

announced by the Court in the legislative veto case, and do serious damage to our commitment to representative government and the rule of law.

It is time to clarify the scope of executive authority vested in the presidency by article II of the Constitution. The Supreme Court has failed to address this issue and it is time for Congress to invoke the powerful weapons at its command. Through its ability to authorize programs and appropriate funds, Congress must now define and limit presidential power.

This is the danger: The road to tyranny does not begin by egregious usurpations, but by those which appear logical; meant to gain public support. We must not be lulled into complacency, because later they will be aimed directly at our fundamental liberties and at our representative self-government.

My colleagues, eternal vigilance is still the price of liberty.

URBAN SPRAWL

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

Mr. DUNCAN. Mr. Speaker, the current politically-correct, fad issue with the liberal elite is what is called urban sprawl. Those who are shouting the loudest about this are for the most part people who are very anti-private property or at least people who are very lukewarm about property rights. They are usually wealthy environmental extremists, and ironically they are the very people who are the most responsible for urban sprawl in the first place.

Today, the Federal Government owns about 30 percent of the land in this Nation. State and local governments and quasi-governmental units own another 20 percent, so that almost half the land is in some type of public ownership. The most disturbing things, however, are, number one, the very rapid rate in which government has been taking over private property in the last 30 or 40 years; and, number two, the governmental restrictions being placed on the land that remains in private ownership now.

I attended a homebuilders meeting a few years ago in which they estimated that 60 percent of the developable land in this country would be off-limits with strict enforcement of our wetlands laws. Also, the Endangered Species Act has stopped or delayed for years the development of roads that would have saved many lives and has stopped construction and driven up costs of many homes. And there is something called the Wildlands Projects which the Washington Post said is a plan by environmentalists to place under public ownership half the land that remains as private property today.

I know that to many people, the word "development" has become almost a dirty word. But home ownership has always been a very important part of the American dream. Are those of us who have homes now going to say to young couples and young families, "Well, we have ours but we don't want you to have yours"? Are we going to tell young people in small homes now that they cannot someday move to a bigger home because we basically have to stop all development? Are we going to tell homebuilders and construction workers that they are going to have to find some other work, probably at much lower pay?

No one wants our beautiful countryside turned into strip malls or parking lots, but development can be done in beautiful, environmentally sound ways. Old, unsightly buildings or blighted areas can be greatly improved. We should stop the local government appetite for farms which they then turn into industrial parks and give land at bargain-basement rates, sometimes to foreign corporations.

Why do I say environmentalists have caused a great deal of urban sprawl, indeed most of it? Well, just think about it. When more and more land is taken over by government or restricted from development, that forces more and more people on to smaller and smaller pieces of land. It also drives up the price of the remaining developable land, which also forces more people into apartments, townhouses or houses on postage-stamp-size lots.

Big government, brought on primarily by our liberal elite, has also caused urban sprawl. Big government has given most of its contracts, favorable regulatory rulings, and tax breaks to extremely big business. This has driven many small businesses and small farms out of existence.

Now the environmental extremists are aiming at agricultural run-off or spill-off. Rigid Federal rules and red tape hit the small farmers hardest and keep driving them out, which of course inures to the benefit of the big corporate farms. When the Federal Government drives small businesses and small farms and even small hospitals out of existence, it drives more and more people into the cities and causes more and more urban sprawl.

We need to remember that private property is one of the main things that has given us the great freedom and prosperity that we enjoy in this country today. It is one of the main things that sets us apart from nations like the former Soviet Union and other starvation-existence type countries.

Tom Bethell in his new book, "The Noblest Triumph," says, "Private property both disperses power and shields us from the coercion of others." He quotes Pope Leo XIII in 1891 who wrote that the "fundamental principle of socialism, which would make all posses-

sions public property, is to be utterly rejected because it injures the very ones whom it seeks to help."

Brian Doherty, in the November 4 Journal of Commerce wrote that "if the anti-sprawl agenda became a truly powerful political force, we would have to obey the dictates of busybody politicians who think it better for us to live in a crowded, central city walk-up than to have our own house with a two-car garage and a nice quarter-acre lawn."

We should remember that private property is good for the environment because people always take better care of their own property than they do of property in public ownership. We should realize, too, that if we really want to stop urban sprawl, we must stop this stealth-like abolition of private property so even more people are not forced into central cities and overcrowded suburbs.

Mr. Speaker, we should stop government takeover of property and people will then have both the freedom and the opportunity to spread out.

MANAGED CARE REFORM

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

Mr. GANSKE. Mr. Speaker, yesterday the newspapers across the country trumpeted a headline. Here is one from the Washington Post, similar to newspapers all across the country: HMO to Leave Care Decisions Up to Doctors. The subheading is United Health Care has 14.5 Million Clients.

The first three paragraphs read:

"United Health Care, one of the Nation's largest managed care companies, said yesterday that it will stop overruling doctors' decisions about what care patients should receive. The company, which covers 14.5 million people nationwide and more than 200,000 people in the District of Columbia, Maryland and Virginia, is abandoning a cornerstone of the managed care industry's cost containment strategy and one of the features most responsible for the outpouring of public ill will toward managed care. United says it is taking the final say out of the hands of managed care bureaucrats and returning it to the treating physician because requiring doctors to get prior authorization was costing more money than it saved."

Now, think about this. This is the Nation's second largest HMO, in the first place admitting, yes, we have been making medical decisions. And then in the second place saying, but you know what, we have found that that is not cost efficient. So we are going to allow the doctors to make the decisions.

Remember, the HMOs have said during the debate we had here a couple of weeks ago, "Oh, no, we don't make medical decisions, we just make determinations of benefits." And then they

said, "But if you pass the legislation, it is going to cost so much more. Premiums will go up." And, guess what, one of the two cornerstones of the legislation that passed this House was on the determination of medical necessity, physicians and patients would make the decision.

□ 2215

Now, the second largest HMO in this country is saying, hey, do you know what, we found out that it cost us more money to micromanage those decisions, so we are not going to do it anymore. That certainly undercuts their arguments about increases in premiums, does it not?

Mr. Speaker, on October 7, the House of Representatives sent a message to the Senate: Get real about protecting patients for all citizens from HMO abuses. We passed, remarkably, a bipartisan consensus managed care reform bill by the margin of 275 to 151.

The American public is now demanding real action on this issue. How do I know that? A recent survey. The Washington Post did a survey to better understand Americans' concerns. More than 2,000 people were asked 51 things that might be worrying them. Do Members know what the top worry in the public is today, by 66 percent of people who worry about it? To a great deal, according to the survey, their worry is that insurance companies are making decisions about medical care that doctors and patients should be making.

Do Members know what else the survey showed? The same thing between Democrats, the same thing between Republicans, the same thing between Independents. Do Members know what else the survey showed? It did not matter whether they were supporting Al Gore or Bill Bradley or George W. Bush, this was still number one on the public's mind.

So guess what we did during that debate? We voted on the Senate bill in the form of the Boehner amendment. What did the House do? It overwhelmingly defeated the Senate bill because it is a sham bill. That Senate bill in this House only got 145 votes and 284 votes against it.

Just a few days ago the House voted again. By a vote of 257 to 167, the House instructed conferees to support the House-passed bill, the Norwood-Dingell-Ganske bill. Why did the House have to do this? Because the Speaker appointed 13 GOP conferees, and only one of them voted for the bill that passed the House. When is my Republican leadership going to get it?

A new survey by the Kaiser Family Foundation showed that 85 percent of employers support emergency room provisions, and 94 percent of employers support the right to an independent review. Even on the right to sue, 60 percent of employers support the right to sue a plan, with support higher than

that for employers of small businesses, and still above 50 percent for employers of firms with more than 5,000 workers.

Mr. Speaker, it is time to get real about managed care reform. Let us see if the conference can really come up with something real.

□ 2320

ILLEGAL NARCOTICS

The SPEAKER pro tempore (Mr. TOOMEY). Under the Speaker's announced policy of January 6, 1999, the gentleman from Florida (Mr. MICA) is recognized for 41 minutes.

Mr. MICA. Mr. Speaker, I come to the floor late on a Tuesday night once again to talk about the issue of illegal narcotics. But before I get into the issue of illegal narcotics, I must follow up on some of the comments of my colleagues, and I am going to try to mesh my comments into part of the debate that we are having here in Congress as we wrap up the funding of our government. It does take 13 appropriations measures to fund our entire government. We have been through about nine of those bills. Really in most cases now we are down to the question of not how much more money to expend but how to operate programs. I am so pleased that my colleagues on the majority side, the Republican side, spent part of the time tonight talking about education and about some differences in philosophy. I think that is very important to particularly education.

I chaired the House Civil Service Subcommittee for some 4 years. If you want to find out where the bodies and the bureaucrats are in our Federal Government, just chair that panel for a short period of time and you will. I quickly found that there are about 5,000 people in the United States Department of Education. I also found out that about 3,000 of them are located just within a stone's throw of the Capitol building right here in the Washington metropolitan area. Then another 2,000 are located in the approximately dozen regional offices throughout the United States. It is no surprise that none of them are located in the classroom. It is also no surprise that they earn between 50 and over \$100,000 apiece on average. They are very well paid and they are education bureaucrats. Their responsibility is to really provide the administration for some, it was 760 Federal education programs. We have narrowed that down to approximately 700. In addition to that, they are part of what I call the RAD Patrol. The RAD Patrol is regulate, administer and dictate.

Basically we found in our work on the Civil Service Subcommittee and again exploring what these individuals are doing, is basically they are again administering a mass of Federal programs and a mass of Federal regula-

tions that are being pumped out. What that does in fact is it ties our teachers up in little knots, it ties our school boards and our States into bigger knots, and the last thing the teacher is able to do is teach. They have put so many constraints and requirements and reports and paperwork on our teacher, that if you talk to a teacher today, a teacher no longer has control of her classroom, his or her classroom, no longer has control over his or her agenda, no longer has discipline in the classroom and no longer has respect. All of that, I think we can trace back to this massive Federal bureaucracy.

A part of the budget battle right now is how those education dollars are spent. They still want to maintain on the other side of the aisle control of the entire education agenda from Washington. I do not think that has ever been the case. The best schools have always been parent and teacher and local community led. This is a very fundamental argument. Balancing the budget was probably one of the easier tasks. Of course, we took our wounded in that battle and were accused of all kinds of misdeeds, but in fact we did bring the country's budget into order, not by decreasing any programs, in fact, we have increased the money in most of these programs, including education, but by, in fact, limiting some of the increases in the programs that had astronomical amounts of increases, the revenue that was coming in was not equal to the money in increases we were giving out and we got ourselves into two and \$300 billion deficits. Every pension fund, every trust fund was raided, and for 40 years that continued. It was not buying votes but it was giving out more money than was coming in the treasury and then taking from all of these funds, some of them even pension funds.

I oversaw some approximately 30 Federal pension funds out of about 36 or so that were totally without any hard assets. Every bit of money of the Federal employees had been taken out. In fact, that obligation to pay back just the interest on the money that has been taken from those funds amounts to about \$40 billion and is projected to grow in the next 10 years to about \$120 billion a year. It is, I believe, the fourth biggest budget item that we have, because there is no money in that. Everybody is upset about Social Security and they took basically all the money out of those funds, the hard cash put in certificates of indebtedness of the United States. Well, they did the same thing to the Federal employee pension funds.

You look at program after program, we have had battle after battle to try to get those programs in order. The highway trust fund. I serve on the Committee on Transportation and Infrastructure. The highway trust fund was another fund that was abused. The