if weapons of mass destruction continue to be sold, worked out an agreement in private with the Russian leader, Viktor Chernomyrdin, excusing the Russians from continued sale of those weapons to Iran; in fact, inviting those sales to continue.

Mr. Speaker, stop and imagine the implication of what is part of the RECORD. Understand these were not six disabled tow missiles. We are talking about an arsenal that included three Kilo Class submarines, the best technology heretofore developed for conventionally powered submarines for silence and stealth and secrecy as those submarines patrol the oceans and seas of the world; an incredible advantage for a nation which sadly remains on the outside looking in, in essence an outlaw nation.

Indeed, Mr. Speaker, we will remember at the outset of this Congress, and I violate no confidences, I violate no classified documents, a bipartisan committee, including a former Member of this House who later became Secretary of Defense, the gentleman from Illinois, Mr. Rumsfeld chairing the Commission, along with the first director of the CIA under President Clinton, Mr. Woolsey, came to this House and talked about the growing proliferation of weapons of mass technology by outlaw nations, including Iran, Iraq, North Korea, where trouble continues; and our Secretary of State just returned from a visit.

We are talking about a situation that goes directly to the heart of our future, perhaps to the survival of our friends, and ultimately to the type of national security we can provide from those who would aspire to become Commander in Chief. The whip was quite right, Mr. Speaker. Our colleagues in the fourth estate, the journalists, aside from a front page article 3 weeks ago in The New York Times, followed up with work in The Washington Times and other periodical publications such as Insight on the News, aside from those publications, Mr. Speaker, the silence of the television networks in this Nation has been deafening.

Madam Speaker, who will tell the people? Who will tell the people of this

breach of faith? It falls to this House, to this people's house, and the grand design of our founders in this constitutional republic with separate and co-equal branches of government.

Madam Speaker, to stand and tell the people something is seriously wrong, the State Department should turn over every document related to this; and the Vice President of the United States, Madam Speaker, should stand before the people he hopes to lead not with excuses, not with fables, not with stories, but with the truth. At last, Madam Speaker, at long last, is not the truth what the American people deserve?

Mr. WELDON of Pennsylvania. Madam Speaker, I thank my distinguished friend and colleague, the gentleman from Arizona (Mr. HAYWORTH), for his eloquent statement.

Let me say to our colleagues who are watching us back in their offices, everybody may be saying, well, there go those Republicans 1 week or a few days before the election trashing AL GORE. Why were not they bringing this forward last year?

Let me remind my colleagues, this story broke October 13 of this year in The New York Times. Prior to October 13, none of us knew that Vice President GORE had worked out a secret deal in 1995 that Madeleine Albright referred to in a January 2000 memo this year. Prior to October 13, none of us knew this. Well, that is only 2 weeks ago, 2 weeks ago. Thank goodness we have a free press. Two weeks ago The New York Times ran a copy of this document that I have now put in the CONGRESSIONAL RECORD that our Members of Congress were not aware of, that no member of the Intelligence Committee, no member of the leadership was asked to see by the Vice President when he cut the deal in 1995.

We were not made aware of this until we read the story in The New York Times, along with the rest of America on October 13, and then The Washington Times reported the story after that, and other media. It has not been picked up by the TV media, and that is a legitimate question. Why has it not been?

Now, why is this so outrageous, Madam Speaker? Why? Because this technology that has been transferred is used to improve the accuracy of systems against America and our allies. Is this isolated? Let me give you two examples. Madam Speaker, I was in Moscow in January of 1996. The Washington Post had just run a front page story with the headline, America Has Caught the Russians Illegally Transferring Guidance Systems to Iraq. I was in Moscow. I went to our embassy, and I asked for a meeting with our ambassador, who, at that time, was Tom Pickering. He is now the number three person in the State Department. I said, Mr. Ambassador, what was the response of the Russians when you asked them about the transfer of the accelerometers and gyroscopes to Iraq?

He said, Congressman WELDON, I have not asked the Russians yet.

I said, Mr. Ambassador, you are our representatives here. Why would you not ask the Russians? It was a front page story back home. It is a violation of an arms control treaty, the missile technology control regime.

He said, that has to come from the White House.

So I came back to Washington, and I wrote the President a letter in the end of January, 1996. Dear Mr. President, you must have read the story in *The Washington Post*. What are you going to do about it? If this occurred, it is a serious violation because it gives Iraq a capability that they cannot build on their own.

The President wrote me a response in March of that year.

Dear Congressman Weldon, you are correct. If this transfer took place, it would be a serious violation of the missile technology control regime and there are required sanctions in that treaty; and I assure you if we can prove it, we will impose the sanctions. But, Congressman Weldon, we have no proof that this transfer took place.

Well, as I have done in speeches around the country, I bring the proof for the American people to see. This is a Soviet-made gyroscope and a Soviet-made accelerometer. I cannot tell you where I got these devices, but I can say they were clipped off of an SSN-19 Soviet missile that used to be aimed at an American city. We caught the Russians transferring these devices not once, not twice, but at least three times. The American government has over 100 sets of these devices today. We never imposed the sanctions required by the treaty; yet we have the proof. We have the evidence.

Now, what would Iraq use these devices for? They would use them to improve the accuracy of the same missile that killed those 28 young Americans in 1991 who came home from Desert Storm in body bags because their country let them down, because we could not defend against a low complexity SCUD missile. These devices Iraq cannot build. They have to buy them, and the only place to get them is from Russia.

We caught them. It is a violation of an arms control treaty. The President told me, if we could prove it he would take action. We have the evidence, and we never took any action.

In fact, Mr. Speaker, the logical question is, why would we not take action against Russia if we know they were deliberately violating a treaty? And the answer is rather simple. Our policy for the past 8 years toward Russia has been based on personal friendships; the personal friendship of President Clinton with the leader of Russia, Boris Yeltsin, and the personal friendship between AL GORE and VIKTOR CHERNOMYRDIN.

In 1996, when we caught the Russians transferring these devices to Iraq, it was the reelection year for President Yeltsin. Unbeknownst to us but now available to our colleagues as an appendix to a book written by Bill Gertz

called "Betrayal," is a classified cable that President Clinton sent to Boris Yeltsin in that election year, the same year this transfer took place. What did that cable say? Dear Boris, we wish you well in your election, and I will make sure that nothing happens in America that jeopardizes your reelection.

That must have included holding Russia accountable for illegally transferring technology to the enemies of America and our allies.

The second example, a year later, Madam Speaker, the President of Israel, President Netanyahu, goes to the great length of announcing to the world that Israel has evidence that Russia's space agency has signed contracts with the agency in Iran building their missile systems, which is again, a violation of treaties and U.S. laws that Russia has agreed to abide by.

The Congress was incensed. Democrats and Republicans said, what is going on here? What is wrong with Russia? We are helping them with their space station. We are working with them on technology, on helping their economy. Why are we not stopping this technology transfer?

So the Congress introduced legislation, bipartisan, the gentleman from New York (Mr. GILMAN) and Jane Harmon, immediately got over 200 cosponsors to force the imposition of sanctions on Iran for violating arms control agreements.

The Congress called over the CIA. The director of the Nonproliferation Center for the CIA at that time was Dr. Gordon Ehlers; and Dr. Ehlers did something you cannot do very often in this administration. He told the Congress the truth. He said, yes, the CIA has evidence, and we agree with Israel, that the Russian space agency has contractual relations with Iran to help them build their missile systems. Gordon Ehlers was forcibly removed from his job because he simply told the truth.

The Congress was incensed. The bill was scheduled to come to the House Floor for a vote. Three days before or 4 days before the bill was to come up on the House floor for a vote, my office got a call from the Vice President's office. Would you tell your boss, the staffer said to my staff, that Vice President GORE would like to meet with Congressman WELDON in the Old Executive Office Building. My staff told me. I said, sure, I will be happy to go down and meet with him. I said, what is the topic? They said the Iran missile sanctions bill.

I drove down to the White House, went into the Old Executive Office Building where the Vice President's office is, and there in the meeting room, along with myself, were some of the following people: Senator CARL LEVIN, Senator BOB KERRY, Senator JOHN MCCAIN, Senator JON KYL, Congressman Lee Hamilton, the gentleman from New York (Mr. GILMAN), Congresswoman Jane Harmon, Democrats and Republicans from the House and

the Senate who were assembled while the Vice President and Leon Firth, the security adviser, pleaded with us for 1 hour not to bring up the Iran missile sanction bill. He pleaded with us that this would harm the personal relationship that Bill Clinton had with Boris Yeltsin and that AL GORE had with Viktor Chernomyrdin.

When the Vice President finished lobbying us, all of us, Democrats and Republicans together, said, Mr. Vice President, it is too late. The technology is flowing. It is continuing to flow into Iran, and it is not being stopped.

Later that week, that bill passed the House with 396 votes. That was not a partisan bill. Almost every Republican and most all of the Democrats supported the bill to slap the administration across the face because they were not enforcing an arms control agreement that we had entered into with Russia to stop technology from going to Iran.

□ 1815

Two months later, after we came back from Christmas break, the Senate was going to take up the same bill. My office got another call from the Vice President's office. Again, they asked me to go down to the White House to meet with the Vice President, and again I drove down to the Old Executive Office Building. Again, while I was there, along with the same core group of people, in fact, I think Senator LIEBERMAN may have been in the meeting, the Vice Presidential candidate, I think he was in the meeting with us; and for 1 hour and 30 minutes with Jack Caravelli from the NSC, the National Security Council, and with Leon Firth, the Vice President lobbied us not to have the Senate pass the Iran missile sanctions bill. When he finished we said the same thing: it is too late, Mr. Vice President.

The following week, the Senate voted that bill; 96 Senators voted for the bill, which meant it had a veto-proof margin in the House and in the Senate. But let me tell my colleagues what is so disgusting, Madam Speaker. In neither of those two meetings, which were private meetings with the Vice President and Members of Congress, did the Vice President tell us that he had worked out a secret deal with the Russians to stop proliferation. In neither of those two meetings, with CARL LEVIN, with BOB KERREY, with JOHN MCCAIN, with Lee Hamilton, and with the gentleman from New York (Mr. GILMAN) in neither of those meetings did the Vice President hold this document up and say, well, do not worry, fellows, I have a secret deal with the Russians. He never told us. Yet, that deal had been concluded 2 years earlier.

Now, why am I so incensed? Because, Madam Speaker, for the past 8 years, this administration has called upon me time and again to get Republicans to support their objectives in regard to Russia. Every time a vote would come

up for cooperative threat reduction funding for the Nunn-Lugar program, I would get a call from the White House to help out, and I would help out. Every time the administration wanted something done on our side, I would be glad to help out. When they wanted to convince the Russians that we were taking the right action in Bosnia, I traveled to Moscow with information from the State Department to convince the Russians of the merits of the President's position. Yet, the Vice President did not have the decency to tell not only me, but Members of Congress, that he had cut a secret deal with the Russians to continue to allow technology to flow to Iran.

Madam Speaker, that is not allowed under our Constitution.

Now, the President can set foreign policy; he can enter into treaties, although they have to be ratified by the Senate, but he can do that. The Vice President has no ability to negotiate secret agreements with any Nation, especially when he does not come back and tell the Congress. In fact, the most outrageous part of this whole thing, Madam Speaker, is there is another document I have not gotten ahold of; I will have it and it will be in the CONGRESSIONAL RECORD eventually. That other document is a letter that Viktor Chernomyrdin wrote to Vice President GORE after this deal was cut. I know how the letter started. It said, Dear AL. Dear AL. This was in late 1995. I am going to quote from the letter. I do not have the letter yet, I am getting it. Quote: "It is not to be conveyed to third parties, including the U.S. Congress." So the Prime Minister of Russia sends a letter to our Vice President where he confirms the fact that Russia will continue to send technology to Iran, even though it violates our laws and treaties, and furthermore, Chernomyrdin says, and you cannot tell your Congress that we have entered into this agreement.

Madam Speaker, that is not just outrageous, that is sickening. That is absolutely sickening, that the leader of Russia, Viktor Chernomyrdin, could have an agreement with our Vice President that the Congress should not be informed. And there it is, Madam Speaker. It is a quote directly from that letter. I will have that letter in the RECORD.

So a secret deal is cut by AL GORE with Viktor Chernomyrdin that allows technology to flow to Iran, even though those of us in the Congress in both parties are saying it has to stop, it is getting out of hand, it is threatening Israel, APEC is going crazy because they know what happened to the Israeli people in the midst of Desert Storm when they were killed by those Scud missiles, and we are seeing some of that today over in the Middle East. And our Vice President agrees to a letter from Viktor Chernomyrdin that the U.S. Congress should not be informed, and this man supposedly wants to be our President.

I now yield to the gentleman from California (Mr. ROYCE), who has traveled to Russia. He has been a leader in working with their corruption problems. As a member of the Committee on Banking and Financial Services, he has reached out to help them put into place their financial house. He has offered to assist them in bringing stability to the Duma, using some of the techniques we use in our Congress in a bipartisan manner to help oversee the financial transactions that have occurred in Russia. I am happy that he is here tonight, and I yield to the gentleman from California (Mr. ROYCE).

Mr. ROYCE. Madam Speaker, I just want to mention that the gentleman from Pennsylvania (Mr. WELDON) is one of our foremost experts in the House on advanced weapons technology, and also he has led some 21 trips now to Russia. He speaks Russian, and he has been perplexed, as I have, by this report in The New York Times that without reporting to Members of the House and the Senate, the Vice President had concluded his secret agreement with then-Russian Prime Minister Viktor Chernomyrdin, a secret agreement not to enforce U.S. laws requiring sanctions on any country that supplies advanced conventional weapons to Iran.

As we look at the list of those particular weapons, we see that it includes the advanced submarines, the ultra-quiet, ultra-silent kilo-class submarines that are so difficult to detect, that it includes torpedoes and antiship mines and hundreds of tanks and armored personnel carriers. I think these submarines are but one example of exactly the type identified by Congress when it passed the law as posing a risk to U.S. forces operating in the Middle East.

Madam Speaker, the report of the Speaker's Advisory Group, and I would just mention to the Members, this can be found on policy.house.gov, if Members would like to get a copy of Russia's Road to Corruption. That report notes the unjustified confidence in unreliable officials like Chernomyrdin; it notes the refusal by the administration to acknowledge mistakes and revised policies accordingly; and it notes the excessive secrecy designed to screen controversial policies from both Congress and the public.

This secret agreement, I think, exemplifies every one of these flaws and, tragically, as the Times reported, the decision to flout U.S. law gained us nothing from the Russians. In spite of evidence that both Russian government agencies and private entities were directly involved in proliferation to such states as Iran and Iraq, the Clinton administration continued to rely on personal assurances from a very small cadre of contacts in the Russian Government. Our administration officials, including Vice President GORE and Deputy Secretary of State Talbot, accepted these assurances, despite clear evidence of continued proliferation, rather than believe or admit

that proliferation could continue, despite the stated opposition of their partners.

Now, I wanted just to bring to light a second secret Gore-Chernomyrdin deal that was described in the Washington Times on October 17 in a classified "Dear AL" letter to AL GORE in late 1995. Chernomyrdin described Russian aid to Iran's nuclear program, and the letter states: "This information is not to be conveyed to third parties, including to the United States Congress." Not to be conveyed to the United States Congress.

As with the first Chernomyrdin deal, this agreement too has been kept secret from us. This letter from Chernomyrdin to GORE indicates that GORE acquiesced to the shipment of not only conventional shipments to Iran in violation of the act, but also of nuclear technology to Iran. According to Vice President GORE, when we listen to his rationale, he says, well, the purpose of this secret deal was to constrain Russian nuclear aid to Iran in the construction of two nuclear reactors. If that is so, Vice President GORE plainly did not succeed, because in August of this year, the CIA reported that Russia continues to provide Iran with nuclear technology that could be applied to Iran's weapons programs. That is what our Central Intelligence Agency is telling us.

The chairman of the House Committee on International Relations, the gentleman from New York (Mr. GILMAN), asked the administration on October 18 if it had pointed out to GORE's Russian partner that it is not the American way for the President to keep secrets from Congress when it comes to such serious national security concerns as the proliferation of nuclear technology. The chairman has yet to receive an answer. The law requires, and I am going to quote it here, that "The text of any international agreement to which the United States is a party be transmitted to Congress as soon as practical, but in no event later than 60 days after it is reached." The law does not contemplate, as the gentleman from California (Mr. COX), the House Policy chairman, pointed out, does not contemplate that Congress will discover such agreements 5 years after the fact by reading about them through leaks to a newspaper. The Senate Foreign Relations Committee requested the first secret Gore-Chernomyrdin agreement on Friday, October 13, the day that The New York Times revealed it; and now, weeks later, the administration has yet to produce this agreement, or the second Gore-Chernomyrdin letter dealing with nuclear transfers to Iran.

Madam Speaker, I yield back to the chairman.

Mr. WELDON of Pennsylvania. Madam Speaker, I thank my colleague for his eloquent statement and for his tireless work, and I want to acknowledge his leadership in trying to build a stable relationship with Russia. I know

the Russians appreciate that, I know the respect the gentleman has, and as a member of the Committee on Banking and Financial Services, they look to him for guidance as they did last year when he was there to help establish a sound financial system.

Now, someone listening to this in their office or one of our constituents might say, well, wait a minute. The President does have a right to negotiate secret agreements, and we are not saying that that is not the case. The President does have a right to act in our best interests and sometimes he may have to make an agreement. But there is a process in place for a few Members of the House and the Senate to be told about those kinds of arrangements. We have a House Select Committee on Intelligence and a Senate Select Committee on Intelligence. They are a very small number of Members from both parties, they are bipartisan, most of their meetings are held in private on the fourth floor of this building, and they are briefed by the administration or the CIA on sensitive issues that cannot be disclosed in public.

Madam Speaker, that is not what we are talking about. Because number one, this was not the President acting; this was an agreement between the Vice President and the prime minister of Russia. Number two, the Vice President cannot make treaties. There is no place in the Constitution for the Vice President to represent America, unless the President for some reason is incapacitated. Number three, any agreement has to be shared with the leadership in the Congress so that Congress is aware of what is transpiring.

□ 1830

None of those things happened, Madam Speaker. We only found out about it 5 years later because a New York Times writer got a copy of this memo and spread the story out on the front page of the New York Times.

Madam Speaker, how could it come that our Vice President could have this kind of a relationship with Viktor Chernomyrdin? It goes back to what I said at the outset, our policy with Russia has been flawed. It was based on personal friendships as opposed to support for institutions.

I wanted Boris Yeltsin to succeed as much as President Clinton did when he took office. I was a big supporter of his. But instead of supporting a person, as Republicans did with the Shah of Iran, for instance, we should have been supporting the institution of the presidency. We should have been supporting the institution of the parliament, which in Russia is the Duma and the Federation Council. We should have been supporting the institution of a court system, of a free market system.

But instead, our policy was based on personal friendships between two sets of people, Bill Clinton and Boris Yeltsin, AL GORE and Viktor Chernomyrdin.

In fact, Madam Speaker, there is another document that needs to be

brought forward so the American people can see it. That relates to the special relationship that Vice President GORE had with Viktor Chernomyrdin.

During the days that Viktor Chernomyrdin was the Prime Minister of Russia, there was a process started called the Gore-Chernomyrdin Commission to work in a very positive way, much of which I supported, on helping build stable relations. But the Vice President became too enamored with the man, as opposed to the process.

Our intelligence community got some evidence that Viktor Chernomyrdin was involved in corrupt activities in Russia with the oil and gas industry. So as they do frequently, our CIA wrote a memo that went to the Vice President, a classified memo, which they do frequently, to the Vice President telling him that the CIA had evidence that his partner and friend, Viktor Chernomyrdin, was involved in corruption with the Russian oil and gas industry.

What was the Vice President's response? He was very upset, red-faced, and allegedly wrote the word "bull," and I cannot say the last four letters, but Members can use their imagination, across the front of the memo, and sent it back to the CIA, because he did not want to hear it. He did not want to hear that our intelligence community said his partner was involved in corruption. The Russian people knew he was involved in corruption, which is why he ultimately had to leave office. But our Vice President did not want to hear it.

Here is the rub, Madam Speaker. When the Vice President was asked about this memo on Tim Russert's show nationally telecast just a few weeks ago, the Vice President's statement to Tim Russert was that it never happened, it was not true.

However, in our Russia Task Force, we interviewed a CIA lawyer. Guess what he informed the committee: that more than one CIA analyst saw the notation on a document relating to Chernomyrdin. So now we have a CIA lawyer saying, yes, we have a document that at least two people have seen with the word "bull" scribbled across the front of it relating to Chernomyrdin.

The White House stated in a letter in October of this year that, after a diligent search, "We cannot locate that document, and neither can the CIA." If that is the case, it means the document is either lost or stolen. Federal law prohibits the destruction of White House records. If that occurred, that is a Federal offense.

But now, mysteriously, the White House counsel now acknowledges that the Vice President "recalls having a strong reaction to a CIA report when it was originally shown to him," and that "he may have uttered such a comment and it may have been written down by someone else."

So we went from a complete denial by the Vice President of ever having written any such statement down and

ever knowing about it to now having White House counsel saying, well, yes, he did perhaps utter that statement when he saw the report, but he does not think it was he that wrote it down. Somebody else must have written that word down based on what the Vice President was saying.

The problem was, Madam Speaker, the President and the Vice President did not want to hear the bad news. We all wanted Yeltsin and Chernomyrdin to succeed, but the to deal with Russia, we have to be candid and consistent.

Do Members know why the Russian people hate Americans today, Madam Speaker? It is because they feel we let them down. When Boris Yeltsin left office last fall, the polls in Moscow were showing his popularity was 2 percent. Only 2 percent of the Russian population supported Boris Yeltsin, but Bill Clinton and AL GORE still support him.

When the Russian people knew that Boris Yeltsin's friends, including his daughter, Tatiana, and the bankers that he put into office, the oligarchs, were stealing billions of dollars of money that were going to Russia to help improve the economy, the Russian people knew what was going on. They knew that we knew what was going on. We pretended we did not see it because Bill Clinton and AL GORE did not want to embarrass their friends.

When technology was being transferred to Iraq and Iran, the Russians knew that we knew it was taking place, but they knew that we were hiding that fact. They lost respect for us, because they knew that all America was trying to do was to basically wash over any problems that Russia had.

When Lieutenant Jack Daley, a 15-year career naval intelligence officer, was lasered in the eye by a Russian spy ship out in Puget Sound, the administration's response was to send a secret cable to Moscow telling the Russians that we have caught them lasering one of our military persons in the eye.

What was the response of the administration? They tried to ruin the career of Jack Daley. After 15 years of the highest ratings in the Navy, in two consecutive ratings he was given the lowest rating that he could get, and his superior officer told him this, and I quote directly, "Jack, you don't know the pressure I am under to get rid of your case."

Thank goodness we have a group of stalwart Democrats and Republicans in this body, people like the gentleman from Washington (Mr. DICKS), who joined with us and called the Defense Department and said they cannot do this to an American soldier in uniform. He has been injured. He has been lasered by the Russians, and they were taking the side of Russia.

Thank goodness we stood up, and in September of last year former deputy Secretary of Defense John Hamre called me on the phone and said, Curt, we have just convened a special board of inquiry and they have just reported that Jack Daley was wronged. He got his promotion.

How about Jay Stuart, a career Department of Energy intelligence official who had an outstanding career, given the highest award, but because he was telling Hazel O'Leary that there were problems with Russia's nuclear weapons, his job was eliminated. His career was ruined.

Or how about Notra Trulock, whose simple offense was he told the truth? He has not been able to work for the past 3 months.

Time and again, Madam Speaker, this administration has played politics with our relationships. Today our relationship with Russia is as bad as it ever was under the Communist rule. In fact, I would say it is far worse than that, because the Russians no longer trust us. They do not know what our foreign policy is. They think it is a roller coaster, up and down. We use Russia when it is to our convenience, and we ignore them when it is in our best interests, according to our administration.

Madam Speaker, I can tell the Members this, that it is absolutely unacceptable that the Vice President of the United States 5 years ago entered into a secret agreement with the Prime Minister of Russia that allowed technology to flow to Iran, as acknowledged by Secretary Albright in her letter that I just put in the RECORD, that would have been subject to sanctions under U.S. laws and arms control treaties.

The President wonders why this Congress will not support treaties that he has brought up, like the treaties involving strategic arms reductions, or treaties involving chemical weapons, or treaties involving a nuclear test ban? How can this Congress trust this administration on treaties when we have had secret deals and arrangements made by individuals that basically say those treaties are not worth anything?

Madam Speaker, this is not the way this country has operated. We have had some embarrassing things occur in our history by leaders in both parties. I am not saying this is only done by Democrats, because that would be false. But I have never seen an incident where a Vice President negotiated a secret deal to allow technology to continue to flow to one of our enemies, and agree with the leader of that country that the Congress should be kept uninformed, even though we admitted that every violation that occurred was a violation of an arms control agreement that would have required sanctions.

Madam Speaker, there is no wonder why we do not have the respect around the world from China, Russia, from the Middle East, the Palestinians, North Korea. Foreign policy has to be based on consistency and candor, and we have neither.

Mr. GILMAN. Madam Speaker, I want to commend the gentleman from Pennsylvania, Mr. WELDON, for organizing this discussion of the Clinton Administration's policy toward Russia, and I thank him for inviting me to participate in it.

During the six years that I have chaired the Committee on International Relations, we have been keenly interested in U.S. relations with Russia. The members of our Committee have become increasingly concerned in recent years as the optimism that we had about the prospects for reform in Russia have evaporated. Sadly, the policies of the Clinton Administration have failed to consolidate democracy, free markets, and respect for human rights in Russia.

The failure of the Clinton Administration policy has many dimensions, and my colleagues have touched on many of those dimensions today. I will focus my remarks on one dimension that is of particular concern to me: the failure to stem Russian proliferation of dangerous weapons and weapons-related technologies to Iran.

Congress has tried repeatedly over the years to force the Executive branch to do something about Russian proliferation to Iran. When Vice President AL GORE was still a Senator, he joined with Senator JOHN MCCAIN to author legislation known as the Iran-Iraq Arms Non-Proliferation Act of 1992. More recently, Congressman GEJDENSON and I worked with Senator TRENT LOTT and Senator JOE LIEBERMAN to enact the Iran Nonproliferation Act of 2000.

These laws, and others that have been enacted between 1992 and this year, attempted to discourage Russian proliferation to Iran by threatening to impose U.S. sanctions.

I regret to inform my colleagues that these laws appear to have failed. They have failed not because they were badly written, but because the Clinton Administration has put at least as much effort into avoiding having to apply them as it has put into applying them.

Our Committee held a hearing three weeks ago on the Administration's systematic disregard of the recently-enacted Gilman-Gejdenson-Lott-Lieberman Act. Our hearing revealed that the Administration has failed to submit either of the first two reports on proliferation to Iran required to be submitted under that law, and that the National Aeronautics and Space Administration has adopted a legal interpretation of the law designed to eviscerate it. Clearly NASA wants to continue business as usual with Russia as if this law had never been enacted. NASA's legal interpretation of the Gilman-Gejdenson-Lott-Lieberman Act was denounced on a bipartisan basis at our hearing.

Even more alarming, we have learned from press reports that Vice President GORE signed an agreement with Russia in 1995 in which he agreed to permit certain Russian arms sales to Iran to proceed, and he promised that no sanctions would be imposed under the Gore-McCain Act. To get to the bottom of this alarming news, we have asked the Administration to let us see the full text (including all attachments) of the agreements they signed. To date, the Administration has refused to show the full text to anyone in this body other than the Speaker and the Minority Leader.

Madam Speaker, it is clear that this Administration has a lot of explaining to do about its policy toward Russia.

Yesterday I joined with the distinguished Chairman of the Committee on Armed Services, the gentleman from South Carolina, Mr. SPENCE, and the distinguished Chairman of the Permanent Select Committee on Intelligence, Mr. GOSS, in sending a letter to the President demanding full disclosure to Con-

gress of all secret deals with Russia regarding proliferation to Iran. I submit our letter to be inserted at this point in the RECORD:

CONGRESS OF THE UNITED STATES,
Washington, DC, October 31, 2000.

The PRESIDENT,
The White House,
Washington, DC.

DEAR MR. PRESIDENT. We are deeply concerned about information that has emerged recently about secret understandings reached between your Administration and the government of the Russian Federation regarding proliferation to Iran. A distinguished bipartisan group of eleven former secretaries of state, secretaries of defense, national security advisors, and CIA directors has also expressed alarm about your Administration's acquiescence in such proliferation from Russia to Iran, as well as the Administration's failure to fully disclose its policy to Congress.

We share the view of these distinguished former officials that there can be no justification for your Administration's acquiescence in the transfer to Iran of advanced military equipment such as modern submarines, fighter planes, and wake-homing torpedoes. Such transfers jeopardize the lives of our military personnel in the Persian Gulf region and put at risk the security of our nation and of our allies in the region. Moreover, Iran, as the world's leading sponsor of international terrorism, may well be a conduit for arms and technology to terrorist groups. Obviously these groups pose an imminent threat to U.S. personnel worldwide, as demonstrated by the recent attack on the U.S.S. Cole.

The Administration's failure to fully inform Congress of this policy presents a threat of a different character. Congress cannot effectively exercise its constitutional responsibilities if kept in the dark about such matters. Continued efforts by the Administration to withhold information about such policies from Congress is inconsistent with the constitutional separation of powers.

We are especially troubled by the fact that both the policy adopted by the Administration, and the Administration's decision to withhold from Congress key documents relating to that policy, may have violated U.S. law. The Gore-McCain Act (50 U.S.C. 1701 note) may have been violated by the Administration's commitment in the June 30, 1995, Aide Memoire not to sanction certain weapons transfers from Russia to Iran. That agreement was required to be transmitted to Congress under the Case-Zablocki Act (1 U.S.C. 112b), but the Administration chose instead to withhold that agreement from Congress. And against this background, the Administration has persisted in disregarding the recently-enacted Gilman-Gejdenson-Lott-Lieberman Act (Public Law 106-178) regarding proliferation to Iran.

In view of the serious questions that have been raised, we believe that the only acceptable course for the Administration at this point is full disclosure. In order to permit you to clear the air regarding allegations that officials of your Administration have secretly committed our nation to policies which at best undermine our national security, and at worst may violate U.S. law, we respectfully submit the following request for relevant documents.

We would appreciate your transmitting the documents described in paragraph (1) to the Committee on International Relations no later than Thursday, November 2nd. We would appreciate your arranging for the custodians of the remaining documents to transmit them to their oversight committee of the House of Representatives no later than Friday, December 1st. Please be assured

that we will properly protect all classified information submitted in response to this request.

(1) Documents in the custody of the Secretary of State:

(A) The Aide Memoire dated June 30, 1995, signed by Vice President Al Gore and Russian Prime Minister Viktor Chernomyrdin, along with all annexes thereto that have at any time been in effect (including any amendments to such annexes).

(B) The letter dated December 9, 1996, from Russian Prime Minister Viktor Chernomyrdin to Vice President Al Gore, any correspondence from the U.S. Government to which that letter was responding, and any U.S. Government response to that letter.

(C) The letter dated January 13, 2000, from Secretary of State Madeleine Albright to Russian Foreign Minister Igor Ivanov, transmitted by the Department of State on January 13, 2000, in a telegram designated "State 008180".

(D) The letter dated December 17, 1999, from Russian Foreign Minister Igor Ivanov to Secretary of State Madeleine Albright.

(E) The Department of State telegrams designated "State 243445", "State 244826", "Moscow 32441", and "Moscow 362", referred to in the Department of State telegram designated "State 008180" of January 13, 2000.

(2) Documents in the custody of the Secretary of State, the Secretary of Defense, the director of Central Intelligence, or any agency or establishment within the Intelligence Community:

(A) All documents that contain, refer, reflect, or relate in any way to transfers or possible transfers of goods or technology from Russia to Iran in violation or potential violation of commitments contained in the Aide Memoire dated June 30, 1995, signed by Vice President Al Gore and Russian Prime Minister Viktor Chernomyrdin, or the letter dated December 9, 1995, from Russian Prime Minister Viktor Chernomyrdin to Vice President Al Gore.

(B) All documents that contain, refer, reflect, or relate in any way to possible revisions to the understanding set forth in the Aide Memoire dated June 30, 1995, signed by Vice President Al Gore and Russian Prime Minister Viktor Chernomyrdin, and the annexes thereto.

(C) All documents that contain, refer, reflect, or relate in any way to possible application of the Case-Zablocki Act (1 U.S.C. 112b) to the Aide Memoire dated June 30, 1995, signed by Vice President Al Gore and Russian Prime Minister Viktor Chernomyrdin, or the letter dated December 9, 1995, from Russian Prime Minister Viktor Chernomyrdin to Vice President Al Gore.

(D) All documents that contain, refer, reflect, or relate in any way to consideration of whether goods or technology transferred from Russia to Iran contributed to efforts by Iran to acquire destabilizing numbers and types of advanced conventional weapons.

(E) All documents that contain, refer, reflect, or relate in any way to consideration of whether weapons transferred from Russia to Iran destabilized the military balance in the Persian Gulf region, or enhanced Iran's offensive capabilities in destabilizing ways.

(F) All documents that contain, refer, reflect, or relate in any way to other secret understandings or agreements, or secret provisions of understandings or agreements, reached by the Clinton Administration with Russia regarding transfers to Iran or any other country of weapons-related goods, services, or technology.

(3) Documents in the custody of the Administrator of the National Aeronautics and Space Administration:

(A) All documents that contain, refer, reflect, or relate in any way to the rationale or

justification for purchase from the Russian Aviation and space Agency of the items referred to in the letters dated February 11, 2000 and February 15, 2000, from the Administrator of the National Aeronautics and Space Administration to Chairman F. James Sensenbrenner, Jr., of the Committee on Science (exclusive of those items that, as of the date of the adoption of this resolution, already have been acquired from the Russian Aviation and Space Agency).

(B) All documents that contain, refer, reflect, or relate in any way to utilization of the exception for crew safety contained in section 6(f) of the Iran Nonproliferation Act of 2000 (Public Law 106-178), or interpretation of the term "necessary to prevent the imminent loss of life by or grievous injury to individuals aboard the International Space Station" as contained in that section.

We appreciate your prompt attention to this request.

With warmest regards,

Sincerely,

BENJAMIN A. GILMAN,
*Chairman, Committee
on International Relations.*

PORTER J. GOSS,
*Chairman, Permanent
Select Committee on
Intelligence.*

FLOYD SPENCE,
*Chairman, Committee
on Armed Services.*

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GENERAL LEAVE

Mr. WELDON of Pennsylvania. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on the subject of my special order.

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

There was no objection.

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TIPPING THE BALANCE: GEORGE W. BUSH AND THE SUPREME COURT

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

Mrs. MALONEY of New York. Madam Speaker, when women and Americans go to the polls on Tuesday, I believe there will be two words more important and more at stake than any other. These two words are not "Democrat" and "Republican," they are not "House" and "Senate," and they are not even "Gore" and "Bush."

The two words that this election comes down to are "Supreme Court." The next President of the United States will appoint at least two or three, maybe even more, Supreme Court Justices. He will define our constitutional rights not for the next 4 years, but for the next 40.

If G.W. Bush is elected and the balance of the court tips right, which it will, far right, the consequences are clear: civil rights, privacy rights, and reproductive rights will be in jeopardy. Our environmental protections, affirm-

ative action, and the separation of church and State will all be on the line, because the fact is these two words, "Supreme Court," can come down to just one vote.

Right now, one single vote protects a woman's right to choose and recognizes her fundamental control over her own body. Both Planned Parenthood versus Casey and Stenberg versus Carhart demonstrated that a woman's right to choose is fragile. It hangs by the slimmest of margins five to four.

Without the protection of Roe v. Wade, Congress and many State legislators have proven that they are willing to pass laws restricting abortion procedures, even when a woman's health is at stake. Yet, to overturn Roe, to put a woman's health and her very life at risk, G.W. Bush would not need to use three appointments or even two. It would just take one.

He says he trusts the people and not the government to make their own decisions. He must not be talking about women. One vote. There are those who say there is no way to predict. They say Justices are independent; that Reagan appointed Sandra Day O'Connor, who is pro-choice; that the would-be impact of G.W. Bush on the bench is exaggerated.

But I think that the best way to measure someone is through not what they say but what they do. When asked what kind of Justices he would appoint to the bench, Governor Bush said very clearly, strict constructionists, like Scalia and Thomas, the far right of the current court. Governor Bush is not just looking to tip the balance to the right, he wants to knock the scales over.

If Members doubt that Scalia, Thomas, and Bush would wipe out many of the protections Americans hold dear and undermine decades of Supreme Court decisions, just look at the Scalia and Thomas dissents.

Scalia, Thomas, and Bush would exempt elections for State judges from all provisions of the Voting Rights Act.

Scalia, Thomas, and Bush would permit sex discrimination in jury selection.

Scalia, Thomas, and Bush would eliminate affirmative action.

Scalia, Thomas, and Bush would restrict remedies for discrimination, while at the same time making it harder to prove discrimination.

And who would join Scalia, Thomas, and Bush? Let us look at the possible short list: J. Michael Luttig of the Fourth Circuit. He wrote the opinion that prevents women from suing their attacker in Federal court under the Violence Against Women Act.

Judge Luttig, along with another potential Bush pick, Fourth Circuit Chief Justice J. Harvie Wilkinson, led the charge to overturn the Miranda decision that says, you should know your rights if you are arrested.

Judge Emilio Garza said Roe v. Wade may not be constitutional law.

Justice Samuel Alito is so conservative that he is now referred to as

"Scalito," and Judge Edith Jones, a severe critic of death penalty appeals. She overruled a decision that a Texas death row inmate deserved a new hearing, even though his lawyer literally slept through part of the trial.

□ 1845

These judges are not the extreme on Bush's list. They are the list. They are not the exceptions to the rule, they make the rules, and we will have to abide by them.

If you believe in women's rights, AL GORE should shape the court. If you believe that minorities should be counted and respected; if you believe everyone is innocent until proven guilty; and if you believe, like I do, that justice should be blind and not asleep, AL GORE should shape the court.

AL GORE, not Scalia, Thomas and Bush, should protect our rights for the next generation.

When we vote, we will elect a President for 4 years. Supreme Court appointments last a lifetime. Two words, Supreme Court; one vote, one choice, AL GORE.

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THE HORRIBLE DEBT OUR NATION FACES

The SPEAKER pro tempore (Mrs. WILSON). Under the Speaker's announced policy of January 6, 1999, the gentleman from Mississippi (Mr. TAYLOR) is recognized for 60 minutes.

Mr. TAYLOR of Mississippi. Madam Speaker, I want to thank the gentleman from Texas (Mr. STENHOLM), my colleague, for joining me tonight.

Madam Speaker, I have come to talk about what I consider to be one of the greatest threats to our Nation, and that is the horrible debt that our Nation faces and the absolute reluctance on the part of both Presidential candidates and almost everyone who seeks higher public office to deal with it.

Mr. Speaker, when I go down the street in my home State of Mississippi and folks ask me where do their tax dollars go, they are almost dumbfounded when I tell them that the largest expenditure of their Nation is interest on our Nation's debt.

Yesterday our Nation spent \$1 billion on interest on the national debt. We did the same thing today. We did it 3 days ago. We did it 5 days ago. We have done it every day for the past year. Unless we change the way we are doing business here in our Nation's capitol, we will spend at least a billion dollars on the national debt tomorrow, the next day, and every day for the rest of our lives.

What do we get for that? It does not educate one child. It does not build one inch of highways. It does not build one war ship to defend our Nation. It does not pay the kids in uniform. It is squandered down a rat hole and most appropriately, and something most Americans would find very disturbing, is about one third of the interest on our Nation's debt is fully paid to for-

eign lending institutions. See German and Japanese lending institutions actually control the papers on about one third of our Nation's debit.

For my father and your fathers, those who fought the great World War II to save us from the tyranny of then Nazi Germany and Imperial Japan, you have to imagine how upset they would be to realize that the nations they saved us from now control America's financial future because they control our debt.

Madam Speaker, I often wonder how this incredible misperception of a big budget surplus could come from, because we hear it every day. I hear otherwise educated people talk as if they are mindless idiots. So when they talk about an alleged surplus, I really wonder again where it comes from.

I think I know one of the places that it came from. This was an ad that was run in several national publications, including the USA Today. It was run December 6 of 1995, and it features then head of the Republican National Committee, a face that most of you would remember, a guy named Haley Barbour from the State of Mississippi.

It is a full-page ad. He is holding a million dollar check, and it says up top, heard the one about the Republicans getting Medicare? It says down here the fact is that the Republicans are increasing Medicare spending by more than half. I am Haley Barbour. I am so sure of this fact that I am willing to give you this check for a million dollars if you can prove me wrong.

He goes on down here to have the actual terms of that challenge. Here is why you have no chance for a million dollars. The Republican National Committee will present a cashier's check for \$1 million to the first American who can prove the following statement is false, in quotations, in November of 1995, the U.S. House and Senate passed a balanced budget bill. It increases total Federal spending on Medicare by more than 50 percent from 1995 to the year 2002 pursuant to congressional budget standards.

Madam Speaker, what was called to his attention in a hand-delivered letter just a few days later is that the bill that they passed for that year to run the Nation was not a balanced budget bill.

For you at home, for me, for our Nation, for my State, a balanced budget is when you spend no more than you collect, where you are collecting your salary and what you spend or what this Nation or my State collects in taxes and what they spend. If you spend more than you are collecting, then it is not a balanced budget, that is a deficit budget.

Remember this change was made on a budget that passed in November of 1995, so that would have been the budget for the fiscal year 1996, running from October 1 1995 through September of 1996. As we can see, and this is for those of you who have your computers at home, the source for this is the

United States Government annual reports for the fiscal years 1996, 1997, 1998 and 1999, all taken from the monthly Treasury statements for the month of September for those years.

What you can see is for the fiscal year 1996, the first year that the challenge would have been in effect, the Republican Congress passed a budget that was \$221 billion, \$960 million in deficit. That is almost a billion a day that they were spending more than they were collecting in taxes, so maybe they did not get to the balanced budget quite as quick as they thought they could.

For fiscal year 1997, Federal funds were \$145,217,000 in deficit. As you can see, these are the trust funds, things like the Social Security trust fund, but for the Federal trust funds, the real portion that we determine, there was no balanced budget. Fiscal year 1998, \$88,088,000 in deficit. Fiscal year 1999, \$82,998,000 in deficit.

All of these years later, the Nation finally turned a surplus in September of the year 2000. It was not easily accomplished. I came to the House floor in the month of July to point out that through the end of June, our Nation was running an \$11 billion annual operating deficit. Again, these are from the monthly Treasury statements, Department of Treasury, table 8, page 30.

What you do not see is and what you do not hear is when they talk about a big surplus, they are not telling you that that surplus is in the Social Security trust fund, the military retiree trust fund, the Medicare trust fund, the highway trust fund. The key word in each of these sentences is the word trust.

These are taxes that are collected from a specific group of people and set aside by people who trust our Nation to spend them on nothing but that one purpose. When my young daughter teaches sailing lessons during the summer and she pays Social Security on that paycheck, she trusts that money will be set aside so that years from now when she is a senior citizen that money will be available for her Social Security.

When you go to the gas pump and pay gasoline taxes, you trust that that money will be set aside to build roads.

When a military person serving our Nation in places like Korea, places like Bosnia, Kosovo pays into his trust fund, he trusts that that money will be set aside for when he retires so that his retirement check is sent every month.

When someone pays into the Medicare trust fund, all of us are counting on that money being set aside so that when we need those services, that money will be there.

The only surpluses that are out there are in the trust funds. So to say that I am going to have a big tax break or we are going to spend a whole lot more money because of these big surpluses, my question to those people are, who are you going to steal it from? Are you going to take it from people's Social

Security trust fund? Are you going to take it from their Medicare trust fund? Are you going to steal it from the military retirees? Are you going to steal it from the people who bought gasoline and paid the tax on that?

Madam Speaker, the one bright light of this year, I think, as far as this Congress is concerned is that for the first time in 30 years, the Nation collected more than it spent. It collected about \$8 billion more than it spent on expenditures for the Nation. So for the first time in 30 years, there actually was a surplus.

What that fails to note is that there was an extraordinary amount of money collected in the month of September and a reduction in normal operating expenditures. It was an accounting game that was played so that we could have a surplus.

One of the games that was played was a very unfortunate trick to the people who serve our Nation in uniform. They are normally paid on the last of the month, but because September 30, 2000 fell into fiscal year 2000 and October 1 was in fiscal year 2001, Congress voted to delay their pay to October 1, so that that \$2½ billion accounting cost would go on this year and not on last.

If you are a Congressman, and everybody knows congressmen make good money, having to wait between a Friday and a Monday for your paycheck, not that big of a deal. But if you are an E-3, an E-4, an E-5 out there, if you are a young lieutenant with a couple of kids running around the house, that weekend of waiting to buy baby formula or Pampers or whatever was an incredible inconvenience to them.

So from my Republican colleagues who are regularly telling me that they support the troops, I ask my colleagues if they support them so much, why did they delay their pay just so they could pretend to balance the budget?

Madam Speaker, this is the American financial portfolio that the next President of the United States will inherit. There is no surplus. Our Nation is almost \$6 trillion in debt. The public debt on September 30, 2000 was \$5,674,178,209,887.

For George Bush or AL GORE to say because we had an \$8 billion surplus that we should go out and start great, new spending programs or cut taxes by over a trillion dollars is literally like a fellow who has not made his way for 30 years.

He has not broken even 1 month for 30 years, and he finally clears a profit of \$1,000 and he is getting ready to celebrate with that \$1,000 and going on a spending spree, totally ignoring that during those 30 years he has grown the equivalent of \$686,000 of credit card debt, \$686,000 versus 1; that is what \$8 billion compares to this debt that we owe and we continue to pay a billion dollars interest every day.

Madam Speaker, that is the public debt of the United States, again, contrary to what my Republican col-

leagues are saying, they are not paying it down. It increased by \$17,970,308,271.43 last year.

For those of you who doubt my figures, I would encourage you on your computers <http://www.publicdebt.treas.gov/opd/opdpenny.htm>. It is public record, that is what we owe.

Mr. Barbour, since my Republican colleagues have made such a good point about the need for people to be honest, to be forthright, to stick to their word, I am asking you tonight on national television to stick to your word. You made a promise. You made a pledge. You laid down a challenge. I accepted your challenge. I hand delivered my response to the Republican National Committee a couple of blocks from here.

□ 1900

Your response to my challenge was to sue me and about 80 other Americans who did nothing more than to answer your challenge.

I am a Congressman. It is pretty easy for a Congressman to find a lawyer. Some of the people that you sued served in the United States military. Many of them were retirees on fixed income. I call that low-balling tactics. So in response to your suing me, I have also had to hire an attorney. But I will make this promise to you when you keep yours. And after I have to pay the attorneys that I had to hire because you sued me, I will take that million dollar check and what I do not have to pay to the lawyers and donate it to the University of Southern Mississippi.

But I am going to remind every American that I do not want to hear you or any of my Republican colleagues talk about honesty in government until you keep your word.

Mr. Speaker, I yield to my friend, the gentleman from Texas (Mr. STENHOLM).

Mr. STENHOLM. Mr. Speaker, I thank my friend from Mississippi for yielding to me, and I thank him for continuing to come to the floor and to make the very valid points about this so-called surplus.

I also appreciate him bringing up the word "honesty." Because each and every one of us that is elected to this body are basically honest people, 435 Members; but many times in the heat of political battle we tend to stretch the truth when it is perceived to be politically advantageous.

And when we start talking about the debt and the fact we are here tonight, Mr. Speaker, three of us in this Chamber right now working, at least three of us are working, and I would renew the invitation to any of my colleagues on the other side of the aisle who might be back in their offices working to come to the floor and to participate in this discussion, challenge the gentleman from Mississippi (Mr. TAYLOR) on that which he has said and challenge me on some of the things that I am going to say. Because I do not intend to misrepresent the truth tonight.

But things are getting a little ridiculous around the House of Representa-

tives. The Senate went home today. "With the budget unresolved, the Senate agreed to adjourn until after the election." And they are gone. But yet, we have already heard speakers on this floor today saying we are going to work throughout the weekend.

I would like to work throughout the weekend to resolve this budget impasse before the election, because I am not real sure we are going to do a very credible job after November 7, any better than we are doing before. There are a lot of people out in the country now beginning to talk about the job that the 106th Congress is doing.

The San Jose Mercury News, on October 24: "Congress has been doing very little but doing it very expensively. What the Republicans have not needed from Clinton is any encouragement to spend money. Facing a close election, they have not only been giving Clinton what he wants but pumping money into their own districts with a fire hose."

Eight of the 10 appropriations bills that Congress has passed and sent to the President would spend more than the President had requested. According to the estimates of the Congressional Budget Office, the 10 appropriations bills that this Congress has sent to the President would spend \$505.5 billion in outlays, which is 10.7 more than the \$494.8 billion the President requested including the supplementals calculated by the Congressional Budget Office.

The increase in discretionary spending caps for fiscal year 2001 adopted by the House on a party line vote as part the Foreign Operations appropriations conference report, rollcall No. 545, would allow Congress to increase discretionary spending above the amount requested by the President by \$13 billion in the budget already and \$8 billion in outlays.

Now, what has this got to do with what the gentleman from Mississippi (Mr. TAYLOR) has just been saying? Everything.

Discretionary spending is that which the Congress appropriates. The only way we can spend that money, the only way the President can spend that money, and we keep hearing about the President spending money, and I have now been privileged to serve in this body with four Presidents and they are all alike regarding the Constitution, but no President may spend money that the Congress does not first appropriate, whether it is for foreign aid, whether it is for highways, whether it is for agriculture, whatever it may be.

According to the bipartisan Concord Coalition, if discretionary spending continues to increase at the same rate it has over the last 3 years under the Republican Congress for the next 10 years, nearly two-thirds of the projected \$2.2 billion surplus that is non-Social Security will be wiped out.

Now, that is a fact. That is why the chart of the gentleman and what he says about the surplus is critical to the actions that we are taking today.

Let me quote another newspaper. Everybody gets all upset when we talk about newspapers from the Northeast, but let us talk about the Des Moines Register, October 27: "If nothing else, this session of Congress should lay to rest the cliché about Democrats being the party of big spenders and the Republicans being the party of less government. The Republicans that control this Congress are setting the record for big spending. The Republican majority stands accused of wallowing in classic pork barrel politics."

Now, here is the main point that I want to plug into the discussion tonight. We should have completed our work we said by October 5 or October 6. We are now 32 days into the new fiscal year, and we still have not gotten an agreement.

Now, there is a lot of finger-pointing going on. And, oh, have we heard it again today, who is to blame for the stalemate, and a lot of rhetoric about who wants to work. And I think it is going to get even more ridiculous tomorrow. Because here we are basically having completed our work for today at 4 o'clock in the afternoon as far as legislation is concerned and we will not go back into the session for any work, "legislation," until 6 o'clock tomorrow evening. But most of us and my colleague and the gentleman from Mississippi (Mr. TAYLOR) and I, we understand that the work we are talking about should be going on in a conference between the appropriators and the House, majority and minority, and appropriators in the Senate, majority and minority.

But we have already heard the Senate has gone home. There are no meetings going on. And again, if someone can clarify this, if there are meetings, then I want to stand corrected. Because I do not wish the CONGRESSIONAL RECORD tomorrow to have me saying something that is untrue. If there are meetings going on at this moment or were there any meetings to work out the differences yesterday, I would love for the CONGRESSIONAL RECORD to show documentation that there was one meeting to resolve the budget differences that we are talking about that have kept the House in and that are going to keep us here through the election.

This is the rhetoric going on. That is fine. We can talk about work all we want to. But if there is no work going on, who are we kidding? Why did the congressional leadership not accept the President's offer to meet yesterday to discuss an agreement on responsible tax relief and a Medicare package that provides assistance to health care providers as well as beneficiaries instead of providing over 40 percent of the funding for HMOs? Why was there not that invitation?

You would think, based on the rhetoric that we have heard on the floor, that the President has been out of town campaigning. But I believe if you check the White House attendance

record you will find that the President was available all day last Friday, all day last Saturday, all day Sunday, of which the first meeting that occurred, the first work that occurred in the Congress over the weekend occurred beginning at 10 o'clock Sunday night and concluded at 1:20 with an agreement that then blew up. The President was available all day Monday. He was available until 1 o'clock yesterday. He was in town today. His schedule is flexible for the remainder of the week. Why has the leadership of the Congress not engaged the President on any one of those days? That is, I think, a serious legitimate question.

The administration and the Democratic negotiators tell me that they continue to be available and will be available to meet with the Republican leadership to negotiate on these items. Can anyone from the other side tell me of a single invitation to meet and negotiate over the remaining items that the administration or Democrats from Congress have refused to attend?

Now, we can stay here and pretend that we are working by having one vote each day or two. We will approve the Journal and then we will have a 24-hour extension. But who are we kidding? Who are we kidding if there are no negotiations going on between our leaders?

Now, I think it is important to remember that the leadership of this House said early this year we were going to complete our work on time, we were going to run the trains on time, but we would not negotiate with the President of the United States. That is fine. That is a prerogative of leadership to make a plan. But I think again a little practical constitutional reminder is in order.

This President, the previous three Presidents, the next President, you cannot be a President in the Congress unless you have two-thirds of the vote. You can disagree. You can dislike him. You can call him names. That is one of the great privileges that we have in this country is to criticize the President and criticize the Congress. It is one of the marvels of our system. It is called freedom of speech. We can be as critical as we want to. But in the end, it is incumbent upon the Congress to get our work done.

And the majority party in the Congress is responsible for getting our work done. It is not the minority. You cannot blame it on the minority leader as some are doing now. You cannot blame it on the minority in the Senate. Oh, you can do it. It is the easiest thing in the world to say it. But the truth is, under our constitutional form of government and our rule of majority, the only action that can be taken is that which is approved by the majority.

Now, if you want to override a Presidential veto, there is a way to do it. You find 73 Democrats to vote with you, assuming all Republicans are in agreement. It is called two-thirds. To

get two-thirds, though, you have to at least try to work with the other side of the aisle. At no time in these last few days as we are talking about working has there been any serious overtures over to this side of the aisle that I am aware of to begin working on compromises. We are basically down to three or four things that are keeping us from completing our work and going home for the election. Immigration. A lot of controversy on that one. But there is a good solid middle ground that I think the majority on both parties can support. School construction. Again I think there is a good solid middle ground that could be worked out if folks sat down and just worked on that issue or awfully, awfully close.

The appropriators, the gentleman from Florida (Chairman YOUNG) and the gentleman from Wisconsin (Mr. OBEY), have done great work and they are deserving of no criticism. And I mean no criticism of the gentleman from Florida (Chairman YOUNG) and the other appropriators. That is not the problem.

We have a crisis of leadership of refusing to do that which is necessary to get the work of the House completed. And here I have seen charts, bringing up charts here saying, "How much is enough?" I hope we have burned those charts because they are inaccurate. They are inaccurate. We have stated how much money is going to be spent in 2001. The majority party very clearly voted to increase the cap by over \$100 billion more than the budget that they had originally called for in the 1997 Budget Act.

□ 1915

So that is all behind us. Anyone that is proposing to spend new money or more money, whether it is the President or anyone else, knows that if it is an appropriated dollar, that it is going to have to come out of somebody else's pocket. The gentleman from Mississippi has pointed out that when we start talking about spending, we are taking it out of somebody's pocket. It is coming right out of somebody's pocket, no matter how you choose to spin it.

Well, I hope that sometime tonight, or tomorrow or by 6 o'clock tomorrow that the leadership of this House will realize that it makes no sense to continue to say that we are working if nothing is going on.

Mr. TAYLOR of Mississippi. I thank the gentleman from Texas. The gentleman from Texas and I come from different parts of the country and therefore represent different interests. The gentleman from Texas comes from an extremely agricultural part of Texas. He chose to serve on the Committee on Agriculture. As a matter of fact, he is the ranking Democrat on that committee. I come from an extremely patriotic part of the country. I happen to be fortunate enough to know two living Medal of Honor recipients, and we have a number of military installations and defense contractors in

south Mississippi, one of them being Ingalls Shipbuilding, built over half the ships in the fleet.

One of the misstatements that is often said on this House floor is that it is somehow President Clinton's fault that the fleet is shrinking, that there are fewer airplanes, fewer people in uniform. I would like to remind my colleagues that say that, and I am sorry that none of them are on the floor here tonight, to read the Constitution of the United States. Article 1, section 8, that part that gives Congress its responsibilities, says it is Congress' job to provide for the national defense, that it is Congress' job to provide for the Army and the Navy.

I would further remind my colleagues that article 1, section 9 of the Constitution, and I encourage all of you to read it at home, says that no money may be drawn from the Treasury except by an appropriation by law. So what does that mean, when they say the President did not build enough ships, he did not build enough airplanes? No, what it really means is that they have not put enough money in their budget that passed with an overwhelming majority of their votes to build those ships.

Specifically, Mr. Speaker, I would like to remind the American public that on January 1, 1995, the day the Republicans officially took over the responsibility of running both the House and the Senate, our Nation's fleet had 392 ships in the Navy. Today, the fleet is 318 with the *Cole* being out of commission. So it is 317. Our fleet is now the smallest it has been since 1933. This with a Republican majority in the House and the Senate that can put all the money they choose to, if they choose to, into the defense budget.

Mr. Speaker, my criticism is that in search of tax breaks geared mostly toward the wealthiest Americans, you have shortchanged the troops. We have got kids flying around in old helicopters 30 years old. The newest Huey out there that our soldiers are flying around in is over 30 years old. The newest C-141 out there that our Air Force crews are flying right now is nearly 30 years old. We have the smallest number of ships that we have had since 1933 during the Depression. Again, article 1, section 9 says that no money may be drawn from the Treasury except by an appropriation by Congress.

Now, somebody out there will say, maybe the President vetoed those defense bills. And he did veto some of them. But never over spending. He vetoed them over social issues, and I disagreed with him on those social issues. I do not think we ought to be performing abortions at military hospitals. I was not for the "don't ask, don't tell" policy. But those are social issues. He never vetoed a defense bill over spending. So when I hear people come to the floor and say, Well, it's Clinton's fault, I beg to differ. It is your fault. In search of tax breaks for the wealthiest Americans, you have shortchanged America's defense, and I

will scream it from the highest mountaintop because I know it to be true.

One of the things that I hope the next President will concentrate on is America's defense, because again I hear many of my Democratic colleagues talking about everything but defense, and quite frankly I hear far too many of my Republican colleagues talking about everything but defense. We have a Nation that wants to get involved in school construction. Where I come from that has traditionally been a local responsibility. We are talking about getting involved in all sorts of things that are normally State and local responsibilities when the greatest national responsibility is to balance our budget and defend the Nation. That is what we ought to be doing, and that is what we ought to be doing very well.

I want to point out to my colleagues that I do not think my Republican colleagues have done that very well.

Mr. STENHOLM. Mr. Speaker, another area that we have been very derelict on in the 106th Congress and that has to do with energy policy. We paid a pretty good price, it was not nearly as bad as it could have been, with Desert Storm. But we had to send our youngest and finest into harm's way, and it was one of the toughest votes that I have had to cast in support of President Bush's move to send our troops over to the Middle East. Everyone knew we did not go over there to put the emir back on his throne in Kuwait. We went over there to defend the Free World's access to oil.

There for a while after that, I thought that Congress and the administration would begin to recognize that the lack of an energy policy in the United States is a national security policy. But we have gone through one more Congress now and one more administration without dealing with an energy policy. Oh, the finger-pointing has been going on, but you do not solve problems with finger-pointing. One of the things that I think the gentleman from Mississippi and I, and I believe the gentleman in the chair fits right into this mix, whether it is Idaho, Mississippi or Texas, my folks do not like to hear criticism of the other guy. They do not like to hear Democrats criticizing Republicans, Republicans criticizing Presidents unless you offer a constructive alternative, unless you say, I'm against this but here's what I'm for.

And here I believe that the reason that we are here tonight and we still have not completed our work, it has been a failure of leadership, of recognizing that we had, or we should have, passed a budget that could have restrained spending. We did not agree with the President's original call. We, the Blue Dogs, did not agree with the President's original spending call of \$637 billion. And we did not agree with the Republicans' call for \$625 billion, because we did recognize there needed to be some additional spending, in the defense area in particular but in rural

America, in education; and, therefore, we suggested a compromise between what the President proposed and what the majority in the Congress proposed.

We got 138 Democrats to support our budget, and we got 37 Republicans to support it. Hindsight being 20/20, I just wonder where we would be tonight had we passed the Blue Dog budget and had 290 votes if that was a problem, but I do not see where that would have been a problem with the President. If he had 138 Democrats and all of the Republicans saying let's hold spending down, I doubt seriously you would have had a President saying, let's spend more. We will never know the answer to that. That is the kind of rhetoric that everybody has fun with.

I want to mention one other area and this one really bothers me today. That is in the area of health care. The balanced budget agreement of 1997 cut the Medicare and Medicaid reimbursement rates way too much. We have literally destroyed our small hospitals, and quite a few of our large hospitals are having trouble. Therefore, I do not choose to say just rural, that happens to be my district, and a lot of times communities like Abilene and San Angelo of 100,000 population do not consider themselves rural but for purposes of health care come a lot closer. But we have reached an impasse. The Senate has gone home without even taking up the so-called tax cuts and/or balanced budget giveback for 2001. If we should end up doing nothing, we will do irreparable harm to the health care delivery system. Nursing homes, we have, I am told, over 200 bankrupted today. I know I have several in my district that, unless we do our work and recognize that we do have to put some more money back into Medicare-Medicaid, we have got real troubles.

But yet the chairman of the committee has said unequivocally we will not renegotiate that which the committee did in a purely partisan way, with no input from the administration, no input from our side of the aisle. The same gentleman that wrote the balanced budget agreement health care provisions in 1997 is the same gentleman that tonight is saying under no circumstances will we renegotiate the health care provisions, because he believes he is right.

Well, he may be right. But some of the rest of us may also be right, and this is where our Constitution provides that you seek compromise. Compromise is not a four-letter word. There are sincere Members of Congress on both sides of the aisle that would like to sit down and to reach a compromise on some of these issues and not have a confrontation. But you cannot do that from the minority side of the aisle.

I spent the first 16 years of my life here in the Congress in the majority and found myself defending myself from some of the same things that I hear my colleagues today accusing me of today, big-spending, liberal Democrats. How can this be, Mr. Speaker?

When you are in the minority, you do not control what comes out of the Congress. When you control both the House and the Senate, it is your game plan. If the President is from the other party, you have got to override him. To override him, you have got to reach out to folks on the other side of the aisle and the current leadership of the House; and I want to say this very respectfully, the current leadership has chosen confrontation over compromise. That had something to do with political strategy. And we are sure going to find out come next Tuesday what worked and what did not.

But in the meantime, look at what we are doing. We will have a new President come November 7, at least elect a President-elect, and we will have a new Congress. I do not know whether it is going to be a Democratically controlled Congress, which I kind of hope for, or Republican, but whoever is in control is really immaterial. It is really immaterial. Somehow, some way we have got to get back on track. We have got to listen to the gentleman from Mississippi when he points out validly that our debt is still going up.

My last comment at this stage is yesterday I was back home in my district, and I had a group of seniors from Paradise High School that came out. We got into a little bit of this budget and impasse and you do not want to get too detailed because most folks' eyes glaze over when we start talking about these numbers, but I made the point of \$4.6 trillion projected surplus and how can you spend projected surpluses when you cannot predict tomorrow and that the Blue Dogs have said we ought to use most of this money to pay down the debt because that is the only way you change the charts of the gentleman from Mississippi where they are meaningful is by paying down the debt.

One young lady raised her hand and said, "Mr. Congressman, how can we have a surplus when we owe \$5.7 trillion?" Try answering that question to a senior and getting away with it.

Mr. TAYLOR of Mississippi. I thank the gentleman. Just two last points I would like to make because I know the gentleman from Florida (Mr. MICA) has been very patient waiting on us.

Number one, getting back to defense. I would gladly compare the last 6 years that the Democrats ran the House versus the first 6 years of the Republicans. In the last 6 years of the Democratically controlled House, this Nation funded 56 new naval vessels. In the first 6 years that the Republicans ran the House, they funded only 33. I have heard people this day give speeches about Democrats being weak on defense; and yet in the 6 years, the last 6 years we controlled the House, we built almost 20 more ships than the present majority.

I would also remind people that as we begin to look at paying off this horrible debt, I would ask every American from a patriotic point of view to keep one thing in mind. Almost \$5 trillion of

this \$5,676,178,209,886 worth of debt occurred in the lifetimes of those of you born since 1980. One of the common misperceptions is that, well, if we are this far in debt and our Nation has been around for almost 200 years that we somehow have done a proportional share of that debt. That is wrong.

□ 1930

Almost all of this debt, if you have been born since 1980, has occurred in your lifetime on benefits that were there for you, either winning the Cold War, building roads, taking care of health care, whatever.

I think that this generation has a moral obligation to pay our bills. I am the father of three. I am not going to stick my children with my bills. To do so would be morally wrong. As a United States Congressman, I think it is morally wrong for this generation to stick the next generation of Americans with our bills. I would pray that those seeking this office, I would pray that those seeking the office of the Presidency of the United States, would come to the conclusion that before we talk about trillion dollar tax breaks, mostly geared towards those people who could write thousand dollar contributions to their campaign, or before we talk about new spending for new programs that have traditionally been handled by the States, that we pay our bills and not stick our kids with our expenses.

Mr. STENHOLM. Mr. Speaker, he reminded me of two other points that need to be made regarding the debt. Nothing up on your chart shows the unfunded liability of our Social Security system; almost \$8 trillion that that system is unfunded. Now, that will not affect anyone on Social Security today. Anybody 55 years of age and older does not have to worry about that, but my two grandsons have to worry about it because no one disagrees that unless we make some changes soon in the Social Security system that our children and grandchildren are going to have a real, real problem. That is the relevance of the charts that the gentleman from Mississippi (Mr. TAYLOR) was pointing out to us a moment ago. When you start borrowing from the trust funds, which we did, which we did for year after year after year, but now we have an opportunity to stop it. When you have an opportunity to stop it, we would like to really stop it, not just rhetorically but actually.

The record is going to show that this Congress has spent a good bit, we do not know how much yet because we are not through, will have spent a good part of this projected surplus.

Now, I want to also call attention to the alternative Medicare and Medicaid give-back bill that some of us would like to see considered. It is a much better bill than the one that we have been told by the current majority that we have to take or leave. It offers stronger protections for beneficiaries. It makes major improvements for beneficiaries,

especially low-income seniors, children and working families. It will really help your hospitals, nursing homes, home health agencies and hospices get the help they need so that they can stay open and provide access for seniors. It gives them certainty. Instead of giving just 1 year of guarantee of certainty, we say give our hospitals, our nursing homes, 2 years so that they can begin to plan to undo the terrible damage that has been done over the last several years.

It requires HMOs to offer a stable 3-year contract of service to your constituents as a condition of getting increased payments. What is wrong with that? Or at least why would we be opposed to giving 3 years guarantee if you are an HMO while at the same time saying we cannot give but 1 year certainty, why not give a little more certainty to all involved in health care? Now, this is an alternative. I mentioned that if you are going to be opposed, as I very strongly am, to the version that we have been given on a take it or leave it basis, we have offered something that negotiators could sit down and not give everybody everything of what they want perhaps but at least have a good discussion.

Mr. Speaker, that is the problem. I want to repeat so that every one of our colleagues who are hard at work in their offices tonight, that we are getting a little bit ridiculous in saying we are going to stay here and work when the only people that are required to stay here and work are our staffs, when the negotiators that are responsible for pulling together this last bit of compromise necessary are not even meeting. Some of the most vocal critics on this floor have missed vote after vote after vote, which indicates they have been on the floor criticizing inaction and pointing the finger at the other end of Pennsylvania Avenue but have not been here themselves and working.

We can stop there. Mr. Speaker, there is a lot of folks on our side of the aisle that are willing to help stop it, but it has to start somewhere and it has to start with leadership. Let me remind everybody again, the Senate has gone home. They have said in the climate that we are operating in now we cannot get any more work done.

If that is true, and that was the will of the Senate, the majority in the Senate have said let us go home. If we are not going to work, which we are not, then what are we going to do, Mr. Speaker? Let us not indicate we are going to work over the weekend and all we are going to do is cast two votes every day, a 24-hour CR and an approval of the journal. We will look awfully foolish. In fact, we have already looked rather foolish.

In the meantime, we are spending this surplus at a record rate. One Member, a very, very distinguished Member on the other side of the Hill has stated that he has found \$21 billion in this \$645 billion that is questionable spending. Well, that is done. Boy, it really makes

our challenges for the future greater. In the short term, we are sure looking ridiculous as a Congress. Quit pointing the finger at those on our side of the aisle. We are in the minority. You cannot blame the minority for not getting our work done. That is a responsibility that comes with the majority; and I hope after November 7 I can get the criticism honestly.

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REPUBLICAN AGENDA

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from Florida (Mr. MICA) is recognized for 60 minutes.

Mr. MICA. Mr. Speaker, I am pleased to address the House tonight. Many of the Members are curious as to what is going to happen. The House and Congress have a responsibility to pass measures to fund our Government. I do want to say that the two previous speakers on the minority side, the gentleman from Mississippi (Mr. TAYLOR) and the gentleman from Texas (Mr. STENHOLM), are not usually part of the problem; they are usually part of the solution. They are conservative and very moderate in their views and also very fiscally responsible, and I applaud their efforts. I worked many times with the gentleman from Texas (Mr. STENHOLM), on the balanced budget amendment. I remember coming as a freshman with a gleam in my eye, coming from the private sector saying that we must balance the budget. He, in fact, was one of the leaders on the other side calling for fiscal responsibility. So I do not consider the gentleman from Mississippi (Mr. TAYLOR) or the gentleman from Texas (Mr. STENHOLM) part of the problem.

We do have disagreements on some of the reasons why we are here. The reason why we are here is we have 435 folks. I always joke that my wife and I almost not a day passes, although I love her dearly, been married 28 years and there is only two of us but there is not a day that the two of us do not disagree on something. That does happen. As the gentleman from Virginia (Mr. WOLF) says, imagine serving in a place where you have 435 class presidents and all of them think they are right; not to mention that we have to deal with another body, the very esteemed Senate that Bob Dole used to say one of the things he enjoyed over there with the Senators is watching paint dry.

They sort of take their time in getting things done. That may be the case here, and that was really what the Founding Fathers intended that we do have someone that can look at problems with a longer term and then the House, which is the people's house and immediately responsible, we are all up for election every 2 years and responsive to the people, but we are here because there are differences. Some of them are glossed over by the media and not apparent, and many people in America, my colleagues, are out there

just trying to make a living, get their kid through school and pay their bills and make certain that they provide for their future and they do not pay a whole lot of attention until hopefully an election comes up or some major issue, but there are some differences. There are some things in the bill that are unpalatable that are just not acceptable to us on this side.

I come from a State, Florida, that has suffered from illegal immigration. In fact, I held a hearing in Fort Lauderdale yesterday and after the hearing I met with Coast Guard officials; and they said, Mr. MICA, we have some news for you and it is not too pleasant. They said the numbers of illegal immigrants coming in to Florida off the coast has dramatically increased. I said, where are they coming from? They said, it is from all over, Chinese, coming in through the Caribbean and the Florida waters, Haitians, Dominicans, South Americans in large numbers. We have a number of countries in South America that are undergoing severe crisis, Colombia. The situation in Panama has been difficult since the United States left there. Ecuador, Venezuela has been destabilized by some of its current government and other problems throughout Latin America.

So I think that one of the provisions that has raised some great concern is the President's insistence on granting amnesty to literally millions of individuals. Now, I must also speak from the standpoint of being the grandson of immigrants on both sides of my family, Italian and Slovak immigrants who came here almost 100 years ago, worked in the factories and worked real hard to raise families and did not have any government programs; had to come here in good health; had to fend for themselves and something has gone wrong if, in fact, we do agree to granting amnesty at this time. What a message that would send to so many people abroad. The United States does not pay any attention to its laws. You can come in illegally and you will be granted amnesty and can stay here. It is sad. We have also created sort of a haven and magnet.

One of the ladies that I talked to recently at home came up to me and she said, Mr. MICA, I have a neighbor down the street and she is here. She is not a citizen. And she said to me, Mr. MICA, I get less than \$500 a month in Social Security. I worked all my life. I am an American. I was born here and the lady down the street is not a citizen, not here in the same manner that others have come here. She gets more payments than I do. She has all kind of benefits and health care and other things that she did not have. Somehow the system has skewed in the wrong direction. But for us to cave in at this point and to go along with the President's demand to grant amnesty to millions of people who are here illegally, it just sends the wrong message.

For those who came legally and worked and raised families, were con-

tributing citizens, one of the neat papers I have in my family's little folio is the naturalization papers of my grandparents. I know how much they treasured becoming citizens in a legal manner. Again, we throw a lot of that out the window if we just cave and accept this. What a wrong message we send. Here we are increasing the bipartisan and immigration spending in these bills, but why bother if we ignore the laws that set some parameters and some standards by which you become a citizen in an orderly fashion? Let me say I am a strong proponent of legal immigration.

□ 1945

It has made this country great. It is diversity; it is bringing people from all over the world together in a melting pot and allowing people to be their best. To have the best opportunity is something I would never want to diminish in any way. But this is wrong. It is a wrong message. I am sorry we have a disagreement on this; but again, it is something that I think lies below the surface, but also creates opposition at this juncture.

There are other serious differences: school funding. Now, all of these differences are not money, and I have to agree with the gentleman who just spoke on the other side, we are spending in these bills more than we would want. Some of us like myself and some of the others who spoke again from the other side are fiscal conservatives, and we want to stay within those limits that we worked for in 1997 to create a balanced budget, to get our Nation's finances in order. Mr. Speaker, one can do amazing things when one has their finances in order, whether it is personal or Federal. It is not that complicated. We just had to limit the amount of expenditures not exceeding the money coming in, the revenues; and we balanced the budget in a short period of time. But we have to stick to that formula.

Now, we are very fortunate. The economy has dramatically improved. We have more money coming in. The estimates are somewhere around \$240 billion. We do not know exactly how much we are going to spend of that annual surplus. It may be \$30 billion, \$40 billion, I have heard estimates as high as \$60 billion, and some of us on both sides of the aisle disagree with that.

But at some point we have to stop the expenditure of that surplus, because then our promises and our pledges to balance the budget that we made in 1997 are meaningless. So there are many people who do not want to go home. They will stay here through the election; they will stay here until the Potomac freezes over and we can put up the Christmas lights and begin that celebration of the holiday, because they do not want to spend us back into deficit. They do not want to spend the surplus.

One of the things we have tried to do on our side is come up with a 90-10 formula, that we use 90 percent of the surplus to pay down the national debt. I know one of the hardest things I have when I go home is convincing folks that we have actually paid down a little bit of the national debt. When I leave here, whenever I leave here, I think I am going to look back and say that under my service, and under the service of some of those who were fiscally responsible, we began paying down that enormous debt, and it is not \$3 trillion to \$5 trillion. Even the previous speakers alluded to the incredible debt we have of money that has been taken out of Social Security, taken out of trust funds, taken out of pension funds, unfunded liabilities. So it is much more. We have just paid down a little tiny bit. But for those of us who feel it is important to be here, to be responsible, to not yield any further on spending, it is another reason to be here.

We do have differences. There are people who would spend it all; there are people who have been here who have spent it all. There are differences in Medicare and payments for HMOs.

I sat on the floor and heard the debate this week. One of the great things about being here when we do not have a full legislative agenda and running to hearings and all of that is one can actually listen to more of the debate. I thought the HMO debate was quite interesting. I have had folks write me and say, Mr. MICA, I want to address my concerns to you, and one gentleman from Winter Springs, Florida, wrote and said, Mr. MICA, I want to address you and the other dummies in Congress. I thought he had a very good point, because he was trying to illustrate that we are not paying attention to what is happening out there with HMOs. He said, you are arguing about whether I can sue my HMO. He said, Mr. MICA, my third HMO has gone under, out of business. I am concerned I do not have an HMO that I could even sue. And that is part of the problem, is that HMOs which were designed to give broad health care at low cost with a minimum package of benefits have now been forced to go under.

But the debate was interesting. Some from the other side say, we are paying HMOs too much money. Part of the debate here also is how much in this final bill that we do pay HMOs. We have HMOs that are closing, they are closing for our seniors, they are closing in rural areas. They are not closing because they are making too much money. Some folks on the other side said, well, they are getting huge amounts of money. Well, part of the debate here is over whether we pay them 1 percent or somewhere in the neighborhood of 4 percent. I would venture to say that if someone is going under, it is not because they are making too much money. Some HMOs are for profit.

We also heard accusations that executives of HMOs were getting huge

fees, and that may be true in some cases. We also heard the gentlewoman from New Mexico (Mrs. WILSON), who came up and said, I hate to tell my colleagues, but my HMOs in Mexico are all not-for-profit, run by various churches, Catholic and other churches, so they are not getting too much money in her State. They need the funds to survive and to provide health care.

Mr. Speaker, we cannot have people forced out of nursing homes. There have been record bankruptcies in nursing homes in this country. We cannot have people forced in rural areas not to have health care provided.

Now, it would be nice, in one of the motions to instruct, to require HMOs to provide service forever and ever, but that does not happen. It does not happen in the real world. HMOs, whether they are not-for-profit or for-profit, if they do not meet the bottom line, they will fold. So we have a responsibility to make certain that these health care service providers, whether it is home health assistance, which is so important; whether it is hospitals, nursing homes. Again, not-for-profit or for-profit, HMOs do require our attention.

There has been agreement on almost all the points, although I know there is a disagreement on the lawsuit point, but I can tell my colleagues that as chairman of the Subcommittee on Civil Service for 4 years in the Congress, I oversaw the largest health care plan in the country, the Federal Employees Health Benefit Program. It serves 4.2 million Federal retirees and employees. I will tell my colleagues, I watched that program, and partly under my tenure, the President came up with a so-called Patients' Bill of Rights, or patients' protection proposal. We conducted hearings on that, and I lined the folks up and said, well, what is the patients' protections going to do? What medical benefit is there going to be to it? No one could testify to a medical benefit. This particular proposal did not have a lawsuit element in it. But each of them testified that there is no specific medical benefit.

What we saw happen is that the President, by Executive Order, which he does so often, instituted that on the Federal Employees Health Benefit Plans. There were almost 400 to choose from before he imposed these new regulations and requirements and paper work and reporting on them, and that has dropped dramatically the last I heard, 60 or 70 had dropped out, because again, when we impose more regulations, more costs to deliver the health care, some of these marginal providers will not be able to perform. What was interesting too is we saw dramatic increases, almost double digit, when the private sector was having 4, 5, 6 percent Federal employees, including Members of Congress have been getting close to double digit increases.

So the more regulation we put on health care, the more restrictions we impose, and we do need some reform of

HMOs. The law has not kept up with the delivery of service. But we have to understand, the more we require of them and the more paperwork and the more reporting, the more the cost is.

We are going the wrong way in looking at suits. Talk to anyone in the medical profession today. It is no longer a question of getting compensation where someone has been negligent. It is almost a case now of extortion, where suits are being filed. They never even make it to court. If we do not think that adds into our health care costs, whether it is drugs or hospitals or any health care provider, every health care provider is conducting what they call defensive medicine. You go in for a hang nail and they are going to run 20 tests on you, because if something goes wrong, they are liable to be sued. But we are headed in the wrong direction there.

Prescription drugs is a similar issue. I do not know if my colleagues have noticed the lack of some vaccines on the market. I held hearings on the question of some of the immunization vaccines; and immunization vaccines, I am told, can be produced for \$1 or less per vaccination. But what has happened is, first of all, very few people, I think we are down to one or two manufacturers, who will even produce vaccines. The cost of the vaccine, the substance, may be \$1, but the insurance on the vaccine and the other costs may, in fact, be \$18 to \$20, if we can find someone who will insure you, and if someone will produce it in the United States.

That is why drugs are cheaper in Mexico. We do not have the protections, we do not have the liability, and if we talk to those involved in drug manufacturing even in Europe; in Europe, I asked the drug manufacturers when I met with them how much R&D they do, and they said zero, zip. We do not want to discourage R&D; we should be supporting R&D. By research and development, we can bring the costs down, and that is something we should be looking at.

By limiting some of the exposure on these suits, we can also bring the costs down. If you have someone who has lost a loved one or a limb or someone who has been negligent, they should be properly compensated for that negligence, but the whole system is out of kilter; and that is part of the problem.

But part of the reason we are here is to make certain that our nursing homes are provided adequate compensation, that they are not closing down, and that our HMOs are adequately compensated. We cannot continue to limit their reimbursement to 1 or 2 percent, when even inflation is higher than that rate or their cost is higher. It will not work. They will go out of business. We can play these games, but we cannot force people to provide health care if the bottom line is not met.

So those are some of the reasons that we are here tonight. There are differences. I am hoping they can be settled. I do not enjoy being here; I would much rather be with my family.

One of the other issues, and I am going to really talk about two issues here, Mr. Speaker, and I want to talk a minute about something I heard yesterday morning. I turned on the television and in his bombastic manner, Vice President GORE, he was saying he was going to save Social Security. I sort of broke into chuckles, having come to the Congress in 1993, I sort of thought, I guess yesterday was Halloween and here was the Vice President saying he is going to save Social Security. It just struck me as very humorous. Because when I came here, as Vice President, I never heard him ever offer a solution to Social Security. In fact, he is one of the people who was in the other body, the United States Senate in the Congress, when year after year they raided Social Security. We have to remember, in 1993, when he became Vice President of the United States, they submitted, the Clinton-Gore administration submitted a budget to this Congress; I came here as a freshman, and that budget had in it a \$200 billion-plus deficit that they presented to us.

□ 2000

Now, that deficit alone was bad enough because that is \$200 billion, but on top of that, they were taking all the money out of the social security trust fund.

So here is the person who is now saying he is going to save it proposing a budget that had a \$200 billion deficit, and raiding all the money in social security. Not only had they raided it in 1993, they raided it in every year I believe he served in the United States Congress.

So for him yesterday on Halloween to get up and say he was going to save social security, and I am sorry I have to chuckle, I just could not keep a straight face. Here he had proposed a budget again that was running us further into debt, \$200 billion just for that year, and on top of that taking the money out of the trust fund, and had done that year after year after year. So suddenly he has become the savior of social security.

What is sad about that budget too is if we looked at that budget, and we have copies of the budget that was presented by the Clinton-Gore administration in 1993, this year in 1999 it would have projected a close to \$200 billion deficit this year. That was with, in 1993, the largest tax increase passed in the history of Congress being part of their package and remedy.

So they increased taxes. The deficit was running \$200 billion plus, a \$200 billion plus projected deficit, even with that tax increase they proposed to us. The records are there. I am not exaggerating this in any way.

It does concern me that the people who raided the trust funds, and if it

was just social security, that would not be excusable, but they took from the highway trust fund. They diverted money from the infrastructure of the country. When we fill up our tank and pay gasoline tax to the Federal government, now it is 18.4 cents, they were taking money out of the highway trust fund dedicated for infrastructure and spending it on other programs. They were taking money out of aviation trust funds.

As chairman of the Subcommittee on Civil Service, I was absolutely appalled, stunned. When I came from the private sector as a businessperson to take over chairing the Subcommittee on Civil Service and I looked at Federal employees' pension funds, there are about 38 Federal employees' pension funds, it is absolutely incredible that about 33, I believe, of the 35 had zero dollars in them.

They did the same thing to social security that they did to these pension funds, Federal employees' pension funds. They put in nonnegotiable certificates of indebtedness of the United States, paying the lowest possible interest rate, but there is no hard cash in all but a couple of these funds. The few that have some hard cash in them, it is a minuscule amount.

The gentlemen that were speaking before me talked about unfunded liabilities for social security. If we start adding in unfunded liabilities for these pension funds, we are talking probably in the neighborhood of a \$19 trillion-plus deficit. There are trillions of unfunded liabilities. So here again, the folks that were taking out, the tax and spenders were taking out of these funds money that should have been set aside.

This raises a very important issue. I really admire the courage of our Republican nominee, George W. Bush, because it is a very tricky issue. Seniors become very concerned when they hear anything about reforming social security. Everyone knows we have a problem.

I borrowed these charts from the gentleman from Michigan (Mr. SMITH), who comes to the floor very often and does a great job on explaining the problem with social security.

But for a presidential candidate to stand up and say, we have to do something about this, and propose some reforms, I think is very significant. He is not brushing over this issue. It is an issue that needs addressing.

Members can see from this chart that the gentleman from Michigan (Mr. SMITH) provided, we have a short-term surplus right now if we continue with a good economy and all of that, and we are good stewards, we keep the money in the trust fund, we do not raid the trust fund. But if we get down here to somewhere around 2011, it begins to go south. This is the problem we have to face.

Now, some of the solutions that are being proposed are not realistic. Governor Bush is in the private sector. I came from the private sector. There are only several things that one can do.

First of all, we can either increase the contribution, the payroll tax for social security. We have done that. If Members have not looked at their paycheck lately, and the gentleman from Michigan again brings out a great chart, it even caught my eye, but 78 percent of the workers in this country pay more in payroll taxes than they do in income taxes.

This is part of the problem. We have gone from a 2 percent charge for social security back in 1940 to 12.4 percent, so people are paying as much as \$9,448 in the year 2000. We cannot tax our way into making this solvent. It just will never keep up to get us out of this red hole.

The other part of the problem is, and this is, again, one of the charts of the gentleman from Michigan (Mr. SMITH) which I will borrow tonight, it just shows we have 38 workers, I believe, in 1940, or at the time we started social security a little bit before that, I believe, and in 2000 we have six, and we go down to just four here in 2025. So we have fewer workers contributing, even paying. That makes the equation even worse.

Another factor is, just like the gentleman from Florida (Mr. MICA), who is getting older by the hour serving in Congress, particularly in these long sessions, the population is growing older. We are living longer. People used to retire and they died earlier. Now, through medicine and again many health improvements, people are living longer. So we have fewer people contributing, we have people living longer, and we are starting to max out on our tax base.

So this is the coming problem. Governor Bush has said very simply, we have to get, first of all, some pressure and some relief. No one wants to touch the benefits of anyone now. The only way we could really change this equation without either increasing taxes, now, there is another source of taxes that would be Federal taxes to put in to subsidize this, but again, it would be a very awesome responsibility.

So today we have to start planning for retirees for tomorrow, young people. They are not going to get that, first, when we have no money. There was no hard money in the funds. And again, the folks who I chuckled about who are here to save social security were taking any hard money out, putting in these nonnegotiable certificates of indebtedness of the United States.

What were they paying in return? They are paying on average 1.9 percent. Even a senior citizen who does not know much about finances would be very reluctant to put their savings account in a bank that paid a 1.9 percent return.

I know we want also security for our social security dollars, or any trust funds or pension funds. That is important, that they be secure. But even with government-backed securities, we could double and triple the return. Even by giving people a small option to

take part of their money in an account with their name on it, they could get a better return. There is no way we can solve this problem without owning up to the problem. There is no way we can solve it without reforming it.

Now, no one will change any of the existing benefits. In fact, we can grow the benefits if there is a better return from the funds, and again, on only secured investments. We are not talking about penny stocks or investment in speculative issues, we are talking about backed by the security, full faith and credit of the United States of America.

But a few dollars of these funds could turn this situation around. It is the only way we can turn it around. We are starting to max out again on what we can tax folks for.

We have this expanding population of elderly. I read a report from the University of Florida, my alma mater, their school of medicine. By mid century, we will have 2.5 million centenarians, I believe that is the term, people who are 100 years old, 2.5 million.

It also said in the article that when Willard Scott started announcing the birthdays, I guess it was in 1980, they got in about 400 requests maybe in the year in 1980. Now they are coming in by the thousands. The population of elderly is dramatically growing.

So we have to be honest, we have to own up. We cannot scare senior citizens. All Republicans have elderly relatives, parents, and many of them, my family has many who have relied on social security, who have worked hard and did not have any pensions, and rely on it. My mother did, and other family members. So we would not want to do anything that would reduce benefits or endanger the fund.

But I am so glad to have someone who comes from the business sector look at this, as Governor Bush has done, and said, we have to make a change.

It is interesting, if Members travel around the world to Third World countries or other countries who have had failed social security systems, they are making some of the same changes that are proposed. So we do not want to be behind the Third World countries, we want to push off the inevitable disaster that we can face here in not preparing for retirement security for our young people today and those who are older.

One of the other provisions that we have had in the tax bill that the President vetoed, we had actually two provisions, that was to increase IRAs from \$2,000 to \$5,000. It was a good provision. It allows people to save money for themselves. Not everybody can save that amount of money.

One of the other provisions we had in there was to allow people over 50 to double some of their contributions, because people who are 50 are going to need to retire early.

I regret that the President vetoed those measures. We thought we had an agreement. That is another reason why

we are here, because it is unfortunate, but I think the President put politics in front of people. We cannot do that, we really cannot. I know it is sort of a last gasp here to focus attention on his presidency. But people, I think, have tired of that method of bickering, of a lack of agreement.

We thought we had a gentleman's or a gentlewoman's agreement on some of these issues, and now at the last minute to cloud them, to politicize them, to put the political fortunes ahead of the people's fortunes I think is really unfortunate. I am dismayed by it. I think we will all be happy when this era is behind us. People do not send us here to bicker and fight, they send us here to solve their problems. This is a problem that we face, a very serious problem.

Mr. Speaker, I also want to talk tonight about something that I have talked about for probably some 40 or 50 special orders, something that is extremely important. I chair the Subcommittee on Criminal Justice, Drug Policy, and Human Resources. I inherited 18 or 19 months ago from the gentleman from Illinois (Mr. HASTERT), who is now the Speaker of the House, the responsibility to oversee our national drug policy.

The gentleman from Illinois during his tenure and service in this subcommittee's responsibility made a great attempt and some tremendous progress in restarting our war on drugs. Quite frankly, I have heard many people say that the war on drugs is a failure. I cite that the war on drugs basically closed down with the beginning of the Clinton-Gore administration in 1993.

The Clinton-Gore administration took some very specific steps that got us into a situation that we are trying to bail out of right now with drug abuse at record numbers, with drug deaths at record levels. I inherited that responsibility. I take it very seriously.

Even when I was a Member of the House in 1993 to 1995, when the Democrats controlled the White House, the House, and the United States Senate, I requested hearings on the House side. There was one oversight hearing in 2 years conducted.

□ 2015

It was shameful that they would dismantle a serious war on drugs that had been developed by the Reagan-Bush administration and had made such tremendous progress and declining drug use in this country, but they made some very serious mistakes and they have had some serious consequences.

When you close down a war on drugs, you pay the price, and we are now paying the price. It is an expensive price. As our subcommittee learned in the last month, drug-induced deaths in the United States now exceed homicides for the first time. I believe these are the 1998 figures. I do not have 1999, but I think the situation that we will get from last year is even worse.

More people are dying from drug overdoses and drug-related deaths than by homicides. It is a problem that has been swept under the table. A problem that has been compounded by some horrible policy decisions of the Clinton-Gore administration.

This chart illustrates where we have come from, 11,700 deaths to 16,926 deaths. I have not doctored these figures. They are provided by the administration. They are, in fact, a record of failure, a record of illegal narcotics becoming a national epidemic, a national scandal and very little being done.

I do want to say that we have made an attempt as a new majority to try to put back together Humpty Dumpty, try to put together a serious war on drugs. One of the things, of course, that is lacking is a national leadership on the issue, which we saw under President Reagan, who made this an issue, which we saw under President Bush.

They started initiatives, the source country programs, to stop drugs at their source, the most cost-effective way to keep the flood and tide of illegal narcotics coming in. If that is not a responsibility to protect our shores from deadly death and destruction of illegal narcotics, I do not know what is a Federal responsibility.

But they dismantled those programs, slashing the international and source country programs by more than 50 percent, by slashing the interdiction programs, by taking the military out, by cutting the Coast Guard budget and the antinarcotics effort.

A report that was released to me in the early part of this year by the General Accounting Office said that anti-drug smuggling efforts flights, surveillance flights, had been cut some 68 percent from 1993 to 1999 by the administration. Maritime interdiction had been reduced by 62 percent, and those actions have some very serious consequences, and that is a tide of hard drugs, drugs that are pure and deadly, unlike anything we have seen in the past.

One of the problems that we have is again the administration closing down the war on drugs.

I did not say this, the Drug Czar, Barry McCaffrey, he said in 1996, in September of 1996, the U.S. took its eye off the drug war, and this is the results as of 1996. Unfortunately, the story gets even worse. This is what Barry McCaffrey said. Of course, this is the consequences of, first of all, coming in and firing everyone but 20 of the 120 folks in the drug czar's office. That was cutting the size of government.

Then hiring Jocelyn Elders as the chief health officer who just said maybe, or comments of the President, which he was quoted as having said if I had it to do over again, I would inhale.

These things have a direct effect. Young people pick this up, and we see the results. We also saw the results of their closing down some of these antinarcotics efforts.

This is not my quote; this is the DEA official, when I was with the DEA just

a few years ago, I was spending half of my time figuring out ways to eliminate or downsize agency operations, while the drug cartels were expanding theirs. And this is Phil Jordan, a high-level DEA official. He said that in 1998. Again, reflecting on the closedown on the war of drugs, not what I am saying, what DEA officials said.

Mr. Speaker, since this may be my last special order for some time, I want to make sure we get all of this in here. Again, these charts and information were provided, some of it, by the administration. This is by our Subcommittee on Criminal Justice, Drug Policy and Human Resources. We know where the problem has been, where cocaine and heroin have been coming from, and they have been coming from South America, primarily Colombia and also Peru and Bolivia that we do not see on here, up until the Clinton administration, they were transited and actually the dealerships and cartels were located in Colombia, and then came up through Mexico into the United States.

Mr. Speaker, to deal with this, in the Reagan administration, at Panama, and this is Panama here, I have this little sticker, this is where we headquartered our forward-operating locations, FOLs they call them, to go after drug traffickers, at least as far as surveillance, getting the information to the countries, the countries would either go after the traffickers, shoot them down or whatever.

The first thing that the Clinton administration did was stop these flights and also sharing the information, which even the Democrats went crazy over. Then the next step that the administration took was to decertify Colombia without what they call a national interest waiver, that was to allow Colombia to get aid to fight narcotics.

So they blocked aid to Colombia in a policy decision of the Clinton-Gore administration. From 1993 to present, Colombia has become and almost produced absolutely no native poppies or heroin, it came from zero in 1993 in this chart, producing 75 percent of the heroin coming in to the United States, and I guess it is now world production. That again is through some direct policy decisions.

Incidentally, the Panama-forward surveillance operations which were closed down while the administration unfortunately bungled the negotiations to let our antinarcotics surveillance missions continue there, we are now building in Aruba; Curacao; El Salvador; and Manta, Ecuador; and three more operating locations which will not be available until 2002. So we have dramatically reduced our ability to conduct surveillance operations.

Again, that is why we see this flow of incredible flow of heroin coming in to the United States. A whole series of bungling by the Clinton-Gore administration, made Colombia the number one producer of heroin from zero when

they took office, and that would not be bad enough, but we have had to fund a \$1.3 billion emergency package after Barry McCaffrey declared last year that Colombia had become what he said was a flipping nightmare.

We had to have an emergency package, which never got to our desk until February, but we did pass it, got it through here, did a responsible thing. I am not happy that we had to spend that much money, but there are consequences to policy actions that are failure, and the Clinton-Gore administration turned Colombia into a basket case and a major producer of narcotics.

The same thing happened with cocaine, almost no cocaine was produced there. Interestingly enough, Mr. HASTERT, the former chair of this subcommittee and current Speaker of the House, and I went down to Peru and Bolivia. We worked with President Fujimori, with President Hugo Banzart, and we have been able to cut almost 60 percent of the production of cocaine with very little money.

The opposite is true where the Clinton-Gore administration blocked assistance to Colombia back in 1993, 1994, 1995, 1996, could not even get last year helicopters down there that had been appropriated by us to go after some of this stuff. So we turned Colombia, through, again, inept policy from just a transit country and minor producer into the major producer of cocaine coming in incredible volumes.

Another failure of the administration is when you just say maybe or you have the lack of leadership or appoint a health surgeon officer who sends out just say maybe to our kids, this is the result. It is not a doubling, but a dramatic increase in the amount of kids that have used marijuana, students who have used marijuana in this country.

Today I saw in the paper, statistics that have been released that, in fact, marijuana use among college students rose 22 percent between 1993 and 1999, according to the study this week released by Harvard School of Public Health.

There are consequences to a lack of leadership and lack of policy. And these are pretty specific. Now, a lot of people say marijuana is a soft drug. Marijuana that is coming in, it is not soft. It will damage young adults and adults. It is highly potent. It is not the stuff of the 1960s and the 1970s. And everyone who has testified before our subcommittee says it is a gateway drug, almost everyone who uses it goes on to another drug. I might correct myself, not everyone, but a large percentage, unfortunately, and almost all of those, and I should correct myself there who have used harder drugs say that they, indeed, have used marijuana to begin with.

The long-term prevalence of drug use, in the Reagan- Bush administration, there was a 50 percent drop in drug use in the United States, when you have a policy and a policy that

deals with the supply, deals with demand, deals with leadership, even going into Panama, remember in 1989, President Bush went in to Panama with our troops and took out Noriega, put his rear-end in jail in the United States for drug trafficking and drug money laundering, that was leadership.

This is a successful war on drugs, a 50 percent decline.

This is the Clinton-Gore record. A little help was on the way here from when we sort of restarted the efforts. So you see a slight change in that, hopefully that will continue. But this is what their policy did, a flood of drugs; and drug use dramatically increased, and you can look at it. This is the heroin chart, again, supplied by the administration, and also reputable sources, this one is from the University of Michigan who does a study.

Look at the use, the prevalent use of marijuana dramatically under the Bush administration, you see drops leveling out here.

And the trends in lifetime cocaine use, back in 1991, 1992, you see the bottom, so to speak, this is 8th grade, 10th grade and 12th grade in cocaine use. The administration also has the distinct record of having the average heroin user age drop from 25 in 1993 to 17 today.

Again, the Clinton-Gore legacy that I do not think you will hear about in any of these commercials or ads.

Now, we do require also, and as chairman of the Subcommittee on Criminal Justice, Drug Policy and Human Resources, we do require that we have a specific plan. This is the plan. We are trying. This plan is supposed to have a goal of getting us down to a 3 percent drug use, instead of a 3 percent drug use, the latest reports are going from 6.4, 6.20 to 7 percent.

This is a performance measure that we have asked, so instead of heading towards this goal, we are reaching 7 percent of the population who are now drug users. So this is their plan. This is the results. If your children, you feel, are at risk, you should be very concerned about these trends.

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You can look at this chart, too, and see what they did. They cut the interdiction funds. They cut the international source country fund. They put all the money into treatment, and we have just about doubled the money on treatment. The Republicans have even added money in treatment. We have added money in education. You do have to have a balanced approach. But when you cut interdiction in international, you have a surge of narcotics that you cannot keep up with. That is partly what we have faced.

A lot of people say just keep putting more money in treatment. They said that in Baltimore. In Baltimore they have gone from just a handful of addicts to somewhere in one in eight in the population are now drug addicts in Baltimore. They sloughed off on the

law. They had a liberal mayor. We have put tremendous amounts of money into treatment. We will continue to do that for successful programs, but you cannot treat yourself out of the problem. This is the Baltimore record. Not only have they have had record numbers of homicides in that locale in Baltimore, they have stayed in the 300 range consistently. We see 1999 also 300, with some 60,000, 70,000 addicts.

Tough enforcement locales like Rudy Giuliani in New York have cut dramatically the murder rate which was some 2,000 a year down to the mid-600s; incredible changes of a 58 percent reduction in crime. This man should be nominated for a Nobel Peace Prize for what he did for one of the largest cities in the world. It is just incredible what he has done. All the seven major felony categories have had dramatic decreases, an overall 58 percent reduction in those major felony crimes. Murders, thousands of people are alive in New York because he had a tough zero-tolerance policy. Thousands of people are dead in Baltimore for a liberal policy, if you look at the record over these years.

What is interesting is, Mr. Giuliani also did it with fewer incidents of using firearms in going after folks, fewer complaints against his officers; and he also increased the officers by some 20 percent. You can go back and look at the complaints filed against the Koch administration, the Dinkens administration. They were two and three times what they were under Mr. Giuliani. In spite of the comments of some of those who say to the contrary, those are the facts.

The Washington Times outlined just a few months ago what we are facing now is we face heroin in record numbers, overdose deaths. Now we are facing Ecstasy and cocaine in tremendous proportions. Massachusetts, here is a headline from this week: "Massachusetts Worst in Drug Use Survey; some categories highest in the United States. Half of the principals polled say drug use getting worse." Heroin in inner-cities worse, and if we looked at the population of our most at-risk in this country, according to 1999 National Household Survey on Drug Abuse, drug use increased from 5.8 percent in 1993 to 8.2 percent in 1998 among young African Americans.

Our minorities are the hardest hit. You will not hear that in the campaign commercials. Among Hispanics from 4.4 percent in 1993, the beginning of the Clinton-Gore administration, to 6.1 in 1998, even worse I am sure in 1999. They do not want to release those figures before the election. But our African Americans, our Hispanics are dying at a disproportionate rate, jailed at a disproportionate rate, and victimize the people of those communities by drug abuse. It is not a pretty picture. It is not a legacy I would be proud of. I have done my best to try to bring solutions, to restart the war that was sabotaged by the Clinton-Gore administration.

The next President, whoever that is, must provide the leadership. The Congress must put together a plan that includes education, prevention, interdiction, use of military, whatever resources possible. We have never lost this many people even in some of our battles that we are losing to drug deaths in this country. No family in this Nation now is spared from the destruction of life and well-being and happiness from drug abuse.

With one final warning to my colleagues who may be listening at this late hour, I will just put this chart up. This does show methamphetamine. I talked about Ecstasy, but in closing here anyone who is watching this, this is a normal brain and this is a brain that we could put Ecstasy up here and show you the same thing, the brain scans that have been provided to our subcommittee. Basically, it induces a Parkinson's type destruction of brain tissue.

This is what methamphetamine will do to you, Ecstasy. People think that these are harmless drugs and young people are dying and having their brains damaged, their bodies damaged by use of this. This is what these illegal narcotics and designer drugs will do to you today. They are not harmless, and that is why we have laws to control them.

So people look at what this does to your brain. I hope Members will convey this to their constituents, particularly the young people who we are now seeing as the victims of so many of these drug tragedies throughout the United States.

Mr. Speaker, again I appreciate your patience. I know that we have further business to conduct, but I am not sure if I will have another opportunity. I want to thank the staff who have endured my 50-some Special Orders. I take this very seriously, and it is a serious problem for the country. Again, we must address it in a bipartisan manner but learn in fact from the past and do a much better job to bring the most serious social problem our Nation has faced in a generation under control.

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LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. GREEN of Texas (at the request of Mr. GEPHARDT) for today after 3:00 p.m. on account of business in the district.

Ms. JACKSON-LEE of Texas (at the request of Mr. GEPHARDT) for today on account of personal business.

Mr. SCOTT (at the request of Mr. GEPHARDT) for today on account of personal business.

Ms. KILPATRICK (at the request of Mr. GEPHARDT) for today after 12:30 p.m. and November 2 on account of a death in the family.

Mr. HANSEN (at the request of Mr. ARMEY) for today and the balance of the week on account of his wife's major surgery.

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. SHERMAN, for 5 minutes, today.

Ms. STABENOW, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

(The following Members (at the request of Mr. FOLEY) to revise and extend their remarks and include extraneous material:)

Mr. MORAN of Kansas, for 5 minutes, today.

Mr. BRADY of Texas, for 5 minutes, today.

Mr. HORN, for 5 minutes, today.

Mr. FOLEY, for 5 minutes, today.

Mr. PORTMAN, for 5 minutes, today.

Mr. GOSS, for 5 minutes, today.

(The following Members (at their own request) to revise and extend their remarks and include extraneous material:)

Mr. HUNTER, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Mrs. MALONEY of New York, for 5 minutes, today.

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OMITTED FROM THE CONGRESSIONAL RECORDS OF TUESDAY, OCTOBER 31, 2000

SENATE BILLS AND CONCURRENT RESOLUTION REFERRED

Bills and a concurrent resolution of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 2638. An act to adjust the boundaries of the Gulf Islands National Seashore to include Cat Island, Mississippi; to the Committee on Resources.

S. 2751. An act to direct the Secretary of Agriculture to convey certain land in the Lake Tahoe Basin Management Unit, Nevada, to the Secretary of the Interior, in trust for the Washoe Indian Tribe of Nevada and California; to the Committee on Resources.

S. 2924. An act to strengthen the enforcement of Federal statutes relating to false identification, and for other purposes; to the Committee on the Judiciary.

S. Con. Res. 158. Concurrent resolution expressing the sense of Congress regarding appropriate actions of the United States Government to facilitate the settlement of claims of former members of the Armed Forces against Japanese companies that profited from the slave labor that those personnel were forced to perform for those companies as prisoners of war of Japan during World War II; to the Committee on International Relations.

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ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

Mr. THOMAS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills and joint resolutions of the House of the following

titles, which were thereupon signed by the Speaker:

H.R. 660. An act for the private relief of Ruth Hairston by waiver of a filing deadline for appeal from a ruling relating to her application for a survivor annuity.

H.R. 848. An act for the relief of Sepandan Farnia and Farbod Farnia.

H.R. 1235. An act to authorize the Secretary of the Interior to enter into contracts with the Solano County Water Agency, California, to use Solano Project facilities for impounding, storage, and carriage of non-project water for domestic, municipal, industrial, and other beneficial purposes.

H.R. 1444. An act to authorize the Secretary of the Interior to establish a program to plan, design, and construct fish screens, fish passage devices, and related features to mitigate impacts on fisheries associated with irrigation system water diversions by local governmental entities in the Pacific Ocean drainage of the States of Oregon, Washington, Montana, and Idaho.

H.R. 2941. An act to establish the Las Cienegas National Conservation Area in the State of Arizona.

H.R. 3184. An act for the relief of Zohreh Farhang Ghahfarokhi.

H.R. 3388. An act to promote environmental restoration around the Lake Tahoe basin.

H.R. 3414. An act for the relief of Luis A. Leon-Molina, Ligia Parron, Juan Leon Padron, Rendy Leon Padron, Manuel Leon Padron, and Luis Leon Padron.

H.R. 3621. An act to provide for the posthumous promotion of William Clark of the Commonwealth of Virginia and the Commonwealth of Kentucky, co-leader of the Lewis and Clark Expedition, to the grade of captain in the Regular Army.

H.R. 4312. An act to direct the Secretary of the Interior to conduct a study of the suitability and feasibility of establishing an Upper Housatonic Valley National Heritage Area in the State of Connecticut and the Commonwealth of Massachusetts, and for other purposes.

H.R. 4646. An act to designate certain National Forest System Lands within the boundaries of the State of Virginia as wilderness areas.

H.R. 4794. An act to require the Secretary of the Interior to complete a resource study of the 600 mile route through Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, and Virginia, used by George Washington and General Rochambeau during the American Revolutionary War.

H.R. 5239. An act to provide for increased penalties for violations of the Export Administration Act of 1979, and for other purposes.

H.R. 5266. An act for the relief of Saeed Rezaei.

H.R. 5410. An act to establish revolving funds for the operation of certain programs and activities of the Library of Congress, and for other purposes.

H.R. 5478. An act to authority the Secretary of the Interior to acquire by donation suitable land to serve as the new location for the home of Alexander Hamilton, commonly known as the Hamilton Grange, and to authorize the relocation of the Hamilton Grange to the acquired land.

H.J. Res. 102. Joint resolution recognizing that the Birmingham Pledge has made a significant contribution in fostering racial harmony and reconciliation in the United States and around the world, and for other purposes.

H.J. Res. 122. Joint resolution making further continuing appropriations for the fiscal year 2001, and for other purposes.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 484. An act to provide for the granting of refugee status in the United States to nationals of certain foreign countries in which American Vietnam War POW/MIAs or American Korean War POW/MIAs may be present, if those nationals assist in the return to the United States of those POW/MIAs alive.

S. 698. An act to review the suitability and feasibility of recovering costs of high altitude rescues at Denali National Park and Preserve in the State of Alaska, and for other purposes.

S. 700. An act to amend the National Trails System Act to designate the Ala Kahakai Trail as a National Historic Trail.

S. 893. An act to amend title 46, United States Code, to provide equitable treatment with respect to State and local income taxes for certain individuals who perform duties on vessels.

S. 938. An act to eliminate restrictions on the acquisition of certain land contiguous to Hawaii Volcanoes National Park, and for other purposes.

S. 964. An act to provide for equitable compensation for the Cheyenne River Sioux Tribe, and for other purposes.

S. 1438. An act to establish the National Law Enforcement Museum on Federal land in the District of Columbia.

S. 1474. An act providing for conveyance of the Palmetto Bend project to the State of Texas.

S. 1482. An act to amend the National Sanctuaries Act, and for other purposes.

S. 1752. An act to reauthorize and amend the Coastal Barrier Resources Act.

S. 1865. An act to provide grants to establish demonstration mental health courts.

S. 2345. An act to direct the Secretary of the Interior to conduct a special resource study concerning the preservation and public use of sites associated with Harriet Tubman located in Auburn, New York, and for other purposes.

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ADJOURNMENT

Mr. MICA. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 38 minutes p.m.), under its previous order, the House adjourned until tomorrow, Thursday, November 2, 2000, at 6 p.m.

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EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

10850. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Sodium o-nitrophenolate, sodium p-nitrophenolate, sodium 5-nitroguaiacolate, and the End-Use Product Atonik Exemption From the Requirement of a Tolerance and Temporary Exemption From the Requirement of a Tolerance [OPP-301043; FRL-6740-9] (RIN: 2070-AB78) received October 31, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10851. A letter from the Counsel for Legislation and Regulations, Office of the Assistant Secretary for Housing, Department of Housing and Urban Development, transmitting the Department's "Major" final rule—HUD's Regulation of the Federal National

Mortgage Association (Fannie Mae) and the Federal Home Loan Mortgage Corporation (Freddie Mac) [Docket No. FR-4494-F-02] (RIN: 2501-AC60) received November 1, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

10852. A letter from the Acting Assistant General Counsel, Regulations, Department of Education, Office of Postsecondary Education, transmitting the Department's "Major" final rule—Federal Perkins Loan Program (RIN: 1845-AA15) received October 31, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

10853. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule—Irradiation in the Production, Processing and Handling of Food [Docket No. 99F-2673] received October 31, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10854. A letter from the Lieutenant General, USAF, Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Air Force's Proposed Letter(s) of Offer and Acceptance (LOA) to Poland for defense articles and services (Transmittal No. 01-00), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

10855. A letter from the Lieutenant General, Director, Defense Security Cooperation Agency, transmitting the Department of the Navy's proposed lease of defense articles to Poland (Transmittal No. 01-01), pursuant to 22 U.S.C. 2796a(a); to the Committee on International Relations.

10856. A letter from the Acting Deputy Solicitor, Department of the Interior, transmitting the Department's final rule—Legal Process: Testimony of Employees and Production of Records (RIN: 1090-AA76) received August 28, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

10857. A letter from the Executive Director, Marine Mammal Commission, transmitting the annual report pursuant to the Federal Managers' Financial Integrity Act and the Inspector General Act for FY 2000, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform.

10858. A letter from the President and CEO, Overseas Private Investment Corporation, transmitting the Corporation's annual report under the Inspector General Act for FY 2000, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

10859. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Lamoni, IA [Airspace Docket No. 00-ACE-10] received October 19, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10860. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Bonham, TX [Airspace Docket No. 99-ASW-34] received October 19, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10861. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Oelwein, IA; Correction [Airspace Docket No. 00-ACE-12] received October 19, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10862. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Coffeyville, KS

[Airspace Docket No. 00-ACE-15] received October 19, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10863. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Revision of Class D and Class E Airspace, Great Falls International Airport, MT; Removal of Class D and Class E Airspace, Great Falls Malmstrom AFB, MT [Airspace Docket No. 00-ANM-03] received October 19, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10864. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Identification of Approved and Disapproved Elements of the Great Lakes Guidance Submission From the State of Wisconsin, and Final Rule [FRL-6896-9] (RIN: 2040-AD66) received November 1, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10865. A letter from the Chief Counsel, Bureau of the Public Debt, Department of Treasury, Fiscal Service, transmitting the Department's final rule—Regulations Governing Fiscal Agency Checks, Regulations Governing Book-Entry Conversion of Detached Bearer Coupons and Bearer Corpora—received August 31, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

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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. GOSS: Committee on Rules. House Resolution 665. Resolution waiving points of order against the conference report to accompany the bill (S. 2796) to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes (Rept. 106-1022). Referred to the House Calendar.

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TIME LIMITATION OF REFERRED BILL

Pursuant to clause 5 of rule X the following action was taken by the Speaker:

H.R. 1689. Referral to the Committee on Transportation and Infrastructure extended for a period ending not later than November 2, 2000.

H.R. 1882. Referral to the Committee on Ways and Means extended for a period ending not later than November 2, 2000.

H.R. 2580. Referral to the Committee on Transportation and Infrastructure extended for a period ending not later than November 2, 2000.

H.R. 4144. Referral to the Committee on the Budget extended for a period ending not later than November 2, 2000.

H.R. 4548. Referral to the Committee on Education and the Workforce extended for a period ending not later than November 2, 2000.

H.R. 4585. Referral to the Committee on Commerce extended for a period ending not later than November 2, 2000.

H.R. 4725. Referral to the Committee on Education and the Workforce extended for a

period ending not later than November 2, 2000.

H.R. 4857. Referral to the Committees on the Judiciary, Banking and Financial Services, and Commerce for a period ending not later than November 2, 2000.

H.R. 5130. Referral to the Committee on Transportation and Infrastructure extended for a period ending not later than November 2, 2000.

H.R. 5291. Referral to the Committee on Ways and Means extended for a period ending not later than November 2, 2000.

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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. TRAFICANT:

H.R. 5611. A bill to ensure the availability of funds for ergonomic protection standards; to the Committee on Education and the Workforce.

By Mr. RANGEL (for himself, Mr. DINGELL, Mr. SPRATT, Mr. STENHOLM, Mr. BROWN of Ohio, Mr. BERRY, Mr. ALLEN, Mr. ANDREWS, Mr. BACA, Ms. BALDWIN, Mr. BOUCHER, Mr. CARDIN, Mr. COSTELLO, Mr. COYNE, Mr. DEFAZIO, Mr. DIXON, Ms. ESHOO, Mr. GREEN of Texas, Mr. HALL of Ohio, Mr. HILLIARD, Mr. JACKSON of Illinois, Mr. KLECZKA, Mr. LEVIN, Mrs. LOWEY, Mr. MATSUI, Mr. MCGOVERN, Mr. McNULTY, Ms. MILLENDER-MCDONALD, Mr. OBERSTAR, Mr. RAHALL, Mr. SAWYER, Mr. SKELTON, and Mr. STUPAK):

H.R. 5612. A bill to amend titles XVIII, XIX, and XXI of the Social Security Act to provide benefits improvements and beneficiary protections in the Medicare and Medicaid programs and the State child health insurance program (SCHIP), as revised by the Balanced Budget Act of 1997 and the Medicare, Medicaid, and SCHIP Balanced Budget Refinement Act of 1999, and for other purposes; 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. KNOLLENBERG (for himself, Mr. LAHOOD, Mr. SHIMKUS, Mr. BRADY of Texas, Mr. DUNCAN, Mr. MANZULLO, Mrs. MYRICK, Mr. CHAMBLISS, Mr. SAM JOHNSON of Texas, Ms. GRANGER, Mr. JENKINS, Mr. FOSSELLA, Mr. MCINTOSH, Mr. HEFLEY, Mr. TRAFICANT, and Mr. BARTON of Texas):

H.R. 5613. A bill to require an extension of the comment periods relating to certain proposed rules; to the Committee on Commerce.

By Mr. ACKERMAN:

H.R. 5614. A bill to amend part C of title XVIII of the Social Security Act to improve the MedicareChoice Program; 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. COBURN (for himself and Mr. NORWOOD):

H.R. 5615. A bill to prohibit the use of Federal funds for the conduct or support of programs of HIV testing that fail to make every reasonable effort to inform the individuals of the results of the testing; to the Committee on Commerce.

By Mr. CROWLEY:

H.R. 5616. A bill to amend the Internal Revenue Code of 1986 to allow a deduction to taxpayers who purchase and install qualified security devices; to the Committee on Ways and Means.

By Mr. DEFAZIO:

H.R. 5617. A bill to amend the Oil Pollution Act of 1990 to improve provisions concerning the recovery of damages for injuries resulting from oil spills; to the Committee on Transportation and Infrastructure.

By Mr. HAYWORTH:

H.R. 5618. A bill to authorize the Secretary of Agriculture to convey National Forest System Lands for use for educational purposes; to the Committee on Resources.

By Mrs. LOWEY (for herself, Mr. BROWN of Ohio, Ms. MCKINNEY, Mr. KILDEE, and Mr. RANGEL):

H.R. 5619. A bill to require the Federal Communications Commission and the Federal Trade Commission to prevent fraudulent and misleading advertising by carriers providing "dial-around" long distance services; to the Committee on Commerce.

By Mrs. MALONEY of New York:

H.R. 5620. A bill to require operators of electronic marketplaces to disclose the ownership and management of such marketplaces to market participants, and for other purposes; to the Committee on Commerce.

By Mr. RUSH:

H.R. 5621. A bill to amend the Balanced Budget Act of 1997 to apply the Medicaid disproportionate share hospital payment transition rule to public hospitals in all States; to the Committee on Commerce.

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MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

487. The SPEAKER presented a memorial of the General Assembly of the State of Rhode Island, relative to Resolution 2000-H8125 petitioning the Congress of the United States to Fulfill Its Commitment of Forty Percent Federal Funding in its Reauthorization of the Individuals with Disabilities Education Act; to the Committee on Education and the Workforce.

488. Also, a memorial of the General Assembly of the State of Rhode Island, relative to Resolution 2000-H8119 petitioning the State Department, The German Government and German Industrial Complex Resolve the Remaining Issue Left in the Aftermath of World War II, Namely a Just Equitable and Inclusive Settlement of the Slave Labor/Forced Labor Discussions in Bonn and Washington; to the Committee on International Relations.

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ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 908: Mrs. CHRISTENSEN.

H.R. 1214: Ms. SLAUGHTER.

H.R. 1228: Ms. DELAURO.

H.R. 1625: Mr. UDALL of New Mexico.

H.R. 1657: Ms. CARSON.

H.R. 4536: Mr. HILLIARD.

H.R. 4966: Mr. COYNE.

H.R. 5152: Ms. LOFGREN.

H.R. 5185: Mr. KILDEE.

H.R. 5219: Mr. FOLEY, Mr. RANGEL, and Mr. PRICE of North Carolina.

H.R. 5259: Mr. ROGERS.

H.R. 5274: Mr. LEACH.

H.R. 5330: Mr. PRICE of North Carolina.

H.R. 5438: Mr. BOUCHER.

H.R. 5469: Mr. KINGSTON.

H.R. 5499: Mr. KLECZKA.

H.R. 5516: Mr. SMITH of Texas, Mr. GUTKNECHT, Mr. WELDON of Florida, Mr. CALVERT, Mr. EHLERS, and Mr. BARTON of Texas.

H.R. 5530: Mr. BERMAN, Mr. WAXMAN, Mr. BOEHLERT, Mr. GOODLATTE, and Mr. ETHERIDGE.

H.R. 5585: Mr. FARR of California, Mr. MEEKS of New York, Mr. ABERCROMBIE, Mrs.

TAUSCHER, Mr. HOEFFEL, Mr. NADLER, Mr. BAIRD, Mr. WEINER, Mr. BRADY of Pennsylvania, Ms. LOFGREN, Mr. BLUMENAUER, and Mr. THOMPSON of Mississippi.

H.R. 5603: Ms. MCKINNEY.

H. Con. Res. 337: Ms. SANCHEZ.

H. Res. 420: Mrs. TAUSCHER.