Virginia. All of those could be in danger by failing to do this.

We could lose the money for the anti-gang grant program, $13 million for that, and $27 million for the youth crime gun interdiction initiative. These are just some of the things, Mr. Speaker, that are jeopardized by the failure to pass this rule this evening.

Mr. Speaker, we should not let this rule go down, because we should not let this conference report go down. It is, as my good friend, the distinguished gentleman from Maryland (Mr. HOYER) just said, a good bill that we have worked hard on. I urge my colleagues to support the rule, support the conference report. Pass this tonight.

Mr. MCINNIS. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

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

Mr. MCINNIS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 106, nays 294, not voting 34, as follows:

[Roll No. 475]

YEAS—106

Abercrombie
Aderholt
Archer
Armey
Bass
Bateman
Bliley
Blunt
Boehlert
Boehner
Bonilla
Boswell
Brown (FL)
Burr
Burton
Camp
Campbell
Castle
Coble
Collins
Conyers
Cox
Davis (VA)
DeLay
Diaz-Balart
Dicks
Doggett
Dreier
Dunn
Ehrlich
English
Ensign
Everett
Foley
Forbes
Fox
Frelinghuysen
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Greenwood
Gutierrez
Gutknecht
Hastert
Hastings (WA)
Hobson
Houghton
Hulshof
Hutchinson
Istook
Jenkins
Johnson (CT)
Kelly
Kim
Kingston
Knollenberg
Kolbe
LaTourette
Lazio
Lewis (CA)
Linder
Lowey
McCarthy (NY)
McCollum
McCrery
McInnis
McKeon
Meek (FL)
Miller (FL)
Moran (KS)
Morella
Myrick
Neal
Nethercutt
Northup
Olver
Owens
Parker
Pastor
Paul
Paxon
Porter
Price (NC)
Radanovich
Ramstad
Rangel
Regula
Ros-Lehtinen
Salmon
Scarborough
Schumer
Shays
Solomon
Spence
Stump
Taylor (NC)
Upton
Weller
White
Wicker
Wilson
Wolf
Young (AK)

NAYS—294

Ackerman
Allen
Andrews
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Blumenauer
Bonior
Bono
Borski
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (CA)
Brown (OH)
Bryant
Bunning
Buyer
Calvert
Canady
Cannon
Capps
Cardin
Carson
Chabot
Chambliss
Chenoweth
Christensen
Clayton
Clyburn
Coburn
Combest
Condit
Cook
Cooksey
Costello
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
DeGette
Delahunt
DeLauro
Deutsch
Dickey
Dingell
Dixon
Dooley
Doolittle
Doyle
Duncan
Edwards
Ehlers
Emerson
Engel
Eshoo
Etheridge
Evans
Ewing
Farr
Fattah
Fazio
Filner
Ford
Fossella
Frank (MA)
Franks (NJ)
Frost
Furse
Gallegly
Gejdenson
Gephardt
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Graham
Granger
Green
Hall (TX)
Hamilton
Hastings (FL)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hoekstra
Holden
Hooley
Horn
Hostettler
Hoyer
Hunter
Hyde
Inglis
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (WI)
Johnson, E.B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kennedy (MA)
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
LaHood
Lampson
Lantos
Latham
Leach
Lee
Levin
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Lofgren
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Mascara
Matsui
McCarthy (MO)
McDermott
McGovern
McHale
McHugh
McIntosh
McIntyre
McKinney
McNulty
Meehan
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Nadler
Neumann
Ney
Norwood
Nussle
Oberstar
Obey
Ortiz
Pallone
Pappas
Pascrell
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Portman
Quinn
Rahall
Redmond
Reyes
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Rothman
Roybal-Allard
Royce
Rush
Ryun
Sabo
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Schaefer, Dan
Schaffer, Bob
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Sherman
Shimkus
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Souder
Spratt
Stabenow
Stearns
Stenholm
Stokes
Strickland
Stupak
Sununu
Talent
Tanner
Tauscher
Taylor (MS)
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Torres
Traficant
Turner
Velazquez
Vento
Visclosky
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Wexler
Weygand
Whitfield
Wise
Woolsey
Wynn

NOT VOTING—34

Callahan
Clay
Clement
Deal
DeFazio
Fawell
Fowler
Goss
Hall (OH)
Hansen
Harman
Kennelly
King (NY)
Klug
Largent
Livingston
Martinez
McDade
Moran (VA)
Murtha
Oxley
Packard
Poshard
Pryce (OH)
Roukema
Shuster
Smith (OR)
Stark
Tauzin
Thomas
Towns
Walsh
Yates
Young (FL)

□ 2107

Mr. MICA, Mr. SENSENBRENNER, Mrs. TAUSCHER, and Messrs. WAMP, EHLERS, HILL, CRANE, METCALF, PEASE and PICKERING changed their vote from ''yea'' to ''nay.''

Mrs. MCCARTHY of New York, and Messrs. LAZIO of New York, PASTOR, UPTON, SCHUMER, and MORAN of Kansas changed their vote from ''nay'' to ''yea.''

So the resolution was not agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4274, DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION APPROPRIATIONS ACT, 1999

Mr. MCINNIS, from the Committee on Rules, submitted a privileged report (Rept. No. 105–762) on the resolution (H. Res. 564) providing for consideration of the bill (H.R. 4274) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1999, and for other purposes, which was referred to the House Calendar and ordered to be printed.

PERSONAL EXPLANATION

Mr. MORAN of Virginia. Mr. Speaker, I was unavoidably detained on the last vote. Had I been here, I would have voted ''no.''

□ 2115

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. GILCHREST). Under the Speaker's announced policy of January 7, 1997, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

TRIBUTE TO JUDGE CHARLES D'ARRIGO

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

Mr. FOSSELLA. Mr. Speaker, since taking office last November, I have spoken before this House many times on the critical issues and decisions that face our nation. I would like to depart from my usual practice and speak before you this evening on an all-together different matter.

It is without question that the United States is the greatest nation in the history of the

World. In the span of a little more than 200 years, we have gone from a fledgling nation surrounded by the wilderness of nature and coldness of international isolation, to the World's only military and economic superpower. In that role the United States has been the sole protector of liberty and freedom during the World's darkest hours of this century and acted as a benevolent force to defeat and turn back the tide of fascism and communism. The greatness of America does not come from military strength or economic wealth. Rather, the greatness of America flows from the spirit of freedom and accomplishment brought about by the individuals who live in our land. I would like to take this opportunity to talk to you about one of those individuals—Judge Charles D'Arrigo.

In many ways Judge D'Arrigo exemplifies the typical American success story. The son of an immigrant father, Judge D'Arrigo attended Wagner College and Brooklyn Law School and served in the United States Army during the Second World War in the European Theater of Operations. From 1954 through 1973 he was engaged in the private practice of law, and in 1973 was elected a Judge of the Civil Court of the City of New York. In 1981, he became the Judge of the Surrogate's Court of Richard County, a position that he continues to hold and will until his retirement at the end of this year.

Being a Judge of the Surrogate Court is not an easy task. The duties of a Surrogate very often have to deal with the intimate personal and financial situation of a grieving family after the loss of a loved one. Many times those cases are compounded by acrimonious disputes. True to his nature, of always seeing the bright side of life, Judge D'Arrigo transformed his position to help young, loving couples become parents by performing hundreds of adoptions. Adoption Day in the Surrogate's Court has been turned into a Staten Island holiday season tradition. Although soft spoken, Judge D'Arrigo has stood as a champion of justice and acted as a fair and compassionate arbiter of the law. Universally respected, Judge D'Arrigo exudes the honor and integrity that highlight the importance of our justice system and the rule of law that protects individual liberty.

Judge D'Arrigo's civic pursuits extend far outside of the court room as well. With Norma, his lovely wife and partner of 49 years, the D'Arrigo's have participated in so many philanthropic endeavors, that their good works, most often without credit or accolades, are inseparably woven throughout the social fabric of our great Borough.

On the occasion of his retirement from the bench, I wish to congratulate Charles. To Norma I say, thank you for allowing us to have your husband for so long and I hope that you both enjoy this special time for many years to come.

It is my sincere hope that you both remain active participants in the community. Collectively, as a community, we would be at a loss without the gentle words, kind smiles and steely determination to perform good works that you both bring into any project.

My best wishes to Charles and Norma D'Arrigo, their three children, Shelton, Janice and Charles. And of course, their lovely granddaughter, Christin, and I thank the Speaker for indulging me in this personal commemoration.

REPUBLICAN 90–10 PLAN

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from Arizona (Mr. HAYWORTH) is recognized for 60 minutes as the designee of the majority leader.

Mr. HAYWORTH. Mr. Speaker, and for those who join us from coast to coast and beyond via C-SPAN, we make many historic decisions in this, the people's House, and one made last week is one of the most profound, with far-reaching consequences for the better, for our Nation and our people. Because, Mr. Speaker, last Saturday in this Chamber the majority passed a plan that said, quite simply, it is important that this Congress sets aside $1,400,000,000,000 to save Social Security.

Now, it has been interesting to hear some of the debate that was bandied back and forth; to hear some of the commentators and pundits, but this historical fact is beyond dispute: Never before, Mr. Speaker, in the history of this assembly, did anyone step forward to set aside funds to save Social Security.

Oh, there were efforts to raise payroll taxes, and always it seemed the temptation of raising taxes was something to which previous majorities succumbed. But what this common sense conservative majority did in this Chamber last Saturday provides a common sense plan not only for Social Security but also for tax relief to the American people. Those of us in our common sense conservative majority call it the 90–10 plan, setting aside 90 percent of the projected surplus, again, $1,400,000,000,000 for Social Security, and using a very modest amount, comparatively, for tax relief for the American people.

Mr. Speaker, I am joined tonight for this special order by one of my colleagues from the Committee on Ways and Means, my classmate who joined me in the new majority in that historic vote in November of 1994 as a newcomer to Congress in the 104th Congress, my seat mate now on the Committee on Ways and Means, one who has worked tirelessly to provide meaningful features of this tax relief plan. At this time I would yield to my good friend, the gentleman from Illinois (Mr. WELLER), to talk about what in essence is the centerpiece of this tax relief plan, this very prudent, this long-term profitable plan for the American Nation, the centerpiece of the feature being relief from the marriage penalty. I yield to my friend.

Mr. WELLER. Mr. Speaker, I thank my colleague for yielding me some time to talk about what I consider to be a big victory, not only for the people of Arizona and Illinois but people throughout this country. It is because of the Republican majority in the last 3½ years that for the first time in 28 years we have a balanced budget. Not only do we have a balanced budget but, beginning today, October 1st, we have a surplus, more tax revenue coming into the Treasury than we are spending.

We have held the President as well as our own leadership's feet to the fires. That freshman class of 1994 said that we were going to come to Washington to change how Washington works. We have succeeded in balancing the budget, and I am proud of that. And it is kind of something new here in Washington, that we actually have more tax revenue coming in than we are spending. We are more than living within our means.

In fact, it is projected today by the Congressional Budget Office that we expect to see over the next 10 years, thanks to a fiscally conservative Congress, a $1.6 trillion budget surplus. $1,600,000,000,000 in extra surplus tax dollars that are now in the Treasury over the next 10 years because we have held the line on spending. That is a big victory.

I want to point out that the balanced budget that we pushed through Congress last year, and convinced the President to sign, contained no tax increases on the American people. No income tax increases. In fact, we gave, for the first time in 16 years, middle class tax relief to the folks back home.

The gentleman was pointing out, of course, what is a big victory for a lot of people, for all of us that are working Americans, those of us who want to see the contract with working families, the retirement contract that is Social Security, honored. And, of course, we recognize that for people like my mom and dad, and when I think of Social Security we always think about those closest to us, our family, and how government in its ways and actions affect people we love and care about.

When I think of Social Security, I think of my own mom and dad, and I think of my Aunt Mary, and my Aunt Eileen, my Uncle Jack, my Uncle Bob, and members of my family that are seniors, where Social Security is an important part of their lives and their friends and their neighbors. And for them Social Security is in good shape. But for the next generation, my brothers and my sister's generation, for the baby boomers and for those that follow, Social Security is in question.

Because of our concern in this Congress to save Social Security, to ensure that we honor the contract of Social Security for the next generation and future generations, I am proud that we set aside $1,400,000,000,000 to save Social Security.

I mentioned earlier my sister Pat, when I think of the marriage tax penalty. And I have often asked this question in debate here in the House over the past year, and my colleague from Arizona and others have joined us in this fight to eliminate what we consider to be the most unfair provision in the Tax Code, and it is a simple question: Is it right, is it fair that under our current Tax Code a married working couple with two incomes pays higher taxes than an identical working couple, with an identical income, that