Congress and the President promised just two years ago. For example, the Republican budget denies Title I services to 2.4 million students who qualify under the Act.

But the irresponsibility does not end with No Child Left Behind. For the third straight year the Republican Party has frozen the funding level for Pell Grants. Both the Republicans and the President freeze the maximum Pell Grant award at the 2003 level of $4,050, with an average grant of $2,399. Such small Pell Grants make college unaffordable for millions of students; the National Board reports that nearly half of students report tuition and fees at 4-year public colleges today average $4,694. In any market this gap would be hard to swallow, but with the current state of joblessness that the Republican Party’s agenda has created is it nearly impossible for so many American families to send their children to college. I fear that this agenda if allowed to continue will cause a perpetual state where our American families aren’t able to succeed. The CBC budget would ease the difficulty on the plethora of American families having problems funding their children’s education. It guarantees almost $2 billion more for the Pell Grant, raising the maximum level to $4,500, an 11 percent increase over the maximum under the Republican Budget.

In addition to this the CBC budget provides even more benefits to our education system. It adds a total of $18.7 billion in new educational spending which will greatly reduce the stress placed on our educational system today.

But education is not limited to elementary and secondary schools and colleges and universities. Education is a lifelong endeavor. And with that in mind the CBC budget proposes an additional $2 billion for Job Training, Vocational Education, and Adult Education. Such funding will provide countless Americans the ability to improve their lives, their families, their communities, and their nation. The Republican budget underfunds our education and our future.

Our brave American veterans are another group who were outraged by the President’s budget but ultimately betrayed by the Republican House Budget. The majority party argues continuously about the greatness of our Armed Forces, and their right, but again it’s just empty rhetoric on their part. Those brave men and women fighting on the front lines in our War Against Terror will come back home and find that the Republican Party looks at them differently once they become veterans. They are no longer treated as great heroes. Instead they are viewed as a drain on our resources. And this brings me to another key area the Republican Party has frozen the funding level for Veterans Affairs. We have heard, you have heard our President’s name used over and over, again, in a complimentary fashion, not particularly derogatory, given some of the evenings I have seen in this Chamber, but we need to keep in mind that the apparent Democrat nominee for President is a Member of the other body. According to the rules of this House, I cannot nor can any Member of the other body and designate them in the same fashion that the Members we have heard here tonight have the latitude to speak about our President, our Commander in Chief and the leader of the free world.

And so that is a restriction that I have. And when I reference the apparent Democrat nominee for President, you will know who I am speaking of. However, what we know is that the Congressional Black Caucus budget provides us with the resources to do that.

The truth about the budget is that a sound fiscal policy that funds all programs is possible. The CBC Alternative Budget is an example of how we can get out of the quagmire that the Republican agenda has put this Nation in.

ECONOMIC PRINCIPLES FROM A PRIVATE SECTOR PERSPECTIVE

The SPEAKER pro tempore. Under the Speaker’s announced policy of January 7, 2003, the gentleman from Iowa (Mr. KING) is recognized for 60 minutes as the designee of the majority leader.

Mr. KING of Iowa. Madam Speaker, as I sat here and listened to this debate tonight, a number of things crossed my mind. I would like to pass backwards through the comments that were made by the distinguished members of the Congressional Black Caucus and address some of the subject matter. As you sit in your living rooms this evening and you consider what you have heard, you have heard our President’s name used over and over again, never in a complimentary fashion, not particularly derogatory, given some of the evenings I have seen in this Chamber, but we need to keep in mind that the apparent Democrat nominee for President is a Member of the other body. According to the rules of this House, I cannot nor can any Member use the name of that Member of the other body and designate them in the same fashion that the Members we have heard here tonight have the latitude to speak about our President, our Commander in Chief and the leader of the free world.

And so that is a restriction that I have. And when I reference the apparent Democrat nominee for President, you will know who I am speaking of. However, what we know is that the Congressional Black Caucus budget provides us with the resources to do that.
balanced budget that they offer is balancing the budget by raising taxes, putting a burden on the private sector. By the way, there are two sectors to this economy. There is the private sector where the jobs are created, where the investors are, and where Americans make a decision that they are going to save up their money and invest it and maybe buy some stocks, some mutual funds or start a business or go borrow that money and invest it in a business, which is what creates new wealth and which is what creates jobs.

It is not a zero-sum game. It is a multiplier. We are always seeking to promote the maximum productivity of our citizens. That is directly proportional to the strength of this entire economy, that is, the sum total of the productivity of all of our citizens, all of our citizens working together, the maximum number of them going to work every day, producing the maximum amount of goods, the maximum amount of services. The economy multiplies itself through our economy and promotes our export markets and competes with our import markets and provides for the technology and the training and the capital and the ability to store and transfer information and all of those components that make our economy grow.

When we raise taxes to balance the budget, there is a huge presumption in the minds of the people that advocate such action, by presuming that the economy is going to move along in the same fashion as it did and that tax increases are not going to provide a disincentive for people that put their capital, risk their capital, risk their sweat equity. At some point if you punish people for their work, if you punish productivity, you will get less productivity. Ronald Reagan said, “What you tax, you get less of. What you subsidize, you get more of.”

If I just address the tax side of this, we tax and tax and increase taxes to balance a budget in a time of recession, if we tax and tax and increase taxes to produce less to avoid the tax liability. It is the time to make the tax cuts permanent, the time to be able to send the message that we are a business-friendly world where jobs are created by the private sector, not by government.

As I listened to the gentlewoman from California and she referenced the Bush administration, and our President in particular, she said with regard to our economy that ‘‘I would think that statement would be accurate, not with regard to the analysis of our President’s statement, but with regard to the person who uttered that statement, not a clue on what creates jobs, if you cannot believe that private sector investment creates jobs and that is where the wealth is.’’

That is part of the sector of our economy. The other one is the public sector. The public sector of the economy is the anchor that was our private sector economy. We have people that get out of bed every day and produce a good or a service that has value and they market it in the marketplace and every day they try to figure out how to be more competitive, how to produce more of that good, more of that service for a more competitive price. Surely they are trying to maximize their profit; but when they do, they have some money left over then to invest in technology, higher education, capital investment so that they can be more competitive and be able to provide that good or service even more competitively yet.

That is going on around this economy millions of time every day. It is part of the equation that is in the minds of our managers and our workers, all in the private sector. The public sector, which now I am a member of, and my lifetime and my career and my fighting have all been in the private sector where I have competed for those jobs, public sector jobs are often in the regulatory section. Regulators are people that get out of bed in the
morning. They go out to look over the shoulder of the people who are producing a good or a service that has a value that is marketable in the marketplace. In essence you have to take from the profit from the private sector to pay young people a salary, the watchmen of the wealth, the one who regulates the work and sometimes the one who obstructs the work. So there is always a drain on the private sector to fund the public sector jobs.

What I heard mentioned over here this evening was a whole series of public sector jobs, from police officers, more teachers, on down the line. I did not hear anything that would address a way that we can create more jobs or fix the climate so that the private sector can create more jobs.

It was all public sector requirements, all burdens on the private sector always to wear down this economy, always to make it harder and harder for us to recover from this place that we are in today, which is not too bad a spot and we are moving up.

And another proof of that would be, if I can put the unemployment rate that we are dealing with. This would be the early days of the Reagan administration. About the time when Ronald Reagan took office, we had extremely high unemployment, extremely high inflation. And with the Reagan plan, we were able to drop this unemployment level down to under 6 percent for the first time in about a decade.

And then, as the unemployment grew through the 1980s, this would be about a third of the way through the Clinton administration, then it went down, and we were arriving at about a 4 percent unemployment rate. But historically that was an unemployment rate from the year 2000 back to 1970 that we had not seen that period of time. In 30 years we had not seen unemployment as low as this, corresponding, by the way, with the dot-com bubble that burst at about this point.

And now we saw unemployment go up. These were technology jobs, by the way. And we had import foreign labor, HIBs, a lot of technology people. And now we are back here at historically about standard level, at about 5.6 for our unemployment rate. But we have made a change.

We can expect these things to happen. The growth is on the way. And we should feel comfortable and optimistic about the future of the United States economy.

The reference to No Child Left Behind. I come from the State of Iowa, and we can argue that our K-through-12 education system, in our public schools in particular, ranks at the top or very near the top in education. If we measure our Iowa basic skills test, which, by the way, are taken all over the world as far away as China, and if we measure our ACT test scores compared to the students from the schools in the other States in the Union, we can argue that we are either at the top or maybe there are two other States that can argue competitively with the success of the public school system that we have. And yet we are dealing with No Child Left Behind in the same fashion as some of the other States that sit at the bottom in their K-through-12 education.

So I hear a lot from the teachers in Iowa about the burden of having to fill out a lot of paperwork and meet the requirements. We do not want to limit our contributions. We have a lot in those States that do not have that kind of support, whose States are not committing 62 percent of their budget to education. And I am committed to reaching out to those students because we want to again maximize the sum total of the productivity of our people.

And education equates to prosperity and prosperity equates also to freedom, and I am all about the freedom.

But when we hear that it is under-funded, do not buy into that. There is a difference in this Congress between authorization and appropriation. Authorization is a number that says, all right, we can appropriate up to this number, but there is a cap; do not appropriate beyond that.

And if we look back at the criticism that we have seen with the Bush administration, tracked through the previous administration, and I can say his name, President Clinton, in 1994 the last time that there was a Democrat in the White House and a majority in this House for the Democrats and also for the other body, I have to say, the authorization for the education bill was $25 billion, but the appropriations was $10 billion. They had the chance to do it, and they did not fund it; but they are not willing to accept the criticism that it was under-funded education then. And we did not argue that it was cut. Now I am hearing an argument that would not have fit in 1994. If the shoe did not fit then, it does not fit now.

With regard to Homeland Security, Homeland Security was formed by putting together a number of different agencies, agencies into the Department of Homeland Security. And it was done quickly, and it was done in the climate of the beginning of the war on terror and in an effort to find a way to reach out and gather together the information and the data that we needed to quickly establish a way to protect and secure this country from what we anticipated very soon would be another domestic attack.

I want to compliment our FBI and our enforcement, Department of Homeland Security to the extent that they were all involved in protecting this Nation; and we have intercepted a number of terrorist attacks on our soil. There
has not been a significant one on United States soil since September 11, 2001. We have to call that a success. We have to believe that al Qaeda wants to hit us. In fact, if we look at Spain, it is pretty clear that they are going to be turning their sights on us in a far more aggressive way. Maybe a little more on that later.

But Homeland Security, FBI, to the extent that the CIA has turned out information that has helped us overseas in the war on terror, we have been living in our homes and on our streets from these attacks, not at a small cost, at a high cost. Those agencies that were put together for Homeland Security were put together with an effort to save money. Merge these agencies, get rid of duplications of services, provide those savings, and then be able to roll those savings into more appropriate ways to spend money.

Looking at 2 years' budget in the Department of Homeland Security, we are looking at double-digit increases each year. And where does it stop? And when we build on a 10 or 12 percent increase, we have got the line in the graph going up dramatically. The next year we are up here, and we build on 9.5 percent in homeland security. I do not believe we have the mechanisms in place to be sure that we are spending that money appropriately.

I believe there is a significant amount of money that is wasted in Homeland Security, and I happen to have information that we have bureaucrats there who are making $150,000 a year, in another department, retired, took their golden parachute, their $100,000 a year, and went on to answer the phones at Homeland Security and started to cash a $150,000 check. That adds up to about a quarter of a million dollars to answer the phone, and I think we can hire people in this city for $25,000 a year to do that, not $250,000 a year.

That just addresses the waste wage that I believe is there; it does not address the inefficiencies that I believe are there. And I do not think that we are able to scrutinize Homeland Security enough because all of us in this Congress, Democrat and Republican alike, live in fear of another attack; and if there is an attack on this country tomorrow, we can bet the fingers will be pointed at me for even uttering criticism.

But I think we have a responsibility in this Congress to hold each department responsible to prudently spend tax dollars, and if they cannot do that, then we cut their budget until they find the savings. We are looking also for waste, fraud, and abuse, but each department will find them if we squeeze their budget down.

And, by the way, I do not get all that motivated. I have been living with the deficit in half in 5 years. That just does not get me to charge the windmills. I want to balance this budget, and I supported the Republican Study Committee budget today because I think it goes closer to what we need to do to put fiscal accountability in.

We need to grow our economy. We need to make the tax cuts permanent. We need to do a lot more to take this country, compete with developing countries, the private sector. But we need to move this country towards a balanced budget sooner rather than later.

This budget we approved tonight moves us in that direction. I would have preferred that it had been more dramatically, but I am absolutely opposed to the idea that we can raise taxes, balance the budget, and there are not economic prices to pay. Certainly there are.

So I listened to some of the other debate tonight. The discussion about the Bush administration, again using that outsourcing, because unfair trade practices are costing us jobs within this country. Yes, we are losing jobs in this country. We are losing some of our manufacturing base, our textiles industry. And I am wondering why that should be a mystery to anyone when we look at the tax burden that we have, the regulatory burden that we have.

Over $500 billion is the weight of the regulatory burden from the Federal Government alone, and so when we are paying a tax burden that has a 22 percent embedded cost in anything that we import, we are competing against foreign countries who have 68 cents an hour with the same kind of equipment on the lot or the punch press, and they are producing products coming into the United States, it is not just unfair trade practices. It is people working far cheaper than we are willing to do, and we cannot compete with those kinds of wages in perpetuity without improving our productivity for every single worker. I do not know how we can do that, especially with developing nations in the lower-skilled jobs. So we can expect that we are going to be seeing jobs drift overseas.

What I want to do is slow that loss of those jobs and I want to incent the creation of new jobs, high-tech jobs, and I want to hold the industrial base in this country. We have got to hold some industrial base. If we do not, we will not have the facilities to build our military equipment, and that makes us vulnerable. But outsourcing jobs, it is competition, and there is a reason why those jobs are going. I will come back to that in a moment.

I also want to associate myself with the remarks made by the gentleman from Idaho (Mr. OTTER) tonight with regard to the nuclear power. It is about time somebody stepped down to the floor of this Congress and spoke about clean energy, nuclear energy, the acci-dental energy, and the environmentally friendly energy. I com-plain the gentleman from Idaho (Mr. OTTER) for those remarks, and I think we need to raise this kind of subject matter continually until the public begins to realize the safety and the efficiency and the cleanliness that we get with our nuclear fuel.

But it is not the only kind of environmentally friendly fuel, not the only kind of energy that is good for our economy. Being from Iowa and being from the number one corn-producing State, I have to raise the issue of ethanol. Ethanol does those things, too, and we produce not quite 3 gallons of ethanol from every bushel of corn. And we are producing millions and millions of gallons of ethanol in Iowa and across the country.

I have some numbers here that I think will be of interest. In Iowa, we produce ethanol out of an estimated 262 million bushels of corn, and that is a lot of corn. In 1980, we produced 175 million gallons of ethanol. Today, in this country, we have 74 plants, and they have a capacity of 3.1 billion gallons of ethanol production capacity. We develop and build that production, we believe that that production will grow to 3.5 billion gallons of ethanol for the year 2004, which is a 25 percent increase over 2003 in ethanol production.

This ethanol does a whole series of good things for this country. One, it is a value-added ag product and it is multi-pricing its value close to home, close to the corn stalk; and that value added there creates jobs, jobs in the area where we have been losing jobs over the last 20, 30 years. It puts the dollars back in, keeps them there, there are good paying jobs and we add value to that.

We are able to take the byproduct from the ethanol plants and feed it back to livestock. Whether it is distillers grain or gluten, it has a tremendously high demand for the feed value. I happened to run across a lady just yesterday who has a whole series of recipes to take the distillers grain and turn into cooking. We have all this little neat little things like that. You will not know what you might be eating within the Capitol cafeteria here in the next couple years if we can find another way to add value to our corn.

Ethanol is clean, clean burning and environmentally friendly. It replaces MTBEs. MTBEs are declared to some degree to be a likely carcinogen. I would ask you, would you rather drink a glass of ethanol, or would you rather drink some MTBE? But it is environmentally friendly.

We have an energy crisis in this country. The gentleman from Idaho (Mr. OTTER) and I are addressing the energy situation here tonight. As we look out to the future, we will tell you that there is a component, there is an energy component in anything that we do. Whether you are producing a product or a service or delivering it, there is a production cost of energy and there is a transportation cost of energy.

So I am going to tell you that I think there is an E-tax on everything that we
buy, and it is related to the energy cost. But the energy is not what the E stands for in my E-tax; it is the environmental cost, the unnecessary regulatory environmental cost that goes on top of all of our energy in this country. 

Nature is not on our side. We don’t have to do anything to harm the environment. It’s just on its own. But also we use natural gas for drying grain in the fall, and we use natural gas for producing nitrogen anhydrous ammonia so we can raise more corn in the spring. Sometimes in the fall we have fall applications too. That makes us more vulnerable to natural gas prices than maybe anywhere else in the country.

In addition, natural gas is used to produce ethanol. So there is a component there that is the cost of every gallon of ethanol we produce. When natural gas prices are unnaturally high, that puts a burden then on the Midwest, on the corn belt, and really on the rest of the United States, because we have gone into 30 percent of the pumps across America, and it is going to get to be more and more as time goes on.

This environment tax is a challenge for us, and it is an unburden for the cost of our energy, and I am sensitive to this environmental burden. For example, the transportation bill, we have with Federal user fee on a per gallon of gas, which is 18.3 cents per gallon, out of that 18.3 cents, that money goes then to build our roads.

Well, that is okay with us. When we put the hose in the tank, we expect we are going to pay 18.3 cents for Federal, and whatever your particular State gas user fee is. In Iowa I think our numbers add up to 41 cents, or 43 cents a gallon. The 18.3 is Federal.

Of that, and according to a very well-informed chairman in this Congress, 28 percent of that amount goes for transportation cost, what it costs us to go around a wetland, what is costs to build a bridge across a river from hill to hill so you do not go down a scenic area, for example, or any of the environmental burdens of going in and doing the archeological study, doing the energy environmental impact study.

All of those costs that are obstructions along the way of building our roads take 28 percent out of that entire user fee that we think we need to, and we do need to, go out and build more roads, because transportation is an essential component of economic development. It is the very first component of economic development.

Now we have taken 28 percent out of transportation fees to spend it for environmental interests, and nobody knows that. The American people do not know that. The American people do not know that when they put the gas hose in their tank and squeeze down on that nozzle that for every dollar’s worth of gas that they buy, or every dollar that goes to the Federal Government for the road fee, 28 cents of that is going to take care of the environmental demands.

The environmentalists have become an obstruction to the economic growth in this country and raised the cost of transportation. They have raised the cost of natural gas.

We have a lot of natural gas in Colorado, but we cannot get it to market because the environmentalists block it. I have yet to see a natural gas well that polluted anything. If you have a leak, the gas dissipates, and if you have a spill it dissipates. From my perspective, maybe they object to the idea of looking at a derrick for 4, 6, or 8 weeks while there is a well drilled that will tap into the natural gas. Then you tear the derrick down and put a little head there and run a line to it, and there is your gas well. There is no logical reason why we cannot develop natural gas in Colorado where we have a good supply.

Last year on the energy bill in this Congress, we had an amendment on the energy bill, and this amendment simply would have inventoried the natural gas reserves in Florida, just go out there and calculate how much is there, and then if we can calculate how much there is, maybe we can also know we have a reserve and start to plan our energy development strategy and not be dependent on the foreign oil. But we could not pass the amendment that simply inventoried natural gas reserves offshore for the State of Florida. That tells you how strong the environmental interests are and how much of a religion it has become.

My life, by the way, has been about soil and water quality and environmental issues. I spent 35 years of my life building terraces and farm ponds which is what purifies the water. My life has been about soil conservation and water quality, and I would not be supporting a policy that undermined our environment. But I believe it has morphed into a religion rather than logic.

So we need to promote this ethanol market, and we need to move the energy bill, and we need to promote natural gas wells in the lower 48 States and where we can tap into this gas, up on the North Slope. We have got to move this energy bill that is over in the other body. Remember, I cannot say that, the people over there in the other body. We need to move that bill so that we can get our production up and going, so that we can get our biodiesel production up and going, and so that we can bring a natural gas pipeline down from the North Slope of Alaska into the lower 48 States to be able to slow this increase in gas prices.

That is part of the energy component. But, in addition, the oil exploration in the United States has diminished significantly within the last year. We have gone from a 10 percent share of the world’s investment in exploration down to a 7 percent share. We have the same environmental concerns. I saw advertisements on television that showed beautiful trees, and it said ANWR. The ANWR up in Alaska stands for Arctic National Wildlife Refuge. But when you see that it says Arctic, when you see an advertisement that shows you pine trees and a beautiful forest and mountain scenery, do not fall for that if it says it is ANWR, because Arctic National Wildlife Refuge, that word Arctic is a key phrase.

If you go back to your 8th grade geography, you have the equator around the middle of the Earth, and you have the Arctic and Antarctic. When you ask the question how did they define the line around the top and bottom of the globe that defined the difference between the temperate zones and the Arctic, that was done by the line of the Arctic Circle, the point north of which trees could not grow.

So if you see a picture of trees and it is identified as ANWR, you will know that is not, that it is a beautiful forest, that shows you pine trees and a beautiful forest and mountain scenery, do not fall for that if it says it is ANWR. Because Arctic National Wildlife Refuge, that word Arctic is a key phrase.

By the way, I flew over the North Slope oil fields. As we looked down on those oil fields, I have worked in the oil fields and know a little bit about that, but I looked down from the air and they said we are flying over the North Slope oil fields.

Well, I do not see an oil pump down there, I do not see any oil wells, roads or collection systems. How do you know that we are over the oil fields in the North Slope?

The answer was, well, look at those little square white patches down there. We were at about 750 feet in altitude, and you can see them clearly. They are white patches, patches of white rock that are about 2 to 3 feet above the Arctic coastal plain, and those are pads that the oil work over it sits on. When you have to go into a casing and pull a submersible pump and maybe do some repair work there.

But there is not a pump jack out there that you can see anywhere, the old traditional oil pumps. There is no leakage going on around the rod that some people think is going to drip on the soil and pollute the soil. These are submersible pumps with a collection system, large tanks that is involved, and when it gathers that all together and goes off to the terminal and then off to the refinery, the only place you see is the terminal.

But you see the Alaska pipeline, that large pipeline. You can see that go across the Yukon River. But there are not roads to each one of these wells, because we only go in there in the wintertime on ice roads, and then the ice melts and there is no sign of damage. But again, they have made a mistake, a misunderstanding and a perpetration of something that is an untruth, is the argument that well, you
will never get the tundra back. Once you tear up the tundra it is gone forever.

We met up there at Kaktovik, a small little Eskimo town of 290 people right on the Arctic shore, not a tree in sight. I will remind you; and then the President of the Eskimo Corporation, and his name is Fenton Rexford, pointed out to us they have reestablished tundra, and it is not that unusual.

But if torn up, and some of that has happened over the years in his lifetime experience, and he was about 56 or 57 years old, they would go in and drag that smooth and seed it over; and in 5 to 6 years, the tundra had grown back again. I saw some of that from the air. The difference that I could tell was that it was a little brighter green. You know how new seeding looks after you plant your grass in the spring before it gets established? Five or 6 years later it all flows in, so we are reestablish tundra. We will not damage tundra. We are going to have ice roads.

There is no logical reason not to drill for oil in the Arctic National Wildlife Refuge. We should be ashamed that this Congress cannot step up and put up a vote that allows that to happen. This House approved, took a look at an amendment, that would have allowed for the disturbing of only 2,000 acres on 19.5 million acres. That is all they really asked for to go in and start to develop that.

I had people on the floor of this Congress on that night come up and ask me, How much is an acre? How much is 2,000 acres? And my answer was, Well that is not even a good-sized farm where I come from. A tiny little spot on 19.5 million acres. And even that would not be disturbed, but only just a little bit.

Then there is the concern about the environment. What do we do if the caribou herd is decimated by developing the Arctic National Wildlife Refuge? Well, the oil wells on the North Slope of Alaska, not very far from there, in the same type of topography. The caribou herd in 1970 was 7,000 caribou. As I was up there last August, that caribou herd is 28,000 caribou. So it cannot be argued that we damaged the environment for the caribou; and it can be argued that we improved it, that we improved the caribou herd.

And the thought occurred to me, the area that I represent, 5 to 6 years earlier had no, no energy production whatsoever, and today we are an energy export center. We are an energy export center that takes some of the burden off of importing foreign oil and enhances our environment, and it multiplies and value-adds to our economy. It does all the things we need to do environmentally and it replaces MTBEs.

Now, those are all good things that come from technology and capital intensive private sector investments, not public sector subsidies.

I have another issue with regard to transportation in my part of the world, the Missouri River. In about 1952 there was a huge flood that flooded the bottoms all the way from north of Sioux City clear down through Missouri. There was a tremendous effort put together and it ended up being a fixed loan program to build six dams on the upper Missouri River to control the flood. There was a tremendous amount of public and private investment, to control flooding and to generate hydroelectric power, and to be able to promote some, some irrigation, and to establish barge and transportation traffic along that corridor of the Missouri River from Sioux City, Iowa, all the way to St. Louis.

That project is an amazingly efficient hydrological engineering accomplishment. It has worked very well since 1952. We have not had the flooding damage that we had had in the past, and the cost of transportation on the rail lines and on the truck lines down, and it has produced economic hydroelectric energy that comes out of the dam where the turbines are. Well, we are going through a drought cycle and because of that, there was an unanticipated economic piece up in the Dennis decision to 23, and many of them built the reservoirs, they stocked them with walleye, and so folks from all over the country would go up there to fish for walleye. Now, when the drought came, the water table went down, and it dropped down to 23 and many of us felt there were species that were threatened or endangered that lived and relied upon the Missouri River for their environmental habitat.

In 1993, we had a massive flood in Iowa. The Missouri River did not flood, but almost everything was under water regardless. I came out here to Washington, D.C. in October of 1993 to a Midwest flood reconstruction and cleanup conference. There, the Director of Fish and Wildlife, who was the lead agency on the flood recovery team, was the only bright lady who tragically passed away of a brain aneurysm some years ago, but she came before us and she said, Agriculture looks upon this flood as an economic disaster; frankly, we here at Fish and Wildlife look upon it as habitat rehabilitation. Madam Speaker, that did not make me happy when I heard that. That put animals ahead of man. We are to have dominion over this Earth. We have a Missouri River master manual plan that denotes how the water flow will be managed, and it was going to be altered and changed in the interests of these three species, and I wrote them down; the least tern, the piping plover, and the pallid sturgeon. In October of 1993 it was in my notes, and I have not forgotten those species since, and we are still battling with them. By my calculation, this came up about 12 years ago. We are still on it. And they say to try to do a spring rise with the idea that if we raise the water table in the river and let it charge down the river long enough and hard
enough, it will wash the willows off the sandbars and then, when the river goes down, that is a place for the birds to nest.

The environmentalists will not let the Corps pick up the nests and move them out of the way of the high water that could take them out. That would not be natural. The pallid sturgeons have to be floated out into the Ox Bows so they can lay their eggs out there, and then the river comes back down.

Well, they swim around the Ox Bows all summer long and the ones the pelicans do not get, we have to raise the river again and out and round them back up again. Surely we have negotiated a little bit and some of this logic does not connect as well as it did 11 years ago when I dealt with it. But this diminishes the efficiency of the river, and I must stand on the flood control, the hydroelectric, and the transportation. And in this context, this is not something we can do. We need to continue to work with the Corps, and this Congress will ultimately, believe, have to address the situation.

There is another issue before our economy, and it is an issue that the American public speaks very little of, but it is a burden that we all carry. And that is this burden of litigation that is on the backs of this entire economy. Some time back I sat down at a meeting at the boardroom table at Merrill Lynch up in New York City. Their building was the nearest building to Ground Zero of the September 11 attacks, the nearest building to survive. They had other buildings, and one of this building that they out of this building, something like 32 stories up, and you cannot look over that railing and believe that we are not in a war. That was a war zone.

But that briefing focused on tort reform. In that briefing, there was a compelling case made that convinces me that 3 percent of our gross domestic product is being consumed by litigation, by the trial lawyers, by lawsuits in this country, 3 percent of our domestic product.

Now, if we want to grow this economy and grow this economy at a reasonable rate so that we can have enhancements in technology and improvements in transportation and improvements in our infrastructure and be able to educate our young people so that they can pick up the balance and they can do the same, if we want to do that, we have to grow this economy an average of about 3.5 percent.

Fortunately, today, we are running on about a 4.1 percent growth, so we are ahead of that curve just a little. But even though we have that 3.5 percent growth, it is not enough, because the trend is 3 percent right off the top. So we have to grow at 6 percent to sustain, to sustain our way of life and to have that extra revenue that it takes to meet a growing population and the demands on our infrastructure. Three percent off the top to the trial lawyers.

There is a series of malpractice pieces that we have dealt with in the House Committee on the Judiciary and brought to the floor of this Congress. One of them is medical malpractice. There are awards that go way beyond anything that is logical. We can go back to the cup of coffee and the fast food chain that was looking at a huge percent raise. They gave her a cup of hot coffee on herself and seemed to be surprised that it burned her. That has been negotiated back some. But we have had to step in, this Congress, and defend those fast food chains, not because of the reason of the need for improvements in our infrastructure and improvements in transportation and improvements in technology and improvements in our industry and grow this economy at a reasonable rate.

But even though we have that 3.5 percent that can do the same, if we want to do so. We need to continue to work with the Corps, and this Congress will ultimately, believe, have to address the situation.

This economy is being dragged down because we are not able to get the litigation reform, the malpractice, and the asbestos and the fast food chains and all of these reforms, we are not able to get those into place. We have to get that done. If they can move those over in the other body, then we will bring more here in this Congress. We are actually holding back because we do not want to stack up too much work over the summer.

The same subject matter, a runaway judiciary. In 8th grade civics classes we learn that we have three branches of government. We have the executive branch, which is the President and all of the people that support his endeavors and the Cabinet. We have the legislative branch, which is us in this Chamber and the folks in the other body. And then of course we have the judicial branch, and they are all three designed to have a separation of powers, a healthy, static tension between them, and a bright line between the separation of powers.

Today, what I have seen happen in the judiciary branch is an ever-growing activism, an activism that, I would have said a year ago had blurred the line between the legislative branch and the judicial branch of government. But today I will tell my colleagues, the line is no longer blurred. It is literally oblitered. We have an activist court that believes that they can take any responsibility into their hands and they can usurp the authority of the United States Congress or any other legislative body within the United States of America.

That separation of powers is something that threatens our Constitution and our way of life itself. It is essential that we redefine this line of the separation of powers between the judicial and the legislative branch. If we do not, we will have a constitutional crisis, and the government of the people and by the people will perish from this Earth if we fail to redefine this line. I declare that an impending constitutional crisis.

A couple examples would be the affirmative action cases, the University of Michigan, when Michigan was bestowing a certain academic value to being a minority. The case of Grutter v. Bollinger was one of the Michigan cases. In Supreme Court, not that diversity, as indexed to ethnicity had, if the university believed they had the right critical mass, that that diversity had academic value. The Supreme
Court ruled that the diversity had academic value.

Now, I will argue that diversity of human experience may have academic value if it is a good and essential and positive experience that can be shared in a classroom. And it is good and useful to interact with people of all ethnicities from all over the world, and the more of that experience you can get, the better your educational experience is.

But ethnicity does not have academic value. The Supreme Court ruled it did. They were surprised by the University of Michigan and said, you reached that critical mass, you can be the sole determinant of that critical mass of diversity. Then, what will we do with this is, we are going to let you continue down this path, although you cannot have just a formula that spits something out of a spreadsheet, you have to have something that deals with each one of these individual students.

Well, okay, so it takes a little more attention to get the same result. But, in the end, the court suspended the 14th amendment, the equal protection clause that is established in our Constitution, suspended equal protection so we could have a critical mass of diversity by the court. But because that diversity, as indexed to skin color, had, in the minds of the court, academic value. And then the court, in its majority opinion, ruled that perhaps in 25 years, we can go back and we can review this and we cannot find the will in this Congress to impose that upon the courts. In other words, I am a little apprehensive that we are going to declare to have critical mass of diversity that we are going to let you continue down this path.

The Congress is also culpable; and I will hold them, in fact, more accountable because I think it is natural if you are a member of the executive branch, you are going to want to expand the authority of the executive branch. That is where you have got the most leverage, and that is where you have the most faith. And if you are a member of the legislative branch, as I am, you want to expand the power we have here because I think it reflects the voice of the people; and that voice of the people should be prominent. And if you are a member of the judicial branch, I cannot image why human nature would not also apply there. And if you are a member of the judicial branch I would think you would want to then expand the power and leverage that you have in the judicial branch.

I do not blame them for that. But I will ask the courts, please rein it in because if you do not rein it in, sooner or later this Congress will. We do have the authority to do so; and if we exercise that will, that sets up a conflict between us. And I would rather see that be resolved in a peaceful way, a willing way with the best interests of the American people than I would want to have to impose that upon the courts. In fact, I am a little apprehensive that we cannot find this. I want this Congress until it becomes a crisis.

Speaking of a crisis, the filibuster rules in the other body have set up another impending constitutional crisis. When we have a justice that is appointed to a federal court and the Constitution requires that the President when he makes his nomination seek "the advice and consent of," and now I have to save the other body, that advice and consent clause that is in our Constitution is something that is very, very important. We do not have any problem with the advice part. We get plenty of advice from those people over there and some of it is down right offensive to the nominees. In fact, some of it is just plain out and out religious bias. It is character attacks. Declaring a nominee to be a Neanderthal is beyond the scope of what someone of that position ought to be in.

Madam Speaker, I appreciate your attention tonight and I will take this issue up at a later date.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Ms. Ginny Brown-Waite of Florida). The Chair would remind Members not to make improper references to the Senate.

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 Ms. Pelosi) to revise and extend their remarks and include extraneous material:)

MRS. MALONEY, for 5 minutes, today.
Mr. Brown of Ohio, for 5 minutes, today.
Mr. Pallone, for 5 minutes, today.
Mr. Wynn, for 5 minutes, today.
Ms. Norton, for 5 minutes, today.
Mr. DeFazio, for 5 minutes, today.
Mr. Filner, for 5 minutes, today.
Mr. Mc Dermott, for 5 minutes, today.
Ms. Kaptur, for 5 minutes, today.
Ms. Jackson-Lee of Texas, for 5 minutes, today.
Ms. Kaptur, for 5 minutes, today.
Mr. Shays, for 5 minutes, today.
Mr. Osborne, for 5 minutes, March 29.
Mr. Dreier, for 5 minutes, today.
Mr. Otter, for 5 minutes, today.
Mr. Pence, for 5 minutes, today.
Mr. Burton of Indiana, for 5 minutes, today.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows: