

LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2001—VETO MESSAGE FROM THE PRESIDENT OF THE UNITED STATES—(H. DOC. NO. 106-306)

The SPEAKER pro tempore laid before the House the following veto message from the President of the United States.

*To the House of Representatives:*

I am returning herewith without my approval, H.R. 4516, the Legislative Branch and the Treasury and General Government Appropriations Act, 2001. This bill provides funds for the legislative branch and the White House at a time when the business of the American people remains unfinished.

The Congress' continued refusal to focus on the priorities of the American people leaves me no alternative but to veto this bill. I cannot in good conscience sign a bill that funds the operations of the Congress and the White House before funding our classrooms, fixing our schools, and protecting our workers.

With the largest student enrollment in history, we need a budget that will allow us to repair and modernize crumbling schools, reduce class size, hire more and better trained teachers, expand after-school programs, and strengthen accountability to turn around failing schools.

I would sign this legislation in the context of a budget that puts the interests of the American people before self interest or special interests. I urge the Congress to get its priorities in order and send me, without further delay, balanced legislation I can sign.

WILLIAM J. CLINTON.

THE WHITE HOUSE, October 30, 2000.

The SPEAKER pro tempore (Mr. SUNUNU). The objections of the President will be spread at large upon the Journal, and the message and the bill will be printed as a House document.

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 the veto message of the President to the bill H.R. 4516, and that I may include tabular and extraneous material.

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

There was no objection.

MOTION OFFERED BY MR. YOUNG OF FLORIDA

Mr. YOUNG of Florida. Mr. Speaker, I move that the message together with the accompanying bill, be referred to the Committee on Appropriations.

The SPEAKER pro tempore. The gentleman from Florida (Mr. YOUNG) is recognized for 1 hour.

Mr. YOUNG of Florida. Mr. Speaker, I yield the customary 30 minutes to the gentleman from Wisconsin (Mr. OBEY) for the purpose of debate only on the

consideration of this motion, pending which I yield myself 1 minute.

Mr. Speaker, I yield myself 1 minute just to suggest that if we want to expedite the consideration and if we want to conclude the negotiations on all of these final appropriations bills, and there was only one left, but now there are two because the President sent us this veto, we would like to expedite it and we do so by referring this veto message and the bill back to the Committee on Appropriations. I think it is as simple as that. I do not think we need to take a lot of time on this issue.

Mr. Speaker, in the event that we do require additional time, I ask unanimous consent that the gentleman from Arizona (Mr. KOLBE), who is chairman of the Subcommittee on Treasury, Postal Service and General Government Appropriations, that he be permitted to control the time on our side.

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

There was no objection.

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

Mr. Speaker, I would agree with the gentleman from Florida that we do not need to use too much time. However, I do think we need to use some time to talk a little bit about this veto, which comes as a stunning surprise to some of us. And also so that the American public and the Members of this body understand what is in this bill that has been vetoed, so that, as we consider this again, we will be able to consider those provisions very carefully.

Mr. Speaker, last night, when the President vetoed the Legislative and Treasury-Postal and General Government Appropriations bill, he did more, in my view, than simply prolong the ongoing negotiations between the White House and the Congress on the remaining appropriations measures. He has jeopardized the funding that we have in this bill for our counter-terrorism efforts, funds to keep our borders safe, programs to keep guns out of schools, programs to trace guns in violent crimes, the jobs of more than 150,000 Federal employees, including one-third of all Federal law enforcement, and he has jeopardized our Nation's war against drugs.

The President himself has stated that there is nothing wrong with the bill in its current form. In fact, he previously stated that, after we made some changes, changes that were included in the Transportation appropriations bill, he would sign this measure.

However, he has now chosen to veto it because it funds the legislative branch and the White House "at a time when the business of the American people remains unfinished." He has failed to sign this perfectly good bill because of ongoing discussions relating to education funding and ergonomics, issues

that have nothing to do with the bill that he vetoed.

It seems to me that the President's veto is more about making political statements than it is about making good public policy. Mr. Speaker, if we want to get the work of this Congress done, we have to take these bills one at a time.

The President's veto message claims that these bills reflect "self interest or special interests." Let us be clear about what the President is talking about here. The Treasury appropriations bill provides, among other things, these items:

\$2.25 billion for the Customs Service, including increases for expanded anti-forced child labor, money to attack drug smuggling groups, and new agents and infrastructure for northern border security;

\$467,000 for the National Center for Missing and Exploited Children, including the use of forensic technologies to reunite families;

\$62 million to expand the Integrated Violence Reduction Strategy, a program to enforce the Brady law to keep convicted felons from getting guns, to investigate illegal firearms dealers, and to join forces with State and local law enforcement and prosecutors to fully investigate and prosecutor offenders;

\$25 million for nationwide comprehensive gun tracing; and \$185 million for our drug media campaign to reduce and prevent youth drug use.

This bill also includes \$186 million for Customs automation, an item that importers have been clamoring for. This bill provides funds to begin an immediate investment in our automated commercial environment program, a system that will help us to efficiently enforce our trade laws.

And finally, this bill includes \$1.8 million in support of the Secret Service's new initiative, the National Threat Assessment Center to help us identify and prevent youngsters that might commit violence in and around schools.

Mr. Speaker, I do not see how the items I have just described here are, "special interest items." These programs reflect the interests of all Americans, not just a few. All of us have a stake in the safety of our borders. All of us have a stake in the war on drugs and in keeping guns out of our schools.

On July 27, when the House passed this bill, the Administration indicated they had several concerns regarding proposed funding levels for different programs. Specifically, they said that they felt they needed another \$225 million for an additional 5,670 IRS employees, and they signalled that, unless that was provided, they would veto this measure.

So we sat down. We negotiated in good faith with the White House. The House, the Senate, the Republicans and

the Democrats on both sides of this Congress, on both sides of this aisle. We added the funds for the IRS. It was not everything that the Administration asked for, but we also added other funds for other important programs. After we did this so-called fix, which the President signed into law as part of the Transportation Appropriations bill on October 23, we were told that the President would sign this bill.

Indeed, I might have thought that the comment that the President made yesterday at his press conference when 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." I might have thought that he was talking about our bill, a bill he would have been preparing to sign.

Obviously, as the hour of midnight approached, we found out that it was to be otherwise. The President's veto message says that he will not sign this bill until we fund our classrooms, fix our schools, protect our workers. The President has once again moved the goalpost in regard to the Treasury appropriations bill.

□ 2000

I am extremely disappointed that this Administration has gone back on its word to sign this bill and has, instead, chosen to use it as a vehicle to hold Congress hostage and make political statements regarding funding for education.

But, Mr. Speaker, we are here tonight with a vetoed bill, and we are prepared to get this work done. Unfortunately, I notice that the President of the United States is in Louisville, Kentucky, for a congressional candidate and then doing a fund-raising event in New York City for the First Lady. How do we expect to get this work done when we are here and the President is out on the campaign trail?

I think it is a shame that the President has placed a higher value on the politics of education funding than he does on protecting our borders, on fighting the war on drugs, in keeping guns out of schools, in countering terrorism.

The President has vetoed the bill that funds 100 percent of our Nation's border safety in order to make political points about a bill that funds 7 percent of our Nation's education funding.

This is a sad day. This bill, which has been worked on and a compromise has been reached, and is a good bill for the agencies that we have under our jurisdiction. It is sad that it is vetoed. I hope we can get a quick agreement with the Administration on this.

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

Mr. THOMAS. Mr. Speaker, I just want to understand, because the gen-

tleman from Arizona (Mr. KOLBE) went through a lengthy list of programs, extremely important ones, and identified dollar amounts associated with those programs.

I believe it was implicit, but I think we really need to understand that every one of those programs were placed in this by bipartisan agreement and every one of the funding numbers were agreed to in those programs that the gentleman mentioned by bipartisan agreement. Is that correct?

Mr. KOLBE. Mr. Speaker, if the gentleman will yield, that is absolutely correct. The amounts in there are not exactly as we would have wanted. In some cases, we would have wanted something lower, maybe a couple of cases even higher. In other cases, the President wanted more money, as he did for the IRS. But it was an agreement. It was a compromise.

Mr. THOMAS. Mr. Speaker, when the bill left, it was a bipartisan agreement.

Mr. KOLBE. Correct.

Mr. THOMAS. On the programs and the amount.

Mr. KOLBE. That is correct.

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

Mr. OBEY. Mr. Speaker, I yield such time as he may consume to the gentleman from Maryland (Mr. HOYER).

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

Mr. Speaker, I voted against the Treasury-Postal bill when it originally was presented to the House. I did so because I thought it was inadequate. It came back from conference, and I opposed it at that point in time. We did not really have a real conference. But to the extent that a conference report came back, I said it was inadequate, and I opposed it.

The gentleman from Arizona (Mr. KOLBE) rises, and I think correctly states the provisions of this bill. I think he also correctly states that we did, in fact, reach bipartisan agreement on this bill, and that in fact the bill, as it now stands, as it stood before the President, as it stands now is a good bill. It is a bill, in my opinion, that every Member of this House on either side of the aisle can support.

It is furthermore a bill that I hope every Member of the body will support at some point in time in the very near future. I am not sure when we are going to get to that point, but hopefully in the near future.

The gentleman from Arizona (Mr. KOLBE) also correctly points out, and the gentleman from Florida (Mr. YOUNG) pointed out, if one reads the veto message, that the President of the United States says that he can sign this bill. In fact, I urged the President of the United States to sign this bill. I wished he had signed the bill. But he chose to make the point which, frankly, we have been making over and over

again, that, unfortunately, this process did not come to really focus until just a few weeks ago.

The reason it did not come to focus until a few weeks ago, and I do not speak just to the Treasury-Postal bill, it is because, for 8½ months and effectively all of September, we pretended that the appropriations process was not going to be a process in which all of us would be party, but it would be a process that simply, frankly, the majority party would be a party of.

Unfortunately, when we did as the gentleman from Arizona (Mr. KOLBE) has pointed out, come to agreement, and agree on a very good bill, we got it down there relatively late, i.e., 10 days ago.

I would urge the Members, however, not to become too exercised about this bill. The reason I do that is because I believe we do have agreement. What we do not have agreement on is what the President discussed in his veto message, and they are important issues. They are unrelated, at least substantively, to the Treasury-Postal bill.

But we know and any of us who have been in the last weeks of any legislative session, and I found this when I was in the State Senate for 12 years and I found it here for 19 years, that, unfortunately, issues tend to get wrapped up with one another that do not necessarily relate to one another substantively but clearly do politically.

So I would urge the majority party, I would urge ourselves to try to come to agreement. Now both sides feel that agreements are not being kept. That is not a good context in which to try to get back to the table.

The majority party believes the President said he would sign this bill. I was not in the room, therefore cannot assert that that was or was not the case. Some others who apparently were in the room and talked to the administration said that the administration said that they could sign this bill, but, again, I was not in the room, but that they were concerned, they were particularly concerned about a particular tax provision, and they wanted to see all the tax provisions considered at one time.

Now, I hope clearly that this bill is going to go to committee and the veto will be considered. My suspicion is that we will at some point in time, hopefully in the near term, fold it in.

But I would urge all my colleagues that, when the President says that it is related to other things, his desire, and I hope our desire, is to get the issues before the House resolved, get the issues before the Senate resolved, and send them to the President.

We have just had a significant discussion about the fact that we do not have agreement on the Labor-Health bill. The gentleman from Wisconsin (Mr. OBEY), who was in the room, I was not,

but the gentleman from Wisconsin (Mr. OBEY), whose integrity I trust wholly, says that he thought they had an agreement.

It is my understanding, although the gentleman from Florida (Mr. YOUNG) did not say so in so many words, that he thought there was an agreement, but he needed to check it out with some people. That agreement fell.

I would hope that, in the next 24 hours, and I see the gentleman from Texas (Mr. DELAY), the majority whip, is on the floor. He and I worked together on a number of things. But I would hope that we could come to grips with the items that the President of the United States has said he believes are priority items.

Whether one agrees with the veto of the Treasury-Postal bill or not, everybody agrees that it was not on the substance of the bill. The bill is a good bill. It is, however, an effort by the President of the United States to bring to closure the 106th Congress, to bring to closure the 106th Congress in a way that will bring credit to agreements between the parties.

I referred earlier in discussions about the appropriations bills to an extraordinary speech given by Newt Gingrich on the floor of this House. It was a speech which I have entitled the "Perfectionist Caucus Speech." It was a speech in which he said the American public has elected the President of one party, a majority party in the House and Senate of another party, and a very large and significant number of Members of the President's party.

It is not surprising, therefore, that we find ourselves in substantial disagreement from time to time on substantive important issues. But as Newt Gingrich said in that "Perfectionist Caucus Speech," it is the expectation of the American public that we will come to agreement, that we will come to compromise.

Democracy is not perfect, and rarely do we win everything that we want. But the American public does expect us to agree. They expect to bring this Congress to a close. We argue on our side that they expect us to do some things that we have been talking about for an entire year and, indeed, longer than that in many instances to which the President referred, like education funding for classrooms and more teachers.

That is really not a contentious issue. Most of us on this floor on both sides of the aisle know that we have a shortage of teachers, know that we have a shortage of classrooms, know that we would like to get classroom sizes down. We ought to move on that.

Most of us say that we are for prescription drugs for seniors. We have differences on how that ought to occur. What the President is saying is we ought to come to agreement on that, because, frankly, seniors that are hav-

ing trouble paying for prescription drugs do not care whether we agree on this dotting of the I's or the crossing of the T's. They want us to come to agreement. It is a shame we cannot do that.

I see the gentleman from Georgia (Mr. NORWOOD) on the floor. The gentleman from Georgia (Mr. NORWOOD) and the gentleman from Michigan (Mr. DINGELL) came together, worked hard, tried to come to agreement. I am sure the gentleman from Georgia (Mr. NORWOOD) did not get everything in the Patients' Bill of Rights bill that he would have liked. I am equally confident that the gentleman from Michigan (Mr. DINGELL) did not get everything that he would like. But they worked together.

Indeed, the majority of this House agreed with the gentleman from Georgia (Mr. NORWOOD) and the gentleman from Michigan (Mr. DINGELL) and passed a Patients' Bill of Rights. We did that in 1999, a year ago. The Senate passed a similar bill some 11 months ago. But we do not have agreement. We have not moved a bill. On an issue that almost every one of us is putting in ads of 30 seconds and saying we are for, but we have not moved the bill.

So I would urge my colleagues, as we consider this, it is going to go to committee, I hope we do not have a rollcall vote on. There is nothing we can do about it, very frankly, one way or another. It is a good bill.

The President chose to veto it to raise the issues and try to raise our focus and try to bring us to closure. If it accomplishes that objective, perhaps it was useful. It remains to be seen whether we will accomplish that objective. Had it been signed, we would have had a good bill for the Treasury Department, the General Service Administration, for law enforcement, to which the gentleman from Arizona (Mr. KOLBE) referred, he is absolutely right, to counter terrorism efforts in this country. All of those are worthwhile objectives.

It is a good bill. But let us not have this bill further divide us. Let us try to come to grips in the next 24 hours with the Labor-Health bill and get that to resolution and see at that point in time where we can move.

Mr. Speaker, I thank the gentleman from Wisconsin (Mr. OBEY) for yielding me the time. I appreciate his giving me this opportunity to comment on this bill, which is a good bill, but comment as well on the efforts that the gentleman has been making and that others on the other side of the aisle have been making to try to bring us to closure, try to bring this Congress to a respectable close that the American public will benefit from.

Mr. KOLBE. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from California (Mr. CUNNINGHAM), a member of the committee.

Mr. CUNNINGHAM. Mr. Speaker, I said yesterday, and I still mean it today, most of the Members at this time of the year detest what goes on. It is the silly season. It is election season. We have some honest differences. I would like to cover just a couple of those differences.

I believe with all of my heart that we are right. Maybe they believe that they are right on the other side of that issue. When my colleagues talk about school construction, many of the States have elected not to support Davis-Bacon or prevailing wage because of the increased costs. In some States, it is 35 percent down to 15 percent increase in cost. This legislation would force those right-to-work States to have to use the school construction money, using the union wage.

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I think it is detrimental to schools because we could get more money for schools' quality. The unions control about 7 percent of the workforce. About 93 percent of all construction is done by private. And my friends would say, well, we want those workers to have a living wage.

Well, the people that build 93 percent of our buildings in this country earn a good wage, and they have good quality. And our position is that, instead of allowing the unions to take the money, the extra 15 to 35 percent, let us allow our schools and I will support the additional money. Let us let our schools keep the additional money for more construction, for class size reduction, for teacher pay or training, even technology, or where they decide, where the teachers and the parents and community can make those decisions.

My colleagues have said that, well, let us save taxpayers' money at the local level. I worked with the gentleman from Michigan (Mr. KILDEE), one of the finest men in the House, when I served on the authorization committee. He was my chairman the first year and then vice versa; and we worked, I think, in one of the best bipartisan ways. And I have a lot of respect for him. I think he is wrong a lot of times, but I love him.

But they say, let us save money at a local level. Alan Bersin was a Clinton appointee as Superintendent of San Diego City Schools; and he said, Duke, would you support a local school bond? I said, Alan, that is the most Republican thing you could ask me to do because most the money goes to the school and, guess what, the decisions are made at a local level, not here in Washington, D.C., with all the strings.

Only about 7 percent of Federal money goes down, but a lot of that controls the State and local money. Look at special education how that hurts some of the schools and helps people at the same time. But look at title I and those rules and regulations tie up.

The President wants Davis-Bacon in this. We feel it is detrimental, it actually hurts schools, and we cannot bring ourselves to do that. We have special interest groups, as my colleague says. But the Democrats, I think their special interest groups are the unions and the trial lawyers and they support those issues. But the National Federation of Independent Businesses, Small Business Association, Restaurant Association, they are not bad as some of my colleagues think. These are the people that go out and create the jobs for the people.

Over 90 percent of the jobs are created non-union. And we are saying, let the union compete with small business, let the best man win, but not have the increased cost of school construction. Now, that is a big deal. This is a big difference between most of us. You feel you are right. We feel that we are right. We see that it helps the schools, our positions; and we cannot give in to that. And the rhetoric and the campaign stuff that goes back and forth, we have a solid belief, and I want my colleagues to understand that, I believe it with all of my heart, and that is why I think we are here is because of those differences.

But yet, the President will veto it over that. And I do not know what we are going to do. I do not know how long we will be here, and I think Members on both sides are willing to stay until we can agree with something. Maybe it is half. Maybe it is whatever it is.

Mr. KOLBE. Mr. Speaker, I yield 5 minutes to the gentlewoman from Connecticut (Mrs. JOHNSON).

Mrs. JOHNSON of Connecticut. Mr. Speaker, I think the people of this great and free democracy need to understand what is going on here tonight because it is unprecedented. No President, at least in my 18 years as a Member of the House of Representatives, has ever vetoed a bill he supports. And I have never seen the Members of his party vote to support a veto of a bill they support or one whose every part was agreed to on a bipartisan basis. Of course, not every portion of it is perfect. They do not love every portion. Neither do we. But this was a bipartisan bill where every number was agreed to by Republicans and Democrats working together and where the President agreed to it as well.

It is unprecedented to have a veto message in which the President says he supports the bill. I do not know how in good conscience my friends on the other side of the aisle say they are working to conclude the business of this Congress when they support the President in preventing the very bills that have to pass to wind up this session from passing.

Here is an appropriations bill that we must pass to wind up our business. It is one we have agreed on. How can my colleagues in good conscience say that

they are doing anything but filibustering and involving themselves in obstructionist actions for purely partisan reasons when they oppose a bill that they have agreed to and that the President agrees to?

Now, let me look at the rhetoric that the President brings to the table in his veto message, because it is not unlike what happened on the floor last week, which I think is so fundamentally destructive of our democracy. His rhetoric intentionally mixes information from one bill to another until the public cannot understand and follow what is happening in their own democracy. To say that this bill has to be vetoed because we need more money for teachers is ridiculous. This bill doesn't fund education. That is the issue of the Health and Human Services, Labor, and Education appropriations (HHS) bill. It is not the issue of this bill.

We will argue about whether or not we need more money for teachers when we discuss the HHS bill. And I am proud to say, as a Republican, that we put \$2 billion more in the education function in that bill than the President even asked for, and we allow districts to use it for teachers if they want to, if that is what they need. But some of my school districts do not have classroom space, they cannot use this money next year for teachers, but they know exactly what they need it for, preschool, summer school, lots of kinds of things to help kids who are below grade level to catch up.

What is wrong with flexibility? Do you not trust local government? Do the Democrats not trust the people of America? Is that why they have to uphold this veto of a different bill on which they agree and the President agrees because they want to hold the other bill hostage and make sure that local government in America has no right to say whether they need summer school to help their high school kids who are behind a grade level to catch up?

Let us go on to their other issue here of worker safety. I am a strong advocate of worker safety. I voted with my Democratic colleagues to make sure that the ergonomics research went forward. How many of my colleagues, and I am looking at some of them from parts of the country for whom this is an absolutely incredible reversal of everything they ever stood for, how can they vote, how can they hold hostage a bill we all support to a Presidential position that will mandate on our States 90 percent reimbursement of salary and benefits for someone injured by an ergonomics problem?

I have had two carpal tunnel operations, both wrists. If I had been out, should I have gotten 90 percent of salary and benefits when my friend next to me got his foot crushed with a piece of steel and he gets the State rates, which is somewhere between 70 and 75

percent, depending on the State? Are you, my colleagues, out of your minds?

I mean, I am for worker safety, but I am not for unfairness. It is wrong. This is really important. I brought this up when we debated this. Unfortunately, it was midnight and most of my colleagues were not here. But I asked them to go back and check with their small businesses to see how they can survive or check their State laws and see what it would do to have that inequity among workers.

One can get terribly, terribly injured through a construction catastrophe and that injured worker would get the State's 70 to 75 percent, whatever their State offers, in Workmen's Comp. But, under the President's proposal, if they get carpal tunnel syndrome, they'd get 90 percent of salary while they are out of work. Why are you holding a bill up on which we have agreed to every single number for a new and extremely unfair and unaffordable mandate in another bill?

Look what this bill does. I mean, my gosh, it adds \$475 million so we can expand the anti-forced child labor initiative, attack drug smuggling, \$10 million more for drug free communities, more money for the Secret Service's National Threat Assessment Center to help prevent school violence, better funds for the Terrorism Task Force, much more money to enforce the Brady bill.

Let us put aside the partisan games. Let us override the President's veto. Then let us move on to the HHS appropriations bill and work these things out. That is what we are tasked to do by the voters of America.

Mr. OBEY. Mr. Speaker, I yield myself such time as I may consume to explain that I thought that we had been asked if we would agree to no debate on the bill. We were willing to do that. But since my colleagues have had more speakers, we have a couple other Members who have indicated they want to speak.

Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. MENENDEZ).

Mr. MENENDEZ. Mr. Speaker, since I have seen my colleagues on the other side of the aisle have an affinity, I would even have to say a proclivity, to quote the President's words, I would like to refer to the statement he made as it relates to the bill that is being considered for referral to committee, the bill that he vetoed.

He said, "We are now a full month past the end of the fiscal year, and just a week before election day. Congress still hasn't finished its work."

"There is still no education budget. There is still no increase in the minimum wage. There is still no Patients' Bill of Rights or Hate Crimes Bill, or meaningful tax relief for middle class Americans."

"Today, I want to talk about an appropriations bill that Congress did

pass. The Treasury-Postal Bill funds these two departments, as well as the operations of Congress and the White House. Last night, I had no choice but to veto that legislation. I cannot in good conscience sign a bill that funds the operations of Congress and the White House before funding our schools.

"Simply put, we should take care of our children before we take care of ourselves. That's a fundamental American value, one that all parents strive to fulfill. I hope the congressional leadership will do the same. We can, and we will, fund a budget for Congress, but first let us take care of the children."

I agree with the President. Simply put, how is it that we would hold ourselves up as an institution and the White House that they are worthy of being funded when we have a whole host of vital issues, some of which the President recited himself, that simply are not being funded and will likely not be funded before the American people go to vote next Tuesday?

He goes on to say, "We thought we had a good-faith agreement with honorable compromises on both sides," with reference to the landmark budget for children's education. "That was before the special interest weighed in with the Republican leadership. And when they did they killed the Education Bill."

I agree with the President. Let us put our people before ourselves.

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

Mr. OBEY. Mr. Speaker, I yield myself 8 minutes.

Mr. Speaker, I would just like to respond to the Member on the other side of the aisle who said, how in good conscience can we support this veto? My response is, with ease. And I will tell my colleagues why.

The gentleman from Arizona (Mr. KOLBE) is upset. And I do not blame him. He is one of the good people in this House. And there are a lot of good people in this House on both sides of the aisle. And we treasure our friendships, and we treasure our associations. We also treasure a sense of balance, and we treasure people who keep their word at the highest levels as well as the lowest levels of both parties.

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The gentleman from Arizona (Mr. KOLBE) is upset because his Treasury-Post Office bill has been vetoed, and, along with it, although this has not been mentioned, the Legislative Branch appropriations bill, because the Treasury-Post Office bill is folded into the Legislative appropriations bill. If I were the gentleman from Arizona, I would be unhappy, too, because he wants to see his bill finished. The problem is that there is only one man in the country who has the responsibility to look out after everyone, and that is

the President of the United States. And what the President of the United States said in the words that the gentleman from New Jersey just read is that, quote, "I cannot in good conscience sign a bill that funds the operations of the Congress and the White House before funding our classrooms, fixing our schools and protecting our workers."

In other words, the gentleman from Arizona is upset because matters of legislative concern such as our offices, our travel allowances, our staff allowances are not settled. In fairness to him, he did not say that because he is concerned about the Treasury-Post Office bill, but I have had that said to me by a number of Members tonight. All the President has said is that I recognize that the big fellows in this society, the President and the Congress, because that is whose budgets are funded in the bill that he vetoed, remember, he vetoed his own budget as well as the Congress' budget. All the President says is that we are not going to provide the money that the big boys want in this society until we first take care of the needs of the little people. That is all he said. I agree with him.

I would like to very much see all of this come to an end. I am sick of all of it. But I would simply say it was not the President who decided to package the Legislative and Treasury-Post Office bills in one package so that everything got tied up in this debate. It was some genius, some staffer in one of the leadership offices who decided to do that against the advice of the leadership of the Committee on Appropriations on both sides of the aisle.

I would point out that there is one revenue item in that bill that the President vetoed which will cost five times as much as the entire cost for the tax credits for school construction contained in the bill which we are still trying to put back together after the majority leadership sandbagged the bipartisan agreement that we reached two nights ago.

The bill that was vetoed cost the Treasury \$60 billion over the same time period that it cost only \$12 billion to fund the school construction tax credit. There is a very easy remedy for fixing the problem that the gentleman from Arizona is concerned about. That bill can easily be passed simply by referencing it in an agreement that we ought to be able to achieve on the Labor, Health and Education appropriations bill. All you have to do is to come back to the agreement that was hammered out two nights ago. If you do that, we will take care of the needs of people like this who have been so injured by doing their duty in the workplace that they can work no longer.

We will take care of their needs as well as the needs of the 435 Members of this House who would kind of like to know what their office allowances are

going to be, what their staff allowances are going to be, what their travel situation is going to be, and what the budgets for the service agencies, for the Library of Congress and CRS and others are supposed to be and all of the other legitimate concerns mentioned on that side of the aisle.

Mrs. JOHNSON of Connecticut. Mr. Speaker, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Connecticut.

Mrs. JOHNSON of Connecticut. I am sure the gentleman from Wisconsin, for whom I have very great respect, is aware that many years the President has signed this bill before he has had the opportunity to sign the HHS bill. So this is a matter of politics. It is not a matter of principle. He has never before said, I must hold the funding for the executive office and for this until that is done. That is just complete Presidential politics.

Mr. OBEY. Mr. Speaker, I take back my time. If the gentlewoman is going to use pejorative terms like that, then I would simply say yes, this is the first time to my knowledge that the President has vetoed this bill because it was passed before the Labor-H bill was passed. But this is also the first time that we have had the majority leader and the Speaker of the House blow up a bipartisan agreement that had been signed onto by both parties. Before those negotiations ever began, I asked the negotiator for the Republicans on the House side and on the Senate side, do you have the full authority from your leadership to negotiate to a conclusion every item in this bill? Their answer was yes. And the gentleman from Florida (Mr. YOUNG) said, Yes, and isn't that nice for a change? Now, we know it was not a change. So now we know that once again, after a bipartisan negotiation has been put together, someone in the majority party, after checking with somebody else decides, Well, sorry, we're going to do it all over again. If we cannot take each other's word in this institution, then this institution is not the institution that I have given 32 years of my life to.

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

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

Mr. Speaker, I would just like to say to the gentleman from Wisconsin that I accept the responsibility for the fact that this debate on this motion may be more prolonged than might have been indicated to him by staff. They were corrected, believing there would be no great debate on this. It was my view that I needed to say some things about the bill that had been vetoed, and so I accept that responsibility for that, and I apologize if a miscommunication was made to the gentleman from Wisconsin.

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

Mr. DELAY. Mr. Speaker, I thank the gentleman from Arizona for yielding this time to me, and I appreciate all the hard work that he has done on this bill. It is really unfortunate that the President vetoed a bill that he supports.

I think most of us know what is going on here. What is going on here is politics is being placed above people. When we took the majority for the first time in 40 years, the minority went into denial. The minority has worked for 6 years to gain back the majority. They decided that these last 2 years was their chance because we had a six-vote margin. All they had to do was win a net of seven seats, and they are back in the majority.

The minority leader last summer announced that they were going to run against a do-nothing Congress, that they would not cooperate, that they would try to bring down every bill that we brought to the floor that was of any substance. Politics. Words are really cheap, but actions really prove whether your words are true or not.

All summer, while we were passing through this House all 13 appropriations bills and getting our work done, the minority side said all along that there is not enough money in this, there is not enough money being spent. They have always wanted to spend more money, and they have tried to spend the surplus; and we have worked very, very hard all this year to keep them from spending the surplus. On the substantive issues, the policy issues, right, we are guilty for not passing their agenda. We have been passing our agenda. We locked up the Social Security surplus. They have been raiding it for 40 years, spending it on big government programs. We locked up the Medicare surplus. They have been spending it for 40 years, or as long as Medicare has been in, on big government programs. Then there was more surplus on the on-budget, and we said we want to take at least 90 percent of that and pay down on the public debt with it. We are doing it.

They have fought us every step of the way. We have had to bring very tough bills, including this TPO bill, to the floor and pass it with only Republican votes because they tried to bring it down knowing how hard it would be to pass it. Now we get into this season, and we have been working with the President. The President has signed seven bills that we compromised with him on and he has signed. But they have never intended to let us get out of town or to work out a bill.

I mean, last week the minority leader put on a Scottish uniform, put war paint on his face and picked up a spear and declared war. Last night, the President put that same war paint on his face, vetoed a bill and declared war. They are interested in politics. They have only one goal and that is to take

back the majority of this House. Sunday, the President threatened, or blackmailed the Congress by saying that he would veto this bill if he did not get an agreement on Labor-HHS. These gentlemen worked a long time, into the early morning, to come up with an agreement. But on every bill, and frankly we passed every bill out of this Congress except the Labor-HHS bill, we have got it all done, the problem is we cannot trust the President. Every one of those bills, once it has been worked out, has always been brought to the leadership to look at the agreement. We owe that and we have a responsibility to the Members that we represent to make sure that the agreement is a good one.

We started looking at the agreement and then their spin doctors went out and said we were blowing up the agreement. We have looked at every agreement that our negotiators have made, and we were asking questions about this agreement. We were asking questions about the fact that what they said was the agreement on the labor provision known as the ergonomics actually was reflected in the language that was presented to us, and we did not think it was, because we read that language as doing nothing but codifying present law and present practice. And we thought, well, maybe we ought to write the language to reflect the agreement that was being made and we were working on that. We even compromised with them. They wanted \$8 billion. We said, "We'll give you 4 but tell us how you are going to spend it." To this point, 2 days later, they have not even given us the list of how they are going to spend that \$4 billion. How in the world do you think we could put a bill together and file it and answer the President's blackmail when you will not even give us how you are going to spend it?

They gave some money on Democrat projects. We have yet to get the list of the Democrat projects. How do you put together a bill, put it in language and bring it down here to the floor when we have not even got the list? So there was no way that we could comply. And they knew it. They knew it, that we could comply with the blackmail of the President and he vetoes the bill. Pure politics. People be damned. Pure politics was what is going on here.

The political atmosphere here has been so poisoned by their actions that it is so difficult, and I have got to tell you, this bill is back into play. Now we have five appropriations bills in play. The President asked us to talk to him about the tax bill. We said fine. Nobody showed up. We have been waiting 3 days to talk about the tax bill. We have called for 3 days asking the President to negotiate with us over immigration. Nobody has showed up. This morning the President's people were supposed to come in early to talk

about this ergonomics issue and the language. Nobody has showed up. In fact, the President went to Kentucky to campaign this afternoon. Now he is in New York. How do you negotiate with a mirror?

The President has no intention of making this. That is why we are here a week before the election. It is politics. It is time to put the politics aside and think about the people and do the people's business. I am just asking you all to come together and let us put people before politics.

□ 2045

Mr. OBEY. Mr. Speaker, I yield myself 5½ minutes.

Mr. Speaker, first of all, I would like to correct both the gentlewoman from Connecticut (Mrs. JOHNSON) and myself. Both of us indicated that this was the first time that the President had vetoed this bill because it was passed before other bills had passed. That is not correct.

On October 3, 1995, I should have remembered it because it was my birthday, the President vetoed the legislative bill for precisely the same reason that he vetoed this bill tonight. Let us remember that the bill before us is the legislative appropriations bill into which was folded the Treasury Post Office bill. The President vetoed that on October 3, 1995, because he pointed out that the Congress had not yet finished its other work and that he was not going to allow the Congress to get its goodies before the rest of the country got its problems taken care of. So he has been consistent in that philosophy, and I applaud him for doing that as well on this bill tonight.

Secondly, I am not going to bother to comment on the majority whip's discussion of a number of items that have nothing whatsoever to do with my committee responsibilities. I recognize he is well-known for his efforts to achieve conciliatory bipartisanship; and he is probably the most distinguished person in the House, obviously, in trying to see to it that we pass bills on a bipartisan rather than a partisan basis. His reputation is renowned for that. No one could possibly question that. Right? This is Halloween, too, right?

Having said that, I would simply say with respect to these appropriation bills, the gentleman is wrong when the distinguished whip said that all but one bill had been passed out of the Congress by October 1. There were still 4 bills that the Senate had not even considered by the end of the fiscal year. So, again, the majority whip is wrong on his facts.

I would simply say, without getting any further into silliness, that the basic problem is simply this: Everyone knows that the major obstacle on the appropriations end to our finishing our work was the disposition of the labor,

health and education bill. That bill, as Bill Natcher used to say, is a bill that is the people's bill. It takes care of the children. It takes care of the sick, and it takes care of the workers who produce the wonderful prosperity that enable all of us to brag about the surpluses that we have created.

What is at stake here is very simple. We did have an agreement and the majority leadership decided that they were going to break it up. Now they can argue that all they want, but the fact is that that is what happened.

I think if we are going to discuss values, as we have so often been lectured about by the distinguished majority whip, if we are going to talk values let me say that I can think of no value more important than to say to the most humble worker in this country that their health comes before the wishes of the national lobbyists for the United States Chamber of Commerce. I can think of no value more important than to let the most humble worker in this country know that the Congress of the United States and the President of the United States are not so busy focusing on their own needs that they will allow the needs of the neglected to be forgotten.

That is what the President said in his veto message. He is saying, do to the best of these. That is what he is saying or as the Book some of us have read that reminds us to do that, what you do to the least of my brethren, you do for me. That is what we are trying to do when we stand here protecting the interests of workers who have no place else to go but here, no place to go but here; to be protected so that they can keep their bodies whole, so that they can continue to work to put food on the table for their families.

Do you think that I am going to apologize for one second for supporting the President's veto of a bill that takes care of us before it takes care of them? I do not know what planet you are on, but those are not my values. I am proud to support his veto.

I would say that the gentleman from Arizona (Mr. KOLBE) himself has done his job. The President's veto in no way is a criticism of his work. We all know he has done an honest job of negotiating. He, like many of us are simply caught in the situation that we would like to see not exist, and that situation was caused by the majority leadership of his party in this House.

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

Mr. Speaker, let me just very briefly close this debate. I know it has taken longer than we had intended. I know the gentleman from Texas (Mr. DELAY), the majority whip, will certainly be pleased with the very fine comments that the gentleman from Wisconsin (Mr. OBEY) made about his bipartisan nature of finding solutions to appropriation bills. My experience

has always been that the majority whip, the gentleman from Texas (Mr. DELAY), always has been very constructive in trying to find those solutions.

The gentleman from Wisconsin (Mr. OBEY) also made reference to the 1995 legislative bill and the veto of that for essentially the same reasons. Although my memory does not take me back that many votes and that many appropriation bills, I believe at that time when that was vetoed there was no agreement on the Treasury Postal Bill; and, therefore, the argument was we should not be passing or should not be accepting the legislative appropriations without an agreement on the appropriations that affected the executive branch, the White House and all the executive agencies, the White House agencies.

In this case, they are tied together. We have them together. So signing this bill would have made sure that we moved forward that part of the final budget that would have covered these two very large agencies, the Congress and all of its related agencies, including the Congressional Research Service and the Library of Congress, our Capitol Police, and the Treasury, with all of its agencies, the Treasury itself, the Secret Service, the Customs, the Bureau of Alcohol, Tobacco and Firearms, the Internal Revenue Service, the Federal Elections Commission and everything at the White House.

So I think it would be very important for us to recognize that these are tied together and we should move forward with this.

There is a great deal of misunderstanding or, I think, unfortunate misunderstanding about the events last night. I was not there, but I certainly understand that when an agreement is reached by appropriators that is on something as delicate as this, that includes language that is not an appropriation item, that the leadership is going to have to sign off on that. Apparently that last step had not been done. There was agreement on the basic provision, but they had not signed off on it.

Mr. Speaker, I would just say that I hope we can find a solution to this very quickly and move this bill forward as rapidly as possible so these appropriations might become law.

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

There was no objection.

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

The motion was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Accordingly, the veto message and the bill will be referred to the Committee on Appropriations.

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

Mr. BENTSEN. Mr. Speaker, I offer a motion to instruct conferees on H.R. 4577.

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

The Clerk read as follows:

Mr. BENTSEN moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 4577 be instructed, in resolving the differences, between the two Houses on the funding level for program management in carrying out titles XI, XVIII, XIX, and XXI of the Social Security Act, to choose a level that reflects a requirement that State plans for medical assistance under such title XIX provide for adequate reimbursement of physicians, providers of services, and suppliers furnishing items and services under the plan in the State.

The SPEAKER pro tempore. Under rule XXII, the gentleman from Texas (Mr. BENTSEN) and the gentleman from Florida (Mr. BILIRAKIS) each will control 30 minutes.

The Chair recognizes the gentleman from Texas (Mr. BENTSEN).

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

Mr. Speaker, let me say at the outset that in a couple of minutes I am going to move to withdraw this motion and I will tell my colleagues why, but I do want to take just a couple of minutes to talk about it.

Let me start out by saying what this motion would do is, in effect, would call on the conferees to reinstate what has been known as the Boren amendment which would require that States establish reasonable rates of reimbursement under the Medicaid program. As my colleagues know, the Boren amendment was repealed in the 1997 Balanced Budget Act, but we still find that in many cases for providers, both hospitals and individual medical providers, that the reimbursement rates under the Medicaid program by the States is not sufficient; and, in fact, a recent study found that in some cases those rates are as low as 65 percent of the comparable Medicare reimbursement rate. This is something that raises concerns when we consider that more than a third of the births in this country are funded through the Medicaid program and yet we have these low reimbursement rates.

My personal concern in this has to do in trying to stand up for my district and my State. The largest medical center in the world is in my congressional district with the largest children's, independent children's hospital, as well as another children's hospital and a very large public hospital system, where they have a very large, disproportionate share census that they