

is part of the surplus that resulted from the first balanced budget in 28 years, that we are setting aside \$1.4 trillion to save Social Security.

I am also proud that in the 90-10 plan that we eliminate the marriage tax penalty for the majority of those who suffer it. In fact, 28 million married working couples will benefit. When you think about it, \$1.4 trillion is twice what the President asked for last January when we all stood up and applauded the President in his great speech talking about saving Social Security first. There was \$600 billion available in surplus tax revenue at that time. We have given the American people more than twice what the President asked for, \$1.4 trillion, and we also eliminate the marriage tax penalty for the majority of those who suffer it.

I have often asked over the past year, is it right, is it fair that 28 million married working couples pay higher taxes under our current tax code just because they are married? Is it right, is it fair that a working couple that is married pays higher taxes than an identical couple with identical income that lives together outside of marriage? No, that is wrong.

Last Friday and Saturday, not only did we begin an effort to save Social Security, but we eliminated the marriage tax penalty for the majority of those who suffer it.

Just to give an idea of how this will impact the people of the south suburbs of Illinois, we will take a couple in Joliet, a machinist and a school teacher. They have a combined adjusted gross income of \$50,000. They are middle class. Under our current tax code, after you subtract personal exemptions, use the current standard deduction for those who file jointly of \$6,900, of course they pay about \$5,700 in taxes.

But under the 90-10 plan we double the standard deduction for married working couples to twice what a single person obtains by raising it to \$8,500. This machinist and this school teacher in Joliet, Illinois will see an extra \$240 in higher take-home pay. We eliminate the marriage penalty for the majority of those who suffer it. And not only is this a big victory for married working couples, but I also want to point out, as a result of doubling the standard deduction, that we simplify the tax code for 6 million married working couples, 6 million married working couples who will no longer have to itemize. They will no longer need to use the schedule A. They will only need to use the 1040-EZ.

That is a big victory, when you can help bring fairness to the tax code as well as simplify the tax code. And those who voted against it, of course it is a political season, will say just about anything. We are just a few short weeks from election. They were somehow claiming that our efforts to eliminate the marriage tax penalty and to help 28 million married working couples, that somehow hurts the Social Security Trust Fund. Wait a second.

We just set aside \$1.4 trillion for Social Security in surplus tax revenue.

So we asked in the Committee on Ways and Means, which I am proud to be a member of, the gentleman from Texas (Mr. ARCHER) asked the representative, the Deputy Commissioner of the Social Security Administration, Judith Chesser, the chairman said, "As a result of the tax bill," which I pointed out eliminates the marriage tax penalty for the majority of those who suffer it, "being considered by the Committee on Ways and Means, will there be any impact on the monies in the Social Security Trust Fund?"

Judith Chesser, Deputy Commissioner, Social Security Administration, had a very simple answer, something unusual for somebody who represents a bureaucracy. Usually they talk a lot. Her answer was simple: No, the tax cut has absolutely no impact on the Social Security trust fund.

So we had a big victory, working on our effort to save Social Security and, of course, to eliminate the marriage tax penalty for the majority of those who suffer it.

If we look back over the last several years, I am one of those who came to Washington to change how Washington works. That is why I am so proud that we balanced the budget, first time in 28 years, and cut taxes for the middle class for the first time in 16 years.

In 1996 this House made a commitment, and it became law, to help loving families who would like to provide a home for a child in need of adoption, an adoption tax credit. That is now law, a key part of the Contract with America.

In 1997 another key part of the Contract with America became law as well. That is a \$500 per child tax credit which will benefit 3 million Illinois children, \$1.5 billion in higher take-home pay that will stay home in Illinois rather than going to Washington.

We had a big victory this past weekend. We have a great opportunity as we focus on doing the people's business. Let us save Social Security. Let us eliminate the marriage tax penalty. I hope that the Senate will give the same level of bipartisan support on saving Social Security, eliminating the marriage tax penalty that we gave it in the House.

#### MANAGED CARE FLIGHT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentlewoman from California (Mrs. CAPPS) is recognized during morning hour debates for 5 minutes.

Mrs. CAPPS. Mr. Speaker, I rise today to bring to the attention of the House a crisis that is looming throughout the country and is happening right now in my district, the central coast of California.

In the past several weeks, many of the managed care companies, primarily in San Luis Obispo County, have announced that they will no longer be of-

fering seniors the option of Medicare HMOs. This pullout could begin as early as January.

Mr. Speaker, these actions are causing tremendous turmoil in my district. Thousands of senior citizens will face extreme hardship, including large increases in out-of-pocket expenses, confusion over benefits and other transition complications. It is estimated that over 50,000 seniors will lose access to Medicare HMOs in San Luis Obispo County and perhaps thousands more in Santa Barbara County. By early next year, only one HMO option may be available for seniors in San Luis Obispo.

Why is this happening? There seem to be two reasons. First and most critically, reimbursement rates for HMOs in my district have historically been among the lowest in California and the country. To be precise, Santa Barbara and San Luis Obispo Counties are the third and fourth lowest in the State. In both counties, HMOs receive less than \$400 per beneficiary per month. However, just next door in Ventura County to the south, managed care companies receive more than \$500. And in Los Angeles County, a few miles away, the reimbursement rate is almost \$650.

While the reimbursement rates are low in my district, the cost of living is anything but. Anyone who has visited the central coast of California knows that housing prices are high, rents are high, and health care costs reflect that reality. We have excellent health care, but it is not cheap.

The second reason for the HMO pullout are the recent rulings by the Health Care Financing Administration which may be exacerbating an already bad situation in my district and across the country, especially in rural and underserved areas. New administrative burdens, higher-than-expected health care inflation, and smaller annual reimbursement increases may be adding to the reasons managed care companies across the country are withdrawing Medicare products from the market.

To address this crisis, I have recently written to the chairman of the Subcommittee on Health. I know that this subcommittee is looking into the nationwide flight of managed care companies from Medicare products. I want the Chair to hear firsthand how this is occurring in my district and to urge the adoption of bipartisan legislation to address this issue.

The bipartisan Medicare Health Plan Fair Payment Act, of which I am proud to be a cosponsor, will address the chronic underpayment of health plans in rural areas.

Low reimbursement rates discourage companies from offering their products in rural areas. That means fewer health care options for seniors and sometimes no options at all. We need to make sure we are paying these companies enough to get them to offer products our seniors clearly want. That is the first step.

Next I have written to HCFA to alert them to the seriousness of this situation for my constituents. I want HCFA to wake up and see what is happening on the central coast of California.

What I see are seniors frightened that their health plans are being taken from them and frustrated that they have to switch plans or go back to basic Medicare with all its high costs and confusing rules. I join the Senate Finance Committee Chairman, BILL ROTH, in urging HCFA to look at its recent actions that may be adding to this crisis in rural America. HCFA needs to be flexible in how these new rules are implemented.

Finally, I have called on the governor of our great State to advise him of the powers of his office in this matter. Many Members may not be aware of a little-known provision in the Balanced Budget Act of 1997. It allows a governor to request that HCFA redefine the service areas that managed care companies must cover within their State. While service areas are now county by county, they could encompass several counties over the entire State.

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What that means is that the governor could require that managed care companies cover low-reimbursement, low-profit areas along with the high-reimbursement, high-profit areas. This simple tool, if wielded properly, could provide an incentive for managed care companies to increase coverage throughout States like California that have some high-profit areas and some low-profit areas.

Mr. Speaker, this Congress has made a lot of noise about increasing senior citizens' access to managed care and about controlling Medicare costs through increased use of managed care. Seniors in my district have expressed a desire to join HMOs, and we should make it easier for them to do so. And yet managed care companies are pulling out of my district, and others across the country, like rats deserting a sinking ship, and they are leaving frightened, frustrated and stranded seniors in their wake. This is simply wrong.

We must take action. The actions I have outlined above would ensure that seniors in my district and seniors across the country have access to reliable, quality and affordable health care. There is no excuse for not acting now, before this Congress goes home to campaign, before this Congress renames another post office, before we disintegrate into yet another partisan fight about this issue or that. We need to consider now this bipartisan issue facing seniors with Medicare and HMOs.

#### PURPOSE OF IMPEACHMENT PROCEEDINGS IN HOUSE

The SPEAKER pro tempore (Mr. PETRI). Under the Speaker's announced policy of January 21, 1997, the gen-

tleman from Arkansas (Mr. HUTCHINSON) is recognized during morning hour debates for 5 minutes.

Mr. HUTCHINSON. Mr. Speaker, for the last 2 weeks, the House Committee on the Judiciary has worked diligently to review the referral of the Independent Counsel, as directed by the resolution of this House and adopted by a bipartisan majority. Now, after completion of that important task, the committee can focus on its second responsibility: To determine whether there is reasonable cause to believe that impeachable offenses may have been committed.

If the committee, and later the House, says yes, there is reasonable cause to believe, that does not mean there should be an impeachment or that anyone is guilty. It simply says there is enough merit to have a formal inquiry and hearings. That is an effort to get all the facts from all the parties in an attempt to get at the truth. These steps should not be taken lightly, because they have serious ramifications, but it does not represent the final conclusion nor does it indicate the outcome of this constitutional process.

As the committee considers this issue, it is important to make three points.

First of all, there are those that say we need to define what is an impeachable offense before we even consider the referral of the Independent Counsel. But I would say it is not our responsibility to define the term "high crimes and misdemeanors" set forth in our Constitution. Our founding fathers did not define it, previous Congresses did not define it, and it is not our duty to define it for the uncertain future. Indeed, to get some kind of narrow restrictive standard would be an unwise precedent that could hamstring future Congresses from doing their duty.

It is our responsibility not to define it but to reach a conclusion; to conclude whether the allegations and the facts presented to us may constitute impeachable offenses. This point was made very clearly by the staff report of the House Committee on the Judiciary in 1974, prior to the Watergate impeachment hearings. The staff said, "This memorandum offers no fixed standards for determining whether grounds for impeachment exists. The framers did not write a fixed standard. Instead, they adopted from English history a standard sufficiently general and flexible to meet future circumstances and events, the nature and character of which they could not foresee."

That leads me to the second point. Even though we cannot define impeachable offenses to a greater degree than the Constitution, we should recognize the uniqueness of the language "high crimes and misdemeanors". While criminal conduct may constitute an impeachable offense, every crime may not rise to that level. The framers of the Constitution focused on the pub-

lic trust at stake, and impeachment is designed to address conduct that violates that high trust. If the House considers the report from the Independent Counsel in that way, we distinguish the important Constitutional concern from that of conduct which may be personal in character and not violative of the public trust.

Our founding fathers illustrated their intent that "high crimes and misdemeanors" embrace a breach of the public duty. The Constitution itself describes officeholders under the Constitution as those who hold an office of trust or profit, directly associating public office with a notion of trust. In the federalist papers, Alexander Hamilton was quoted as saying, "The subject of its impeachment jurisdiction are those offenses which proceed from the misconduct of public officers."

The third point I would emphasize is that the constitutional idea of impeachment is not about punishment. There are those, including some of my colleagues on the other side of the aisle, who say that impeachment is to punish officers for misconduct, if established. The purpose of an impeachment proceeding is not to punish, but the purpose is to repair the breach. This would occur either from the conclusion that the facts do not merit further inquiry, from an acquittal in the Senate, or from a conviction that may result from removal from office. Certainly there must be consequences to a finding that there has been a breach of the public trust, but pursuit of punishment should not be our motive.

In the end, the question we must ask ourselves is whether we are willing to close down the Constitutional process or whether we will seek out all the facts and bring this matter to a close. It is certainly a difficult time for our country, but if we remind ourselves of the principles established by the drafters of our Constitution, then we will keep our feet on solid ground throughout this proceeding and we will be judged well by history.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will remind all persons in the galleries that they are here as guests of the House, and that any manifestation of approval or disapproval of proceedings from the gallery is a violation of the rules of the House.

#### CONGRESS SHOULD PASS D.C. AP- PROPRIATION BILL SO CAPITAL CAN CONTINUE TO MAKE PROGRESS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentlewoman from the District of Columbia (Ms. NORTON) is recognized during morning hour debates for 5 minutes.

Ms. NORTON. Mr. Speaker, October 1st is fast approaching, this Thursday,