



United States  
of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 107<sup>th</sup> CONGRESS, FIRST SESSION

Vol. 147

WASHINGTON, TUESDAY, FEBRUARY 13, 2001

No. 20

## House of Representatives

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Mr. ISAKSON).

### DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,  
February 13, 2001.

I hereby appoint the Honorable JOHNNY ISAKSON to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,  
*Speaker of the House of Representatives.*

### MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 3, 2001, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member, except the majority leader, the minority leader, or the minority whip limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from Oregon (Mr. BLUMENAUER) for 5 minutes.

### CREATING LIVABLE COMMUNITIES IN THE MILITARY

Mr. BLUMENAUER. Mr. Speaker, I came to Congress committed to having the Federal Government be a better partner in helping our communities be more livable, our families safe, healthy, and economically secure. Among the most important areas for the new Administration to reexamine is the quality of life, the livability of our enlisted people, and the relationship that the military plays in making all our communities more livable.

There are tremendous opportunities to continue some good things that started in the last Administration, and for the President and Secretary Rumsfeld to move even further. The bottom line is that the United States Department of Defense should be a leader at home and abroad, improving the quality of life for the men and women in uniform and their families.

The Department of Defense should be a world leader in building livable communities, whether it is improving environmental protection, sustainable development or partnerships with citizens at all levels.

There are some outstanding examples taking place within a stone's throw of our Nation's capitol.

The Navy Yard renovation is leading the revitalization of the District of Columbia's Southeast waterfront. It is recycling materials and land, developing green buildings, and proving that you can improve the quality of military life while making a difference for the community.

The Department of Defense is managing a massive problem dealing with the same Endangered Species Act that confronts American communities all across the country. To cite just one example, there are 17 endangered species that have been identified at Camp Pendleton, the only large green space remaining between Los Angeles and San Diego.

The Department of Defense is managing 12,000 properties that are listed on or are eligible to be listed on the National Register of Historic Places. This is the largest inventory in the United States and slated to grow even larger because over the next 30 years another 70,000 buildings will reach 50 years of age and require evaluation.

In fact, our military is the largest manager of infrastructure in the world with over \$500 billion in bridges, hospitals, roads and docks. One of the most challenging examples is to be

found in the area of housing. There are over 300,000 units of military housing; and sadly, as President Bush is discovering today, two-thirds of them are substandard. There is an opportunity to harness new techniques in partnership with the private sector to make sure that we retain valued personnel by treating their families right with homes we can all be proud of.

I hope this Congress will step forward to help the military in other ways to promote livable communities. One of the most important ways would be to increase the necessary funding in order to accelerate the timetable for cleaning up unexploded ordnance, the bombs and shells that did not go off as intended and litter the landscape in over a thousand locations across the United States. There is a legacy of bases, bombing sites, and storage depots from Martha's Vineyard to Camp Bonneville in metropolitan Oregon.

Even around the American University campus right here in Washington, DC there is unexploded ordnance and nerve gas and that has been here since World War I. We cannot wait 500 years to clean these sites up, which is the time that will be required if we follow the current pattern.

The President should include a separate line item in the budget he submits to us, and Congress should focus on it and provide adequate funding. Another simple but powerful step would be for the Department of Defense and, say, the Post Office to obey the same rules as the rest of America. The presumption should be that absent a specific finding of urgent military necessity, our Department of Defense meets the same building codes, environmental standards, and transportation requirements.

Last, but by no means least is the opportunity to keep the mission if not the team intact at the Department of Defense for the military to provide true environmental leadership. There

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Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



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was an outstanding team that was assembled in the last administration: Sherri Wasserman Goodman, Randall Yim, Sandy Apgar, to name just a few. These people have doubtless moved on, but there is a lot to be learned from them, and we need to make sure that the mission and the techniques are retained and enhanced.

Getting and retaining the highest quality fighting force in the world requires that we treat them and their families right. It is important to make the military a full partner in livable communities using the ingenuity, the brain power, and the sense of mission and devotion to duty that are the hallmark of our armed forces.

#### PHILIP MORRIS'S CHARITABLE GIVING

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentleman from Texas (Mr. DOGGETT) is recognized during morning hour debates for 5 minutes.

Mr. DOGGETT. Mr. Speaker, today I rise to applaud the excellent efforts of the ABC television network and particularly journalists Dan Harris and John Stossel for demonstrating the tremendous deceit associated with the latest round of Philip Morris advertising.

Philip Morris is a company that is in the business of addiction and death. It markets a product that it knows causes death, disease, and untold human misery. It markets a product that most of its victims would never consume, or certainly not continue consuming, were it not for the highly addictive quality of nicotine, which is an essential ingredient to its future sales.

Hence, in one sense, these advertisements are quite accurate—"the people of Philip Morris" are "working to make a difference." Indeed, to the 3,000 new children who each day try tobacco, it can be a life and death difference. One thousand of those children will eventually die or suffer from serious disease as a result of their tobacco use. Of course the "difference" that we hear about on television is not those children but the children who receive Philip Morris scholarships and shelters. We hear not how they addict people but how they feed them, not how they flood the market with nicotine but how they help flood victims. Indeed, ABC pointed out that Philip Morris has generously contributed \$115 million to such charitable activities.

But, wait, there was more that Philip Morris did not want the public to know. Although they spent \$115 million for charitable contributions, they spent \$150 million to publicize their charity. As John Stossel said, "Give me a break!" If Philip Morris really had such a big heart, why doesn't it just donate all the money to charity instead of wasting \$150 million on ads?

The reason, of course, is quite clear. Philip Morris has taken to heart more

than most the old adage that charity begins at home. And for Philip Morris, spending \$115 million on charity is charity for itself.

As ABC has reported, internal Philip Morris documents show that charitable giving has been a key part of its strategy for years. Favorite philanthropies of Philip Morris include those who could "neutralize" women and minority groups, which might otherwise speak out against their being targeted for nicotine addiction. Those documents also indicate that Members of Congress and legislators around the country have not been forgotten—some of Philip Morris' favorite charities are the favorite charities of those policymakers that have the power to do something about the addiction and death business that is so critical to this company's future.

Indeed, I think that Matt Myers at the Campaign for Tobacco-Free Kids said it best: "These ads are not about charity. These ads are trying to convince Congress and juries that Philip Morris is reformed and responsible, so that the next time they have to walk into a courtroom or the halls of Congress, they can avoid real change."

Of course when they walk into the halls of Congress, they do not walk into strangers. Philip Morris spent from 1997 to 1999, just a 2-year period, about \$120 million on lobbying here in Washington. And it was generous with its contributions to the national political parties and to Members of Congress, contributing over \$11 million in PAC and soft money contributions during 1999.

At the same time Philip Morris was conducting this advertising campaign about its charitable giving, it was also advertising that it no longer markets to children in ways that will attract 3,000 children to tobacco products every day. Of course, in other countries where it markets its deadly products, Philip Morris refuses to abide by any of those restrictions on the marketing to children. Philip Morris continues to play a key role in a worldwide pandemic that will be the largest killer, more than AIDS, more than the combined death toll of a long series of diseases that plague our planet. Philip Morris will be a part of the pandemic that will kill more people in this world than any of these other diseases put together over the next couple of decades.

But I think that for this Congress, it is important for us to realize the financial difference between the good deeds Philip Morris advertises and the amount it spends to promote those good deeds. Congress must react by giving the Food and Drug Administration the jurisdiction it needs over tobacco products, the Justice Department the support it needs to continue its lawsuit against the tobacco industry, and address the problem of Big Tobacco's involvement in smuggling around the world. As Members of Congress, we must respond responsibly and responsibly to the growing problem

of worldwide tobacco addiction and death, though Philip Morris has done neither.

#### PRESIDENT BUSH'S TAX PLAN AND ITS EFFECTS ON GUAM

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentleman from Guam (Mr. UNDERWOOD) is recognized during morning hour debates for 5 minutes.

Mr. UNDERWOOD. Mr. Speaker, considering that the Committee on Ways and Means of the House of Representatives has begun hearings on President Bush's tax plan, I thought it important to speak about the impact such a plan will have on my home island, the territory of Guam.

At the outset, let me just say that I fully support tax relief for the people of Guam, as well as for hardworking taxpayers across the country, especially for middle- and low-income families. However, I think it would be irresponsible for me if I did not raise the concerns that the President's tax plan would have on Guam.

Unlike the rest of the Nation, Guam and the Virgin Islands are the only U.S. jurisdictions which have tax systems which mirror the U.S. Internal Revenue Code. This means that Guam's tax law mirrors the Internal Revenue Code as required under Guam's Organic Act of 1950. Whatever tax policies are implemented at the Federal level will take effect at the local level without input from the people of Guam or the government of Guam.

Unlike the States, however, the tax cuts for Guam will come from the government of Guam, not the Federal Government, since these revenues collected in accordance with the IRS code are deposited with the government of Guam. Therefore, the immediate issue here is the disruption of the revenue stream for the government of Guam, a concern which will have a direct impact on needed services by the government of Guam and the local economy.

The government of Guam anticipates a 30 to \$50 million reduction in revenues from the President's plan. Considering that the government of Guam is projecting \$243 million in income tax revenue for this year, such a decrease in revenue will greatly impact Guam. If the government of Guam had a surplus, I probably would not be speaking about this issue, but we do not. Guam's economy is still rebounding from the effects of the Asian financial crisis, particularly since much of our economy relies heavily on tourists from Japan and other Asian countries.

□ 1245

Guam's unemployment rate is a staggering 15 percent, more than three times the national average. It is for this reason that I am asking my House colleagues, particularly those who sit on the Committee on Ways and Means, to consider proposals that would ameliorate the anticipated loss in revenue,

while strengthening both the local economy and providing needed services.

The easiest way, of course, is a direct offset by the Federal Government for the revenue lost that could be targeted for specific social and economic needs, like school construction and health care in Guam, and that could be phased in over the same period that the tax plan is phased in.

The other way would be for the Federal Government to consider several proposals that deal with tax equity for Guam, Federal obligations to Guam that have not been fully paid, or other important issues in this very complex Federal territorial relationship. These include tax equity for foreign investors in Guam; Federal payment for the Child Tax Credit; Federal payment for Earned Income Tax Credit; supplemental security income for U.S. citizens in Guam, a program that is not extended to U.S. citizens in Guam; lifting the Medicaid cap for Guam and adjusting the Federal Matching Rate; Compact Impact Aid for Guam; and reimbursement from the Immigration and Naturalization Service for the cost of detaining and housing foreign aliens.

Considering the implications of Federal policy on Guam and the other U.S. Territories, I think it is appropriate and responsible to raise these important issues in the context of the President's plan.

In the long term, I think it is incumbent upon the Government of Guam, the Guam legislature, and the Guam business community to review Federal tax implications to Guam's economy and determine whether or not to delink from the U.S. Tax Code. But the immediate issue before us is the impact of the anticipated tax plan.

Last week I wrote to Treasury Secretary O'Neill urging him that special consideration be given for Guam and the U.S. Virgin Islands. I simply want Members of Congress and the White House and Treasury Department officials to understand the implications for any tax cut proposal on the operations of the Government of Guam and the impact to our communities, and I hope that we can work something out.

#### RECESS

The SPEAKER pro tempore (Mr. ISAKSON). Pursuant to clause 12 of rule I, the Chair declares the House in recess until 2 p.m.

Accordingly (at 12 o'clock and 47 minutes p.m.), the House stood in recess until 2 p.m.

□ 1400

#### AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. LAHOOD) at 2 p.m.

#### PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

"I love you O Lord, my strength." David prays this with such great abandonment.

Often when we pray, O Lord, it is with routine and out of daily concerns. But when overwhelmed with distress and responsibilities, we sometimes approach David's depths and cry out that You be our strength.

In this age of information and as a powerful Nation, we can easily be caught up in our own agenda and see no further; foolish enough to think that we can accomplish great deeds on our own.

But without You we can do nothing; nothing of lasting value, nothing of true significance, nothing that will touch the people around us and move them deeply.

Help us now, O Lord, as a Nation and as this governing body.

Shield us from moments of crisis and distress. Instead, renew in us the love You evidence in our history. Allow us to be so overwhelmed by Your loving presence today, that with all our hearts we may pray:

"I love You, O Lord, my strength" now and forever. Amen

#### THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

#### PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Nebraska (Mr. OSBORNE) come forward and lead the House in the Pledge of Allegiance.

Mr. OSBORNE led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

#### GOOD NEWS FOR AMERICA'S SENIORS

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, today we have some good news for our Nation's senior citizens. Today we have the chance to make a promise to our seniors that Social Security and Medicare will be there for them when they need it. After all, it is only fair.

Americans pay into the Social Security and Medicare systems all of their lives; they deserve to know that their benefits will be there for them when they retire. The Social Security and Medicare Lockbox Act will lock away \$2.9 trillion in Social Security and Medicare trust funds guaranteeing that these precious funds are not spent on wasteful, big government programs.

This lockbox legislation is good news and reiterates our commitment to en-

suring retirement security for America's seniors, today and in the future.

I encourage all of my colleagues, on both sides of the aisle, to support this important legislation and make a real commitment to our seniors by protecting the future of Social Security and Medicare.

#### HEATING FUEL COSTS

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, home heating fuel costs have doubled. The companies blame OPEC and the bitter winter. Now if that is not enough to insulate your BVDs, these same companies are now saying, and I quote, they are losing money. Beam me up.

I say it is time to impose a \$100 million fine on this bunch of bric-a-bracin, ratchet-fratchet nincompoops who have a license to steal and are stealing from our constituents.

I yield back all of the gas of the beer drinkers association as an in-kind contribution to all of these poor, unprofitable, crying energy companies.

#### ENERGY CRISIS AS IT AFFECTS AGRICULTURE

(Mr. OSBORNE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OSBORNE. Mr. Speaker, I would like to talk about energy as it affects agriculture. Due to high fuel prices, the cost of running farm machinery has skyrocketed. In addition, natural gas is necessary to manufacture fertilizers such as anhydrous ammonia. As the planting season approaches, anhydrous ammonia is almost impossible to obtain and extremely expensive if it can be found at all. As a result, the troubled agriculture industry is under even greater stress today than it ever has been.

As with most crises, there is also an opportunity. At the present time, we have an excellent opportunity to double or even triple the production of alternative fuels like ethanol and soy diesel. If we do this, three benefits will occur:

One, we lessen our dependence on foreign oil, and this will be good for the country.

Number two, we will reduce undesirable fuel emissions, and this will be good for the environment.

Number three, we will utilize surplus crops in a profitable manner, and this will be good for agriculture.

#### SOCIAL SECURITY AND MEDICARE LOCKBOX LEGISLATION

(Mr. GRAVES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GRAVES. Mr. Speaker, for over 30 years, the Social Security and Medicare Part A trust funds have been used to distort the budget surplus numbers and mask deficits. This must not continue.

Today we have the opportunity to cast a vote that will end this shortsighted and fiscally irresponsible practice. Today we have the opportunity to lock away all surpluses in the Social Security and Medicare trust funds and ensure that these funds can only be spent to provide retirement and health care security for our seniors.

Mr. Speaker, the first step to saving Social Security and Medicare is to stop spending it on unrelated government programs. This is an essential first step to preserve and strengthen these programs for current and future retirees.

I urge my colleagues to send a clear message to all Americans and end the raid on Social Security and Medicare.

#### PROTECTING SOCIAL SECURITY AND MEDICARE

(Mr. OTTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OTTER. Mr. Speaker, I rise today in support of H.R. 2, the Social Security and Medicare Lockbox Act of 2001. This measure guarantees that every penny paid into the Social Security and Medicare trust funds will be secure for the millions of seniors, including my 85-year-old mother in Nampa, Idaho, who rely on them today. It is also an important first step in shoring up the funds for young workers who will rely on them in the years to come.

But, Mr. Speaker, there is much more to do. And I look forward to working with the new administration and reforming Social Security to ensure that we keep our promise to those current beneficiaries and to those who are soon to retire, and just as importantly, to guarantee to those younger workers that they will get them when they reach their retirement age.

Mr. Speaker, we should also work to repeal the tax on senior citizens that was placed there by the last administration. H.R. 2 is a much-needed sign that the Federal government is keeping its commitment to senior citizens by creating a Social Security and Medicare Trust Lockbox to buttress these dollars against spending raids.

Our action today sends a strong message that saving Social Security and Medicare is a top priority of this Congress. The senior citizens that have contributed so much of their lives to our country deserve the comfort and the peace of mind that their country is there and will be there for them because they were there for us.

It is my hope, Mr. Speaker, that we will move quickly to accept this legislation.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LAHOOD). Pursuant to clause 8 of rule XX, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Any record votes on postponed questions will be taken after debate has concluded on all motions to suspend the rules, but not before 6 p.m. today.

#### CONGRATULATING PRIME MINISTER-ELECT OF ISRAEL, ARIEL SHARON

Mr. HYDE. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 34) congratulating the Prime Minister-elect of Israel, Ariel Sharon, calling for an end to violence in the Middle East, reaffirming the friendship between the Governments of the United States and Israel, and for other purposes, as amended.

The Clerk read as follows:

H. RES. 34

Whereas the Governments of the United States and Israel are close allies and share a deep and abiding friendship based on a shared commitment to democratic values;

Whereas since its establishment in 1948, Israel has fulfilled the dreams of its founders, who envisioned a vigorous, open, and stable democracy;

Whereas the centerpiece of Israeli democracy is its system of competitive, free, and open elections;

Whereas on February 6, 2001, the people of Israel elected Ariel Sharon as Prime Minister of Israel; and

Whereas the election on February 6, 2001, is the most recent example of the commitment of Israel to the democratic ideals of freedom and pluralism, ideals that Israel shares with the United States: Now, therefore, be it

*Resolved*, That the House of Representatives—

(1) congratulates Ariel Sharon on his election as Prime Minister, and extends to him the best wishes of the people of the United States;

(2) commends the people of Israel for reaffirming, through their participation in the election on February 6, 2001, their dedication to democratic ideals;

(3) urges Palestine Liberation Organization Chairman Yasser Arafat to use his influence and resources to see that violence in the Middle East is brought to an end;

(4) calls upon the countries that neighbor Israel and upon the international community to respect the freely expressed will of the people of Israel and to be prepared to engage in constructive relations with the new Government of Israel;

(5) reaffirms the close bonds of friendship that have bound the people of the United States and the people of Israel together through turbulent times for more than half a century; and

(6) restates the commitment of the United States to a secure peace for Israel.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. HYDE) and the gentleman from California (Mr. LANTOS) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois (Mr. HYDE).

GENERAL LEAVE

Mr. HYDE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H. Res. 34, the resolution under consideration.

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

There was no objection.

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

Mr. Speaker, I rise in support of House Resolution 34, a measure which congratulates Prime Minister-elect, Ariel Sharon, of Israel, calls for an end to violence in the Middle East, and reaffirms the friendship between the United States and Israel.

I am pleased to have sponsors of this resolution on behalf of myself and the gentleman from California (Mr. LANTOS), the ranking Democratic member of our Committee on International Relations; and the gentleman from Virginia (Mr. CANTOR), one of our freshmen Members; the gentleman from New York (Mr. GILMAN), chairman of the Subcommittee on the Middle East and South Asia; and the gentleman from New York (Mr. ACKERMAN), the ranking Democratic member of that subcommittee; as well as several other Members.

H. Res. 34 recalls the abiding alliance between Israel and the United States, which is grounded in our shared commitment to democratic values. In over 50 years of Israel's existence, it has stood as a beacon of democracy in a tension- and trouble-filled region.

On February 6, 2001, the citizens of Israel once again went to the polls to elect a Prime Minister in a competitive, free, and open election. That election was decisively won by Ariel Sharon. Accordingly, this legislation congratulates him on his election as Prime Minister and extends to him the best wishes of the people of the United States.

It also commends the people of Israel for reaffirming, through their participation in that election, their dedication to democratic ideals.

Mr. Speaker, the violence that has wracked Israel and the disputed territories for months is indeed deplorable. While H. Res. 34 urges Palestinian Liberation Organization Chairman Yasser Arafat to use his influence and resources to see that violence in the Middle East is brought to an end, the legislation also restates the U.S. commitment to a secure peace for Israel.

Our measure calls upon the countries that neighbor Israel and upon the international community to respect the freely expressed will of the people of Israel and to be prepared to engage in constructive relations with the new government of Israel.

The future will surely bring many new challenges to Israel, including the continued threat of terrorism and the

added danger imposed by weapons of mass destruction. It is critical the United States and Israel maintain an unshakable alliance to further our many mutual interests.

I urge my colleagues to join me in voting for this important resolution.

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

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

Mr. Speaker, this is the first time that the distinguished chairman of the Committee on International Relations and I, as the new ranking member, jointly bring before this body an important resolution. And as we do so, I want to commend the gentleman from Illinois (Chairman HYDE) for his work on this resolution; and I want to express the hope that we will be able to work on a bipartisan basis on a full spectrum of issues that benefit the national interests of the United States.

I rise, Mr. Speaker, in strong support of this resolution. The resolution has several aspects, and I would like to comment briefly on each of these.

The resolution in the first place congratulates the Prime Minister-elect of Israel, Mr. Ariel Sharon, who won the most recent election a few days ago with a landslide victory. This Congress has congratulated all previous Prime Ministers of the State of Israel, a fellow democracy; and I know that my colleagues will join the gentleman from Illinois (Chairman HYDE) and me in expressing our congratulations to the newly elected Prime Minister.

Our two governments, the government of the United States and the government of Israel, are not only close allies and friends, but we share a deep and abiding commitment to democratic values. As a matter of fact, since the founding of the State of Israel in 1948, that state has fulfilled the dreams of its founders who envisioned a vigorous, open and stable democracy; and the centerpiece of that democracy is its system of free, competitive, and open elections.

□ 1415

I find it particularly amusing that some of Israel's neighbors, who have never had free and open elections, now criticize the people of Israel for having participated yet again in free and open and democratic elections.

Now our resolution urges Mr. Arafat to use his considerable influence and very significant resources to see that the violence in Israel and in the West Bank and Gaza come to an end. Mr. Arafat commands a so-called "police force" of over 40,000 well-armed soldiers, and it defies belief that if he were to truly be determined to put an end to the violence he would be incapable of doing so. Forty thousand well-armed men on that small territory are more than adequate to restore peace and stability in the region.

Our resolution, Mr. Speaker, also calls on all the neighbors of the State of Israel and the international commu-

nity to respect the freely expressed will of the people of Israel and to be prepared to engage in meaningful and constructive relations with the new government of Israel.

The gentleman from Illinois (Mr. HYDE) and I have just concluded a lunch with our Secretary of State, Colin Powell, who is about to leave on a journey to the region. I know I speak for all of us in wishing him good luck in this difficult undertaking. It is critical that Israel's neighbors and the countries in the region as a whole display a degree of responsibility, statesmanship, and commitment to move ahead with the peace process.

Clearly, given the current climate, there will be no final resolution of this long-festered conflict; but it is critical for the benefit of all the people in the region—Arabs, Palestinians and Israelis—that peace and stability be restored and the process of sitting down around the negotiating table with the new Government of Israel commence. We here in this body will do our utmost to facilitate this process. I wish the new Government of Israel, yet to be formed, good luck as it attempts to carve out for the people of Israel a permanent, stable and peaceful place in the Middle East.

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

Mr. HYDE. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, the gentleman from Virginia (Mr. CANTOR), a new Member of the House and a new member of the committee, brought the idea of this resolution to me as well as to the gentleman from New York (Mr. GILMAN) and to the gentleman from California (Mr. LANTOS). It was a helpful suggestion and one which demonstrates the leadership quality the gentleman's constituents have recognized by electing him to the House.

Accordingly, I would like to accord him the responsibility for managing the time.

Mr. Speaker, I ask unanimous consent that the gentleman from Virginia (Mr. CANTOR) be permitted to control the balance of my time.

The SPEAKER pro tempore (Mr. LAHOOD). Is there objection to the request of the gentleman from Illinois?

There was no objection.

The SPEAKER pro tempore. The gentleman from Virginia (Mr. CANTOR) will control the time.

Mr. CANTOR. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. GILMAN), the chairman emeritus of the Committee on International Relations and the chairman of the Subcommittee on Middle East and South Asia.

(Mr. GILMAN asked and was given permission to revise and extend his remarks.)

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

I rise in strong support of H. Res. 34, a resolution congratulating Prime

Minister-elect Ariel Sharon of Israel upon his election victory and calling for an end to the violence in the region, underscoring the longstanding friendship between the United States and Israel. I commend the distinguished chairman of our House Committee on International Relations, the gentleman from Illinois (Mr. HYDE), and the gentleman from California (Mr. LANTOS), the ranking member of our committee, for cosponsoring this measure. I want to particularly commend the gentleman from Virginia (Mr. CANTOR), who initiated this measure.

Mr. Speaker, few nations could prosper and grow while under siege, on an almost constant state of alert and under attack, as Israel has had to contend with over the past 50-some years. Yet despite the tension and the violence imposed by unrelenting forces led by PLO Chairman Yasser Arafat, the Israeli people went to the polls in a free, fair, and democratic election to choose a new Prime Minister. General Ariel Sharon won that election by a decisive 25 percent.

We look forward to working with Prime Minister Sharon as he confronts the existential questions that Israel faces daily. We salute Israel and her citizens for their courage, their principled leadership and their commitment to democratic ideals and to peace with security. Support for Israel in the Congress reflects a friendship the American people feel for Israel. Those feelings are reflected in this legislative body's strong commitment to a secure and lasting peace for Israel.

Accordingly, I am pleased and proud to lend my support and cosponsorship to H. Res. 34. I strongly urge my colleagues to support this measure.

Mr. LANTOS. Mr. Speaker, I yield myself such time as I may consume. Before yielding to my next colleague, I want to recognize publicly the 6 years of distinguished service the gentleman from New York (Mr. GILMAN) spent as the distinguished chairman of our committee and welcome him in his new role as chairman of the Subcommittee on Middle East and South Asia.

Mr. Speaker, I yield 2½ minutes to the gentleman from New York (Mr. NADLER).

Mr. NADLER. Mr. Speaker, I rise today in support of this resolution, which celebrates the triumph of Israeli democracy. Israel has been our consistent strategic ally in one of the most important and volatile regions of the world.

Surrounded by enemies, plagued by acts of vicious terrorism, which have claimed the lives of countless civilians, many specifically targeted at children and other noncombatants, Israel has nonetheless maintained its commitment to a free, open, and democratic society. Nations facing far fewer and less substantial threats have degenerated into repressive and despotic regimes.

In the wake of the Israeli election, regardless of whether Members of this

House or, indeed, average Americans may have had a preference for one candidate, party or another, we must continue as we always have to respect the fact that Israel is the only democracy in the Middle East. It is the people of Israel who must live under the guns of hostile neighbors and terrorists, and it is their sons and daughters who must wear the uniform of IDF and bear the risks.

As friends of Israel, we hope for peace; but we remain committed above all to Israel's security. And for that reason we must continue to work with the democratically elected government of Israel. It is only when Israel's neighbors understand that they cannot achieve their goals through violence that they may be willing to talk peace sincerely. As we have unfortunately witnessed, even when offered 95 percent of their stated goals, a Palestinian state, 100 percent of Gaza, and 95 percent of the West Bank, including even sovereignty over sites holy to Judaism as well as to Islam, the Palestinians responded with violence, refusing even to make a counteroffer; violence that continues to this day.

Israel was willing to make substantive and wrenching concessions in the form of land and control, for which in return she asked only the intangible promises of peace. Yasser Arafat could not even bring himself to mouth the words. Instead, he schooled Palestinian children in hate and violence; he placed young children in front of armed terrorists as human shields and offered their parents money to secure those children, practices that have drawn criticism from international human rights organizations.

The members of the world community have now clearly been shown, and we hope they have seen, that the honest and real efforts of Israel and of the United States to secure peace in that region have been rebuffed by the Palestinians, who continue to initiate violence and to proclaim as a condition for the end of that violence demands that, if accepted, would mean the end of the suicide of the Israeli state.

Even under these heavy burdens, Israel remains a strong and vital democracy. I congratulate the people of Israel on their commitment to peace and a free society; and I urge the administration to make clear that we will stand behind Israel 100 percent.

Mr. CANTOR. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. KNOLLENBERG).

(Mr. KNOLLENBERG asked and was given permission to revise and extend his remarks.)

Mr. KNOLLENBERG. Mr. Speaker, I thank the gentleman for yielding me this time, and I appreciate very much the opportunity to speak on this resolution.

I rise today to offer my support for House Resolution 34, congratulating Israel on a fair, democratic election and encouraging long-lasting peace in the Middle East. Both the United

States and Israel share a deep commitment to democracy and free elections. This commitment provides a foundation for the great successes our countries have enjoyed. I join my colleagues today in commending the people of Israel for their dedication to democratic values and a system of competitive, free, and open elections.

This resolution also reaffirms the commitment of the United States to pursuing a secure peace for Israel and all the people of the Middle East. Given the events in and around Israel in recent months, and its relationship with the U.S., I believe supporting Israel is essential to our national interest. I am pleased that this resolution reconfirms our commitment to supporting Israel, and I am hopeful the parties involved in the current turmoil will find a way to bring lasting peace to the region.

Mr. Speaker, I thank the sponsors for bringing this timely resolution to the floor today, and I encourage all Members to join in supporting its passage.

Mr. LANTOS. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. WEINER).

Mr. WEINER. Mr. Speaker, I thank the gentleman from California, and I thank the sponsors of this resolution, especially the gentleman from Virginia (Mr. CANTOR), our new colleague, who has shown such leadership on this issue.

We have once again been reminded of a lesson about the nation of Israel: That she is alone in an ocean of monarchies and dictatorships; that she is a democracy. And we congratulate Ariel Sharon on his election. But we have also been reminded of some valuable lessons that we should keep in mind and remember about the Palestinians. The fact of the matter is that Yasser Arafat and his people have shown time and time again in recent months that they simply do not care about finding peace. They have shown no interest.

As my colleague, the gentleman from New York (Mr. NADLER), pointed out, they were offered everything and then some and said no, and offered no proposals of their own. Instead, they turned to violence of the worst sort, the type of violence that showed not only the images we were led to believe about Israeli forces holding them down, pinned down; but, in fact, much of the violence that happened was outside of area A, outside of area B where Palestinians were looking for violence anywhere they could find it.

And just to make a good graphic image, the Palestinians have been using children as the stones of their war against Israel. This is the button they choose to press at every alternative. When there is a button for peace or a button for war, the Palestinians have pressed the one for war.

If there is any question about the truth of these things, we need only listen to what Yasser Arafat says not to the CNN audience, not to us, but what he says in Arabic to his own people, continually, again and again, preach-

ing the notion of violence, preaching the voices of hate.

When we hold this in stark contrast to the voice King Hussein used when he was trying to get his people to embrace peace, and what Anwar Sadat did at the same time in Egypt to try to get his people ready for peace, we see that Arafat is no peacemaker.

This is also a time for us to be sending a message to the other Arab nations of the world, particularly Syria. We are not unaware that at this time the new president of Syria has within his control the ability to release the hostages that are being held.

□ 1430

I refer to Binyamin Avraham, Adi Avitan, Omer Souad, Elchanan Tannenbaum, Zachary Baumel, Zvi Feldman, Ron Arad and Yehuda Katz. We must never forget these men who are held hostage by Syria and by Hezbollah.

I would hope that President Bush, at the same time that he welcomes the new Prime Minister of Israel, presses for the release of these prisoners of war.

Mr. CANTOR. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. KIRK).

Mr. KIRK. Mr. Speaker, I rise today to congratulate Israel on its free and fair elections and congratulate Prime Minister-elect Ariel Sharon. He is now our partner in peace with this new administration, our President, and a new Congress that must restart the peace process.

Elections are the cornerstones of democracies, and Israel is the preeminent democracy in the Middle East. The United States, as Israel's most important and steadfast ally, honors this election and the new government of Prime Minister Sharon. Secretary of State Colin Powell recently said that Congress must continue to support Israel and her true partners in peace. And I am sure that we will do that. And this will be for Israel's long-term security.

We must finish to respect Israel's right to fight against terrorism and work to uphold and strengthen the security of her people.

I thank the gentleman from Illinois (Mr. HYDE) and the gentleman from California (Mr. LANTOS), the ranking member, for their initiative on this; the gentleman from Virginia (Mr. CANTOR), my freshman colleague; and the gentleman from New York (Mr. GILMAN), my former boss and colleague.

Mr. GILMAN. Mr. Speaker, will the gentleman yield?

Mr. KIRK. I yield to the gentleman from New York.

Mr. GILMAN. Mr. Speaker, I want to commend the gentleman from Illinois (Mr. KIRK), a freshman Member of Congress, who served on our Committee on International Relations and who was very supportive of Israel in that role, and now is even more supportive in his new role of congressman. I thank the gentleman for his comments.

Mr. KIRK. Mr. Speaker, I thank the chairman for his comments.

As a new member of the Committee on Armed Services, I look forward to working with the Committee on International Relations to support this alliance.

Mr. LANTOS. Mr. Speaker, I am pleased to yield 3 minutes to my colleague, the gentleman from Florida (Mr. DEUTSCH).

Mr. DEUTSCH. Mr. Speaker, this is really an exciting day, I think a great day, for our Congress; and I thank the gentleman from Virginia (Mr. CANTOR) for bringing this resolution in front of us. It is clearly a bipartisan effort from both sides of the aisle, but it is also an opportunity for the world's greatest and oldest democracy, the United States of America, through our Chamber, to express our thanks that another democracy exists in a region of the world with too few democracies.

One thing that I think about often in this Chamber is literally right above us is, there is a series of law-givers that look down upon us in this Chamber. And there is only one that has a full frontal relief, and it is Moses literally right in front of us in this Chamber, and it is a part of the world that we are linked to as Americans in many direct ways.

To put in perspective, though, for just a couple of seconds what Israel has gone through in the last several months, over 500 Israelis have died through acts of terrorism since the Oslo Agreements. Over 500 people have died in the most horrendous and horrific circumstance that we have seen and we read about over that period of months.

What would that mean if it happened, God forbid, in the United States of America? What would the equivalent number be? It would be 25,000, 25,000 Americans in our society being killed through acts of terrorism. I do not even think we can contemplate what that would mean as individuals and as a society.

I think many of us understand what the battle is still going on and we thought the battle had ended really of the right of Israel to exist. That is really unfortunately what it seems the battle is still about. It is a battle that is, in a sense, literally not hundreds but thousands of years old. And it is a real question that is there an acceptance of Israel's right to exist from the Palestinian people, or is the thought that this is still a group of people who are like the Crusaders, who are going to last several decades and then leave.

I do not think anyone here believes that. I do not think anyone here thinks that. I do not think there is a soul in Israel that believes that or thinks that. But until that acceptance is there, I think the possibility for peace is more problematic and difficult.

We praise the democracy of Israel, and I think all of us look forward to the opportunity that Ariel Sharon has in this moment of time, that all of us

know historically, there is a moment in time that he can reach out in terms of a hand of peace and a clear hand of peace that others have not been able to do. And I think the words of this Congress and the deeds of this Congress to offer our assistance in that effort are complete, united, and 100 percent.

I urge adoption of the resolution.

Mr. LANTOS. Mr. Speaker, I yield back the balance of my time.

Mr. CANTOR. Mr. Speaker, I yield myself the balance of the time.

Mr. Speaker, I rise in strong support of House Resolution 34 and would like to thank the gentleman from Illinois (Chairman HYDE), the gentleman from New York (Chairman GILMAN) and the gentleman from California (Mr. LANTOS) for their leadership on this issue.

On February 6, the Israeli people went to voting booths. What they said was loud and clear. They said, enough, enough violence, enough of the policy of peace, enough conceding of land and security. And if we listen closely, we will hear something else, we will hear the people say they do not want peace at any cost but peace with security.

It is appropriate today that we congratulate the people of Israel in completing a successful and peaceful transition of power through a democratic election. The election of Ariel Sharon as Israel's Prime Minister, coupled with the new Bush administration, signals a new era for the U.S.-Israel relationship and a new era for the Middle East.

Peace will not be sought for the sake of a legacy. I believe very strongly that the United States must maintain its commitment to Israel's security as a fundamental basis of its involvement in the peace process. Any peace deal must come through direct negotiations between Israel and its neighbors without any prerequisites or forced solutions.

As President Bush's National Security Advisor Condoleezza Rice has said, "We should not think of American involvement for the sake of American involvement." American involvement should occur when we can advance the cause of peace.

We must not impose an artificial deadline on the players in the Middle East. Peace must come on their terms, not ours. Peace must come with security, not in spite of it.

Israel has always made a sincere commitment to peace in the region. Many times their commitment to peace has caused the loss of lives and land. We need to make sure we stand with and support our only Democratic ally in the region.

I join my colleagues today in congratulating Ariel Sharon on his election and welcome a continued dialogue about how to best stop the violence and bring about peace and stability in this vitally important region.

Both the United States and Israel are off on the right foot in this new era, and I look forward to working toward a solution that brings peace with security.

Mr. WAXMAN. Mr. Speaker, as one of America's staunchest allies and the only democracy in the Middle East, Israel continues to set a shining example of free and fair elections, the peaceful transition of power, and vibrant political discourse.

I congratulate Prime Minister-elect Ariel Sharon on his victory and wish him well. I share the Prime Minister's conviction that Palestinian Authority Chairman Yasser Arafat must bring an end to the violence and reign in terrorism.

The Israeli election on February 6 once again demonstrated why the strong bond between the United States and Israel is continually reinforced by our shared values and shared goals. This is the foundation for America's firm solidarity with the State of Israel.

Mr. BENTSEN. Mr. Speaker, as a co-sponsor, I rise in strong support of this resolution, which commends the people of Israel for conducting a free and fair election, and reaffirms the important bonds between the United States and Israel.

On February 6, 2001, the people of Israel elected a new Prime Minister, Likud Party Leader Ariel Sharon. At this time of transition in Israel, I believe it is appropriate to commend the leadership and vision of Prime Minister Ehud Barak. Less than two years ago, Israelis elected Mr. Barak as their Prime Minister, after he aggressively campaigned to pursue lasting peace agreements with the Palestinians and their Arab neighbors. It's fair to say that Mr. Barak delivered on his promise to go the extra mile in the name of peace. During his tenure, Prime Minister Barak withdrew Israeli forces from Lebanon, expressed a willingness to negotiate the return of the Golan Heights to Syria, and offered the Palestinians statehood and control over sections of Jerusalem. Regrettably, after offering more in the name of peace than any of his predecessors, the Palestinian leadership left Mr. Barak's offers at Camp David's negotiating table, favoring instead a return to terror and violence, as witnessed over the past four months in the West Bank and Gaza. Despite the tireless efforts of Mr. Barak and the personal involvement of President Clinton, a peace agreement was not realized. With the far-reaching proposals offered by Mr. Barak now off the table, and with a new Administration in the United States, the future of the peace process remains unclear.

Despite these developments, there is room for optimism. Since his election, Prime Minister-elect Sharon has displayed a willingness to embrace a coalition government, with his overtures to Mr. Barak to join his cabinet as Defense Minister, and former Prime Minister Shimon Peres as Foreign Minister. Yes, some may say that these moves are calculated to meet the statutory 45-day requirement to form a coalition government. But more importantly, these initial gestures may display Mr. Sharon's pragmatic intentions to continue the peace efforts initiated by his predecessors. I hope that is the case. I have also been encouraged by the actions of Secretary of State Colen Powell, who recently announced his intention to travel to the Middle East later this month, and has remained in regular contact with the leaders of Egypt, Jordan, Syria and Saudi Arabia.

The resolution we are considering today expresses strong support for the State of Israel, and for its commitment to the democratic ideals of freedom and pluralism. Importantly,

the resolution also urges Palestinian Authority Chairman Yasser Arafat to use his influence to end the violence in the Middle East, and reaffirms the historical bond of cooperation between the United States and Israel, and our nation's commitment to help secure peace in the Middle East. I believe the U.S. is right to press the Palestinian leadership to abide by the terms of the Oslo Accords, which called for renunciation of violence, and the settlement of all disputes through negotiation.

I believe passage of this legislation is an important gesture, because Israel is our only democratic ally in the Middle East. Regardless of how we may view the results of the Israeli elections, it is important for the U.S. to maintain its solidarity with the State of Israel. With the election of a new Israeli Prime Minister, I am hopeful that the Palestinians will choose dialogue over violence, and that Israel can continue its strong relationship with the U.S. to advance peace and stability in the Middle East.

I encourage my colleagues to stand with the State of Israel and support passage of this important resolution.

Mr. SCHIFF. Mr. Speaker, as a brand new member of the House International Relations Committee, it is my pleasure to rise today to extend my congratulations to Prime Minister-elect Ariel Sharon on his victory in last week's elections, as well as to the people of Israel for their commitment to democratic principles of government. I join my colleagues in assuring Prime Minister-elect Sharon of our country's unwavering support and commitment to the State of Israel. We remain steadfast in our commitment to Israel's security and look forward to working with him in pursuing regional peace and stability, as well as working to further strengthen U.S.-Israel relations.

It is imperative that we continue the dialogue for peace in the Middle East, and to this end, I call upon Palestinian Authority Chairman Yasser Arafat to demonstrate a commitment to the peace process by calling for an immediate end to the violence.

I also want to acknowledge the work of the House International Relations Committee Chairman, Mr. HENRY HYDE, and the lead sponsors of this resolution, Mr. LANTOS, Mr. GILMAN, Mr. ACKERMAN, and Mr. CANTOR, for their work on this resolution. I look forward to working with them in the House International Relations Committee on this and other issues of importance to our national interests and foreign policy.

Ms. JACKSON-LEE of Texas. Mr. Speaker, a fair, free, and open election took place in Israel on February 6, 2001, to determine the next Prime Minister of that nation. I rise today to support House Resolution 34, which congratulates Prime Minister-Elect Ariel Sharon as the elected leader of the people of Israel. I am a cosponsor of this measure.

The measure commends the people of Israel for reaffirming, through participation in the election, their dedication to democratic ideals; urges Palestinian Liberation Organization Yasser Arafat to use his influence and resources to see that violence in the Middle East is brought to an end; and calls upon Israel's neighbors and the international community to respect the will of the Israeli people and engage in constructive relations with the Israeli government.

Naturally, the resolution also reaffirms the close bonds of friendship that have developed

between the peoples of the United States and Israel and restates the commitment of the United States to a secure peace for Israel.

Mr. Speaker, peace is never easy to broker. Prime Minister-Elect Sharon has a formidable task ahead of him, and we need to forge ahead as an international community to help bring further stability to the Middle East. As a result, I am pleased to learn that Prime Minister-Elect Sharon is looking to build some consensus within the considerably wide political spectrum in Israel to bridge differences and gain some momentum for the peace process. It is encouraging that in forming a government, Prime Minister-Elect Sharon has called upon Prime Minister Ehud Barak—he is still leading caretaker government in Israel—and former Prime Minister Shimon Peres to join his coalition government. Hopefully, some arrangement can be made for these distinguished individuals to serve together within an Israeli cabinet.

The larger question of peace in the region is predicated on continued negotiations with the Palestinians. I will always be a strong supporter of the Middle East peace process because we can never stop trying. We struggle for peace, Mr. Speaker, because the current wave of violence is unacceptable. It undermines the very basis for peace, the notion that Palestinians and Israelis can trust each other and live together.

Last year, we edged a little closer to establishing a permanent blueprint for peace between the Israelis and Palestinians at Wye River. The principals involved did their best. While a peace agreement did not come to fruition, the Israelis and Palestinians conducted an unprecedented level of negotiations in the pursuit of a permanent peace. They discussed issues and exchanged viewpoints on pivotal matters of dire meaning to the Israeli people and the Palestinian people.

Mr. Speaker, we don't really know when all parties to this ongoing conflict will find everlasting peace and reconciliation. We do know, however, that Chairman Yasser Arafat of the Palestinian Liberation Organization and Prime Minister-Elect Sharon of Israel have an acute sense of the high stakes involved. Prime Minister-Elect Sharon is currently looking into various confidence-building measures between Israel and the Palestinians in order to improve the atmosphere and proceed towards peace. This is a common sense idea. We have no other alternative.

The recent violence in the Middle East underscores the need to get the peace process back on track. We must do so expeditiously. I urge my colleagues to adopt House Resolution 34.

Mr. PAUL. Mr. Speaker, today I reluctantly rise in opposition to H. Res. 34. This resolution is unclear and, hence, leaves the ability for much mischief. As the resolution's introductory sentence makes clear, this legislation is considered for "other purposes," which is to say, unspecified purposes.

Certainly Israel has been a longstanding friend to the United States, sharing many of our interests including peace, open trade, and free movement across international borders. It is equally clear that the people of Israel and the Middle East have long been torn by violence and, as such, share our desire to seek peace. We should, in fact, call for an end to the violence and hope all parties will see why this must be achieved. We are also right to

congratulate Mr. Sharon, as is customary to be done with the victor of any election. We have all fought those battles ourselves and rightly understand the commitment needed to succeed in that arena.

What then is the problem with this resolution? In fact, there are two problems and they are closely related. The substantive problem here is summed up in that last clause which "restates the commitment of the United States to a secure peace for Israel." Certainly we wish peace upon all the people of the world, and in this sense, we are committed to peace. However, we must ask what other sorts of commitments are implied here. The vagary of this resolution leaves open the possibility that those who support it are endorsing unwise and constitutionally-suspect financial and military commitments abroad. Moreover, peace will not best be secured for Israel by the further injection of the United States into regional affairs; rather, it will come when Israel has the unfettered sovereignty necessary to protect its own security.

As written, this resolution can be interpreted as an endorsement of unconstitutional acts of aggression upon Israel's sovereignty. In this I cannot engage. Thus, it is the less-than-clear nature of the resolution upon which we are voting that makes it necessary for me to object.

This brings me to the second problem, the procedural laxity involved here. This resolution was submitted by a number of distinguished members and referred to the Committee on International Relations. The highly-regarded chairman of that committee is the primary sponsor of this legislation and a number of other committee members are among its original cosponsors. Nonetheless, a number of other members of the committee and I were not included in the process. Perhaps, had this bill traveled through the commonly established processes of this institution we would have had the ability to clarify the "commitments" and "other purposes" to which this bill refers. In short, had the committee held a hearing and mark-up, the vagaries could've been removed in the markup process. In such an instance it would be likely that we could achieve the kind of unanimous support for these resolutions, for which I often hear personal appeals. In the future, those who are interested in gaining such unanimous support might consider these procedural concerns if they seek unanimity on this floor. In the instant case, however I must vote "no" for the reasons I have here expressed.

Hopefully these reasons will be considered so that in future instances the opportunity to make clarifications will be offered to those duly-elected members of the committees of this House.

Ms. SCHAKOWSKY. Mr. Speaker, I am honored to join in strong support of House Concurrent Resolution 45, congratulating the people and the Prime Minister-elect of Israel on the success of the February 6, 2001 election.

I also want to commend the authors of this resolution, the distinguished Chairman of the International Relations Committee (Mr. HYDE), the distinguished ranking Democrat on the International Relations Committee and Co-Chairman of the Congressional Human Rights Caucus (Mr. LANTOS), as well as the gentleman from New York (Mr. ACKERMAN) and the gentleman from Virginia (Mr. CANTOR).

These individuals should be commended for their leadership and I appreciate their working to bring the important measure to the floor.

On behalf of myself and my constituents in the 9th Congressional District of Illinois, I congratulate the people of Israel and the Prime Minister-elect of Israel, Ariel Sharon, for the successful February 6 election which further demonstrates Israel's commitment to democracy.

This resolution also reaffirms the policy of the United States that there must be an end to the violence in the Middle East, that we in this nation value our close friendship with Israel and are committed to Israel's security. Furthermore, it calls on Israel's neighbors and the international community to respect the outcome of this election, and urges the entire international community to help foster peace in the Middle East.

The ongoing violence that threatens the people of Israel is troubling to me and it is important that the United States be clearly on record in support of Israel and in support of peace.

I remain committed to bring whatever I can to guarantee a bright future for Israel and continuing United States support for efforts to bring peace and stability to Israel and the Middle East region. Again, I thank my distinguished colleagues for introducing this resolution and urge all member to vote in support.

Mr. RILEY. Mr. Speaker, I rise as an enthusiastic cosponsor of House Resolution 34. I want to join with my colleagues here in the House in offering my sincere congratulations to Prime Minister-elect Ariel Sharon as he sets out to lead his country and our close ally, Israel, during this very important moment in our history.

Prime Minister Sharon is faced with many challenges. He must work to form a solid coalition and working government. I join with many others in the hope to see a Unity Coalition form in support of Prime Minister Sharon and his plan for both the internal domestic progress of the Israeli state as well as his vision for the achievement of peace. We must believe that a lasting resolution to the violence and division that has existed between the Israelis and Palestinians for far too long is possible. I am confident of this and mindful that major issues remain to be resolved.

The Peace Progress is of central importance to the region. I want to applaud Prime Minister Sharon's strong commitment to the absolute cessation of violence in the Middle East. Violence has plagued the Peace Process and it simply must stop. I believe it is importance that Congress go on record today with a clear message that we support the decision of the Israeli people, we support Prime Minister Sharon, and that we are vitally interested in continuing the close and prosperous relationship that our two countries have worked to foster over these many years. Much work and many monumental decisions remain.

Mr. Speaker, I applaud the sponsors of this bill and House Leadership for bringing it to the floor. I ask my colleagues to support this important resolution.

Mr. GREEN of Texas. Mr. Speaker, today I congratulate Prime Minister-elect Ariel Sharon for his recent victory over Prime Minister Ehud Barak.

Israel is facing a very difficult situation in trying to pursue peace with the Palestinians while at the same time trying to protect the

people of Israel from the forces seeking their destruction. I am hopeful that Prime Minister-elect Sharon will continue to explore options for peace with Chairman Arafat, but there must be a secession of hostilities before any new peace negotiations can commence.

The Middle East peace process is at a crossroads. As we saw by the election returns, the Israeli people do not feel secure in their own homes and communities. Chairman Arafat is responsible for this feeling because it is his followers who are pursuing the course of violence. Prime Minister-elect Sharon will have to confront this violence with whatever means necessary to restore some semblance of order. However, it is my hope that more violence will not be necessary to move the peace process.

Both the Palestinians and the Israelis have the ability to inflict serious damage on one another, but what would that accomplish? I believe Prime Minister-elect Sharon knows this and is willing to restrain his forces if Chairman Arafat will do the same. At this point, the Middle East needs to remember what was accomplished in Oslo and try to rebuild the trust and respect developed there.

To Mr. Sharon, I wish him the best of luck as he moves forward trying to form his coalition government.

To Mr. Arafat, the ball is in his court. He will never achieve anything for his people pursuing the path of violence and terror. There has to be a compromise and I hope what Chairman Arafat was not able to reach with Prime Minister Barak, he can bridge with Prime Minister-elect Sharon.

The United States stands with the people of Israel as they struggle forward to make peace with all their Arab neighbors.

Mr. CAPUANO. Mr. Speaker, I rise today in support of the principles embodied in House Resolution 34. Introduced by my esteemed colleagues, Mr. HYDE, Mr. LANTOS, Mr. CANTOR, Mr. GILMAN and Mr. ACKERMAN, the resolution emphasizes how important it is for the United States to remain engaged in the Middle East and establish a good working relationship with the new government in Israel. I join my colleagues in commending the people of Israel for reaffirming their dedication to the democratic ideals of freedom and pluralism and express my sincere congratulations to Ariel Sharon on his recent election to the position of Prime Minister.

We have reached a critical juncture in the Middle East region. It is imperative for the international community to support and encourage all who seek peace and who wish to end the decades of violence. Killings have become too commonplace. Congress must emphasize peace rather than partisanship and hesitate to lay blame.

In this ongoing and arduous process, it is crucial that the United States maintain its involvement in the peace process and continue to work diligently with the international community and with the new Government in Israel. Real peace must be achieved and the United States must remain an active partner in the process.

I extend my sincerest congratulations to Mr. Sharon and wish him and his colleagues good fortune in the coming months.

Mr. CROWLEY. Mr. Speaker, I rise today in support of House Resolution 34 introduced by my distinguished colleagues from the International Relations Committee, Chairman

HYDE, our Ranking Member, Mr. LANTOS, Mr. GILMAN, Mr. ACKERMAN, and Mr. CANTOR.

On February 6th, the State of Israel held free and fair elections for the 16th time in its 52 year history. In a region more familiar with long-standing monarchies and dictatorships than democratic institutions, Israel should be commended for setting an example to be emulated by others in the Middle East.

On behalf of the residents of the 7th Congressional District of the great state of New York, I would like to congratulate Ariel Sharon on his election victory.

Since its creation in 1948, Israel has made tremendous strides in an effort to co-exist peacefully with its neighbors. It is my hope, that Mr. Sharon will take the torch once held by Rabin and Ben-Gurion, and lead the people of Israel to a peaceful and prosperous tomorrow.

The United States will continue to stand alongside the State of Israel in its quest for such a future.

I commend my colleagues for spearheading this resolution, and I proudly stand with the men and women of this chamber in support of the new administration in Israel.

Mr. ACKERMAN. Mr. Speaker, I rise today to express my strong support for H. Res. 34, congratulating the Prime Minister-elect of Israel, Ariel Sharon. Mr. Sharon's election in a time of crisis speaks volumes about him and the State of Israel. I would add that this resolution says something important about the United States that many countries in the Middle East need to know: Whoever the Prime Minister of Israel may be, that person and the government of Israel will enjoy the friendship and full support of this House and the American people.

Mr. Speaker, I have great confidence in Ariel Sharon, a man who I believe can bring both peace and security to the people of Israel. The people of Israel—the only genuine democracy in the Middle East—have spoken and the results of their election must be respected. Anyone who believes Prime Minister-elect Sharon's election can be used to heighten tension, or to drive a wedge between the United States and Israel, is badly mistaken.

The bond between the United States and Israel, our longstanding friend and ally, is absolutely unshakable. Whether the prime minister is Ehud Barak or Ariel Sharon, Shimon Peres, or Benjamin Netanyahu, it is absolutely critical that all nations know that Israel will have the full support of the United States of America.

Mr. Speaker, Ariel Sharon's election sends a powerful message that we would be well-advised to heed: Yasir Arafat can't be a negotiator for the "peace of the brave" by day and a coordinator of cowardly terrorist acts by night. The people of Israel will not tolerate terrorism as a tool of diplomacy, or as an acceptable response when Palestinians believe that Israel's diplomatic offers are inadequate.

It seems to me that in giving this mandate to Ariel Sharon, the people of Israel are saying, in a very clear way, that peace initiatives will be met with peaceful responses, and that acts of violence will be met with appropriate responses, rather than further concessions.

Mr. Speaker, the Palestinians should be cautioned not to misread Sharon's hardline reputation to mean he is intransigent. This prime minister-elect represents a real opportunity. The Palestinians would be well advised

not to try to wait out Sharon's government until the next election; they may lose more than they gain.

As an original cosponsor of the resolution, I want to commend and thank Mr. HYDE and Mr. LANTOS, the Chairman and the Ranking Minority Member on the House International Relations Committee, for their dedication and effort in getting this bill before the House today.

Mr. CANTOR. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. LAHOOD). The question is on the motion offered by the gentleman from Illinois (Mr. HYDE) that the House suspend the rules and agree to the resolution, H. Res. 34, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. CANTOR. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

#### SOCIAL SECURITY AND MEDICARE LOCK-BOX ACT OF 2001

Mr. SESSIONS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2) to establish a procedure to safeguard the combined surpluses of the Social Security and Medicare hospital insurance trust funds, as amended.

The Clerk read as follows:

##### H.R. 2

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Social Security and Medicare Lock-Box Act of 2001".

#### SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds that—

(1) the Balanced Budget Act of 1997 and strong economic growth have ended decades of deficit spending;

(2) the Government is able to meet its current obligations without using the social security and medicare surpluses;

(3) fiscal pressures will mount as an aging population increases the Government's obligations to provide retirement income and health services;

(4) social security and medicare hospital insurance surpluses should be used to reduce the debt held by the public until legislation is enacted that reforms social security and medicare;

(5) preserving the social security and medicare hospital insurance surpluses would restore confidence in the long-term financial integrity of social security and medicare; and

(6) strengthening the Government's fiscal position through debt reduction would increase national savings, promote economic growth, and reduce its interest payments.

(b) PURPOSE.—It is the purpose of this Act to—

(1) prevent the surpluses of the social security and medicare hospital insurance trust funds from being used for any purpose other

than providing retirement and health security; and

(2) use such surpluses to pay down the national debt until such time as medicare and social security reform legislation is enacted.

#### SEC. 3. PROTECTION OF SOCIAL SECURITY AND MEDICARE SURPLUSES.

(a) PROTECTION OF SOCIAL SECURITY AND MEDICARE SURPLUSES.—Title III of the Congressional Budget Act of 1974 is amended by adding at the end the following new section:

##### "LOCK-BOX FOR SOCIAL SECURITY AND HOSPITAL INSURANCE SURPLUSES

"SEC. 316. (a) LOCK-BOX FOR SOCIAL SECURITY AND HOSPITAL INSURANCE SURPLUSES.—

"(1) CONCURRENT RESOLUTIONS ON THE BUDGET.—

"(A) IN GENERAL.—It shall not be in order in the House of Representatives or the Senate to consider any concurrent resolution on the budget, or an amendment thereto or conference report thereon, that would set forth a surplus for any fiscal year that is less than the surplus of the Federal Hospital Insurance Trust Fund for that fiscal year.

"(B) EXCEPTION.—(i) Subparagraph (A) shall not apply to the extent that a violation of such subparagraph would result from an assumption in the resolution, amendment, or conference report, as applicable, of an increase in outlays or a decrease in revenue relative to the baseline underlying that resolution for social security reform legislation or medicare reform legislation for any such fiscal year.

"(ii) If a concurrent resolution on the budget, or an amendment thereto or conference report thereon, would be in violation of subparagraph (A) because of an assumption of an increase in outlays or a decrease in revenue relative to the baseline underlying that resolution for social security reform legislation or medicare reform legislation for any such fiscal year, then that resolution shall include a statement identifying any such increase in outlays or decrease in revenue.

"(2) SPENDING AND TAX LEGISLATION.—

"(A) IN GENERAL.—It shall not be in order in the House of Representatives or the Senate to consider any bill, joint resolution, amendment, motion, or conference report if—

"(i) the enactment of that bill or resolution, as reported;

"(ii) the adoption and enactment of that amendment; or

"(iii) the enactment of that bill or resolution in the form recommended in that conference report,

would cause the surplus for any fiscal year covered by the most recently agreed to concurrent resolution on the budget to be less than the surplus of the Federal Hospital Insurance Trust Fund for that fiscal year.

"(B) EXCEPTION.—Subparagraph (A) shall not apply to social security reform legislation or medicare reform legislation."

"(b) ENFORCEMENT.—

"(1) BUDGETARY LEVELS WITH RESPECT TO CONCURRENT RESOLUTIONS ON THE BUDGET.—For purposes of enforcing any point of order under subsection (a)(1), the surplus for any fiscal year shall be—

"(A) the levels set forth in the later of the concurrent resolution on the budget, as reported, or in the conference report on the concurrent resolution on the budget; and

"(B) adjusted to the maximum extent allowable under all procedures that allow budgetary aggregates to be adjusted for legislation that would cause a decrease in the surplus for any fiscal year covered by the concurrent resolution on the budget (other than procedures described in paragraph (2)(A)(i)).

"(2) CURRENT LEVELS WITH RESPECT TO SPENDING AND TAX LEGISLATION.—

"(A) IN GENERAL.—For purposes of enforcing subsection (a)(2), the current levels of the surplus for any fiscal year shall be—

"(i) calculated using the following assumptions—

"(I) direct spending and revenue levels at the baseline levels underlying the most recently agreed to concurrent resolution on the budget; and

"(II) for the budget year, discretionary spending levels at current law levels and, for outyears, discretionary spending levels at the baseline levels underlying the most recently agreed to concurrent resolution on the budget; and

"(ii) adjusted for changes in the surplus levels set forth in the most recently agreed to concurrent resolution on the budget pursuant to procedures in such resolution that authorize adjustments in budgetary aggregates for updated economic and technical assumptions in the mid-session report of the Director of the Congressional Budget Office. Such revisions shall be included in the first current level report on the congressional budget submitted for publication in the Congressional Record after the release of such mid-session report.

"(B) BUDGETARY TREATMENT.—Outlays (or receipts) for any fiscal year resulting from social security or medicare reform legislation in excess of the amount of outlays (or less than the amount of receipts) for that fiscal year set forth in the most recently agreed to concurrent resolution on the budget or the section 302(a) allocation for such legislation, as applicable, shall not be taken into account for purposes of enforcing any point of order under subsection (a)(2).

"(3) DISCLOSURE OF HI SURPLUS.—For purposes of enforcing any point of order under subsection (a), the surplus of the Federal Hospital Insurance Trust Fund for a fiscal year shall be the levels set forth in the later of the report accompanying the concurrent resolution on the budget (or, in the absence of such a report, placed in the Congressional Record prior to the consideration of such resolution) or in the joint explanatory statement of managers accompanying such resolution.

"(c) ADDITIONAL CONTENT OF REPORTS ACCOMPANYING BUDGET RESOLUTIONS AND OF JOINT EXPLANATORY STATEMENTS.—The report accompanying any concurrent resolution on the budget and the joint explanatory statement accompanying the conference report on each such resolution shall include the levels of the surplus in the budget for each fiscal year set forth in such resolution and of the surplus or deficit in the Federal Hospital Insurance Trust Fund, calculated using the assumptions set forth in subsection (b)(2)(A).

"(d) DEFINITIONS.—As used in this section:

"(1) The term 'medicare reform legislation' means a bill or a joint resolution to save Medicare that includes a provision stating the following: 'For purposes of section 316(a) of the Congressional Budget Act of 1974, this Act constitutes medicare reform legislation.'

"(2) The term 'social security reform legislation' means a bill or a joint resolution to save social security that includes a provision stating the following: 'For purposes of section 316(a) of the Congressional Budget Act of 1974, this Act constitutes social security reform legislation.'

"(e) WAIVER AND APPEAL.—Subsection (a) may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

“(f) EFFECTIVE DATE.—This section shall cease to have any force or effect upon the enactment of social security reform legislation and medicare reform legislation.”.

(b) CONFORMING AMENDMENT.—The item relating to section 316 in the table of contents set forth in section 1(b) of the Congressional Budget and Impoundment Control Act of 1974 is amended to read as follows:

“Sec. 316. Lock-box for social security and hospital insurance surpluses.”.

#### SEC. 4. PRESIDENTS' BUDGET.

(a) PROTECTION OF SOCIAL SECURITY AND MEDICARE SURPLUSES.—If the budget of the United States Government submitted by the President under section 1105(a) of title 31, United States Code, recommends an on-budget surplus for any fiscal year that is less than the surplus of the Federal Hospital Insurance Trust Fund for that fiscal year, then it shall include a detailed proposal for social security reform legislation or medicare reform legislation.

(b) EFFECTIVE DATE.—Subsection (a) shall cease to have any force or effect upon the enactment of social security reform legislation and medicare reform legislation as defined by section 316(d) of the Congressional Budget Act of 1974.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. SESSIONS) and the gentleman from Ohio (Mr. HALL) each will control 20 minutes.

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

#### GENERAL LEAVE

Mr. SESSIONS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on H.R. 2.

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

There was no objection.

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

Mr. Speaker, in 1999, the Republican Congress led the effort to stop the 30-year raid on the Social Security trust fund. Since then, Republicans have made retirement security a top priority by committing to protect 100 percent of the Social Security surplus.

The Social Security and Medicare Lockbox Act of 2001 continues this effort by once again protecting every cent of the Social Security and Medicare surpluses.

Under this legislation, we will be honest with the American public and exercise fiscal discipline by locking away all the surpluses from the Social Security and Medicare trust funds.

This bill creates a point of order against consideration of any bill, amendment, conference report, or budget resolution that spends any of the Social Security or Part A surpluses.

According to the most recent estimates by the Congressional Budget Office, known as the CBO, \$2.5 trillion of the \$5.6 trillion total surplus over the next 10 years can be attributed to the Social Security trust fund. The Medicare Part A surplus is expected to total \$392 billion.

This means that senior citizens and all Americans can count on the fact that the total of these two surpluses, \$2.88 trillion over 10 years, will be set aside and will be available to them through these crucial programs.

Under the leadership of the gentleman from California (Mr. HERGER), the House overwhelmingly passed a similar Social Security Medicare Lockbox bill last year by a vote of 420–2. Unfortunately, Senate Democrats eventually stalled the bill and we did not achieve consensus. However, the importance of this issue has not gone unnoticed by my colleagues on the other side of the aisle.

In addition to the overwhelming support it received from this House, we also witnessed former Vice President Al Gore's attempts to adopt this issue on his own during the Presidential campaign. Though we are all familiar with the television parities of the campaign season regarding the Lockbox legislation, we must recognize that this is no laughing matter. In fact, it is downright serious.

The irresponsible spending practices of the past must not be allowed to happen again. Senior citizens now and beneficiaries in the future who will depend upon these crucial programs must have assurance and guarantee that the surpluses from the Social Security and Medicare trust funds will be used only toward the strengthening and solvency of these programs.

I am proud of this Republican Congress for its efforts to preserve, protect and modernize Social Security and Medicare. This legislation is simply another step in the long line of efforts to restore fiscal stability to our Nation's retirement systems.

I urge my colleagues to pass this important legislation.

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

Mr. NADLER. Mr. Speaker, I rise in opposition to the bill.

The SPEAKER pro tempore. Is the gentleman from Ohio (Mr. HALL) opposed to the motion to suspend the rules?

Mr. HALL of Ohio. Mr. Speaker, I am not opposed to it.

The SPEAKER pro tempore. Pursuant to clause 1(c) of rule XV, the gentleman from New York (Mr. NADLER) will control 20 minutes.

□ 1445

Mr. NADLER. Mr. Speaker, I ask unanimous consent after speaking to yield 15 minutes of the 20 minutes to the gentleman from Ohio (Mr. HALL).

The SPEAKER pro tempore (Mr. LAHOOD). Without objection, the gentleman from Ohio (Mr. HALL) will control 15 minutes.

There was no objection.

Mr. NADLER. Mr. Speaker, I yield myself such time as I may consume. I rise in opposition to this bill. I recognize that I rise in opposition to almost every other Member of this House in both parties. But I think it is time to

speaking out against this bill and against the nonsense of the lockbox concept which for political reasons has been embraced by Members of both parties at all levels.

It is not true that for the last 30 years we have raided the Social Security system. The fact is the Social Security system when it has a surplus must invest the money in something. The law has always said that it can invest it only in the safest possible investment, namely, government securities. When you invest money in government securities, you are lending money to the government. You float bonds, you buy securities, you lend money to the government.

When you lend money to the government, what the government does with that money has no bearing on the security of the Social Security trust fund. If the government spends that money on housing or education or prescription drugs for Medicare or bombers or submarines, what is in the Social Security trust fund is an IOU for that amount of money.

If the government spends that money to pay down the national debt, what is in the trust fund of the Social Security system? The same IOU for that amount of money. Whether it is wisest and most prudent to spend a given amount of money borrowed by the government from the Social Security system on bombers or missiles or education or housing or paying down the debt is a budget question and a policy question. But it has nothing to do with Social Security.

To say that if you use the proceeds that you have borrowed from the Social Security system for anything other than paying down debt, you are stealing that money from the Social Security system, makes exactly as much sense as saying that your bank is stealing your money when it lends it out as a mortgage loan or a car loan.

The only thing you care about with respect to the money you put in your bank is that the bank has sufficient money to pay you your interest on time and your principal when due. And the only thing the Social Security trust fund cares about when it lends the government money is that the government has sufficient funds to pay the interest on time and to pay back the bond, the security, when it comes due in 10 or 20 years or whenever it may be. Period.

To say that we must not use the proceeds of borrowing from Social Security and paying it back with interest for anything other than paying down the debt, well, it is a good excuse on the part of some why we cannot have government spending for things that otherwise the people of this country and the people of this Congress might want to spend it on, like prescription drugs or housing or health or education or increasing the defense budget or whatever. And it is a good excuse on the part of others why the tax cut cannot be as big as otherwise other people

might want it to be. But it makes no economic sense.

I oppose this bill because although it may make sense this year and maybe next year and maybe the year after to take the entire surplus of the Social Security system and use it for paying down debt because the national debt of the United States is too big, maybe that is the best use of that money this year and next year, it makes no sense to tie the hands of future Congresses and say that always in the future, in all circumstances, the best economic choice for the United States, the best policy choice, the best budget choice is to use that money only for paying down debt.

As I said before, what you do with money that the government borrows from Social Security before it pays it back with interest is a budget and policy question, but it has nothing to do with the safety of the Social Security system. The only thing that bears on that question is does the government have the money to pay it back on time, and then you get into the questions of economic growth and the health of the economy and so forth. To generate better economic growth, at one time it might be that you should pay down debt and another time it might be that you should invest in public works or whatever. We should not tie the hands of future Congresses.

I felt impelled to start raising this today because the political imperative to fool the American people on this subject which both parties have been subject to the last couple of years ought to start coming to an end.

Mr. SHAW. Mr. Speaker, will the gentleman yield?

Mr. NADLER. I yield to the gentleman from Florida.

Mr. SHAW. I just want to point one thing out. The lockbox is released as soon as the Congress saves Social Security. So to say that this is going to bind the hands or tie the hands of future Congresses presupposes that we will not save Social Security, and I will tell the gentleman that with some bipartisan support we will.

Mr. NADLER. Reclaiming my time, the bill by its terms says that the lockbox ends whenever Congress includes in a bill the words "we are saving Social Security," whether we have or not.

Mr. HALL of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this bill was introduced less than a week ago. The House has held no hearings or committee mark-ups. There has been no chance to discuss or consider alternatives. Bringing up the bill this way under suspension of the rules further limits the opportunity for debate and amendment. Even though the bill enjoys overwhelming bipartisan support, that is no reason to shortcut the process, especially when it deals with subjects as serious as Social Security and Medicare.

A group of Democratic Members, led by the gentleman from Arkansas (Mr.

ROSS) and the gentleman from Kansas (Mr. MOORE) drafted an alternative lockbox bill. Their bill supports the same goals as H.R. 2 but includes even stronger language to ensure the safety of Medicare and Social Security. By bringing up the bill under suspension of the rules, this substitute cannot be offered. Furthermore, debate is limited to only 20 minutes, not the usual hour minimum for most important bills.

H.R. 2 has worthy aims, which is the protection of Social Security and Medicare. However, it does not take Medicare off-budget which would give Medicare the same protection as Social Security. Moreover, it contains a large loophole in the protection it offers against future congressional actions.

Mr. Speaker, we have an opportunity to protect Social Security and Medicare for future generations. As this bill continues through the congressional process, I hope there will be more of a chance to shape the bill to ensure it is the very best that we can do.

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

Mr. SESSIONS. Mr. Speaker, I yield 3 minutes to the gentleman from Marysville, California (Mr. HERGER), the cosponsor of this legislation.

Mr. HERGER. Mr. Speaker, today we have an opportunity to reiterate this body's clear and unmistakable commitment to protecting 100 percent of the Social Security and Medicare trust fund surpluses. Before this body considers tax relief, before we consider spending priorities, and before we engage in floor debate on even a single issue dealing with the Federal budget, we are here to put the protection of Social Security and Medicare first. Since the beginning of the Social Security programs, over \$850 billion in Social Security and Medicare trust fund surpluses have been raided and spent on unrelated areas. Last year, House Democrats and Republicans joined together overwhelmingly to pass a lockbox very similar to the one we are considering today.

Unfortunately, it was blocked from consideration by the Democrats in the other body. While we have come a long way in protecting the Social Security trust funds, protection of the trust fund surpluses is still not law. H.R. 2, the Social Security and Medicare Lockbox Act of 2001, amends the Congressional Budget Act of 1974 to create a point of order against any bill, joint resolution, amendment, motion or conference report if the enactment of such legislation would result in a raid of the Social Security or Medicare trust fund surpluses.

This measure ensures that the trust fund surpluses can only be spent on providing retirement and health security, such as reforming Medicare to provide a prescription drug benefit or reforming Social Security to provide more options to younger taxpayers. Furthermore, as a result of not spending the trust fund surpluses, the public debt will be paid down by \$2.9 trillion

over the next 10 years. Our seniors deserve to know that Congress is putting their retirement and health security first.

Among many others, this measure is supported by the United Seniors Association, the U.S. Chamber of Commerce, and Americans for Tax Reform. I encourage my colleagues to join me in supporting this critical measure.

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. MATSUI).

Mr. MATSUI. I thank the gentleman from Ohio for yielding me this time.

Mr. Speaker, this month we are going to have Girl Scout cookie week because you may have read in The Washington Post that Girl Scouts will be selling cookies all over the United States, particularly in Washington. For some reason Washingtonians like cookies. This proposal, the lockbox proposal, has about as much weight to save Social Security as if we would have declared this month the month in which we would honor Girl Scouts for selling cookies.

It has no relevance at all. If you want to reduce the debt, just do not spend the money. In fact, even if you try to spend the money, one way to overcome it is if in fact you just waive points of order. The real issue, and an issue that my Republican colleagues unfortunately refuse to face is the \$1.6 trillion tax cut that will probably be coming up in the next month or so. That is the real rub. That is what will endanger Social Security and Medicare in the long run.

The fact of the matter is the President is now talking about retroactively applying it. That will make the \$1.6 trillion debt \$2 trillion. Plus the loss of interest, we are probably talking about \$2.5 trillion that will be reducing taxes over the next decade. The surplus will not sustain that. The fact of the matter is as we pay down the debt with the Social Security surplus, in the next 10 years we are going to have to increase the debt in order to pay the Social Security benefits that will not be available because of reductions, because the payroll tax will not match it. And as a result of that, the debt reduction in all of this is just temporary. If you are 65 years and younger, your Social Security benefits will be in jeopardy if in fact this tax bill is passed. Because anybody 65 and younger will probably be facing a situation in the next 10 years in which we are going to have to make a decision to increase payroll taxes, reduce Social Security benefits, or increase the national debt.

The reality is that this tax cut will be the key. It is not this resolution that has no weight, no force, and is somewhat irrelevant.

Mr. SESSIONS. Mr. Speaker, I yield 3 minutes to the gentleman from Virginia Beach, Virginia (Mr. SCHROCK), a brand new Member of this body.

Mr. SCHROCK. I thank the gentleman from Texas for yielding time.

Mr. Speaker, I am very proud to be a lead sponsor of this legislation. Today

Congress has the ability to state our clear and unmistakable commitment to protect 100 percent of the Social Security and Medicare trust fund surpluses. Social Security and Medicare represents a sacred compact between the people and their government.

During my campaign for Congress, I listened carefully to constituents throughout my district. They told me that they wanted to make sure that when they retired, their Social Security would be there. They also wanted Congress to ensure that Medicare was solvent and would be there to help cover their medical expenses. By placing surplus trust fund moneys in a budgetary lockbox, we can pledge to all of our constituents that these funds will be available for current and future generations and pay down the national debt.

The Congressional Budget Office estimates that the Social Security surplus will be \$2.5 trillion over the next 10 years and the Medicare hospital insurance surplus will total \$392 billion. We must lock away this money from congressional appropriators and special interest groups and keep our promise to our seniors and all Americans. We have a duty to protect the money our constituents have paid into Social Security and Medicare.

If you oppose raiding the Social Security and Medicare trust fund and support securing these funds for current and future generations, then please support H.R. 2.

Mr. HALL of Ohio. Mr. Speaker, I yield 1½ minutes to the gentleman from New York (Mr. McNULTY).

Mr. McNULTY. I thank the gentleman for yielding time.

Mr. Speaker, I am concerned. In the year 1980, the national debt was less than \$1 trillion. Today it is \$5.7 trillion, six times as much. I do not want to go back to the days of deficit spending. Let us look at the figures we are talking about in the budget proposal this year. We are estimating we will have a \$5.6 trillion surplus in the next 10 years. I do not trust 1-year projections, let alone 10-year projections, but let us assume that that is correct. Today we are going to vote to subtract from that the Social Security and Medicare trust fund moneys of \$2.9 trillion. In other words, we are going to say to the American people, "We are going to stop stealing the money" which we did for many, many years.

□ 1500

I think that bill will get almost unanimous support. So we are making a pledge there. That gets us down to \$2.7 trillion. Then we start talking about this tax cut. I have only heard one person say that we will be able to stick to the \$1.6 trillion. Almost everyone says it is going to cost a lot more than that. Just take the President's figure, and only subtracting \$1.6 trillion, no interest, no implementation costs, nothing else, no retroactivity, and we get down to \$1.1 trillion for the next 10 years to do everything.

There are people running around this town saying we are going to eliminate the national debt in 10 years. We are not even going to eliminate one-fifth of the national debt in the next 10 years. If you took the entire balance, and these are the administration figures, if you took the entire balance and applied it to the national debt, you would only be able to pay off one-fifth of the national debt, and there would be nothing left for any spending, for the President's programs or ours.

For the sake of our children and grandchildren, let us reduce the size of this tax cut and stay away from the days of deficit spending.

Mr. SESSIONS. Mr. Speaker, it is always wonderful when the opposition agrees with you. I appreciate that support today.

Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. GILMAN).

(Mr. GILMAN asked and was given permission to revise and extend his remarks.)

Mr. GILMAN. Mr. Speaker, I rise in strong support of this measure and urge my colleagues to join supporting it. I commend the gentleman from Texas for bringing the measure to the floor at this time.

Mr. Speaker, this measure amends the 1974 Congressional Budget Act by establishing a lockbox mechanism to make certain that the surpluses in Social Security and Medicare part A, Federal Hospital Insurance Trust Fund, from being spent on additional government programs and tax cuts.

One of the key components of this legislation is to provide for a point of order to protect Social Security and Medicare part A surpluses in the House and in the Senate against any resolution, bill, motion, joint resolution, conference report or amendment whose enactment would cause an on-budget surplus to be less than the surplus of the Medicare part A surplus for the same given year.

The legislation makes it out of order in both the House and Senate to consider any budget resolution, bill, joint resolution, conference report or amendment whose enactment would cause an on-budget surplus for any fiscal year to be less than the project surplus of the Federal Hospital Insurance Trust Fund.

Mr. Speaker, for far too long, Congress has proclaimed its desire to protect Social Security for future generations, without following through with any actions to match the proclamations of support. This legislation will provide new budget procedures and parliamentary requirements to make certain that the promises to safeguard Social Security and Medicare will be kept.

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from Arkansas (Mr. ROSS).

Mr. ROSS. Mr. Speaker, I believe H.R. 2 is a good start, but I also do not believe that it goes far enough. I be-

lieve we all agree on the need for a lockbox for Social Security and Medicare. This bill has too many loopholes, too many keys, if you will, that can open the lockbox.

There is a lot of talk these days about surpluses, a lot of talk these days about the need for tax cuts. I support a tax cut for working families. There is not much talk, unfortunately, these days, about the debt, some \$5 trillion.

When we talk about the surplus, let us not take Social Security and Medicare into account. Let us take it off the table.

Yesterday I was in southeast Arkansas, the Delta region, one of the poorest regions in the country. People young and old were telling me that they want the politicians to keep their hands off of Social Security and Medicare.

This is a personal issue with me. You see, my grandfather died when I was a year old. My grandmother first learned how to drive a car, she got her GED, and then she went to nursing school. She is 89 now. She is blind, and she lives from Social Security check to Social Security check.

That is why I, along with the gentleman from Kansas (Mr. MOORE), have offered an alternative, a meaningful lockbox initiative that protects both the Social Security and Medicare surpluses. It is H.R. 560. It has no loopholes; it has no keys to unlock the box. That is why it is supported by the National Committee to Preserve Social Security and Medicare, the Nation's second largest senior advocacy group.

If you truly want to protect Social Security and Medicare, then take the time to compare H.R. 2 with H.R. 560. If you do that, then I am convinced we will join together, like we are here today, and do the right thing by my grandmother and by seniors all across America.

Mr. SESSIONS. Mr. Speaker, I yield 4 minutes to the gentleman from Florida (Chairman SHAW).

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

Mr. Speaker, I appreciate the opportunity to express my support, unconditional support, for H.R. 2, the Social Security and Medicare Lock-Box Act of 2001.

Today Social Security protects 45 million Americans and provides one out of three seniors with their primary source of retirement income. According to the Social Security Administration, 39 percent of all seniors are lifted out of poverty because of their Social Security benefits. Clearly Social Security is one of the most successful and most important Federal programs ever created that we have today.

But Social Security is in trouble. In less than 15 years Social Security will spend more than it receives in taxes. By the year 2037, the trust funds will be absolutely empty; and the program will only pay less than three-fourths of its promised benefits. One of our most important priorities this year is to put

Social Security on sound financial footing so it can continue to pay full benefits far into the future and full benefits without increasing taxes to American workers.

H.R. 2, the Social Security and Medicare Lock-Box Act, is the first critical step towards saving Social Security for all time. This legislation prevents Congress from using the Social Security and Medicare surpluses to cut taxes or increase spending. The lockbox ensures that 100 percent of the Social Security surplus and 100 percent of the Medicare surplus are used to reduce the debt, until we enact legislation to save Social Security and Medicare.

Let me repeat: the full amount will go to pay down the debt until such time as a portion of that is used to save Social Security and Medicare.

The lockbox is important for three reasons: first, it ensures that we have the money to pay for Social Security and Medicare reform once reform plans are enacted; second, it promotes fiscal discipline by forcing the Congress to balance the budget, without relying on Social Security or Medicare surpluses; finally, the lockbox reduces our national debt, resulting in higher national savings, faster economic growth, and lower interest costs for our government.

I encourage all Members to show their commitment to Social Security and Medicare by supporting this most important act and then continue to work with us on the majority side to save Social Security for all time.

There have been a number of speeches that I have heard, mainly coming from the other side, one from my ranking member on the Subcommittee on Social Security, the gentleman from California (Mr. MATSU), likening this somehow to Girl Scout cookies.

This is very important legislation. Does this save Social Security for all time? Absolutely not. It is just a first step. It keeps us from spending the surplus, so it will be there for us to work together on, whenever we can move the minority side to come aboard with us and work to save Social Security for all time.

Is it irrelevant? Of course, it is not irrelevant. It is very relevant, because how are we going to save Social Security if we are giving the surplus away in tax cuts or in new spending programs? It locks it away.

This is the right thing to do. This is the right time to do it. This is important legislation, but it is only a first step. I would encourage all Members to come aboard with us and to vote this most important first step towards Social Security reform. It would be a tragedy not to pass this bill, and not to pass it by an overwhelming vote of well over two-thirds, the amount necessary in order to pass this under suspension.

Mr. HALL of Ohio. Mr. Speaker, I yield 1 minute to the gentleman from Kansas (Mr. MOORE).

Mr. MOORE. Mr. Speaker, I would commend the majority's proposal, but

for one reservation that I have. I am concerned that H.R. 2 contains a giant loophole that would allow the Medicare and Social Security surpluses to be spent for any purpose, so long as it is labeled "reform." For the record, I want to be clear the term "reform" does not and should not include new programs, such as providing a prescription drug benefit under Medicare or changing Social Security to provide for private accounts.

The gentleman from Arkansas (Mr. ROSS) and I have introduced legislation that would correct this problem by entirely preventing the use of Social Security and Medicare trust funds, without exception, except for their intended purpose.

Mr. Speaker, I ask unanimous consent to remove from the Speaker's desk H.R. 560, legislation that would correct the problems of the bill and the loophole in the bill before us today.

The SPEAKER pro tempore (Mr. LAHOOD). Is there objection to the request of the gentleman from Kansas?

Mr. SESSIONS. Mr. Speaker, I reserve the right to object.

Mr. Speaker, what I would like to ask is if we have a copy of this bill.

The SPEAKER pro tempore. Under the Speaker's guidelines, the Chair is not able to entertain the gentleman's request to consider the bill without appropriate clearance.

Mr. SESSIONS. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. ROYCE).

Mr. ROYCE. Mr. Speaker, retirement security is one of the most important challenges that we in Congress are going to face in the years to come. The amount of benefits provided to seniors in the not-too-distant future is going to exceed the amount of payroll taxes taken in. One of the reasons for that is because Americans are having smaller and smaller families, Americans are living longer and longer, and, under that scenario, protecting Social Security becomes absolutely essential. That is why I cosponsored H.R. 2, the Social Security and Medicare Lock-Box Act of 2001.

Mr. Speaker, what this bill does is establish a firewall to protect 100 percent of the Social Security and Medicare trust funds. Under this bill, the trust funds will not be spent on other government programs.

I think all of us know that for some 30 years or so money was borrowed out of the Social Security trust fund. Basically over the last few years, if you will recall, President Clinton said, "Let's protect 60 percent of the funds in the trust fund." The Republicans in the House said, "No, let's protect 100 percent."

For the last few years, that is what we have done. We have set aside 100 percent of those excess FICA taxes that have gone into Social Security. But setting it aside for the here and now is not enough. We need legislation for the long-term, like this bill, to ensure that we put up that firewall so that it is not borrowed again in the future.

Now, in my view, Americans deserve to know that every penny taken out of their paychecks for Social Security and for Medicare will be used to pay for benefits. This legislation will help ensure that.

Furthermore, under this bill the Social Security and Medicare surpluses will be used to pay down the public debt until Social Security and Medicare reform is enacted. This will help lower the burden of debt placed on our children.

Mr. Speaker, I urge my colleagues to pass this legislation.

Mr. HALL of Ohio. Mr. Speaker, I yield 1 minute to the gentlewoman from North Carolina (Mrs. CLAYTON).

Mrs. CLAYTON. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, those who introduced H.R. 2 indeed had a good intent. I think all of us want to find a way to lock in the security for both Social Security as well as for Medicare. However, that bill is more illusionary than real, particularly when you compare it with H.R. 560, which the Democrats put in. It does not allow for the loophole.

This bill, therefore, is illusionary. Although well-intended, it does allow for you to spend the money on other things called "reform." But, more pressing, is to consider that if you took that off of lockbox, took it off the budget, you are assuming you can still spend that, so you say, to the contrary, that you do not want to spend it for tax cuts.

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Take \$1.6 trillion away from that, that suggestion, and we could not meet the needs of the American people and keep our commitment to lock those security funds aside.

So I urge Members to consider that this is well-intended but it will not achieve it. It is more illusory than for real.

Mr. SESSIONS. Mr. Speaker, I yield 2 minutes to the gentleman from Lexington, Kentucky (Mr. FLETCHER).

Mr. FLETCHER. Mr. Speaker, as we look back over the history of this body for 40 years, since the mid sixties we have been spending the money that individuals have paid in their payroll for Social Security and for Medicare. We have been spending it on other government programs.

I remember 2 years ago, my first year here in Congress, the gentleman from California proposed this and we began the first lockbox to set aside Social Security. I can remember some Members were making light of it and saying it was not a real lockbox, and it had a hole in the bottom of it.

That first year I was here 2 years ago we did not spend one penny of Social Security money. The lockbox worked. It kept us disciplined so we did not spend that Social Security. We did it last year with Medicare, and we are repeating it again this year.

Some folks are concerned that we have allowed the use of this Social Security money and Medicare money to

be used for reform. We have to face the fact that if we do not make some changes in improving and modernizing these programs to meet the needs of an aging population, we are going to run into serious problems. Sticking our head in the sand does not work. Using rhetoric for political reasons does not solve the problems we are going to be facing in the future.

I am proud we can support and hope we have bipartisan support for this bill to lock up both the Social Security trust fund and the Medicare trust fund for our future generations, and allow us to begin to look at improvements that will preserve these great programs for future generations.

Mr. HALL of Ohio. Mr. Speaker, I yield 1½ minutes to the gentleman from New Jersey (Mr. HOLT).

(Mr. HOLT asked and was given permission to revise and extend his remarks.)

Mr. HOLT. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, this issue is so important to me that on the first day of the new Congress I reintroduced my legislation that the body considered last term. The legislation would prohibit the spending of any projected budget surpluses until Social Security and Medicare are made solid for today's workers and today's children.

The legislation would ensure that the projected surplus associated would be off limits to Congress and used only for retiring the publicly-held debt; no new spending, no new tax cuts until we have dealt with this matter.

I am concerned that H.R. 2 is being brought up to the floor without possibility of amendment to deal with its gaping loophole. What this legislation's loophole is is to allow a tax cut or other bill if it is presented as Social Security reform.

Mr. Speaker, most young workers do not believe that they will get a dime from Social Security or Medicare. That is why we must assign the highest priority to shoring up these programs and restoring confidence.

Mr. HALL of Ohio. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Ms. SANCHEZ).

Ms. SANCHEZ. Mr. Speaker, I rise today in support of this legislation. Mr. Speaker, 45,351,200 persons received Social Security benefits just this past year. About 63 percent of those people were seniors.

One must ask, has Social Security had an impact in particular to our seniors? When we take a look at the reason why Social Security was put in place, it was to help those seniors not be below the poverty line when they finished their work years.

In fact, if we look even just in California, my home State, we can see that this past year 30 percent of seniors were lifted out of poverty because of their Social Security benefits. Moreover, Social Security is important for women because, as we know, women make less, and women are out of the

work force more often; they change jobs, they stay home to take care of families, so they really need this in their lean years at the back end of their lives.

I urge my colleagues to support this bill.

Mr. Speaker, I rise today in strong support of this important piece of legislation.

45,351,200 persons received Social Security benefits last year. Sixty-three percent of these people are retired workers.

We must ask ourselves, "What impact has Social Security had on our Nation's Seniors?" A study issued by the Center on Budget and Policy Priorities in Washington, DC shows that in 1997, 47.6% of the U.S. population age 65 and older would have been living below the poverty line in 1997 without Social Security benefits.

With Social Security, the poverty rate drops to 11.9%. This is a staggering statistic that demonstrates the impact of this program on our seniors nationwide.

In my home state of California, the same study showed that 43.2% of people age 65 and older would have been living below the poverty line without Social Security. Social Security reduces the number to 12.5%. Thus, 30.7% of all elders in California were lifted from poverty by Social Security.

Moreover, Social Security is particularly beneficial to women who receive 54% of Social Security retirement and survivor benefits. In 1997, Social Security benefits lowered the number of women living below the poverty line from 9.8 million to 2.7 million.

I urge my colleagues to pass this bill and establish a Social Security and Medicare lockbox. We need to pass this bill to ensure that our current and future seniors are provided the benefits they worked so hard to earn. We must continue to move forward to ensure that both programs are ready to meet the demands of the aging Baby Boom generation and beyond.

Mr. HALL of Ohio. Mr. Speaker, I yield 1 minute to the gentlewoman from Michigan (Ms. KILPATRICK).

Ms. KILPATRICK. Mr. Speaker, I thank the gentleman from Ohio for yielding time to me.

Over 45 million seniors and over 30 million American citizens use Medicare and Social Security. At a time when we have record surpluses, we must make sure that we sustain those people and that we do what is right with the surplus. It is going to be impossible to put in a lockbox for Social Security and Medicare, and we should, and at the same time take care of health care, housing, and other needs, education, that the people of America want.

We need a lockbox, we need a tax cut, but they both must be responsible. We must save Social Security, we must protect Medicare. Let this House act accordingly and take care of the citizens of this country.

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. Mr. Speaker, this lockbox is leaking because the money can be used for other reform purposes. But I want to stress something else today, an inescapable big truth about

the President's economic plan. The big truth is that the President has proposed a Mother Hubbard economic plan, a plan that leaves the cupboard bare.

Here is what I mean. We have an alleged surplus of \$5.6 trillion. Today the House will vote to take \$2.9 trillion off the table. So that leaves just \$2.7 trillion for all the spending and tax relief for the next 10 years.

The President has two priorities for that money: a tax cut that will consist of \$2.6 trillion, skewed largely to the wealthy, by the way; and a missile defense system that will cost at least \$100 billion.

So that is it. It is all gone before we reach anything else. We have zero surplus for anything else; for prescription drugs, education, health insurance, zero.

Mr. Speaker, it is a Mother Hubbard plan. The wealthy get to take a tax cut picnic while the rest of this country faces an empty cupboard.

Mr. HALL of Ohio. Mr. Speaker, I yield back the balance of my time.

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

Mr. Speaker, today has been, once again, an exceptional job on behalf of my colleagues in the Democrat party, as well as my colleagues in the Republican party, who have once again approached a very difficult issue with the decision that rather than sticking our heads in the sand, we are going to talk about Social Security, we are going to talk about the things that not only Social Security does for America today and the people who are on Social Security, but also a belief, an abiding belief, that we can do something to make sure it is there for the future of this country.

I would remind my colleagues that the one part about this legislation that is fabulous is that there is an exception in the legislation that any bill that saves Social Security contains this phrase, that if a Member believes that a bill does not save Social Security or Medicare, he or she can always raise a point of order against any part of that legislation.

That is one of the wonderful parts about this bill that is good for all of us. It is a matter of whether we are going to spend the Social Security, or whether we are going to save it.

RE-REFERRAL OF H.R. 2 TO COMMITTEE ON BUDGET AND COMMITTEE ON RULES

Mr. SESSIONS. Mr. Speaker, I ask unanimous consent that the bill, H.R. 2, be re-referred to the Committee on the Budget, and in addition, to the Committee on Rules.

The SPEAKER pro tempore (Mr. LAHOOD). Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. FRELINGHUYSEN. Mr. Speaker, today I rise in support of H.R. 2, The Social Security and Medicare Lockbox Act of 2001. This legislation protects the \$2.9 trillion Social Security and Medicare Trust Fund surplus from being used for any other government spending.

More importantly, this legislation reaffirms our commitment to ensuring a safe and secure retirement for current and future generations of Older Americans.

This legislation in effect creates a security "lockbox" to ensure that the FICA or payroll taxes we pay over the course of many years of hard work are used exactly as they are intended to be used—for Social Security and Medicare. This "lockbox" ensures our money is protected.

When I came to Congress in 1994, taxes were at an all time high, the budget was out of balance, deficit spending was soaring out of control and the Social Security and Medicare trust fund was being raided to pay for other government programs. To put it bluntly, our fiscal house was in shambles.

But what a difference a few years has made. Today, I am proud that we have balanced the federal budget, paid down over \$363 billion dollars of the national debt and cut taxes, all the while protecting and preserving Social Security and Medicare.

Mr. Speaker, as we begin our work in the 107th Congress, the Federal government's projected cumulative surplus—some \$5.7 trillion dollars over the next ten years—presents us with a historic and unprecedented opportunity to continue on a bipartisan course of fiscal discipline. Let's not look back at this moment as an era of missed opportunity.

In the coming days and months, there will be plenty of time to debate what to do with the remainder of the surplus. But before we engage in that debate, we must continue paying down the debt and make clear our commitment to ensuring that Social Security and Medicare will be available to current retirees as well as for our children and grandchildren. That's three generations of Americans that we will ensure have basic retirement security by preserving and protecting Social Security and Medicare. For the past two years, Congress has put aside Social Security and Medicare taxes so these monies aren't spent on other federal programs. With this "lockbox" legislation, Congress will be making these actions a permanent part of the budget process.

Mr. Speaker, I urge my colleagues to vote in favor of H.R. 2. Let us, today, give future generations of Americans the security of knowing that Social Security and Medicare will be there for them when they most need it.

Mrs. LOWEY. Mr. Speaker, I rise today in support of H.R. 2, the Social Security and Medicare Lockbox Act.

In this fortunate time of budget surpluses, it is imperative that we use the Social Security and Medicare trust funds to ensure the long-term viability of these critical programs. If we want to be truthful in our budgeting, then these funds should not and cannot be used to pay for other priorities.

I am nonetheless concerned about some of the provisions in the bill. It is my belief that these provisions make this lockbox legislation less than iron-clad. The bill stops the raid on Social Security and Medicare Trust Fund receipts "until such time as medicare and social security reform legislation is enacted.

What this really means is that once we pass any legislation that constitutes Social Security or Medicare reform, even if the bill does not ensure the long-term solvency of Social Security or Medicare, we are free to use Social Security and Medicare Trust Fund money for whatever we choose.

The Congressional Budget Office (CBO) estimates that in the year 2012, there will be a major demographic shift in the United States. The Baby Boom generation will begin to retire and collect benefits under Social Security and Medicare. And, at the same time, the labor force will contract significantly, reducing the amount of money available to pay those benefits. As a result, the CBO projects that instead of the surpluses we now enjoy, we will suffer large budget deficits as we struggle to pay for these programs.

I support this legislation and I support the idea of Social Security and Medicare reform. But all the reform measures we pass won't mean anything unless we begin to devote resources now to ensure that there will be money available when Baby Boomers begin to retire. This bill is a good start. We need to do much more.

Mr. BENTSEN. Mr. Speaker, I rise in support of H.R. 2, the Social Security and Medicare Lockbox Act of 2001, the latest in a string of measures that the House has passed, with my support, to dedicate the Social Security and Medicare surpluses to public debt reduction until such time as the Social Security or Medicare reform legislation is enacted. Like H.R. 5173, which we passed overwhelmingly in September 2000, H.R. 2 would remove the Social Security surplus from the budget totals for the purposes of developing both the Congressional budget and the President's budget. H.R. 2 would also require the President's budget submission to include a detailed proposal for Social Security or Medicare reform legislation if it recommends an on-budget surplus for any fiscal year that is less than the surplus projected for the Medicare HI trust fund.

My support for H.R. 2 is not without reservations. I am disappointed that the Republican Leadership rushed this bill to the floor, it was introduced last Thursday (February 8, 2001), bypassing consideration in the committees of jurisdiction, including the House Budget Committee. Had H.R. 2 been properly considered in the House Budget Committee, I would have asked what protections are in place, under the bill, to prevent tax cut bills from gaining access to lockbox funds, simply by holding themselves out as Social Security or Medicare reform bills.

Additionally, as a longtime advocate for protecting Medicare, as well as Social Security, I am pleased to see the Republican Majority has joined me in recognizing the need to protect the Medicare surpluses from being used to finance tax cuts. While H.R. 2 would create points of order against spending and tax legislation that would cause a reduction in the portion of projected budget surpluses equal to Medicare trust fund surplus, I am, however, troubled that it stops short of taking Medicare "off-budget." H.R. 2 only requires on-budget surpluses to be at least as large as any surplus in Part A of Medicare. At this time, with Congress abuzz with talk of tax cuts and incomprehensible surpluses, it is more important than ever that Medicare be taken off-budget.

Accordingly, Mr. Speaker, I urge my colleagues to not only join me in taking this step to secure Medicare but to also go further and take Medicare off-budget.

Mr. UDALL of Colorado. Mr. speaker, I will vote for this bill, in the hope that its other supporters are as serious as I am about protecting Social Security and Medicare.

Of course, that is what this bill is supposed to be about. But I think anyone who gives it a careful look will understand why I have my doubts.

On the one hand, the bill would establish the principle that Social Security and Medicare are to be off-limits when Congress makes decisions about federal revenues. It would do that by making it against the rules to consider measures that would invade the Social Security or Medicare surplus. Its sponsors say that this will put both Social Security and Medicare into a "lockbox" to keep them safe.

However, on the other hand there is some fine print in this bill suggesting that this "lockbox" is not all that secure.

In fact, when you read the bill carefully, it looks like this "lockbox" is more like the treasure cave in the story of Ali Baba and the Forty Thieves. Remember, the secret to opening that treasure cave was to know the passwords—"open, sesame." Well, it's exactly the same story here except that for this "lockbox" the passwords are "Social Security reform legislation or Medicare reform legislation."

Those are the passwords because under this bill the new rules to protect Social Security and Medicare will not apply to any bill that includes them.

If you doubt that it is that simple, just read the bill.

First it says that we will have these new rules—but then it says they "shall not apply to social security reform legislation or medicare reform legislation." And it defines "medicare reform legislation" as a bill that "includes a provision stating the following: For purposes of section 316(a) of the Congressional Budget Act of 1974, this Act constitutes medicare reform legislation" and also defines "social security reform legislation" as a bill that "includes a provision stating the following: For purposes of section 316(a) of the Congressional Budget Act of 1974, this Act constitutes social security reform legislation."

So, regardless of what else may be in a tax bill or a spending bill, if it includes those magic words the new rules won't apply—because those are the passwords that will open the "lockbox."

Is it any wonder that some of us have our doubts about whether the "lockbox" is real? Is it any wonder that we have some fears about the reliability of this promise to protect Social Security and Medicare?

Still, Mr. Speaker, today I will be guided by my hopes, not my fears.

I will vote for this bill, and I will hope that the promise of its title—"The Social Security and Medicare Lockbox Act" is not a false one.

But, to rephrase Ronald Reagan, I think that the best policy is to hope now—by voting for this bill—but when the tax and spending bills come, to verify by making sure that we fulfill the promise of protecting Social Security and Medicare for the future.

Mr. NETHERCUTT. Mr. Speaker, The Social Security and Medicare Lock Box Act locks away the entire \$2.9 trillion Social Security and Medicare surpluses, protecting it from increased government spending and tax cuts. I am proud to be part of the first Congress in thirty years which paid all the government's bills without raiding the Social Security Trust fund. This legislation guarantees that we continue to protect the surplus by creating a "lock box" which ensures that the surplus can be used only to pay beneficiaries.

Though the prognosis for the Social Security trust fund has improved with the strong economy, Social Security is still scheduled to begin drawing on the surplus by 2015 and the trust fund will be exhausted by 2037. It is Congress's duty to ensure that the surplus is there for senior citizens while we work to reform the program for future generations. I am proud to support the Social Security and Medicare Lockbox. Senior citizens, as well as all Americans deserve to know that their benefits will be there for them when they retire. I urge my colleagues to support this important legislation.

Mr. GREEN of Texas. Mr. Speaker, I rise today in support of H.R. 2, the Social Security and Medicare Lockbox Act. This legislation aims to protect the Social Security and Medicare trust funds by establishing points of order against bills that would produce a deficit in the non-Social Security portion of the budget.

While this legislation won't do any harm, it certainly won't do any good. There are gaping loopholes in this legislation which would allow for raiding the trust funds if it is done under the cloak of "reform." But this bill is not serious about either reforming or protecting the Social Security and Medicare trusts funds.

In a few short years the baby boom generation will start to retire. The addition of these 75 million Americans is a looming threat to the Social Security and Medicare programs. Congress must act now to ensure the long-term solvency of these valuable programs. This bill is not a serious, long-term solution for our problems. Congress must make some very careful choices in the coming months about our budget surpluses, and how best to use them.

Anyone reading the papers in the last couple of days knows where the president stands on tax-cuts. Now, I support broad tax cuts. I think that we in Congress can work together to relieve the tax burdens of Americans. But I cannot support a tax-cut plan that endangers our economic stability, or the futures of the Social Security and Medicare programs.

According to some estimates, the president's plan could cost as much as \$2.3 trillion over ten years. That's almost eighty-five percent the projected on-budget surplus. This plan leaves almost nothing behind to pay down the national debt, strengthen our national defense, improve our children's education, or, as we're aiming to do today, ensure the solvency of Social Security and Medicare.

Mr. Speaker, I assure you that this legislation will pass almost unanimously. All Members of Congress can agree that Social Security and Medicare funds should be spent only for those purposes, or for the purposes of paying off the national debt. But it's time to make some tough choices about the on-budget surplus, and whether or not Congress is serious about protecting Social Security and Medicare. We must do more than pay lip-service to these programs. Its time to put the on-budget surplus money where our mouth is.

Mr. LAFALCE. Mr. Speaker, I rise in support of H.R. 2, the Social Security and Medicare Lock-Box Act of 2001. In the midst of tax cut fever, when the federal government seems to be awash in black ink, this legislation serves as a sobering reminder that we are, in fact, facing a fiscal time bomb within the next twenty years. With the retirement of the baby boomer generation, we will face an unprecedented fiscal challenge, created largely by the demands on social Security and Medicare.

The Social Security and Medicare Lock Boxes draw a line in the sand, saying that, if we are to fund a large tax cut this year, then we must do so without raiding the Social Security and Medicare Trust Funds. Establishing this imperative for the current tax cut debate is absolutely critical. In recent weeks, some Republicans have been inching away from the commitment to protect the Medicare Trust Fund, led by statements from the Administration. But it is clear that Medicare faces the same long-term funding problems that face Social Security. In fact, Medicare will face them sooner than Social Security. Raiding the Medicare Trust Fund to pay for tax cuts, then, should be absolutely unacceptable to this Congress.

Some might argue that it is unreasonable to allow concerns of 20 years hence to have too much influence over today's policies. But this kind of thinking is akin to a family facing a balloon mortgage payment who nonetheless budgets nothing for it, and worse yet, goes on a spending spree in the years leading up to the balloon payment. Lest anyone doubt that we are facing a long-term fiscal crisis, consider this: today, the United States has 5 workers supporting each of its retirees; by 2030, we will have just 2 workers for every retiree. The fiscal implications of this demographic shift are enormous, and easily overwhelm the surplus numbers we have been debating the past few weeks.

Mr. Speaker, today's legislation is a good first step in acknowledging the true fiscal outlook. I hope we will also recognize the true costs associated with meeting the full obligations of Social Security and Medicare to all of tomorrow's retirees—costs that are daunting no matter what versions of Social Security and Medicare reform you favor. In recognizing these costs, it should be clear to everyone that the President's tax plan is simply not affordable.

Mr. CRENSHAW. Mr. Speaker, today, I am proud to join my colleagues in strong support of the Social Security and Medicare Lockbox Act.

We have a surplus of \$5.6 trillion. And, \$2.9 trillion of that surplus is money that people expect to be there for them when they apply for their Social Security and Medicare benefits.

For the past several years, Congress has locked these trust fund surpluses away through sound fiscal management, despite the absence of a passed lockbox bill. But the American public understands that passage of actual lockbox legislation is a solemn pledge between the Congress and the people that we will not touch those surpluses. And, we should make that pledge to our constituents.

Given the strength of the non-trust fund surplus—\$2.7 trillion—we can well afford to do this and still meet the other needs of our constituents—providing them with much needed tax relief, paying down the debt, and reinvesting in important priorities like defense and education.

I am proud to be an original cosponsor of this legislation, and I urge my colleagues to pass H.R. 2 with a strong bipartisan vote.

Mr. WATTS of Oklahoma. Mr. Speaker, I rise today in strong support of the Social Security and Medicare "Lockbox" Act. This bill locks up the \$2.9 trillion surplus from the Social Security and Medicare trust funds by prohibiting their use for non-Social Security purposes. As a result, it ensures that Congress

will always devote 100 percent of the Social Security and Medicare surpluses to only those retirement programs.

Today, millions of elderly and disabled Americans rely on Social Security and Medicare to provide them with income, basic health insurance coverage, and retirement security. In fact, Medicare provides significant health insurance coverage for 39 million aged and disabled beneficiaries. Therefore, we need to make sure that our seniors receive these much needed services and benefits in the most efficient manner possible.

Because I believe that every working American should know unequivocally that Social Security and Medicare will be there for them when they retire, I am committed to making seniors a top priority by taking the necessary steps to improve their quality of life. Beginning with the Lockbox initiative, Congress can help protect our nations elderly from fraud and abuse, inadequate and poor health care services, and a false sense of retirement security.

After all, our seniors are a national resource that must be preserved to the best of our abilities. therefore, I urge you to join me in securing a future for our seniors by voting in favor of the Lockbox.

Mr. ADERHOLT. Mr. Speaker, I am pleased to join the gentleman from Texas as a cosponsor of H.R. 2, the Social Security and Medicare Lockbox Act of 2001.

Although today, the Social Security program is able to meet its requirements, we face the problem of fewer workers who pay into the Social Security system, while at the same time, the number of retirees eligible for Social Security benefits continues to increase.

I believe Congress and the new Administration can work together to safeguard and strengthen the integrity of the Social Security program. Our Nation's seniors rely on Social Security for approximately 40 percent of their income. Many depend on it for more.

Without a lockbox, approximately \$2.9 trillion in projected Social Security and Medicare Part A surpluses over the next ten years could be spent on programs and initiatives which may do little, if any, to protect our Nation's seniors. H.R. 2 will ensure that these surpluses will be used only to strengthen Social Security and Medicare. Furthermore, protecting Social Security and Medicare makes it easier for the Treasury Department to reduce the public debt.

Mr. Speaker, I urge my colleagues to join me in passing H.R. 2.

Mr. SIMMONS. Mr. Speaker, I rise today in strong support of the Social Security and Medicare Lockbox Act of 2001.

For too many years, the Social Security and Medicare Trust Funds have been raided to pay for other government programs. This longstanding practice has jeopardized the solvency of two programs that millions of Americans depend on.

Today this practice will end.

Today, Republicans and Democrats will come together to stop the raid and commit to protecting 100 percent of the Social Security and Medicare Trust Fund surpluses, providing retirement and health security for our parents, our grandparents, and hopefully some day for our children.

All Americans deserve a Medicare and Social Security system that rewards their hard work, increases their independence and secures their future. H.R. 2 is a step toward this important goal.

I am proud to be an original cosponsor of the Social Security and Medicare Lockbox Act and ask that my colleagues join me in supporting this important piece of legislation.

Mr. STARK. Mr. Speaker, I rise in strong support for the purported purpose of this legislation before us today. We can and should "lockbox" our Social Security and Medicare surpluses so that monies put into them by the working people of America are used as they were intended—to provide financial and health security for them in their senior years or if they become disabled—not to provide a tax break aimed mostly at those with upper incomes.

Unfortunately, the bill before us today talks the talk, but fails to walk the walk.

This bill will not guarantee that either the Social Security or Medicare surpluses are protected from being used to finance tax breaks or any other government spending.

While the bill states that it protects Medicare and Social Security trust funds, it creates a giant exception that if a bill is brought up on the House floor that contains the words "Social Security reform legislation" or "Medicare reform legislation," then the protections for either trust fund no longer exist. It doesn't define what would constitute "reform" of either program. It would be very simple for anyone to circumvent the stated intent of this bill by simply referring to legislation as either Medicare or Social Security reform and then the protections against using the trust funds would be overridden. I could see the argument that a "Star Wars" missile defense system will protect seniors—therefore it is a Medicare reform.

The legislation contains a further loophole that allows the President to dip into the Social Security and/or Medicare surpluses in any budget he presents to Congress as long as the budget claims to reform each of the programs.

The public should not be fooled one moment. President Bush is pushing a tax cut proposal in Congress that he admits costs \$1.6 trillion. The unstated reality is that the proposal costs \$2.5 trillion by the time you count all of the pieces that he's left out of his early version, but that will be included in the end. The entire surplus over the next ten years—if you really protect Medicare and Social Security surpluses—is \$2.7 trillion (and even that figure is highly speculative).

What am I leading up to? There is no way that this tax cut package can pass Congress and get signed into law in a way that leaves money for other government priorities like education, Medicare prescription drug coverage, improved Medicare solvency, or Social Security reform without putting the Medicare and Social Security trust funds on the chopping block.

Anyone who believes otherwise is fooling themselves and passage of this legislation today does nothing to change that fact.

Larry Lindsey, President Bush's chief economic advisor has already been asked whether government should dip into the Social Security surplus to make room for tax cuts and he responded: "It's a question that needs to be asked."

President Bush's Director of the Office of Management and Budget Mitch Daniels has already stated with regard to protecting the Medicare trust fund from any other use that he would be: "very hesitant to treat those funds in the same way as we do in Social Security where I think it is in order."

A February 5 Wall Street Journal article states that, "The Bush Administration also won't wall off Medicare's current surpluses in a 'lockbox' . . . In fact, Mr. Daniels has said he's told his staff not to talk about a Medicare surplus."

Finally, Senate Majority Leader TRENT LOTT has yet to make a commitment on a Medicare lockbox. A recent BNA Daily Report for Executives, asked him about whether he'd decided to lockbox Medicare and he responded, "We're going to think that through."

I will vote for this legislation today. But, I do so with the firm knowledge that my vote—and that of every other member of the House of Representatives—really means nothing about whether we stand for protecting the Medicare and Social Security surpluses for their intended purposes. I hope that the weaknesses of the legislation are not intended and that this vote is a good faith commitment by my colleagues on the other side of the aisle to protect both the Social Security and Medicare surpluses from use for tax cuts or any other new spending. If that commitment is real, we've got a tough job in front of us to ensure that the upcoming tax cut debate doesn't absorb all available government monies—in addition to the Medicare and Social Security trust funds.

Mr. THOMAS M. DAVIS of Virginia. Mr. Speaker, I rise today in strong support of H.R. 2, the Social Security and Medicare Lock Box Act of 2001. I would also like to thank my colleague, Congressman WALLY HERGER, for taking the lead yet again in ensuring that common-sense measures are taken to preserve the Social Security and Medicare Part A programs for our senior citizens.

Currently, both the Social Security and Medicare Part A programs take in more revenue through taxes and premiums than they pay out in benefits. This has resulted in large surpluses in both Trust Funds, estimated to be \$157 billion for Social Security and \$29 billion for Medicare. However, as the Baby Boom generation reaches retirement age, the situation changes significantly. Over the coming years we will see a decrease in the ratio of workers to beneficiaries from 5-to-1 to 2-to-1, causing a precipitous decline in the amounts held in both Trust Funds. By the year 2037, it is estimated that the combined Social Security Trust Funds will be depleted, with revenues only sufficient to pay about 72 percent of benefits. The situation for Medicare is even more dire, with the Part A Trust Fund projected to be depleted by 2025.

We cannot simply put off the difficult decisions for a later day. It is clear that we can enact significant reforms now that are necessary to keep Social Security and Medicare solvent for the future. It is also evident that while this is a challenging task in and of itself, it will be even more difficult, if not impossible, if we allow the surpluses that we currently have to be raided for other government spending. To this end, H.R. 2 creates a lockbox by creating a point of order against any bill, joint resolution, amendment, motion, or conference report that would raid either the Social Security or Medicare Trust Fund. This lockbox ensures that the Trust Fund surpluses will only be used to further pay down our national debt or to strengthen these vital programs for our children and grandchildren. This is a modest, common-sense step to help preserve social security benefits for future retirees.

We have an obligation to keep our promises to our senior citizens. They have paid into Social Security and Medicare over the course of their working lives in the expectation that these benefits would be there to help support them in their later years. We do them a severe injustice if financial mismanagement on our part robs them of the security they deserve. By approving H.R. 2, we will show the American people that we remain committed to saving these invaluable programs. It is for this reason that I urge my colleagues to lend it their full support.

Mr. SCHIFF. Mr. Speaker, I rise in support of the Social Security and Medicare Safe Deposit Lockbox Act.

Passage of this legislation will make certain that the Social Security and Medicare surpluses are protected in a "lock-box" and are not affected by spending increases and tax cuts. However, the Medicare surplus is not taken off-budget by this bill and therefore is not ensured the same protection as the Social Security surplus under current budget rules. This is a critical flaw in this bill and I do not believe that H.R. 2 alone will solve the long-term challenges facing Medicare. Nevertheless, I support passage of the Social Security and Medicare Safe Deposit Lockbox Act of 2001 and will remain committed to protecting these surpluses.

I believe it is absolutely essential that we maintain our fiscal discipline and continue paying down our debt. We must provide resources to deal with long term problems facing Social Security and Medicare, while making room for targeted tax cuts and investments in priority programs.

I am also proud to have joined my colleagues, MIKE ROSS and DENNIS MOORE, in introducing H.R. 560, a bill that would take Medicare off-budget, giving it the same protected status as Social Security, and would lock away Medicare surpluses unless they are to be used for current Medicare programs. While I support the bill before us, our bill has a much stronger enforcement mechanism and would be even more difficult, if not impossible, to violate.

Mr. SESSIONS. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. SESSIONS) that the House suspend the rules and pass the bill, H.R. 2, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. SESSIONS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

#### RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until approximately 6 p.m.

Accordingly (at 3 o'clock and 25 minutes p.m.), the House stood in recess until approximately 6 p.m.

□ 1800

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. SIMPSON) at 6 p.m.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 554, RAIL PASSENGER DISASTER FAMILY ASSISTANCE ACT OF 2001

Mr. GOSS, from the Committee on Rules, submitted a privileged report (Rept. No. 107-1) on the resolution (H. Res. 36) providing for consideration of the bill (H.R. 554) to establish a program, coordinated by the National Transportation Safety Board, of assistance to families of passengers involved in rail passenger accidents, which was referred to the House Calendar and ordered to be printed.

CONGRATULATING PRIME MINISTER-ELECT OF ISRAEL, ARIEL SHARON

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the resolution, House Resolution 34, as amended.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. HYDE) that the House suspend the rules and agree to the resolution, House Resolution 34, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 410, nays 1, answered "present" 1, not voting 20, as follows:

[Roll No. 12]  
YEAS—410

Abercrombie	Blunt	Clayton
Aderholt	Boehlert	Clement
Akin	Boehner	Clyburn
Allen	Bonilla	Coble
Andrews	Borski	Collins
Armey	Boswell	Combest
Baca	Boucher	Condit
Bachus	Boyd	Conyers
Baird	Brady (PA)	Costello
Baker	Brady (TX)	Cox
Baldacci	Brown (OH)	Coyne
Baldwin	Brown (SC)	Cramer
Ballenger	Bryant	Crane
Barcia	Burr	Crenshaw
Barr	Buyer	Crowley
Barrett	Callahan	Cubin
Bartlett	Calvert	Culberson
Barton	Camp	Cummings
Bass	Cannon	Cunningham
Bentsen	Cantor	Davis (CA)
Bereuter	Capito	Davis (FL)
Berkley	Capuano	Davis (IL)
Berman	Cardin	Davis, Jo Ann
Berry	Carson (IN)	Davis, Thomas
Biggart	Carson (OK)	M.
Bilirakis	Castle	Deal
Bishop	Chabot	DeFazio
Blagojevich	Chambliss	DeGette
Blumenauer	Clay	Delahunt

DeLauro	Johnson, Sam	Pelosi
DeLay	Jones (NC)	Pence
DeMint	Jones (OH)	Peterson (MN)
Deutsch	Kanjorski	Peterson (PA)
Diaz-Balart	Kaptur	Petri
Dicks	Keller	Phelps
Dingell	Kelly	Pickering
Doggett	Kennedy (MN)	Pitts
Dooley	Kennedy (RI)	Platts
Doyle	Kerns	Pombo
Dreier	Kildee	Pomeroy
Duncan	Kilpatrick	Portman
Dunn	Kind (WI)	Price (NC)
Edwards	King (NY)	Pryce (OH)
Ehlers	Kingston	Putnam
Ehrlich	Kirk	Quinn
Emerson	Kleczka	Radanovich
Engel	Knollenberg	Ramstad
English	Kolbe	Rangel
Eshoo	Kucinich	Regula
Etheridge	LaFalce	Rehberg
Evans	LaHood	Reyes
Everett	Lampson	Reynolds
Farr	Langevin	Riley
Ferguson	Lantos	Rivers
Flner	Largent	Rodriguez
Flake	Larsen (WA)	Roemer
Fletcher	Larson (CT)	Rogers (KY)
Foley	Latham	Rogers (MI)
Ford	LaTourrette	Ros-Lehtinen
Fossella	Leach	Ross
Frank	Lee	Rothman
Frelinghuysen	Levin	Roukema
Frost	Lewis (CA)	Roybal-Allard
Gallegly	Lewis (GA)	Royce
Ganske	Lewis (KY)	Rush
Gekas	Linder	Ryan (WI)
Gibbons	Lipinski	Ryun (KS)
Gilchrest	LoBiondo	Sabo
Gillmor	Lofgren	Sanchez
Gilman	Lucas (KY)	Sanders
Gonzalez	Lucas (OK)	Sandlin
Goode	Luther	Sawyer
Goodlatte	Maloney (CT)	Saxton
Goss	Maloney (NY)	Scarborough
Graham	Manzullo	Schaffer
Granger	Markey	Schakowsky
Graves	Mascara	Schiff
Green (TX)	Matheson	Schrock
Green (WI)	Matsui	Scott
Greenwood	McCarthy (MO)	Sensenbrenner
Grucci	McCarthy (NY)	Serrano
Gutierrez	McCollum	Sessions
Gutknecht	McCrery	Shadegg
Hall (OH)	McDermott	Shaw
Hall (TX)	McGovern	Shays
Hansen	McHugh	Sherman
Harman	McInnis	Sherwood
Hart	McIntyre	Shows
Hastings (FL)	McKeon	Simmons
Hastings (WA)	McNulty	Simpson
Hayes	Meehan	Sisisky
Hayworth	Meek (FL)	Skeen
Hefley	Meeks (NY)	Skelton
Herger	Menendez	Slaughter
Hill	Mica	Smith (MI)
Hilleary	Millender-	Smith (NJ)
Hilliard	McDonald	Smith (TX)
Hinchev	Miller (FL)	Smith (WA)
Hinojosa	Miller, Gary	Snyder
	Mink	Solis
	Hoeffel	Spence
	Hoeckstra	Spratt
	Holden	Stark
	Holt	Stearns
	Honda	Stenholm
	Hooley	Strickland
	Horn	Stump
	Hostettler	Stupak
	Houghton	Sununu
	Hoyer	Sweeney
	Hulshof	Tancredo
	Hunter	Tanner
	Hutchinson	Tauscher
	Hyde	Tauzin
	Inslee	Taylor (MS)
	Isakson	Taylor (NC)
	Israel	Terry
	Issa	Thomas
	Istook	Thompson (CA)
	Jackson (IL)	Thompson (MS)
	Jackson-Lee	Thornberry
	(TX)	Thune
	Jefferson	Thurman
	Jenkins	Tiaht
	John	Tiberi
	Johnson (CT)	Tierney
	Johnson (IL)	Toomey
	Johnson, E. B.	Towns
	Payne	

Trafficant	Wamp	Wexler
Turner	Waters	Whitfield
Udall (CO)	Watkins	Wicker
Udall (NM)	Watt (NC)	Wilson
Upton	Watts (OK)	Wolf
Velazquez	Waxman	Woolsey
Visclosky	Weiner	Wu
Vitter	Weldon (FL)	Wynn
Walden	Weldon (PA)	Young (FL)
Walsh	Weller	

NAYS—1

Paul

ANSWERED "PRESENT"—1

Rahall

NOT VOTING—20

Ackerman	Cooksey	Miller, George
Becerra	Doolittle	Ortiz
Bonior	Fattah	Rohrabacher
Bono	Gephardt	Shimkus
Brown (FL)	Gordon	Souder
Burton	Lowe	Young (AK)
Capps	McKinney	

□ 1823

So (two-thirds having voted in favor thereof) the rules were suspended and the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mrs. CAPPS. Mr. Speaker, I was unavoidably detained on rollcall vote No. 12. Had I been here I would have voted "yea."

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SIMPSON). Pursuant to clause 8 of rule XX, the Chair will reduce to 5 minutes the minimum time for electronic voting on the additional motion to suspend the rules on which the Chair has postponed further proceedings.

SOCIAL SECURITY AND MEDICARE LOCK-BOX ACT OF 2001

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 2, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. SESSIONS) that the House suspend the rules and pass the bill, H.R. 2, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 407, nays 2, answered "present" 4, not voting 19, as follows:

[Roll No. 13]  
YEAS—407

Abercrombie	Baldwin	Berman
Aderholt	Ballenger	Berry
Akin	Barcia	Biggart
Allen	Barr	Bilirakis
Andrews	Barrett	Bishop
Armey	Bartlett	Blagojevich
Baca	Barton	Blumenauer
Bachus	Bass	Blunt
Baird	Bentsen	Boehlert
Baker	Bereuter	Boehner
Baldacci	Berkley	Bonilla

Borski	Goss	Manzullo	Schakowsky	Stenholm	Udall (NM)
Boswell	Graham	Markey	Schiff	Strickland	Upton
Boucher	Granger	Mascara	Schrock	Stump	Velazquez
Boyd	Graves	Matheson	Scott	Stupak	Visclosky
Brady (PA)	Green (TX)	Matsui	Sensenbrenner	Sununu	Vitter
Brady (TX)	Green (WI)	McCarthy (MO)	Serrano	Sweeney	Walden
Brown (OH)	Greenwood	McCarthy (NY)	Sessions	Tancredo	Walsh
Brown (SC)	Grucci	McCollum	Shadegg	Tanner	Wamp
Bryant	Gutierrez	McCreery	Shaw	Tauscher	Waters
Burr	Gutknecht	McDermott	Shays	Tauzin	Watkins
Buyer	Hall (OH)	McGovern	Sherman	Taylor (MS)	Watt (NC)
Callahan	Hall (TX)	McHugh	Sherwood	Taylor (NC)	Watts (OK)
Calvert	Hansen	McInnis	Shows	Terry	Waxman
Camp	Harman	McIntyre	Simmons	Thomas	Weiner
Cannon	Hart	McKeon	Simpson	Thompson (CA)	Weldon (FL)
Cantor	Hastings (FL)	McNulty	Sisisky	Thompson (MS)	Weldon (PA)
Capito	Hastings (WA)	Meehan	Skeen	Thornberry	Weller
Capps	Hayes	Meek (FL)	Skelton	Thune	Wexler
Capuano	Hayworth	Meeke (NY)	Slaughter	Thurman	Whitfield
Cardin	Hefley	Menendez	Smith (NJ)	Tiahrt	Wicker
Carson (IN)	Herger	Mica	Smith (TX)	Tiberi	Wilson
Carson (OK)	Hill	Millender-McDonald	Smith (WA)	Tierney	Wolf
Castle	Hilleary	Miller (FL)	Solis	Toomey	Woolsey
Chabot	Hilliard	Miller (GA)	Spence	Towns	Wu
Chambliss	Hinojosa	Moakley	Spratt	Trafficant	Wynn
Clay	Hobson	Mollohan	Stark	Turner	Young (FL)
Clayton	Hoefel	Moore	Stearns	Udall (CO)	
Clement	Hoekstra	Moran (KS)			
Clyburn	Holden	Moran (VA)			
Coble	Holt	Morella	Filner	Nadler	
Collins	Honda	Murtha			
Combest	Hooley	Myrick			
Condit	Horn	Napolitano	Hinchev	Sabo	
Conyers	Hostettler	Neal	Mink	Snyder	
Costello	Houghton	Nethercutt			
Cox	Hoyer	Ney			
Coyne	Hulshof	Northup			
Cramer	Hunter	Norwood			
Crane	Hutchinson	Nussle			
Crenshaw	Hyde	Oberstar			
Crowley	Inslee	Obey			
Cubin	Isakson	Olver			
Culberson	Israel	Osborne			
Cummings	Issa	Ose			
Cunningham	Istook	Otter			
Davis (CA)	Jackson (IL)	Owens			
Davis (FL)	Jackson-Lee (TX)	Oxley			
Davis (IL)	Jefferson	Pallone			
Davis, Jo Ann	Jenkins	Pascarell			
Davis, Thomas M.	John	Pastor			
Deal	Johnson (CT)	Paul			
DeFazio	Johnson (IL)	Pelosi			
DeGette	Johnson, E.B.	Pence			
Delahunt	Johnson, Sam	Peterson (MN)			
DeLauro	Jones (NC)	Peterson (PA)			
DeLay	Jones (OH)	Petri			
DeMint	Kanjorski	Phelps			
Deutsch	Kaptur	Pickering			
Diaz-Balart	Keller	Pitts			
Dicks	Kelly	Platts			
Dingell	Kennedy (MN)	Pombo			
Doggett	Kennedy (RI)	Pomeroy			
Dooley	Kerns	Portman			
Doyle	Kildee	Price (NC)			
Dreier	Kilpatrick	Pryce (OH)			
Duncan	Kind (WI)	Putnam			
Dunn	King (NY)	Quinn			
Edwards	Kingston	Radanovich			
Ehlers	Kirk	Rahall			
Ehrlich	Kleczka	Ramstad			
Emerson	Knollenberg	Rangel			
Engel	Kolbe	Regula			
English	Kucinich	Rehberg			
Eshoo	LaFalce	Reyes			
Etheridge	LaHood	Reynolds			
Evans	Lampson	Riley			
Everett	Langevin	Rivers			
Farr	Lantos	Rodriguez			
Fattah	Largent	Roemer			
Ferguson	Larsen (WA)	Rogers (KY)			
Flake	Larson (CT)	Rogers (MI)			
Fletcher	Latham	Rohrabacher			
Foley	LaTourette	Ros-Lehtinen			
Ford	Leach	Ross			
Fossella	Lee	Rothman			
Frank	Levin	Roukema			
Frelinghuysen	Lewis (CA)	Roybal-Allard			
Frost	Lewis (GA)	Royce			
Gallely	Lewis (KY)	Rush			
Ganske	Linder	Ryan (WI)			
Gekas	Lipinski	Ryun (KS)			
Gibbons	LoBiondo	Sanchez			
Gilchrest	Loftgren	Sanders			
Gillmor	Lucas (KY)	Sandlin			
Gilman	Lucas (OK)	Sawyer			
Gonzalez	Luther	Saxton			
Goode	Maloney (CT)	Scarborough			
Goodlatte	Maloney (NY)	Schaffer			

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

#### ELECTION OF MEMBER TO COMMITTEE ON FINANCIAL SERVICES AND COMMITTEE ON GOVERNMENT REFORM

Mr. FROST. Mr. Speaker, I offer a resolution (H. Res. 37) and ask unanimous consent for its immediate consideration in the House.

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

The Clerk read as follows:

H. RES. 37

*Resolved*, That the following named Member be, and is hereby, elected to the following standing committees of the House of Representatives:

Committee on Financial Services: Mr. Sanders of Vermont;

Committee on Government Reform: Mr. Sanders of Vermont.

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

There was no objection.

The resolution was agreed.

A motion to reconsider was laid on the table.

#### MAKING IN ORDER ON WEDNESDAY, FEBRUARY 14, 2001 A MOTION TO SUSPEND THE RULES

Mr. PORTMAN. Mr. Speaker, I ask unanimous consent that it be in order at any time on the legislative day of Wednesday, February 14, 2001, for the Speaker to entertain a motion that the House suspend the rules relating to H.R. 524.

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

There was no objection.

#### MAKING IN ORDER ON WEDNESDAY, FEBRUARY 14, 2001 CONSIDERATION OF H.R. 559, RAIL PASSENGER DISASTER FAMILY ASSISTANCE ACT

Mr. PORTMAN. Mr. Speaker, I ask unanimous consent that it be in order at any time on the legislative day of Wednesday, February 14, 2001, without intervention of any point of order, to consider in the House H.R. 559; that the bill be considered as read for amendment; and that the previous question be considered as ordered on the bill to final passage without intervening motion except for 1 hour of debate, equally divided and controlled by the chairman and ranking member of the Committee on Transportation and Infrastructure and one motion to recommit.

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

There was no objection.

#### SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, and under a previous order

NAYS—2

ANSWERED "PRESENT"—4

NOT VOTING—19

□ 1833

So (two-thirds having voted in favor thereof), the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

The title of the bill was amended so as to read: "To establish a procedure to safeguard the surpluses of the Social Security and Medicare hospital insurance trust funds."

A motion to reconsider was laid on the table.

#### PERSONAL EXPLANATION

Mr. BURTON of Indiana. Mr. Speaker, during rollcall votes Nos. 12 and 13 I was unavoidably detained. Had I been here I would have voted "yea" on rollcall vote No. 12 and "yea" on rollcall vote No. 13.

#### JOINT SESSION OF THE CONGRESS—STATE OF THE UNION MESSAGE

Mr. PORTMAN. Mr. Speaker, I offer a privileged concurrent resolution (H. Con. Res. 28) and ask for its immediate consideration.

The SPEAKER pro tempore (Mr. SIMPSON). The Clerk will report the concurrent resolution.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 28

*Resolved by the House of Representatives (the Senate concurring)*, That the two Houses of Congress assemble in the Hall of the House of Representatives on Tuesday, February 27, 2001, at 9 p.m., for the purpose of receiving such communication as the President of the United States shall be pleased to make to them.

of the House, the following Members will be recognized for 5 minutes each.

#### INTRODUCTION OF FEDERAL JUDICIAL FAIRNESS ACT OF 2001

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Illinois (Mrs. BIGGERT) is recognized for 5 minutes.

Mrs. BIGGERT. Mr. Speaker, I rise today to introduce the Federal Judicial Fairness Act of 2001.

This morning, the American Bar Association and the Federal Bar Association released a report detailing a fundamental problem that has been escalating over the past decade, the erosion of fair and adequate compensation for the Federal judiciary.

These two well-respected groups found that the current salaries of Federal judges have reached such a level of inadequacy and quality that the independence of the third branch of our Federal Government is threatened. I agree with these findings.

Since 1993, Congress has granted Federal judges only three of a possible nine cost-of-living adjustments, leaving our judges with a 13.4 percent decline in purchasing power. Not coincidentally, 54 Federal District Court and Circuit Court judges have left the bench in the 1990s, compared to only three during the entire 1960s.

Yes, the salaries of Federal judges are higher than the average salary in many occupations. But, yes, the salaries that our Federal judges could earn in the private sector could be exponentially higher than what they earn as judges.

No individual agrees to serve in the Federal judiciary because of the pay. Individuals seek and accept nominations to the bench because they want to serve their country. But this does not mean that they should forego fair compensation for their critical work. It should be Congress' goal to ensure that the judges can afford to commit to public service and make certain that the judiciary is not open only to those with the financial means to do so.

Absent a change in the way we compensate these judges, I fear that the superior quality of our Federal judicial system may deteriorate over time.

This is why I am introducing the Federal Judiciary Fairness Act. The bill restores the six cost-of-living adjustments that Congress failed to grant the Federal judiciary in the 1990s, amounting to an immediate 9.6 percent salary increase.

My bill also fixes the annual pay adjustment problems for Federal judges. Unlike other Federal employees, Members of Congress and the President's Cabinet, Federal judges receive a COLA only if Congress specifically authorizes it. Under the Federal Judiciary Fairness Act, Federal judges will receive an annual COLA not subject to the approval of Congress. The size of the COLA would be determined by the Employment Cost Index, but it would not

be larger than one received by other Federal employees under the General Schedule pay rate.

Together, these provisions will do much to remedy a problem, disparity in pay between the private and public sectors, that plagues one of the three branches of the Federal Government. But, Mr. Speaker, this legislation is about more than just fairly compensating the individuals who sit on the Federal bench. We must ensure that our Federal judiciary can attract and retain the best and the brightest. Passing the Federal Judicial Fairness Act is a small but important step in achieving this goal.

I want to thank my colleagues, the gentleman from Mississippi (Mr. WICKER) and the gentleman from Virginia (Mr. DAVIS), for agreeing to be original cosponsors of this legislation; and I urge all my colleagues to support the Federal Judicial Fairness Act.

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

(Mr. UNDERWOOD addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

#### THE ECONOMY

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

Mr. PAUL. Mr. Speaker, many government and Federal Reserve officials have repeatedly argued that we have no inflation to fear; yet those who claim this define inflation as rising consumer and producer prices. Although inflation frequently leads to price increases, we must remember that the free market definition of inflation is the increase in supply of money and credit.

Monetary inflation is seductive in that it can cause great harm without significantly affecting government price indices.

□ 1845

The excess credit may well go into the stock market and real estate speculation, with consumer price increases limited to such things as energy, repairs, medical care and other services. One should not conclude, as so many have in the past decade, that we have no inflation to worry about. Imbalances did develop with the 1990s monetary inflation, but were ignored. They are now becoming readily apparent as sharp adjustments take place, such as we have seen in the past year with the NASDAQ.

When one is permitted to use rising prices as the definition for inflation, it is followed by a nonsensical assumption that a robust economy is the cause for rising prices. Foolish conclusions of this sort lead our economic planners and Federal Reserve officials

to attempt to solve the problem of price and labor cost inflation by precipitating an economic slowdown.

Such a deliberate policy is anathema to a free market economy. It is always hoped that the planned economic slowdown will not do serious harm, but this is never the case. The recession, with rising prices, still comes. That is what we are seeing today.

Raising interest rates six times in 1999 to 2000 has had an effect, and the central planners are now worried. Falsely, they believe that if only the money spigot is once again turned on, all will be well. That will prove to be a pipe dream. It is now recognized that indeed the economy has sharply turned downward, which is what was intended. But can the downturn be controlled? Not likely. And inflation, by even the planners' own definition, is raising its ugly head.

For instance, in the fourth quarter of last year, labor costs rose at an annualized rate of 6.6 percent, the biggest increase in 9 years. What is happening to employment conditions? They are deteriorating rapidly. Economist Ed Hyman reported that 270,000 people lost their jobs in January, a 678 percent increase over a year ago.

A growing number of economists are now doubtful that private growth will save us from the correction that many free market economists predicted would come as an inevitable consequence of the interest rate distortion that Federal Reserve policy causes.

Instead of blind faith in the Federal Reserve to run the economy, we should become more aware of Congress' responsibility for maintaining a sound dollar and removing the monopoly power of our central bank to create money and credit out of thin air, and to fix short-term interest rates, which is the real cause of our economic downturns.

Between 1995 and today, Greenspan increased the money supply, as measured by MZM, by \$1.9 trillion, or a 65 percent increase. There is no reason to look any further for the explanation of why the economy is slipping, with labor costs rising, energy costs soaring, and medical and education costs skyrocketing, while the stock market is disintegrating.

Until we look at the unconstitutional monopoly power the Federal Reserve has over money and credit, we can expect a continuation of our problems. Demanding lower interest rates is merely insisting the Federal Reserve deliberately create even more credit, which caused the problem in the first place. We cannot restore soundness to the dollar by debasing the dollar, which is what lowering interest rates is all about, printing more money.

When control is lost in a sharp downturn, dealing with it by massive monetary inflation may well cause something worse than the stagflation that we experienced in the 1970s; an inflationary recession or depression could result.

This need not happen, and will not if we demand that our dollar not be casually and deliberately debased by our unaccountable Federal Reserve.

#### THE BUDGET FOR DEFENSE

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

Mr. SKELTON. Mr. Speaker, for the most part, Congress looks at national defense with a bipartisan eye. I am proud to say that I have served with five chairmen of the Committee on Armed Services of both parties and of various viewpoints. The number of substantive disagreements on matters of national security have been rewardingly few.

That is why so many of my colleagues and I were encouraged to see both candidates for President urging increases in funding for national defense. That is why President Bush and Vice President CHENEY's declaration that help is on the way sounded welcome to many congressional ears.

That is also why it does not sit too well with us to hear that the President has now decided that no increase is needed, either for next year's budget or to pay the bills already clogging the Pentagon's in-box. I have to say that it probably does not sit too well with a lot of the military officers who broke tradition to publicly endorse the President, either.

But the issue is not "I told you so." It is, instead, about how are we going to get our parents, siblings, and children who are in uniform the resources they need to do their jobs.

The world is an unstable place, and the United States cannot afford to ignore any part of it. That is why our military is working so hard. That is why the cost of keeping our people trained, fed, and properly equipped is so high. We do not get good people by neglecting their needs.

An immediate supplemental appropriation to cover last year's activity and a responsive budget to meet the Nation's needs in the year ahead are both part of the price of American leadership. Delay paying that bill and training stops, ammunition runs out, and good people decide to say good-bye to the service.

Already, the Army reports that it is essentially out of 9-millimeter ammunition used in personal sidearms, and they have cut training because of it. Our commander in Europe, General Ralston, recently told me he has received word to curtail training because the money is running out.

Just this week, a new report indicates that the Navy's top fighters cannot meet their wartime schedules, again because of insufficient resources. In Washington, resources is spelled "m-o-n-e-y."

Troops that cannot train, planes that cannot fly, and an army out of bullets,

if that does not justify supplemental funding, I am not sure what does. I do not believe we can afford any of those consequences. If the President wants to reconsider some of the high-cost programs that interfere with our ability to take care of America's soldiers, sailors, airmen, and marines, that is his prerogative. He has announced a review to do so.

But it is not realistic for him to say, stop the world, America wants to get off. The world will not wait for our strategic review. Neither will the creditors, the men and women in uniform to whom the bills are owed. Without the support that it deserves and that was promised, our military cannot do its job. That, Mr. Speaker, makes nobody proud.

It is not partisan to say that we are disappointed. I know the Members on both sides of the aisle would applaud if the President were to reconsider his decision and make our service people whole. That is not only making good on a promise, it is just the right thing to do.

#### PUBLICATION OF THE RULES OF THE COMMITTEE ON GOVERNMENT REFORM 107TH CONGRESS

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

Mr. BURTON of Indiana. Mr. Speaker, I am submitting the attached Committee on Government Reform rules for the 107th Congress for publication in the CONGRESSIONAL RECORD pursuant to House Rule XI, Clause 2(a)(2). These rules were adopted by the Committee on February 8, 2001.

#### I. RULES OF THE COMMITTEE ON GOVERNMENT REFORM U.S. House of Representatives 107th Congress

Rule XI, clause 1(a)(1)(A) of the House of Representatives provides:

Except as provided in subdivision (B), the Rules of the House are the rules of its committees and subcommittees so far as applicable.

(B) A motion to recess from day to day, and a motion to dispense with the first reading (in full) of a bill or resolution, if printed copies are available, each shall be privileged in committees and subcommittees and shall be decided without debate.

Rule XI, clause 2(a)(1) of the House of Representatives provides, in part:

Each standing committee shall adopt written rules governing its procedures. \* \* \*

In accordance with this, the Committee on Government Reform, on February 8, 2001, adopted the rules of the committee:

##### Rule 1.—Application of Rules

Except where the terms "full committee" and "subcommittee" are specifically referred to, the following rules shall apply to the Committee on Government Reform and its subcommittees as well as to the respective chairmen.

[See House Rule XI, 1.]

##### Rule 2.—Meetings

The regular meetings of the full committee shall be held on the second Tuesday of each month at 10 a.m., when the House is in session. The chairman is authorized to dispense

with a regular meeting or to change the date thereof, and to call and convene additional meetings, when circumstances warrant. A special meeting of the committee may be requested by members of the committee following the provisions of House Rule XI, clause 2(c)(2). Subcommittees shall meet at the call of the subcommittee chairmen. Every member of the committee or the appropriate subcommittee, unless prevented by unusual circumstances, shall be provided with a memorandum at least three calendar days before each meeting or hearing explaining (1) the purpose of the meeting or hearing; and (2) the names, titles, background and reasons for appearance of any witnesses. The ranking minority member shall be responsible for providing the same information on witnesses whom the minority may request.

[See House Rule XI, 2 (b) and (c).]

##### Rule 3.—Quorums

A majority of the members of the committee shall form a quorum, except that two members shall constitute a quorum for taking testimony and receiving evidence, and one-third of the members shall form a quorum for taking any action other than the reporting of a measure or recommendation. If the chairman is not present at any meeting of the committee or subcommittee, the ranking member of the majority party on the committee or subcommittee who is present shall preside at that meeting.

[See House Rule XI, 2(h).]

##### Rule 4.—Committee Reports

Bills and resolutions approved by the committee shall be reported by the chairman following House Rule XIII, clauses 2-4.

A proposed report shall not be considered in subcommittee or full committee unless the proposed report has been available to the members of such subcommittee or full committee for at least three calendar days (excluding Saturdays, Sundays, and legal holidays, unless the House is in session on such days) before consideration of such proposed report in subcommittee or full committee. Any report will be considered as read if available to the members at least 24 hours before consideration, excluding Saturdays, Sundays, and legal holidays unless the House is in session on such days. If hearings have been held on the matter reported upon, every reasonable effort shall be made to have such hearings available to the members of the subcommittee or full committee before the consideration of the proposed report in such subcommittee or full committee. Every investigative report shall be approved by a majority vote of the committee at a meeting at which a quorum is present.

Supplemental, minority, or additional views may be filed following House Rule XI, clause 2(l) and Rule XIII, clause 3(a)(1). The time allowed for filing such views shall be three calendar days, beginning on the day of notice, but excluding Saturdays, Sundays, and legal holidays (unless the House is in session on such a day), unless the committee agrees to a different time, but agreement on a shorter time shall require the concurrence of each member seeking to file such views.

An investigative or oversight report may be filed after sine die adjournment of the last regular session of Congress, provided that if a member gives timely notice of intention to file supplemental, minority or additional views, that member shall be entitled to not less than seven calendar days in which to submit such views for inclusion with the report.

Only those reports approved by a majority vote of the committee may be ordered printed, unless otherwise required by the Rules of the House of Representatives.

##### Rule 5.—Proxy Votes

In accordance with the Rules of the House of Representatives, members may not vote

Only those reports approved by a majority vote of the committee may be ordered printed, unless otherwise required by the Rules of the House of Representatives.

*Rule 5.—Proxy Votes*

In accordance with the Rules of the House of Representatives, members may not vote by proxy on any measure or matter before the committee or any subcommittee.

[See House Rule XI, 2(f).]

*Rule 6.—Record Votes*

A record vote of the members may be had upon the request of any member upon approval of a one-fifth vote.

[See House Rule XI, 2(e).]

*Rule 7.—Record of Committee Actions*

The committee staff shall maintain in the committee offices a complete record of committee actions from the current Congress including a record of the rollcall votes taken at committee business meetings. The original records, or true copies thereof, as appropriate, shall be available for public inspection whenever the committee offices are open for public business. The staff shall assure that such original records are preserved with no unauthorized alteration, additions, or defacement.

[See House Rule XI, 2(e).]

*Rule 8.—Subcommittees; Referrals*

There shall be eight subcommittees with appropriate party ratios that shall have fixed jurisdictions. Bills, resolutions, and other matters shall be referred by the chairman to subcommittees within two weeks for consideration or investigation in accordance with their fixed jurisdictions. Where the subject matter of the referral involves the jurisdiction of more than one subcommittee or does not fall within any previously assigned jurisdiction, the chairman shall refer the matter as he may deem advisable. Bills, resolutions, and other matters referred to subcommittees may be reassigned by the chairman when, in his judgement, the subcommittee is not able to complete its work or cannot reach agreement therein. In a subcommittee having an even number of members, if there is a tie vote with all members voting on any measure, the measure shall be placed on the agenda for full committee consideration as if it had been ordered reported by the subcommittee without recommendation. This provision shall not preclude further action on the measure by the subcommittee.

[See House Rule XI, 1(a)(2).]

*Rule 9.—Ex Officio Members*

The chairman and the ranking minority member of the committee shall be ex officio members of all subcommittees. They are authorized to vote on subcommittee matters; but, unless they are regular members of the subcommittee, they shall not be counted in determining a subcommittee quorum other than a quorum for taking testimony.

*Rule 10.—Staff*

Except as otherwise provided by House Rule X, clauses 6, 7 and 9, the chairman of the full committee shall have the authority to hire and discharge employees of the professional and clerical staff of the full committee and of subcommittees.

*Rule 11.—Staff Direction*

Except as otherwise provided by House Rule X, clauses 6, 7 and 9, the staff of the committee shall be subject to the direction of the chairman of the full committee and shall perform such duties as he may assign.

*Rule 12.—Hearing Dates and Witnesses*

The chairman of the full committee will announce the date, place, and subject matter of all hearings at least one week before the commencement of any hearings, unless he

determines, with the concurrence of the ranking minority member, or the committee determines by a vote, that there is good cause to begin such hearings sooner. So that the chairman of the full committee may coordinate the committee facilities and hearings plans, each subcommittee chairman shall notify him of any hearing plans at least two weeks before the date of commencement of hearings, including the date, place, subject matter, and the names of witnesses, willing and unwilling, who would be called to testify, including, to the extent he is advised thereof, witnesses whom the minority members may request. The minority members shall supply the names of witnesses they intend to call to the chairman of the full committee or subcommittee at the earliest possible date. Witnesses appearing before the committee shall so far as practicable, submit written statements at least 24 hours before their appearance and, when appearing in a non-governmental capacity, provide a curriculum vitae and a listing of any Federal Government grants and contracts received in the previous fiscal year.

[See House Rules XI, 2 (g)(3), (g)(4), (j) and (k).]

*Rule 13.—Open Meetings*

Meetings for the transaction of business and hearings of the committee shall be open to the public or closed in accordance with Rule XI of the House of Representatives.

[See House Rules XI, 2 (g) and (k).]

*Rule 14.—Five-Minute Rule*

(1) A committee member may question a witness only when recognized by the chairman for that purpose. In accordance with House Rule XI, clause 2(j)(2), each committee member may request up to five minutes to question a witness until each member who so desires has had such opportunity. Until all such requests have been satisfied, the chairman shall, so far as practicable, recognize alternately based on seniority of those majority and minority members present at the time the hearing was called to order and others based on their arrival at the hearing. After that, additional time may be extended at the direction of the chairman.

(2) The chairman, with the concurrence of the ranking minority member, or the committee by motion, may permit an equal number of majority and minority members to question a witness for a specified, total period that is equal for each side and not longer than thirty minutes for each side.

(3) The chairman, with the concurrence of the ranking minority member, or the committee by motion, may permit committee staff of the majority and minority to question a witness for a specified, total period that is equal for each side and not longer than thirty minutes for each side.

(4) Nothing in paragraph (2) or (3) affects the rights of a Member (other than a Member designated under paragraph (2)) to question a witness for 5 minutes in accordance with paragraph (1) after the questioning permitted under paragraph (2) or (3). In any extended questioning permitted under paragraph (2) or (3), the chairman shall determine how to allocate the time permitted for extended questioning by majority members or majority committee staff and the ranking minority member shall determine how to allocate the time permitted for extended questioning by minority members or minority committee staff. The chairman or the ranking minority member, as applicable, may allocate the time for any extended questioning permitted to staff under paragraph (3) to members.

*Rule 15.—Investigative Hearing Procedures*

Investigative hearings shall be conducted according to the procedures in House Rule

XI, clause 2(k). All questions put to witnesses before the committee shall be relevant to the subject matter before the committee for consideration, and the chairman shall rule on the relevance of any questions put to the witnesses.

*Rule 16.—Stenographic Record*

A stenographic record of all testimony shall be kept of public hearings and shall be made available on such conditions as the chairman may prescribe.

*Rule 17.—Audio and Visual Coverage of Committee Proceedings*

(1) An open meeting or hearing of the committee or a subcommittee may be covered, in whole or in part, by television broadcast, radio broadcast, Internet broadcast, and still photography, unless closed subject to the provisions of House Rule XI, clause 2(g). Any such coverage shall conform with the provisions of House Rule XI, clause 4.

(2) Use of the Committee Broadcast System shall be fair and nonpartisan, and in accordance with House Rule XI, clause 4(b), and all other applicable rules of the House of Representatives and the Committee on Government Reform. Members of the committee shall have prompt access to a copy of coverage by the Committee Broadcast System, to the extent that such coverage is maintained.

(3) Personnel providing coverage of an open meeting or hearing of the committee or a subcommittee by Internet broadcast, other than through the Committee Broadcast System, shall be currently accredited to the Radio and Television Correspondents' Galleries.

*Rule 18.—Additional Duties of Chairman*

The chairman of the full committee shall:

(a) Make available to other committees the findings and recommendations resulting from the investigations of the committee or its subcommittees as required by House Rule X, clause 4(c)(2);

(b) Direct such review and studies on the impact or probable impact of tax policies affecting subjects within the committee's jurisdiction as required by House Rule X, clause 2(c);

(c) Submit to the Committee on the Budget views and estimates required by House Rule X, clause 4(f), and to file reports with the House as required by the Congressional Budget Act;

(d) Authorize and issue subpoenas as provided in House Rule XI, clause 2(m), in the conduct of any investigation or activity or series of investigations or activities within the jurisdiction of the committee;

(e) Prepare, after consultation with subcommittee chairmen and the minority, a budget for the committee which shall include an adequate budget for the subcommittees to discharge their responsibilities;

(f) Make any necessary technical and conforming changes to legislation reported by the committee upon unanimous consent; and

(g) Designate a vice chairman from the majority party.

*Rule 19.—Commemorative Stamps*

The committee has adopted the policy that the determination of the subject matter of commemorative stamps properly is for consideration by the Postmaster General and that the committee will not give consideration to legislative proposals for the issuance of commemorative stamps. It is suggested that recommendations for the issuance of commemorative stamps be submitted to the Postmaster General.

**II. SELECTED RULES OF THE HOUSE OF REPRESENTATIVES**

**A. 1. Powers and Duties of the Committee—Rule X of the House**

House Rule X provides for the organization of standing committees. The first paragraph

of clause 1 of Rule X and subdivision (h) thereof reads as follows:

ORGANIZATION OF COMMITTEES

**Committees and their legislative jurisdictions**

1. There shall be in the House the following standing committees, each of which shall have the jurisdiction and related functions assigned by this clause and clauses 2, 3, and 4. All bills, resolutions, and other matters relating to subjects within the jurisdiction of the standing committees listed in this clause shall be referred to those committees, in accordance with clause 2 of rule XII, as follows:

\* \* \* \* \*

(h) **Committee on Government Reform.**

(1) Federal civil service, including intergovernmental personnel; and the status of officers and employees of the United States, including their compensation, classification, and retirement.

(2) Municipal affairs of the District of Columbia in general (other than appropriations).

(3) Federal paperwork reduction.

(4) Government management and accounting measures generally.

(5) Holidays and celebrations.

(6) Overall economy, efficiency, and management of government operations and activities, including Federal procurement.

(7) National archives.

(8) Population and demography generally, including the Census.

(9) Postal service generally, including transportation of the mails.

(10) Public information and records.

(11) Relationship of the Federal Government to the States and municipalities generally.

(12) Reorganizations in the executive branch of the Government.

**2. General Oversight Responsibilities—Rule X, Clauses 2 and 3 of the House**

Clause 2 of Rule X relates to general oversight responsibilities. Paragraphs (a), (b), (c), (d), and (e) of clause 2 read as follows:

2. (a) The various standing committees shall have general oversight responsibilities as provided in paragraph (b) in order to assist the House in—

(1) its analysis, appraisal, and evaluation of—

(A) the application, administration, execution, and effectiveness of Federal laws; and

(B) conditions and circumstances that may indicate the necessity or desirability of enacting new or additional legislation; and

(2) its formulation, consideration, and enactment of changes in Federal laws, and of such additional legislation as may be necessary or appropriate.

(b)(1) In order to determine whether laws and programs addressing subjects within the jurisdiction of a committee are being implemented and carried out in accordance with the intent of Congress and whether they should be continued, curtailed, or eliminated, each standing committee (other than the Committee on Appropriations) shall review and study on a continuing basis—

(A) the application, administration, execution, and effectiveness of laws and programs addressing subjects within its jurisdiction;

(B) the organization and operation of Federal agencies and entities having responsibilities for the administration and execution of laws and programs addressing subjects within its jurisdiction;

(C) any conditions or circumstances that may indicate the necessity or desirability of enacting new or additional legislation addressing subjects within its jurisdiction (whether or not a bill or resolution has been introduced with respect thereto); and

(D) future research and forecasting on subjects within its jurisdiction.

(2) Each committee to which subparagraph (1) applies having more than 20 members shall establish an oversight subcommittee, or require its subcommittees to conduct oversight in their respective jurisdictions, to assist in carrying out its responsibilities under this clause. The establishment of an oversight subcommittee does not limit the responsibility of a subcommittee with legislative jurisdiction in carrying out its oversight responsibilities.

(c) Each standing committee shall review and study on a continuing basis the impact or probable impact of tax policies affecting subjects within its jurisdiction as described in clauses 1 and 3.

(d)(1) Not later than February 15 of the first session of a Congress, each standing committee shall, in a meeting that is open to the public and with a quorum present, adopt its oversight plan for that Congress. Such plan shall be submitted simultaneously to the Committee on Government Reform and to the Committee on House Administration. In developing its plan each committee shall, to the maximum extent feasible—

(A) consult with other committees that have jurisdiction over the same or related laws, programs, or agencies within its jurisdiction with the objective of ensuring maximum coordination and cooperation among committees when conducting reviews of such laws, programs, or agencies and include in its plan an explanation of steps that have been or will be taken to ensure such coordination and cooperation;

(B) review specific problems with Federal rules, regulations, statutes, and court decisions that are ambiguous, arbitrary, or nonsensical, or that impose severe financial burdens on individuals;

(C) give priority consideration to including in its plan the review of those laws, programs, or agencies operating under permanent budget authority or permanent statutory authority; and

(D) have a view toward ensuring that all significant laws, programs, or agencies within its jurisdiction are subject to review every 10 years.

(2) Not later than March 31 in the first session of a Congress, after consultation with the Speaker, the Majority Leader, and the Minority Leader, the Committee on Government Reform shall report to the House the oversight plans submitted by committees together with any recommendations that it, or the House leadership group described above, may make to ensure the most effective coordination of oversight plans and otherwise to achieve the objectives of this clause.

(e) The Speaker, with the approval of the House, may appoint special ad hoc oversight committees for the purpose of reviewing specific matters within the jurisdiction of two or more standing committees.

**Special oversight functions**

Clause 3 of Rule X also relates to oversight functions. Paragraph (e) reads as follows:

\* \* \* \* \*

(e) The Committee on Government Reform shall review and study on a continuing basis the operation of Government activities at all levels with a view to determining their economy and efficiency.

**3. Additional Functions of Committees—Rule X, Clauses 4, 6 and 7 of the House**

Clause 4 of Rule X relates to additional functions of committees and committee budgets. Paragraphs (a)(2), (c) and (f) of clause 4 and clauses 6 and 7 read as follows:

4. (a)

\* \* \* \* \*

(2) Pursuant to section 401(b)(2) of the Congressional Budget Act of 1974, when a committee reports a bill or joint resolution that

provides new entitlement authority as defined in section 3(9) of that Act, and enactment of the bill or joint resolution, as reported, would cause a breach of the committee's pertinent allocation of new budget authority under section 302(a) of that Act, the bill or joint resolution may be referred to the Committee on Appropriations with instructions to report it with recommendations (which may include an amendment limiting the total amount of new entitlement authority provided in the bill or joint resolution). If the Committee on Appropriations fails to report a bill or joint resolution so referred within 15 calendar days (not counting any day on which the House is not in session), the committee automatically shall be discharged from consideration of the bill or joint resolution, and the bill or joint resolution shall be placed on the appropriate calendar.

\* \* \* \* \*

(c)(1) The Committee on Government Reform shall—

(A) receive and examine reports of the Comptroller General of the United States and submit to the House such recommendations as it considers necessary or desirable in connection with the subject matter of the reports;

(B) evaluate the effects of laws enacted to reorganize the legislative and executive branches of the Government; and

(C) study intergovernmental relationships between the United States and the States and municipalities and between the United States and international organizations of which the United States is a member.

(2) In addition to its duties under subparagraph (1), the Committee on Government Reform may at any time conduct investigations of any matter without regard to clause 1, 2, 3, or this clause conferring jurisdiction over the matter to another standing committee. The findings and recommendations of the committee in such an investigation shall be made available to any other standing committee having jurisdiction over the matter involved and shall be included in the report of any such other committee when required by clause 3(c)(4) of rule XIII.

\* \* \* \* \*

**Budget Act responsibilities**

(f)(1) Each standing committee shall submit to the Committee on the Budget not later than six weeks after the President submits his budget, or at such time as the Committee on the Budget may request—

(A) its views and estimates with respect to all matters to be set forth in the concurrent resolution on the budget for the ensuing fiscal year that are within its jurisdiction or functions; and

(B) an estimate of the total amounts of new budget authority, and budget outlays resulting therefrom, to be provided or authorized in all bills and resolutions within its jurisdiction that it intends to be effective during that fiscal year.

(2) The views and estimates submitted by the Committee on Ways and Means under subparagraph (1) shall include a specific recommendation, made after holding public hearings, as to the appropriate level of the public debt that should be set forth in the concurrent resolution on the budget and serve as the basis for an increase or decrease in the statutory limit on such debt under the procedures provided by rule XXIII.

**Expense resolutions**

6. (a) Whenever a committee, commission, or other entity (other than the Committee on Appropriations) is granted authorization for the payment of its expenses (including staff salaries) for a Congress, such authorization initially shall be procured by one primary expense resolution reported by the

Committee on House Administration. A primary expense resolution may include a reserve fund for unanticipated expenses of committees. An amount from such a reserve fund may be allocated to a committee only by the approval of the Committee on House Administration. A primary expense resolution reported to the House may not be considered in the House unless a printed report thereon was available on the previous calendar day. For the information of the House, such report shall—

(1) state the total amount of the funds to be provided to the committee, commission, or other entity under the primary expense resolution for all anticipated activities and programs of the committee, commission, or other entity; and

(2) to the extent practicable, contain such general statements regarding the estimated foreseeable expenditures for the respective anticipated activities and programs of the committee, commission, or other entity as may be appropriate to provide the House with basic estimates of the expenditures contemplated by the primary expense resolution.

(b) After the date of adoption by the House of a primary expense resolution for a committee, commission, or other entity for a Congress, authorization for the payment of additional expenses (including staff salaries) in that Congress may be procured by one or more supplemental expense resolutions reported by the Committee on House Administration, as necessary. A supplemental expense resolution reported to the House may not be considered in the House unless a printed report thereon was available on the previous calendar day. For the information of the House, such report shall—

(1) state the total amount of additional funds to be provided to the committee, commission, or other entity under the supplemental expense resolution and the purposes for which those additional funds are available; and

(2) state the reasons for the failure to procure the additional funds for the committee, commission, or other entity by means of the primary expense resolution.

(c) The preceding provisions of this clause do not apply to—

(1) a resolution providing for the payment from committee salary and expense accounts of the House of sums necessary to pay compensation for staff services performed for, or to pay other expenses of, a committee, commission, or other entity at any time after the beginning of an odd-numbered year and before the date of adoption by the House of the primary expense resolution described in paragraph (a) for that year; or

(2) a resolution providing each of the standing committees in a Congress additional office equipment, airmail and special-delivery postage stamps, supplies, staff personnel, or any other specific item for the operation of the standing committees, and containing an authorization for the payment from committee salary and expense accounts of the House of the expenses of any of the foregoing items provided by that resolution, subject to and until enactment of the provisions of the resolution as permanent law.

(d) From the funds made available for the appointment of committee staff by a primary or additional expense resolution, the chairman of each committee shall ensure that sufficient staff is made available to each subcommittee to carry out its responsibilities under the rules of the committee and that the minority party is treated fairly in the appointment of such staff.

(e) Funds authorized for a committee under this clause and clauses 7 and 8 are for expenses incurred in the activities of the committee.

#### *Interim funding*

7. (a) For the period beginning at noon on January 3 and ending at midnight on March 31 in each odd-numbered year, such sums as may be necessary shall be paid out of the committee salary and expense accounts of the House for continuance of necessary investigations and studies by—

(1) each standing and select committee established by these rules; and

(2) except as specified in paragraph (b), each select committee established by resolution.

(b) In the case of the first session of a Congress, amounts shall be made available under this paragraph for a select committee established by resolution in the preceding Congress only if—

(1) a resolution proposing to reestablish such select committee is introduced in the present Congress; and

(2) the House has not adopted a resolution of the preceding Congress providing for termination of funding for investigations and studies by such select committee.

(c) Each committee described in paragraph (a) shall be entitled for each month during the period specified in paragraph (a) to 9 percent (or such lesser percentage as may be determined by the Committee on House Administration) of the total annualized amount made available under expense resolutions for such committee in the preceding session of Congress.

(d) Payments under this paragraph shall be made on vouchers authorized by the committee involved, signed by the chairman of the committee, except as provided in paragraph (e), and approved by the Committee on House Administration.

(e) Notwithstanding any provision of law, rule of the House, or other authority, from noon on January 3 of the first session of a Congress until the election by the House of the committee concerned in that Congress, payments under this paragraph shall be made on vouchers signed by—

(1) the member of the committee who served as chairman of the committee at the expiration of the preceding Congress; or

(2) if the chairman is not a Member, Delegate, or Resident Commissioner in the present Congress, then the ranking member of the committee as it was constituted at the expiration of the preceding Congress who is a member of the majority party in the present Congress.

(f)(1) The authority of a committee to incur expenses under this paragraph shall expire upon adoption by the House of a primary expense resolution for the committee.

(2) Amounts made available under this paragraph shall be expended in accordance with regulations prescribed by the Committee on House Administration.

(3) This clause shall be effective only insofar as it is not inconsistent with a resolution reported by the Committee on House Administration and adopted by the House after the adoption of these rules.

#### *Travel*

8. (a) Local currencies owned by the United States shall be made available to the committee and its employees engaged in carrying out their official duties outside the United States or its territories or possessions. Appropriated funds, including those authorized under this clause and clauses 6 and 8, may not be expended for the purpose of defraying expenses of members of a committee or its employees in a country where local currencies are available for this purpose.

(b) The following conditions shall apply with respect to travel outside the United States or its territories or possessions:

(1) A member or employee of a committee may not receive or expend local currencies

for subsistence in a country for a day at a rate in excess of the maximum per diem set forth in applicable Federal law.

(2) A member or employee shall be reimbursed for his expenses for a day at the lesser of—

(A) the per diem set forth in applicable Federal law; or

(B) the actual, unreimbursed expenses (other than for transportation) he incurred during that day.

(3) Each member or employee of a committee shall make to the chairman of the committee an itemized report showing the dates each country was visited, the amount of per diem furnished, the cost of transportation furnished, and funds expended for any other official purpose and shall summarize in these categories the total foreign currencies or appropriated funds expended. Each report shall be filed with the chairman of the committee not later than 60 days following the completion of travel for use in complying with reporting requirements in applicable Federal law and shall be open for public inspection.

(c)(1) In carrying out the activities of a committee outside the United States in a country where local currencies are unavailable, a member or employee of a committee may not receive reimbursement for expenses (other than for transportation) in excess of the maximum per diem set forth in applicable Federal law.

(2) A member or employee shall be reimbursed for his expenses for a day, at the lesser of—

(A) the per diem set forth in applicable Federal law; or

(B) the actual unreimbursed expenses (other than for transportation) he incurred during that day.

(3) A member or employee of a committee may not receive reimbursement for the cost of any transportation in connection with travel outside the United States unless the member or employee actually paid for the transportation.

(d) The restrictions respecting travel outside the United States set forth in paragraph (c) also shall apply to travel outside the United States by a Member, Delegate, Resident Commissioner, officer, or employee of the House authorized under any standing rule.

#### *Committee staffs*

9. (a)(1) Subject to subparagraph (2) and paragraph (f), each standing committee may appoint, by majority vote, not more than 30 professional staff members to be compensated from the funds provided for the appointment of committee staff by primary and additional expense resolutions. Each professional staff member appointed under this subparagraph shall be assigned to the chairman and the ranking minority member of the committee, as the committee considers advisable.

(2) Subject to paragraph (f) whenever a majority of the minority party members of a standing committee (other than the Committee on Standards of Official Conduct or the Permanent Select Committee on Intelligence) so request, not more than 10 persons (or one-third of the total professional committee staff appointed under this clause, whichever is fewer) may be selected, by majority vote of the minority party members, for appointment by the committee as professional staff members under subparagraph (1). The committee shall appoint persons so selected whose character and qualifications are acceptable to a majority of the committee. If the committee determines that the character and qualifications of a person so selected are unacceptable, a majority of the minority party members may select another person for appointment by the committee to the professional staff until such

appointment is made. Each professional staff member appointed under this subparagraph shall be assigned to such committee business as the minority party members of the committee consider advisable.

(b)(1) The professional staff members of each standing committee—

(A) may not engage in any work other than committee business during congressional working hours; and

(B) may not be assigned a duty other than one pertaining to committee business.

(2) Subparagraph (1) does not apply to staff designated by a committee as “associate” or “shared” staff who are not paid exclusively by the committee, provided that the chairman certifies that the compensation paid by the committee for any such staff is commensurate with the work performed for the committee in accordance with clause 8 of rule XXIV.

(3) The use of any “associate” or “shared” staff by a committee shall be subject to the review of, and to any terms, conditions, or limitations established by, the Committee on House Administration in connection with the reporting of any primary or additional expense resolution.

(4) This paragraph does not apply to the Committee on Appropriations.

(c) Each employee on the professional or investigative staff of a standing committee shall be entitled to pay at a single gross per annum rate, to be fixed by the chairman and that does not exceed the maximum rate of pay as in effect from time to time under applicable provisions of law.

(d) Subject to appropriations hereby authorized, the Committee on Appropriations may appoint by majority vote such staff as it determines to be necessary (in addition to the clerk of the committee and assistants for the minority). The staff appointed under this paragraph, other than minority assistants, shall possess such qualifications as the committee may prescribe.

(e) A committee may not appoint to its staff an expert or other personnel detailed or assigned from a department or agency of the Government except with the written permission of the Committee on House Administration.

(f) If a request for the appointment of a minority professional staff member under paragraph (a) is made when no vacancy exists for such an appointment, the committee nevertheless may appoint under paragraph (a) a person selected by the minority and acceptable to the committee. A person so appointed shall serve as an additional member of the professional staff of the committee until such a vacancy occurs (other than a vacancy in the position of head of the professional staff, by whatever title designated), at which time that person is considered as appointed to that vacancy. Such a person shall be paid from the applicable accounts of the House described in clause 1(i)(1) of rule X. If such a vacancy occurs on the professional staff when seven or more persons have been so appointed who are eligible to fill that vacancy, a majority of the minority party members shall designate which of those persons shall fill the vacancy.

(g) Each staff member appointed pursuant to a request by minority party members under paragraph (a), and each staff member appointed to assist minority members of a committee pursuant to an expense resolution described in paragraph (a) of clause 6, shall be accorded equitable treatment with respect to the fixing of the rate of pay, the assignment of work facilities, and the accessibility of committee records.

(h) Paragraph (a) may not be construed to authorize the appointment of additional professional staff members of a committee pursuant to a request under paragraph (a) by the

minority party members of that committee if 10 or more professional staff members provided for in paragraph (a)(1) who are satisfactory to a majority of the minority party members are otherwise assigned to assist the minority party members.

(i) Notwithstanding paragraph (a)(2), a committee may employ nonpartisan staff, in lieu of or in addition to committee staff designated exclusively for the majority or minority party, by an affirmative vote of a majority of the members of the majority party and of a majority of the members of the minority party.

#### **B. Procedure for Committees and Unfinished Business—Rule XI of the House**

Clauses 1, 2, 4, 5 and 6 of Rule XI are set out below.

##### **In general**

1. (a)(1)(A) Except as provided in subdivision (B), the Rules of the House are the rules of its committees and subcommittees so far as applicable.

(B) A motion to recess from day to day, and a motion to dispense with the first reading (in full) of a bill or resolution, if printed copies are available, each shall be privileged in committees and subcommittees and shall be decided without debate.

(2) Each subcommittee is a part of its committee and is subject to the authority and direction of that committee and to its rules, so far as applicable.

(b)(1) Each committee may conduct at any time such investigations and studies as it considers necessary or appropriate in the exercise of its responsibilities under rule X. Subject to the adoption of expense resolutions as required by clause 6 of rule X, each committee may incur expenses, including travel expenses, in connection with such investigations and studies.

(2) A proposed investigative or oversight report shall be considered as read in committee if it has been available to the members for at least 24 hours (excluding Saturdays, Sundays, or legal holidays except when the House is in session on such a day).

(3) A report of an investigation or study conducted jointly by more than one committee may be filed jointly, provided that each of the committees complies independently with all requirements for approval and filing of the report.

(4) After an adjournment sine die of the last regular session of a Congress, an investigative or oversight report may be filed with the Clerk at any time, provided that a member who gives timely notice of intention to file supplemental, minority, or additional views shall be entitled to not less than seven calendar days in which to submit such views for inclusion in the report.

(c) Each committee may have printed and bound such testimony and other data as may be presented at hearings held by the committee or its subcommittees. All costs of stenographic services and transcripts in connection with a meeting or hearing of a committee shall be paid from the applicable accounts of the House described in clause 1(i)(1) of rule X.

(d)(1) Each committee shall submit to the House not later than January 2 of each odd-numbered year a report on the activities of that committee under this rule and rule X during the Congress ending at noon on January 3 of such year.

(2) Such report shall include separate sections summarizing the legislative and oversight activities of that committee during that Congress.

(3) The oversight section of such report shall include a summary of the oversight plans submitted by the committee under clause 2(d) of rule X, a summary of the actions taken and recommendations made with

respect to each such plan, a summary of any additional oversight activities undertaken by that committee, and any recommendations made or actions taken thereon.

(4) After an adjournment sine die of the last regular session of a Congress, the chairman of a committee may file an activities report under subparagraph (1) with the Clerk at any time and without approval of the committee, provided that—

(A) a copy of the report has been available to each member of the committee for at least seven calendar days; and

(B) the report includes any supplemental, minority, or additional views submitted by a member of the committee.

##### **Adoption of written rules**

2. (a)(1) Each standing committee shall adopt written rules governing its procedure. Such rules—

(A) shall be adopted in a meeting that is open to the public unless the committee, in open session and with a quorum present, determines by record vote that all or part of the meeting on that day shall be closed to the public;

(B) may not be inconsistent with the Rules of the House or with those provisions of law having the force and effect of Rules of the House; and

(C) shall in any event incorporate all of the succeeding provisions of this clause to the extent applicable.

(2) Each committee shall submit its rules for publication in the Congressional Record not later than 30 days after the committee is elected in each odd-numbered year.

##### **Regular meeting days**

(b) Each standing committee shall establish regular meeting days for the conduct of its business, which shall be not less frequent than monthly. Each such committee shall meet for the consideration of a bill or resolution pending before the committee or the transaction of other committee business on all regular meeting days fixed by the committee unless otherwise provided by written rule adopted by the committee.

##### **Additional and special meetings**

(c)(1) The chairman of each standing committee may call and convene, as he considers necessary, additional and special meetings of the committee for the consideration of a bill or resolution pending before the committee or for the conduct of other committee business, subject to such rules as the committee may adopt. The committee shall meet for such purpose under that call of the chairman.

(2) Three or more members of a standing committee may file in the offices of the committee a written request that the chairman call a special meeting of the committee. Such request shall specify the measure or matter to be considered. Immediately upon the filing of the request, the clerk of the committee shall notify the chairman of the filing of the request. If the chairman does not call the requested special meeting within three calendar days after the filing of the request (to be held within seven calendar days after the filing of the request) a majority of the members of the committee may file in the offices of the committee their written notice that a special meeting of the committee will be held. The written notice shall specify the date and hour of the special meeting and the measure or matter to be considered. The committee shall meet on that date and hour. Immediately upon the filing of the notice, the clerk of the committee shall notify all members of the committee that such special meeting will be held and inform them of its date and hour and the measure or matter to be considered. Only the measure or matter specified in that notice may be considered at that special meeting.

**Temporary absence of chairman**

(d) A member of the majority party on each standing committee or subcommittee thereof shall be designated by the chairman of the full committee as the vice chairman of the committee or subcommittee, as the case may be, and shall preside during the absence of the chairman from any meeting. If the chairman and vice chairman of a committee or subcommittee are not present at any meeting of the committee or subcommittee, the ranking majority member who is present shall preside at that meeting.

**Committee records**

(e)(1)(A) Each committee shall keep a complete record of all committee action which shall include—

(i) in the case of a meeting or hearing transcript, a substantially verbatim account of remarks actually made during the proceedings, subject only to technical, grammatical, and typographical corrections authorized by the person making the remarks involved; and

(ii) a record of the votes on any question on which a record vote is demanded.

(B)(i) Except as provided in subdivision (B)(ii) and subject to paragraph (k)(7), the result of each such record vote shall be made available by the committee for inspection by the public at reasonable times in its offices. Information so available for public inspection shall include a description of the amendment, motion, order, or other proposition, the name of each member voting for and each member voting against such amendment, motion, order, or proposition, and the names of those members of the committee present but not voting.

(ii) The result of any record vote taken in executive session in the Committee on Standards of Official Conduct may not be made available for inspection by the public without an affirmative vote of a majority of the members of the committee.

(2)(A) Except as provided in subdivision (B), all committee hearings, records, data, charts, and files shall be kept separate and distinct from the congressional office records of the member serving as its chairman. Such records shall be the property of the House, and each Member, Delegate, and the Resident Commissioner shall have access thereto.

(B) A Member, Delegate, or Resident Commissioner, other than members of the Committee on Standards of Official Conduct, may not have access to the records of that committee respecting the conduct of a Member, Delegate, Resident Commissioner, officer, or employee of the House without the specific prior permission of that committee.

(3) Each committee shall include in its rules standards for availability of records of the committee delivered to the Archivist of the United States under rule VII. Such standards shall specify procedures for orders of the committee under clause 3(b)(3) and clause 4(b) of rule VII, including a requirement that nonavailability of a record for a period longer than the period otherwise applicable under that rule shall be approved by vote of the committee.

(4) Each committee shall make its publications available in electronic form to the maximum extent feasible.

**Prohibition against proxy voting**

(f) A vote by a member of a committee or subcommittee with respect to any measure or matter may not be cast by proxy.

**Open meetings and hearings**

(g)(1) Each meeting for the transaction of business, including the markup of legislation, by a standing committee or subcommittee thereof (other than the Committee on Standards of Official Conduct or

its subcommittee) shall be open to the public, including to radio, television, and still photography coverage, except when the committee or subcommittee, in open session and with a majority present, determines by record vote that all or part of the remainder of the meeting on that day shall be in executive session because disclosure of matters to be considered would endanger national security, would compromise sensitive law enforcement information, would tend to defame, degrade, or incriminate any person, or otherwise would violate a law or rule of the House. Persons, other than members of the committee and such noncommittee Members, Delegates, Resident Commissioner, congressional staff, or departmental representatives as the committee may authorize, may not be present at a business or markup session that is held in executive session. This subparagraph does not apply to open committee hearings, which are governed by clause 4(a)(1) of rule X or by subparagraph (2).

(2)(A) Each hearing conducted by a committee or subcommittee (other than the Committee on Standards of Official Conduct or its subcommittees) shall be open to the public, including to radio, television, and still photography coverage, except when the committee or subcommittee, in open session and with a majority present, determines by record vote that all or part of the remainder of that hearing on that day shall be closed to the public because disclosure of testimony, evidence, or other matters to be considered would endanger national security, would compromise sensitive law enforcement information, or would violate a law or rule of the House.

(B) Notwithstanding the requirements of subdivision (A), in the presence of the number of members required under the rules of the committee for the purpose of taking testimony, a majority of those present may—

(i) agree to close the hearing for the sole purpose of discussing whether testimony or evidence to be received would endanger national security, would compromise sensitive law enforcement information, or would violate clause 2(k)(5); or

(ii) agree to close the hearing as provided in clause 2(k)(5).

(C) A Member, Delegate, or Resident Commissioner may not be excluded from nonparticipatory attendance at a hearing of a committee or subcommittee (other than the Committee on Standards of Official Conduct or its subcommittees) unless the House by majority vote authorizes a particular committee or subcommittee, for purposes of a particular series of hearings on a particular article of legislation or on a particular subject of investigation, to close its hearings to Members, Delegates, and the Resident Commissioner by the same procedures specified in this subparagraph for closing hearings to the public.

(D) The committee or subcommittee may vote by the same procedure described in this subparagraph to close one subsequent day of hearing, except that the Committee on Appropriations, the Committee on Armed Services, and the Permanent Select Committee on Intelligence, and the subcommittees thereof, may vote by the same procedure to close up to five additional, consecutive days of hearings.

(3) The chairman of each committee (other than the Committee on Rules) shall make public announcement of the date, place, and subject matter of a committee hearing at least one week before the commencement of the hearing. If the chairman of the committee, with the concurrence of the ranking minority member, determines that there is good cause to begin a hearing sooner, or if the committee so determines by majority

vote in the presence of the number of members required under the rules of the committee for the transaction of business, the chairman shall make the announcement at the earliest possible date. An announcement made under this subparagraph shall be published promptly in the Daily Digest and made available in electronic form.

(4) Each committee shall, to the greatest extent practicable, require witnesses who appear before it to submit in advance written statements of proposed testimony and to limit their initial presentations to the committee to brief summaries thereof. In the case of a witness appearing in a nongovernmental capacity, a written statement of proposed testimony shall include a curriculum vitae and a disclosure of the amount and source (by agency and program) of each Federal grant (or subgrant thereof) or contract (or subcontract thereof) received during the current fiscal year or either of the two previous fiscal years by the witness or by an entity represented by the witness.

(5)(A) Except as provided in subdivision (B), a point of order does not lie with respect to a measure reported by a committee on the ground that hearings on such measure were not conducted in accordance with this clause.

(B) A point of order on the ground described in subdivision (A) may be made by a member of the committee that reported the measure if such point of order was timely made and improperly disposed of in the committee.

(6) This paragraph does not apply to hearings of the Committee on Appropriations under clause 4(a)(1) of rule X.

**Quorum requirements**

(h)(1) A measure or recommendation may not be reported by a committee unless a majority of the committee is actually present.

(2) Each committee may fix the number of its members to constitute a quorum for taking testimony and receiving evidence, which may not be less than two.

(3) Each committee (other than the Committee on Appropriations, the Committee on the Budget, and the Committee on Ways and Means) may fix the number of its members to constitute a quorum for taking any action other than the reporting of a measure or recommendation, which may not be less than one-third of the members.

**Limitation on committee sittings**

(i) A committee may not sit during a joint session of the House and Senate or during a recess when a joint meeting of the House and Senate is in progress.

**Calling and questioning of witnesses**

(j)(1) Whenever a hearing is conducted by a committee on a measure or matter, the minority members of the committee shall be entitled, upon request to the chairman by a majority of them before the completion of the hearing, to call witnesses selected by the minority to testify with respect to that measure or matter during at least one day of hearing thereon.

(2)(A) Subject to subdivisions (B) and (C), each committee shall apply the five-minute rule during the questioning of witnesses in a hearing until such time as each member of the committee who so desires has had an opportunity to question each witness.

(B) A committee may adopt a rule or motion permitting a specified number of its members to question a witness for longer than five minutes. The time for extended questioning of a witness under this subdivision shall be equal for the majority party and the minority party and may not exceed one hour in the aggregate.

(C) A committee may adopt a rule or motion permitting committee staff for its majority and minority party members to question a witness for equal specified periods.

The time for extended questioning of a witness under this subdivision shall be equal for the majority party and the minority party and may not exceed one hour in the aggregate.

#### **Hearing procedures**

(k)(1) The chairman at a hearing shall announce in an opening statement the subject of the hearing.

(2) A copy of the committee rules and of this clause shall be made available to each witness on request.

(3) Witnesses at hearings may be accompanied by their own counsel for the purpose of advising them concerning their constitutional rights.

(4) The chairman may punish breaches of order and decorum, and of professional ethics on the part of counsel, by censure and exclusion from the hearings; and the committee may cite the offender to the House for contempt.

(5) Whenever it is asserted by a member of the committee that the evidence or testimony at a hearing may tend to defame, degrade, or incriminate any person, or it is asserted by a witness that the evidence or testimony that the witness would give at a hearing may tend to defame, degrade, or incriminate the witness—

(A) notwithstanding paragraph (g)(2), such testimony or evidence shall be presented in executive session if, in the presence of the number of members required under the rules of the committee for the purpose of taking testimony, the committee determines by vote of a majority of those present that such evidence or testimony may tend to defame, degrade, or incriminate any person; and

(B) the committee shall proceed to receive such testimony in open session only if the committee, a majority being present, determines that such evidence or testimony will not tend to defame, degrade, or incriminate any person.

In either case the committee shall afford such person an opportunity voluntarily to appear as a witness, and receive and dispose of requests from such person to subpoena additional witnesses.

(6) Except as provided in subparagraph (5), the chairman shall receive and the committee shall dispose of requests to subpoena additional witnesses.

(7) Evidence or testimony taken in executive session, and proceedings conducted in executive session, may be released or used in public sessions only when authorized by the committee, a majority being present.

(8) In the discretion of the committee, witnesses may submit brief and pertinent sworn statements in writing for inclusion in the record. The committee is the sole judge of the pertinence of testimony and evidence adduced at its hearing.

(9) A witness may obtain a transcript copy of his testimony given at a public session or, if given at an executive session, when authorized by the committee.

#### **Supplemental, minority, or additional views**

(1) If at the time of approval of a measure or matter by a committee (other than the Committee on Rules) a member of the committee gives notice of intention to file supplemental, minority, or additional views for inclusion in the report to the House thereon, that member shall be entitled to not less than two additional calendar days after the day of such notice (excluding Saturdays, Sundays, and legal holidays except when the House is in session on such a day) to file such views, in writing and signed by that member, with the clerk of the committee.

#### **Power to sit and act; subpoena power**

(m)(1) For the purpose of carrying out any of its functions and duties under this rule

and rule X (including any matters referred to it under clause 2 of rule XII), a committee or subcommittee is authorized (subject to subparagraph (2)(A))—

(A) to sit and act at such times and places within the United States, whether the House is in session, has recessed, or has adjourned, and to hold such hearings as it considers necessary; and

(B) to require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, and documents as it considers necessary.

(2) The chairman of the committee, or a member designated by the chairman, may administer oaths to witnesses.

(3)(A)(i) Except as provided in subdivision (A)(ii), a subpoena may be authorized and issued by a committee or subcommittee under subparagraph (1)(B) in the conduct of an investigation or series of investigations or activities only when authorized by the committee or subcommittee, a majority being present. The power to authorize and issue subpoenas under subparagraph (1)(B) may be delegated to the chairman of the committee under such rules and under such limitations as the committee may prescribe. Authorized subpoenas shall be signed by the chairman of the committee or by a member designated by the committee.

(ii) In the case of a subcommittee of the Committee on Standards of Official Conduct, a subpoena may be authorized and issued only by an affirmative vote of a majority of its members.

(B) A subpoena duces tecum may specify terms of return other than at a meeting or hearing of the committee or subcommittee authorizing the subpoena.

(C) Compliance with a subpoena issued by a committee or subcommittee under subparagraph (1)(B) may be enforced only as authorized or directed by the House.

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#### **Audio and visual coverage of committee proceedings**

4. (a) The purpose of this clause is to provide a means, in conformity with acceptable standards of dignity, propriety, and decorum, by which committee hearings or committee meetings that are open to the public may be covered by audio and visual means—

(1) for the education, enlightenment, and information of the general public, on the basis of accurate and impartial news coverage, regarding the operations, procedures, and practices of the House as a legislative and representative body, and regarding the measures, public issues, and other matters before the House and its committees, the consideration thereof, and the action taken thereon; and

(2) for the development of the perspective and understanding of the general public with respect to the role and function of the House under the Constitution as an institution of the Federal Government.

(b) In addition, it is the intent of this clause that radio and television tapes and television film of any coverage under this clause may not be used, or made available for use, as partisan political campaign material to promote or oppose the candidacy of any person for elective public office.

(c) It is, further, the intent of this clause that the general conduct of each meeting (whether of a hearing or otherwise) covered under authority of this clause by audio or visual means, and the personal behavior of the committee members and staff, other Government officials and personnel, witnesses, television, radio, and press media personnel, and the general public at the hearing or other meeting, shall be in strict conformity with and observance of the ac-

ceptable standards of dignity, propriety, courtesy, and decorum traditionally observed by the House in its operations, and may not be such as to—

(1) distort the objects and purposes of the hearing or other meeting or the activities of committee members in connection with that hearing or meeting or in connection with the general work of the committee or of the House; or

(2) cast discredit or dishonor on the House, the committee, or a Member, Delegate, or Resident Commissioner or bring the House, the committee, or a Member, Delegate, or Resident Commissioner into disrepute.

(d) The coverage of committee hearings and meetings by audio and visual means shall be permitted and conducted only in strict conformity with the purposes, provisions, and requirements of this clause.

(e) Whenever a hearing or meeting conducted by a committee or subcommittee is open to the public, those proceedings shall be open to coverage by audio and visual means. A committee or subcommittee chairman may not limit the number of television or still cameras to fewer than two representatives from each medium (except for legitimate space or safety considerations, in which case pool coverage shall be authorized).

(f) Each committee shall adopt written rules to govern its implementation of this clause. Such rules shall contain provisions to the following effect:

(1) If audio or visual coverage of the hearing or meeting is to be presented to the public as live coverage, that coverage shall be conducted and presented without commercial sponsorship.

(2) The allocation among the television media of the positions or the number of television cameras permitted by a committee or subcommittee chairman in a hearing or meeting room shall be in accordance with fair and equitable procedures devised by the Executive Committee of the Radio and Television Correspondents' Galleries.

(3) Television cameras shall be placed so as not to obstruct in any way the space between a witness giving evidence or testimony and any member of the committee or the visibility of that witness and that member to each other.

(4) Television cameras shall operate from fixed positions but may not be placed in positions that obstruct unnecessarily the coverage of the hearing or meeting by the other media.

(5) Equipment necessary for coverage by the television and radio media may not be installed in, or removed from, the hearing or meeting room while the committee is in session.

(6)(A) Except as provided in subdivision (B), floodlights, spotlights, strobelights, and flashguns may not be used in providing any method of coverage of the hearing or meeting.

(B) The television media may install additional lighting in a hearing or meeting room, without cost to the Government, in order to raise the ambient lighting level in a hearing or meeting room to the lowest level necessary to provide adequate television coverage of a hearing or meeting at the current state of the art of television coverage.

(7) In the allocation of the number of still photographers permitted by a committee or subcommittee chairman in a hearing or meeting room, preference shall be given to photographers from Associated Press Photos and United Press International Newspictures. If requests are made by more of the media than will be permitted by a committee or subcommittee chairman for coverage of a hearing or meeting by still

photography, that coverage shall be permitted on the basis of a fair and equitable pool arrangement devised by the Standing Committee of Press Photographers.

(8) Photographers may not position themselves between the witness table and the members of the committee at any time during the course of a hearing or meeting.

(9) Photographers may not place themselves in positions that obstruct unnecessarily the coverage of the hearing by the other media.

(10) Personnel providing coverage by the television and radio media shall be currently accredited to the Radio and Television Correspondents' Galleries.

(11) Personnel providing coverage by still photography shall be currently accredited to the Press Photographers' Gallery.

(12) Personnel providing coverage by the television and radio media and by still photography shall conduct themselves and their coverage activities in an orderly and unobtrusive manner.

#### **Pay of witnesses**

5. Witnesses appearing before the House or any of its committees shall be paid the same per diem rate as established, authorized, and regulated by the Committee on House Administration for Members, Delegates, the Resident Commissioner, and employees of the House, plus actual expenses of travel to or from the place of examination. Such per diem may not be paid when a witness has been summoned at the place of examination.

#### **C. Filing and Printing of Reports—Rule XIII, Clauses 2, 3 and 4 of the House**

2. (a)(1) Except as provided in subparagraph (2), all reports of committees (other than those filed from the floor as privileged) shall be delivered to the Clerk for printing and reference to the proper calendar under the direction of the Speaker in accordance with clause 1. The title or subject of each report shall be entered on the Journal and printed in the Congressional Record.

(2) A bill or resolution reported adversely shall be laid on the table unless a committee to which the bill or resolution was referred requests at the time of the report its referral to an appropriate calendar under clause 1 or unless, within three days thereafter, a Member, Delegate, or Resident Commissioner makes such a request.

(b)(1) It shall be the duty of the chairman of each committee to report or cause to be reported promptly to the House a measure or matter approved by the committee and to take or cause to be taken steps necessary to bring the measure or matter to a vote.

(2) In any event, the report of a committee on a measure that has been approved by the committee shall be filed within seven calendar days (exclusive of days on which the House is not in session) after the day on which a written request for the filing of the report, signed by a majority of the members of the committee, has been filed with the clerk of the committee. The clerk of the committee shall immediately notify the chairman of the filing of such a request. This subparagraph does not apply to a report of the Committee on Rules with respect to a rule, joint rule, or order of business of the House, or to the reporting of a resolution of inquiry addressed to the head of an executive department.

(c) All supplemental, minority, or additional views filed under clause 2(1) of rule XI by one or more members of a committee shall be included in, and shall be a part of, the report filed by the committee with respect to a measure or matter. When time guaranteed by clause 2(1) of rule XI has expired (or, if sooner, when all separate views have been received), the committee may arrange to file its report with the Clerk not

later than one hour after the expiration of such time. This clause and provisions of clause 2(1) of rule XI do not preclude the immediate filing or printing of a committee report in the absence of a timely request for the opportunity to file supplemental, minority, or additional views as provided in clause 2(1) of rule XI.

#### **Content of reports**

3. (a)(1) Except as provided in subparagraph (2), the report of a committee on a measure or matter shall be printed in a single volume that—

(A) shall include all supplemental, minority, or additional views that have been submitted by the time of the filing of the report; and

(B) shall bear on its cover a recital that any such supplemental, minority, or additional views (and any material submitted under paragraph (c)(3) or (4)) are included as part of the report.

(2) A committee may file a supplemental report for the correction of a technical error in its previous report on a measure or matter. A supplemental report only correcting errors in the depiction of record votes under paragraph (b) may be filed under this subparagraph and shall not be subject to the requirement in clause 4 concerning the availability of reports.

(b) With respect to each record vote on a motion to report a measure or matter of a public nature, and on any amendment offered to the measure or matter, the total number of votes cast for and against, and the names of members voting for and against, shall be included in the committee report. The preceding sentence does not apply to votes taken in executive session by the Committee on Standards of Official Conduct.

(c) The report of a committee on a measure that has been approved by the committee shall include, separately set out and clearly identified, the following:

(1) Oversight findings and recommendations under clause 2(b)(1) of rule X.

(2) The statement required by section 308(a) of the Congressional Budget Act of 1974, except that an estimate of new budget authority shall include, when practicable, a comparison of the total estimated funding level for the relevant programs to the appropriate levels under current law.

(3) An estimate and comparison prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974 if timely submitted to the committee before the filing of the report.

(4) A statement of general performance goals and objectives, including outcome-related goals and objectives, for which the measure authorizes funding.

(d) Each report of a committee on a public bill or public joint resolution shall contain the following:

(1) A statement citing the specific powers granted to Congress in the Constitution to enact the law proposed by the bill or joint resolution.

(2)(A) An estimate by the committee of the costs that would be incurred in carrying out the bill or joint resolution in the fiscal year in which it is reported and in each of the five fiscal years following that fiscal year (or for the authorized duration of any program authorized by the bill or joint resolution if less than five years);

(B) A comparison of the estimate of costs described in subdivision (A) made by the committee with any estimate of such costs made by a Government agency and submitted to such committee; and

(C) When practicable, a comparison of the total estimated funding level for the relevant programs with the appropriate levels under current law.

(3)(A) In subparagraph (2) the term "Government agency" includes any department, agency, establishment, wholly owned Government corporation, or instrumentality of the Federal Government or the government of the District of Columbia.

(B) Subparagraph (2) does not apply to the Committee on Appropriations, the Committee on House Administration, the Committee on Rules, or the Committee on Standards of Official Conduct, and does not apply when a cost estimate and comparison prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974 has been included in the report under paragraph (c)(3).

(e)(1) Whenever a committee reports a bill or joint resolution proposing to repeal or amend a statute or part thereof, it shall include in its report or in an accompanying document—

(A) the text of a statute or part thereof that is proposed to be repealed; and

(B) a comparative print of any part of the bill or joint resolution proposing to amend the statute and of the statute or part thereof proposed to be amended, showing by appropriate typographical devices the omissions and insertions proposed.

(2) If a committee reports a bill or joint resolution proposing to repeal or amend a statute or part thereof with a recommendation that the bill or joint resolution be amended, the comparative print required by subparagraph (1) shall reflect the changes in existing law proposed to be made by the bill or joint resolution as proposed to be amended.

\* \* \* \* \*

#### **Availability of reports**

4. (a)(1) Except as provided in subparagraph (2), it shall not be in order to consider in the House a measure or matter reported by a committee until the third calendar day (excluding Saturdays, Sundays, or legal holidays except when the House is in session on such a day) on which each report of a committee on that measure or matter has been available to Members, Delegates, and the Resident Commissioner.

(2) Subparagraph (1) does not apply to—

(A) a resolution providing a rule, joint rule, or order of business reported by the Committee on Rules considered under clause 6;

(B) a resolution providing amounts from the applicable accounts described in clause 1(i)(1) of rule X reported by the Committee on House Administration considered under clause 6 of rule X;

(C) a bill called from the corrections calendar under clause 6 of rule XV;

(D) a resolution presenting a question of the privileges of the House reported by any committee;

(E) a measure for the declaration of war, or the declaration of a national emergency, by Congress; and

(F) a measure providing for the disapproval of a decision, determination, or action by a Government agency that would become, or continue to be, effective unless disapproved or otherwise invalidated by one or both Houses of Congress. In this subdivision the term "Government agency" includes any department, agency, establishment, wholly owned Government corporation, or instrumentality of the Federal Government or of the government of the District of Columbia.

(b) A committee that reports a measure or matter shall make every reasonable effort to have its hearings thereon (if any) printed and available for distribution to Members, Delegates, and the Resident Commissioner before the consideration of the measure or matter in the House.

(c) A general appropriation bill reported by the Committee on Appropriations may not

be considered in the House until the third calendar day (excluding Saturdays, Sundays, and legal holidays except when the House is in session on such a day) on which printed hearings of the Committee on Appropriations thereon have been available to Members, Delegates, and the Resident Commissioner.

**III. SELECTED MATTERS OF INTEREST**

**A. 5 U.S.C. Sec. 2954. Information to Committees of Congress on Request**

An Executive agency, on request of the Committee on Government Operations of the House of Representatives, or of any seven members thereof, or on request of the Committee on Government Operations of the Senate, or any five members thereof, shall submit any information requested of it relating to any matter within the jurisdiction of the committee.

**B. 18 U.S.C. Sec. 1505. Obstruction of Proceedings Before Departments, Agencies, and Committees**

Whoever, with intent to avoid, evade, prevent, or obstruct compliance, in whole or in part, with any civil investigative demand duly and properly made under the Antitrust Civil Process Act, willfully withholds, misrepresents, removes from any place, conceals, covers up, destroys, mutilates, alters, or by other means falsifies any documentary material, answers to written interrogatories, or oral testimony, which is the subject of such demand; or attempts to do so or solicits another to do so; or

Whoever corruptly, or by threats or force, or by any threatening letter or communication influences, obstructs, or impedes or endeavors to influence, obstruct, or impede the due and proper administration of the law under which any pending proceeding is being had before any department or agency of the United States, or the due and proper exercise of the power or inquiry under which any inquiry or investigation is being had by either House, or any committee or either House or any joint committee of the Congress—

Shall be fined not more than \$5,000 or imprisoned not more than five years, or both.

**C. 31 U.S.C. Sec. 712. Investigating the Use of Public Money**

The Comptroller General shall—

\* \* \* \* \*

(3) analyze expenditures of each executive agency the Comptroller General believes will help Congress decide whether public money has been used and expended economically and efficiently;

(4) make an investigation and report ordered by either House of Congress or a committee of Congress having jurisdiction over revenue, appropriations, or expenditures; and

(5) give a committee of Congress having jurisdiction over revenue, appropriations, or expenditures the help and information the committee requests.

**D. 31 U.S.C. Sec. 719. Comptroller General Reports**

\* \* \* \* \*

(e) The Comptroller General shall report on analyses carried out under section 712(3) of this title to the Committees on Governmental Affairs and Appropriations of the Senate, the Committees on Government Operations and Appropriations of the House, and the committees with jurisdiction over legislation related to the operation of each executive agency.<sup>1</sup>

\* \* \* \* \*

(i) On request of a committee of Congress, the Comptroller General shall explain to dis-

cuss with the committee or committee staff a report the Comptroller General makes that would help the committee—

(1) evaluate a program or activity of an agency within the jurisdiction of the committee; or

(2) in its consideration of proposed legislation.

**E. 31 U.S.C. Sec. 717. Evaluating Programs and Activities of the United States Government**

\* \* \* \* \*

(d)(1) On request of a committee of Congress, the Comptroller General shall help the committee to—

(A) develop a statement of legislative goals and ways to assess and report program performance related to the goals, including recommended ways to assess performance, information to be reported, responsibility for reporting, frequency of reports, and feasibility of pilot testing; and

(B) assess program evaluations prepared by and for an agency.

(2) On request of a member of Congress, the Comptroller General shall give the member a copy of the material the Comptroller General compiles in carrying out this subsection that has been released by the committee for which the material was compiled.

**F. 31 U.S.C. Sec. 1113. Congressional Information**

(a)(1) When requested by a committee of Congress having jurisdiction over receipts or appropriations, the President shall provide the committee with assistance and information.

(2) When requested by a committee of Congress, additional information related to the amount of an appropriation originally requested by an Office of Inspector General shall be submitted to the committee.

(b) When requested by a committee of Congress, by the Comptroller General, or by the Director of the Congressional Budget Office, the Secretary of the Treasury, the Director of the Office of Management and Budget, and the head of each executive agency shall—

(1) provide information on the location and kind of available fiscal, budget, and program information;

(2) to the extent practicable, prepare summary tables of that fiscal, budget, and program information and related information of the committee, the Comptroller General, or the Director of the Congressional Budget Office considers necessary; and

(3) provide a program evaluation carried out or commissioned by an executive agency.

(c) In cooperation with the Director of the Congressional Budget Office, the Secretary, and the Director of the Office of Management and Budget, the Comptroller General shall—

(1) establish and maintain a current directory of sources of, and information systems for, fiscal, budget, and program information and a brief description of the contents of each source and system;

(2) when requested, provide assistance to committees of Congress and members of Congress in obtaining information from the sources in the directory; and

(3) when requested, provide assistance to committees and the extent practicable, to members of Congress in evaluating the information from the sources in the directory; and

(d) To the extent they consider necessary, the Comptroller General and the Director of the Congressional Budget Office individually or jointly shall establish and maintain a file of information to meet recurring needs of Congress for fiscal, budget, and program information to carry out this section and sections 717 and 1112 of this title. The file shall

include information on budget requests, congressional authorizations to obligations and expenditures. The Comptroller General and the Director shall maintain the file and an index so that it is easier for the committees and agencies of Congress to use the file and index through data processing and communications techniques.

(e)(1) The Comptroller General shall—

(A) carry out a continuing program to identify the needs of committees and members of Congress for fiscal budget, and program information to carry out this section and section 1112 of this title;

(B) assist committees of Congress in developing their information needs;

(C) monitor recurring reporting requirements of Congress and committees; and

(D) make recommendations to Congress and committees for changes and improvements in those reporting requirements to meet information needs identified by the Comptroller General, to improve their usefulness to congressional users, and to eliminate unnecessary reporting.

(2) Before September 2 of each year, the Comptroller General shall report to Congress on—

(A) the needs identified under paragraph (1)(A) of this subsection;

(B) the relationship of those needs to existing reporting requirements;

(C) the extent to which reporting by the executive branch of the United States Government currently meets the identified needs;

(D) the changes to standard classifications necessary to meet congressional needs;

(E) activities, progress, and results of the program of the Comptroller General under paragraph (1)(B)-(D) of this subsection; and

(F) progress of the executive branch in the prior year.

(3) Before March 2 of each year, the Director of the Office of Management and Budget and the Secretary shall report to Congress on plans for meeting the needs identified under paragraph (1)(A) of this subsection, including—

(A) plans for carrying out changes to classifications to meet information needs of Congress;

(B) the status of information systems in the prior year; and

(C) the use of standard classifications. (Public Law 97-258, Sept. 13, 1982, 96 Stat. 914; Public Law 97-452, §1(3), Jan. 12, 1983, 96 Stat. 2467.)

**THE STATUS OF CENSUS 2000**

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Mrs. MALONEY) is recognized for 5 minutes.

Mrs. MALONEY of New York. Mr. Speaker, tomorrow is a significant day in the history of our Republic. For only the 22nd time since our founding, those charged with the constitutional mandate to conduct a decennial census will report to the Nation on the preliminary results of their work. The Census acting director appears before Congress, and he will give us the first report on the quality and completeness of that count, under oath.

Rumor has it that the results are good, I think. I say that because there is still quite a bit we do not know. Apparently, the net national undercount from the 2000 census is about 1 percent. These results are a significant improvement over 1990. The 2000 census may well be the best ever conducted.

<sup>1</sup>For other requirements which relate to General Accounting Office reports to Congress and which affect the committee, see secs. 232 and 236 of the Legislative Reorganization Act of 1970 (Public Law 91-150).

It is also my obligation to report to this House that all may not be well with the census. If what I read in the papers is right, there is an ongoing plan by the Republican leadership to stop the Bureau from completing its job by blocking the use of modern scientific methods to achieve the most accurate picture of America.

This is not a charge that I make or any Democrat makes, it is a charge made by the investigative staff of none other than the Wall Street Journal in a story which appeared last Thursday quoting Republican sources that such a plan is afoot.

Mr. Speaker, I include for the RECORD this issue of the Wall Street Journal.

[From the Wall Street Journal, Feb. 8, 2001]

BUSH'S NEXT RECOUNT BATTLE: SHOULD CENSUS TALLIES BE ADJUSTED?

(By Jim VandeHei)

WASHINGTON.—Amid warnings of protests from minorities, President Bush must decide soon whether to use revised census data to redraw congressional boundaries and to divvy up roughly \$185 billion a year in federal funds.

At issue is the way the U.S. counts its people. Republicans want the person-by-person head count conducted in 2000 to stand; Democrats are demanding the use of statistical "sampling" models that they believe more accurately count hard-to-reach minority families in inner cities.

With potentially greater representation of minorities—and, therefore, Democrats—in Congress at stake, plus billions of dollars for minority communities, New York Democratic Rep. Carolyn Maloney calls the dispute the "bloodiest political war" she has ever seen. If Democrats lose, Mr. Bush's decision "will clearly make Florida look like a case of petty theft," she says.

But Republicans on Capitol Hill insist the war is over: The White House, they say, has privately promised to block states from using sampled numbers to redraw any of the nation's 435 congressional districts. This would brighten Republicans' prospects for retaining their tenuous five-seat House majority in 2002. Missouri GOP Rep. Roy Blunt, a Bush confidant, says he does "not believe there is any reason" that the president would change his mind and permit the use of "statistical sampling" for redistricting, which the GOP argues is unconstitutional.

Mr. Bush, however, may be willing to use sampled data for the distribution of federal funds if it becomes clear that the revised figures will increase government funding for urban, minority areas. This potential "compromise," Republicans say, underscores the president's sensitivity to the racial overtones of this debate. That could hardly placate Democrats, given the enormous political stakes.

WORKING TOWARD A SOLUTION

Scott McClellan, a spokesman for President Bush, says no decisions have been made yet. But officials at the Commerce Department, which oversees the Census Bureau, are working to craft a solution. Commerce Department officials have been advised by two staunch critics of sampling: Tom Hoffeler, a redistricting guru at the Republican National Committee, and Jane Cobb, the GOP staff director on the House subcommittee that oversees the census. Commerce Secretary Donald Evans, who was Mr. Bush's campaign chairman, also will play an influential role. \* \* \* this month. If the bureau finds that the 2000 head count was off signifi-

cantly, it could release the sampled figures when it begins providing states a breakdown of the original census on March 1 for redistricting. A final decision, by law, must be made by the end of March.

Mr. Bush's father faced a similar situation 10 years ago. Finally, then-Commerce Secretary Robert Mosbacher blocked the Census Bureau from using sampled numbers. He provided the younger Bush a precedent for possible compromise by later finding that sampled data, if based on sound science, could be preferable for distributing government funds.

This time, the White House has an array of options to stop the use of sampled data for redistricting. All are loaded with political and practical consequences.

Mr. Bush could revoke a Clinton administration rule that empowers the head of the Census Bureau to make the final call on whether to use sampled data. The courts have ruled that only unadjusted data could be used to determine how many House seats each state gets, but they left open the question of whether sampling could be used to redraw districts. Mr. Bush would have to overturn the rule before the new figures are released publicly, which gives him about a month to act.

Or the president could appoint a new Census Bureau director, who would make the final call on release of sampled data and possibly provide cover to Mr. Bush. Kenneth Prewitt, the bureau's director under former President Clinton and a staunch advocate of sampling, left last month. Career civil servant William Barron, the acting director, would not hesitate to release the sampled data if it showed a noticeable difference, observers say. But it would be nearly impossible for Mr. Bush to get a new director in place in time.

There is still a slim chance that Mr. Bush won't have to make a decision at all. If the Census Bureau finds that the 2000 person-by-person head count was nearly dead-on; there would be no reason to use revised numbers. That is unlikely, but Mr. Prewitt does say the 2000 census was the most accurate count ever taken. Democrats concede that it was probably far more accurate than the 1990 count, which they say underestimated the U.S. population by a net of about four million people, mostly poor people from big cities.

GUARDING "THEIR CIVIL RIGHTS"

But Rep. Maloney says it is likely that 2000 census, at the very least, missed huge pockets of people of inner cities that "must have their civil rights protected."

It is impossible to determine what effect the sampled data will have on the distribution of federal funds until the numbers are released. But if the 1990 census is any indication, it could boost government spending by billions of dollars over 10 years in cities such as New York and Chicago, according to various studies, because the government allocates much of its funds based on population.

Rep. Thomas Davis of Virginia, chairman of the GOP's congressional committee, accuses the Democrats of "using the funding issue to try to scare people" and mask their true intent, which is to pick up House seats. "Every seat counts," when a swing of five seats would cost the GOP control of the House, he says. Indeed, experts predict that sampling could significantly increase the number of Democratic voters in as many as 12 House districts currently held by Republicans.

Most of these seats are swing districts on the shoulders of the country's largest cities. Consider Los Angeles. Democrats control the entire redistricting process, which is done by the governor and the state Legislature. If

the Census Bureau's sampling data finds that minorities inside Los Angeles were undercounted, it could correct the problem by adding thousands of residents, presumably Democrats, to its original count. When the state redraws its congressional districts, Democrats then could simply draw pockets of minority-rich neighborhoods into GOP districts in neighboring suburbs.

In California alone, Republicans worry that this could cost them at least two House seats. Sampling, says Rep. Blunt, could "change" the control of the House.

In the end, it is likely that the courts will decide this dispute. Indeed, both sides have promised to file lawsuits if they lose.

Mr. Speaker, as we all learned in high school, no single action by this government other than the census does more to reapportion political power here and in our State legislatures and local communities. No single action, other than the census, does more to fairly distribute billions in Federal, State, and local tax dollars or private investment. No single act does more to recognize who we are as individuals, or together as communities assembled into a single Nation.

The impact of each new census is far-reaching because each occurs only once every 10 years. We have just completed our 22nd decennial census. Indeed, our fighting men and women have been sent abroad to defend liberty more times than we have conducted a full count of our own people to ensure that liberty is guaranteed.

A successful effort to interfere with a modern scientific count to achieve a purely partisan advantage of one political party over the other, as the Wall Street Journal suggests is under way, denies liberty and disenfranchises the unrepresented for an entire decade. That is why many call this moment in our history the most important civil rights issue of this decade.

Mr. Speaker, I remind this House of the recent election process in Florida. Those who felt denied access to the polls or disenfranchised by having their ballots set aside, or those stripped of their right to choose their political leadership, they still have recourse. Next year they can go to the polls again in local, State, and Federal elections and make their voices heard. Believe me, the whole world will be watching.

To those left out of the census, however, those that are disenfranchised by a purely partisan intervention to ensure that they are not counted or recognized or represented, to them there is no recourse, not for 10 long years. Billions of dollars in Federal funding will be unfairly spent, private investment will be redirected to those less deserving, local planners and school boards will overlook again those uncounted, unless we do everything we can to improve the census and ensure that it is as complete and accurate as possible.

What we are likely to hear tomorrow is that the net national undercount is better than in 1990. It may be 3 million people missed instead of 4 million. In any case, we know that they are most

likely, most probably, minorities and children who are undercounted, the urban and rural poor. Mostly affluent whites have been double-counted. Mr. Speaker, we cannot make up for not counting minorities by double-counting whites.

There are those in the administration rushing to prejudge the results without having all the facts. They claim this is the most accurate census in American history. We hope so, but the whole story is not known.

The key to this challenge is not just how many were missed, but who was missed? Where do they reside? Were some groups missed at higher rates than others? What if we learned that nationally a net of 3 million residents were missed, but that one million were in Florida. Would Florida not insist on an adjustment?

Equality of outcome, for all types of communities and for all population groups, is what we need to ensure the fair allocation of resources to areas most in need, as well as the obvious, equal representation for everyone in our democracy.

This is my pledge to the Members of the House and to those we represent. Through my position on the Census Subcommittee, and through whatever power I can muster, we will ultimately learn if any political influence by this administration is used to interfere with the scientific process of a complete and accurate Census. I led the fight to ensure that career professionals at the Census Bureau would make this decision when the prior Democratic administration was in power. The same process should apply to the new administration. I want to ensure the Secretary of Commerce and the President that we are watching. There can be no more unseemly act than the one suggested in these press accounts. To have the very government elected to serve the people use its power to block the exercise of every political right on the part of millions of Americans is wrong.

We are on the verge in this Nation of re-drawing every political jurisdiction in every state from congressional districts to state legislatures to city councils and school boards and even local taxing districts. Only the census numbers which give us the most complete accounting of everyone residing in our country should be used for that purpose. To think that this Federal Government, the very instrument of political empowerment in the last century for people of color, women, and youth, would be turned against those same groups is unimaginable.

We shall not have ended the poll tax, given suffrage to women, lowered the voting age to 18, ensured all qualified citizens the right to vote, arrested those who intimidated voters at the polls, to just turn away now while millions are left uncounted, unrecognized and unempowered. The struggle for full voting rights cannot and must not be undone by the swipe of a political appointee's pen.

#### PUBLICATION OF THE RULES OF THE COMMITTEE ON ENERGY AND COMMERCE 107TH CONGRESS

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

Mr. TAUZIN. Mr. Speaker, on February 7, 2001, the Committee on Energy and Com-

merce, meeting in open markup session, adopted the following Rules for the 107th Congress.

#### RULES FOR THE COMMITTEE ON ENERGY AND COMMERCE 107TH CONGRESS

Rule 1. General Provisions. (a) Rules of the Committee. The Rules of the House are the rules of the Committee on Energy and Commerce (hereinafter the "Committee") and its subcommittees so far as is applicable, except that a motion to recess from day to day, and a motion to dispense with the first reading (in full) of a bill or resolution, if printed copies are available, are nondebatable and privileged in the Committee and its subcommittees.

(b) Rules of the Subcommittees. Each subcommittee of the Committee is part of the Committee and is subject to the authority and direction of the Committee and to its rules so far as applicable. Written rules adopted by the Committee, not inconsistent with the Rules of the House, shall be binding on each subcommittee of the Committee.

Rule 2. Time and Place of Meetings. (a) Regular Meeting Days. The Committee shall meet on the fourth Tuesday of each month at 10 a.m., for the consideration of bills, resolutions, and other business, if the House is in session on that day. If the House is not in session on that day and the Committee has not met during such month, the Committee shall meet at the earliest practicable opportunity when the House is again in session. The chairman of the Committee may, at his discretion, cancel, delay, or defer any meeting required under this section, after consultation with the ranking minority member.

(b) Additional Meetings. The chairman may call and convene, as he considers necessary, additional meetings of the Committee for the consideration of any bill or resolution pending before the Committee or for the conduct of other Committee business. The Committee shall meet for such purposes pursuant to that call of the chairman.

(c) Vice Chairmen; Presiding Member. The chairman shall designate a member of the majority party to serve as vice chairman of the Committee, and shall designate a majority member of each subcommittee to serve as vice chairman of each subcommittee. The vice chairman of the Committee or subcommittee, as the case may be, shall preside at any meeting or hearing during the temporary absence of the chairman. If the chairman and vice chairman of the Committee or subcommittee are not present at any meeting or hearing, the ranking member of the majority party who is present shall preside at the meeting or hearing.

(d) Open Meetings and Hearings. Except as provided by the Rules of the House, each meeting of the Committee or any of its subcommittees for the translated of business, including the markup of legislation, and each hearing, shall be open to the public including to radio, television and still photograph coverage, consistent with the provisions of Rule XI of the Rules of the House.

Rule 3. Agenda. The agenda for each Committee or subcommittee meeting (other than a hearing), setting out the date, time, place, and all items of business to be considered, shall be provided to each member of the Committee at least 36 hours in advance of such meeting.

Rule 4. Procedure. (a)(1) Hearings. The date, time, place, and subject matter of any hearing of the Committee or any of its subcommittees shall be announced at least one week in advance of the commencement of such hearing, unless the Committee or subcommittee determines in accordance with clause 2(g)(3) of Rule XI of the Rules of the House that there is good cause to begin the hearing sooner.

(2)(A) Meetings. The date, time, place, and subject matter of any meeting (other than a hearing) scheduled on a Tuesday, Wednesday, or Thursday when the House will be in session, shall be announced at least 36 hours (exclusive of Saturdays, Sundays, and legal holidays except when the House is in session on such days) in advance of the commencement of such meeting.

(B) Other Meetings. The date, time, place, and subject matter of a meeting (other than a hearing or a meeting to which subparagraph (A) applies) shall be announced at least 72 hours in advance of the commencement of such meeting.

(b)(1) Requirements for Testimony. Each witness who is to appear before the Committee or a subcommittee shall file with the clerk of the Committee, at least two working days in advance of his or her appearance, sufficient copies, as determined by the chairman of the Committee or a subcommittee, of a written statement of his or her proposed testimony to provide to members and staff of the Committee or subcommittee, the news media, and the general public. Each witness shall, to the greatest extent practicable, also provide a copy of such written testimony in an electronic format prescribed by the chairman. Each witness shall limit his or her oral presentation to a brief summary of the argument. The chairman of the Committee or subcommittee, or the presiding member, may waive the requirements of this paragraph or any part thereof.

(2) Additional Requirements for Testimony. To the greatest extent practicable, the written testimony of each witness appearing in a non-government capacity shall include a curriculum vitae and disclosure of the amount and source (by agency and program) of any federal grant (or subgrant thereof) or contract (or subcontract thereof) received during the current fiscal year or either of the two preceding fiscal years by the witness or by an entity represented by the witness.

(c) Questioning Witnesses. The right to interrogate the witnesses before the Committee or any of its subcommittees shall alternate between majority and minority members. Each member shall be limited to 5 minutes in the interrogation of witnesses until such time as each member who so desires has had an opportunity to question witnesses. No member shall be recognized for a second period of 5 minutes to interrogate a witness until each member of the Committee present has been recognized once for that purpose. While the Committee or subcommittee is operating under the 5-minute rule for the interrogation of witnesses, the chairman shall recognize in order of appearance members who were not present when the meeting was called to order after all members who were present when the meeting was called to order have been recognized in the order of seniority on the Committee or subcommittee, as the case may be.

(d) Explanation of Subcommittee Action. No bill, recommendation, or other matter reported by a subcommittee shall be considered by the full explanation, has been available to members of the Committee for at least 36 hours. Such explanation shall include a summary of the major provisions of the legislation, an explanation of the relationship of the matter to present law, and a summary of the need for the legislation. All subcommittee actions shall be reported promptly by the clerk of the Committee to all members of the Committee.

(e) Opening Statements. Opening statements by members at the beginning of any hearing or markup of the Committee or any of its subcommittees shall be limited to 5 minutes each for the chairman and ranking minority member (or their respective designee) of the Committee or subcommittee, as

applicable, and 3 minutes each for all other members.

Rule 5. Waiver of Agenda, Notice, and Layover Requirements. Requirements of rules 3, 4(a)(2), and 4(d) may be waived by a majority of those present and voting (a majority being present) of the Committee or subcommittee, as the case may be.

Rule 6. Quorum. Testimony may be taken and evidence received at any hearing at which there are present not fewer than two members of the Committee or subcommittee in question. A majority of the member of the Committee shall constitute a quorum for the purposes of reporting any measure or matter, or authorizing a subpoena, or of closing a meeting or hearing pursuant to clause 2(g) of Rule XI of the Rules of the House (except as provided in clause 2(g)(2)(A) and (B)). For the purposes of taking any action other than those specified in the preceding sentence, one-third of the members of the Committee or subcommittee shall constitute a quorum.

Rule 7. Official Committee Records. (a)(1) Journal. The proceedings of the Committee shall be recorded in a journal which shall, among other things, show those present at each meeting, and include a record of the vote on any question on which a record vote is demanded and a description of the amendment, motion, order, or other proposition voted. A copy of the journal shall be furnished to the ranking minority member.

(2) Recorded Votes. A record vote may be demanded by one-fifth of the members present or, in the apparent absence of a quorum, by any one member. No demand for a record vote shall be made or obtained except for the purpose of procuring a record vote or in the apparent absence of a quorum. The result of each record vote in any meeting of the Committee shall be made available in the Committee office for inspection by the public, as provided in Rule XI, clause 2(e) of the Rules of the House.

(b) Archived Records. The records of the Committee at the National Archives and Records Administration shall be made available for public use in accordance with Rule VII of the Rules of the House. The chairman shall notify the ranking minority member of any decision, pursuant to clause 3(b)(3) or clause 4(b) of the Rule, to withhold a record otherwise available, and the matter shall be presented to the Committee for a determination on the written request of any member of the Committee. The chairman shall consult with the ranking minority member on any communication from the Archivist of the United States or the Clerk of the House concerning the disposition of noncurrent records pursuant to clause 3(b) of the Rule.

Rule 8. Subcommittees. There shall be such standing subcommittees with such jurisdiction and size as determined by the majority party caucus of the Committee. The jurisdiction, number, and size of the subcommittees shall be determined by the majority party caucus prior to the start of the process for establishing subcommittee chairmanships and assignments.

Rule 9. Powers and Duties of Subcommittees. Each subcommittee is authorized to meet, hold hearings, receive testimony, mark up legislation, and report to the Committee on all matters referred to it. Subcommittee chairmen shall set hearing and meeting dates only with the approval of the chairman of the Committee with a view toward assuring the availability of meeting rooms and avoiding simultaneous scheduling of Committee and subcommittee meetings or hearings whenever possible.

Rule 10. Reference of Legislation and Other Matters. All legislation and other matters referred to the Committee shall be referred to the subcommittee of appropriate jurisdiction within two weeks of the date of receipt

by the Committee unless action is taken by the full committee within those two weeks, or by majority vote of the members of the Committee, consideration is to be by the full Committee. In the case of legislation or other matter within the jurisdiction of more than one subcommittee, the chairman of the Committee may, in his discretion, refer the matter simultaneously to two or more subcommittees for concurrent consideration, or may designate a subcommittee of primary jurisdiction and also refer the matter to one or more additional subcommittees for consideration in sequence (subject to appropriate time limitations), either on its initial referral or after the matter has been reported by the subcommittee of primary jurisdiction. Such authority shall include the authority to refer such legislation or matter to an ad hoc subcommittee appointed by the chairman, with the approval of the Committee, from the members of the subcommittee having legislative or oversight jurisdiction.

Rule 11. Ratio of Subcommittees. The majority caucus of the Committee shall determine an appropriate ratio of majority to minority party members for each subcommittee and the chairman shall negotiate that ratio with the minority party, provided that the ratio of party members on each subcommittee shall be no less favorable to the majority than that of the full Committee, nor shall such ratio provide for a majority of less than two majority members.

Rule 12. Subcommittee Membership. (a) Selection of Subcommittee Members. Prior to any organizational meeting held by the Committee, the majority and minority caucuses shall select their respective members of the standing subcommittee.

(b) Ex Officio Members. The chairman and ranking minority member of the Committee shall be ex officio members with voting privileges of each subcommittee of which they are not assigned as members and may be counted for purposes of establishing a quorum in such subcommittees.

Rule 13. Managing Legislation on the House Floor. The chairman, in his discretion, shall designate which member shall manage legislation reported by the Committee to the House.

Rule 14. Committee Professional and Clerical Staff Appointments. (a) Delegation of Staff. Whenever the chairman of the Committee determines that any professional staff member appointed pursuant to the provisions of clause 9 of Rule X of the House of Representatives, who is assigned to such chairman and not to the ranking minority member, by reason of such professional staff member's expertise or qualifications will be of assistance to one or more subcommittees in carrying out their assigned responsibilities, he may delegate such member to such subcommittees for such purpose. A delegation of a member of the professional staff pursuant to this subsection shall be made after consultation with subcommittee chairmen and with the approval of the subcommittee chairman or chairmen involved.

(b) Minority Professional Staff. Professional staff members appointed pursuant to clause 9 of Rule X of the House of Representatives, who are assigned to the ranking minority member of the Committee and not to the chairman of the Committee, shall be assigned to such Committee business as the minority party members of the Committee consider advisable.

(c) Additional Staff Appointments. In addition to the professional staff appointed pursuant to clause 9 of Rule X of the House of Representatives, the chairman of the Committee shall be entitled to make such appointments to the professional and clerical staff of the Committee as may be provided

within the budget approved for such purposes by the Committee. Such appointee shall be assigned to such business of the full Committee as the chairman of the Committee considers advisable.

(d) Sufficient Staff. The chairman shall ensure that sufficient staff is made available to each subcommittee to carry out its responsibilities under the rules of the Committee.

(e) Fair Treatment of Minority Members in Appointment of Committee Staff. The chairman shall ensure that the minority members of the Committee are treated fairly in appointment of Committee staff.

(f) Contracts for Temporary or Intermittent Services. Any contract for the temporary services or intermittent service of individual consultants or organizations to make studies or advise the Committee or its subcommittees with respect to any matter within their jurisdiction shall be deemed to have been approved by a majority of the members of the Committee if approved by the chairman and ranking minority member of the Committee. Such approval shall not be deemed to have been given if at least one-third of the members of the Committee request in writing that the Committee formally act on such a contract, if the request is made within 10 days after the latest date on which such chairman or chairmen, and such ranking minority member or members, approve such contract.

Rule 15. Supervision, Duties of Staff. (a) Supervision of Majority Staff. The professional and clerical staff of the Committee not assigned to the minority shall be under the supervision and direction of the chairman who, in consultation with the chairmen of the subcommittees, shall establish and assign the duties and responsibilities of such staff members and delegate such authority as he determines appropriate.

(b) Supervision of Minority Staff. The professional and clerical staff assigned to the minority shall be under the supervision and direction of the minority members of the Committee, who may delegate such authority as they determine appropriate.

Rule 16. Committee Budget. (a) Preparation of the Committee Budget. The chairman of the Committee, after consultation with the ranking minority member of the Committee and the chairmen of the subcommittees, shall for the 107th Congress prepare a preliminary budget for the Committee, with such budget including necessary amounts for professional and clerical staff, travel, investigations, equipment and miscellaneous expenses of the Committee and the subcommittees, and which shall be adequate to fully discharge the Committee's responsibilities for legislation and oversight. Such budget shall be presented by the chairman to the majority party caucus of the Committee and thereafter to the full Committee for its approval.

(b) Approval of the Committee Budget. The chairman shall take whatever action is necessary to have the budget as finally approved by the Committee duly authorized by the House. No proposed Committee budget may be submitted to the Committee on House Administration unless it has been presented to and approved by the majority party caucus and thereafter by the full Committee. The chairman of the Committee may authorize all necessary expenses in accordance with these rules and within the limits of the Committee's budget as approved by the House.

(c) Monthly Expenditures Report. Committee members shall be furnished a copy of each monthly report, prepared by the chairman for the Committee on House Administration, which shows expenditures made during the reporting period and cumulative for the year by the Committee and subcommittees, anticipated expenditures for the projected Committee program, and detailed information on travel.

Rule 17. Broadcasting of Committee Hearings. Any meeting or hearing that is open to the public may be covered in whole or in part by radio or television or still photography, subject to the requirements of clause 4 of Rule XI of the Rules of the House. The coverage of any hearing or other proceeding of the Committee or any subcommittee thereof by television, radio, or still photography shall be under the direct supervision of the chairman of the Committee, the subcommittee chairman, or other member of the Committee presiding at such hearing or other proceeding and may be terminated by such member in accordance with the Rules of the House.

Rule 18. Comptroller General Audits. The chairman of the Committee is authorized to request verification examinations by the Comptroller General of the United States pursuant to Title V, Part A of the Energy Policy and Conservation Act (Public Law 94-163), after consultation with the members of the Committee.

Rule 19. Subpoenas. The Committee, or any subcommittee, may authorize and issue a subpoena under clause 2(m)(2)(A) of Rule XI of the House, if authorized by a majority of the members of the Committee or subcommittee (as the case may be) voting, a quorum being present. Authorized subpoenas may be issued over the signature of the chairman of the Committee or any member designated by the Committee, and may be served by any person designated by such chairman or member. The chairman of the Committee may authorize and issue subpoenas under such clause during any period for which the House has adjourned for a period in excess of 3 days when, in the opinion of the chairman, authorization and issuance of the subpoena is necessary to obtain the material set forth in the subpoena. The chairman shall report to the members of the Committee on the authorization and issuance of a subpoena during the recess period as soon as practicable but in no event later than one week after service of such subpoena.

Rule 20. Travel of Members and Staff. (a) Approval of Travel. Consistent with the primary expense resolution and such additional expense resolutions as may have been approved, travel to be reimbursed from funds set aside for the Committee for any member or any staff member shall be paid only upon the prior authorization of the chairman. Travel may be authorized by the chairman for any member and any staff member in connection with the attendance of hearings conducted by the Committee or any subcommittee thereof and meetings, conferences, and investigations which involve activities or subject matter under the general jurisdiction of the Committee. Before such authorization is given there shall be submitted to the chairman in writing the following: (1) the purpose of the travel; (2) the dates during which the travel is to be made and the date or dates of the event for which the travel is being made; (3) the location of the event for which the travel is being made; and (4) the names of members and staff seeking authorization.

(b) Approval of Travel by Minority Members and Staff. In the case of travel by minority party members and minority party professional staff for the purpose set out in (a), the prior approval, not only of the chairman but also of the ranking minority member, shall be required. Such prior authorization shall be given by the chairman only upon the representation by the ranking minority member in writing setting forth those items enumerated in (1), (2), (3), and (4) of paragraph (a).

#### COMMENDING THE COURAGE OF STUDENTS AT WOODBURN HIGH SCHOOL AND FAMILY OF KARINA AND MARTINA GONZALEZ

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Oregon (Ms. HOOLEY) is recognized for 5 minutes.

Ms. HOOLEY of Oregon. Mr. Speaker, I rise today to recognize the strength and compassion of Woodburn, a small town in my district, when they faced a tragedy.

On December 4, 2000, Karina Gonzalez, a high school student, and her mother, Martina Meza Gonzalez, were walking home after receiving an outstanding report in her parent-teacher conference. While the mother and daughter were crossing the busy Highway 214, they were hit and killed. This was a senseless tragedy that could have been avoided by a proper crosswalk and lighting of this popular crossing area.

This was not the first time that an accident such as this had happened on that same stretch of highway. In response to the accident, students conducted a survey of students who cross that busy highway in order to get to school.

□ 1900

They wrote letters to State leaders, testified before State legislative committees to encourage change. Because of the students demanding a solution, improvements have been made to the highway by creating a pedestrian island with a promise of lighting and other solutions.

The action the community took proves that when people work together, they can make positive changes.

Mr. Speaker, in light of the tragic death of two special people, the Woodburn community banded together to make their voices heard and to prevent this kind of accident in the future.

I commend the courage of the students of Woodburn High School, the Woodburn community and the family of Karina and Martina Gonzalez for their activism in face of this tragedy and their willingness to be involved in the democratic process to make positive change. My congratulations to them.

#### PUBLICATION OF THE RULES OF THE COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE, 107TH CONGRESS

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

Mr. YOUNG of Alaska. Mr. Speaker, attached is a copy of the Rules of the Committee on Transportation and Infrastructure of the U.S. House of Representatives. These Rules were adopted by the Committee on Transportation and Infrastructure by voice vote on February 7, 2001. We are submitting these Rules to the CONGRESSIONAL RECORD for publication in compliance with Rule XI, Clause 2(a)(2).

#### RULES OF THE COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

(Adopted February 7, 2001)

##### Rule I.—General Provisions

(a) *Applicability of House Rules.*—(1) The Rules of the House are the rules of the Committee and its subcommittees so far as applicable, except that a motion to recess from day to day, and a motion to dispense with the first reading (in full) of a bill or resolution, if printed copies are available, are non-debatable privileged motions in the Committee and its subcommittees.

(2) Each subcommittee is part of the Committee, and is subject to the authority and direction of the Committee and its rules so far as applicable.

(3) Rule XI of the Rules of the House, which pertains entirely to Committee procedure, is incorporated and made a part of the rules of the Committee to the extent applicable.

(b) *Authority to Conduct Investigations.*—The Committee is authorized at any time to conduct such investigations and studies as it may consider necessary or appropriate in the exercise of its responsibilities under Rule X of the Rules of the House and (subject to the adoption of expense resolutions as required by Rule X, clause 6 of the Rules of the House) to incur expenses (including travel expenses) in connection therewith.

(c) *Authority to Print.*—The Committee is authorized to have printed and bound testimony and other data presented at hearings held by the Committee. All costs of stenographic services and transcripts in connection with any meeting or hearing of the Committee shall be paid as provided in clause 1(c) of Rule XI of the House.

(d) *Activities Report.*—(1) The Committee shall submit to the House, not later than January 2 of each odd-numbered year, a report on the activities of the Committee under Rules X and XI of the Rules of the House during the Congress ending on January 3 of such year.

(2) Such report shall include separate sections summarizing the legislative and oversight activities of the Committee during that Congress.

(3) The oversight section of such report shall include a summary of the oversight plans submitted by the Committee pursuant to clause 2(d) of Rule X of the Rules of the House, a summary of the actions taken and recommendations made with respect to each such plan, and a summary of any additional oversight activities undertaken by the Committee, and any recommendations made or actions taken thereon.

(e) *Publication of Rules.*—The Committee's rules shall be published in the Congressional Record not later than 30 days after the Committee is elected in each odd-numbered year.

##### Rule II.—Regular, Additional and Special Meetings

(a) *Regular Meetings.*—Regular meetings of the Committee shall be held on the first Wednesday of every month to transact its business unless such day is a holiday, or the House is in recess or is adjourned, in which case the Chairman shall determine the regular meeting day of the Committee for that month. The Chairman shall give each member of the Committee, as far in advance of the day of the regular meeting as the circumstances make practicable, a written notice of such meeting and the matters to be considered at such meeting. If the Chairman believes that the Committee will not be considering any bill or resolution before the full Committee and that there is no other business to be transacted at a regular meeting, the meeting may be canceled or it may be deferred until such time as, in the judgment of the Chairman, there may be matters

which require the Committee's consideration. This paragraph shall not apply to meetings of any subcommittee.

(b) *Additional meetings.*—The Chairman may call and convene, as he or she considers necessary, additional meetings of the Committee for the consideration of any bill or resolution pending before the Committee or for the conduct of other committee business. The Committee shall meet for such purpose pursuant to the call of the Chairman.

(c) *Special Meetings.*—If at least three members of the Committee desire that a special meeting of the Committee be called by the Chairman, those members may file in the offices of the Committee their written request to the Chairman for that special meeting. Such request shall specify the measure or matter to be considered. Immediately upon the filing of the request, the clerk of the Committee shall notify the Chairman of the filing of the request. If, within 3 calendar days after the filing of the request, the Chairman does not call the requested special meeting to be held within 7 calendar days after the filing of the request, a majority of the members of the Committee may file in the offices of the Committee their written notice that a special meeting of the Committee will be held, specifying the date and hour thereof, and the measure or matter to be considered at that special meeting. The Committee shall meet on that date and hour. Immediately upon the filing of the notice, the clerk of the Committee shall notify all members of the Committee that such meeting will be held and inform them of its date and hour and the measure or matter to be considered; and only the measure or matter specified in that notice may be considered at that special meeting.

(d) *Vice Chairman.*—The Chairman shall appoint a vice chairman of the Committee and of each subcommittee. If the Chairman of the Committee or subcommittee is not present at any meeting of the Committee or subcommittee, as the case may be, the vice chairman shall preside. If the vice chairman is not present, the ranking member of the majority party on the Committee or subcommittee who is present shall preside at that meeting.

(e) *Prohibition on Sitting During Joint Session.*—The Committee may not sit during a joint session of the House and Senate or during a recess when a joint meeting of the House and Senate is in progress.

(f) *Addressing the Committee.*—(1) A Committee member may address the Committee or a subcommittee on any bill, motion, or other matter under consideration or may question a witness at a hearing—

(A) only when recognized by the Chairman for that purpose; and

(B) subject to subparagraphs (2) and (3), only for 5 minutes until such time as each member of the Committee or subcommittee who so desires has had an opportunity to address the Committee or subcommittee or question the witness.

A member shall be limited in his or her remarks to the subject matter under consideration. The Chairman shall enforce this subparagraph.

(2) The Chairman of the Committee or a subcommittee, with the concurrence of the ranking minority member, or the Committee or subcommittee by motion, may permit a specified number of its members to question a witness for longer than 5 minutes. The time for extended questioning of a witness under this subdivision shall be equal for the majority party and minority party and may not exceed one hour in the aggregate.

(3) The Chairman of the Committee or a subcommittee, with the concurrence of the ranking minority member, or the Committee or subcommittee by motion, may permit

committee staff for its majority and minority party members to question a witness for equal specified periods. The time for extended questioning of a witness under this subdivision shall be equal for the majority party and minority party and may not exceed one hour in the aggregate.

(4) Nothing in subparagraph (2) or (3) affects the right of a Member (other than a Member designated under subparagraph (2)) to question a witness for 5 minutes in accordance with subparagraph (1)(B) after the questioning permitted under subparagraph (2) or (3).

(g) *Meetings to Begin Promptly.*—Each meeting or hearing of the Committee shall begin promptly at the time so stipulated in the public announcement of the meeting or hearing.

(h) *Access to the Dais and Lounges.*—Access to the hearing rooms' daises and to the lounges adjacent to the Committee hearing rooms shall be limited to Members of Congress and employees of Congress during a meeting or hearing of the Committee unless specifically permitted by the Chairman or ranking minority member.

(i) *Use of Cellular Telephones.*—The use of cellular telephones in the Committee hearing room is prohibited during a meeting or hearing of the Committee.

*Rule III.—Open Meetings and Hearings; Broadcasting*

(a) *Open Meetings.*—Each meeting for the transaction of business, including the markup of legislation, and each hearing of the Committee or a subcommittee shall be open to the public, except as provided by clause 2(g) of Rule XI of the Rules of the House.

(b) *Broadcasting.*—Whenever a meeting for the transaction of business, including the markup of legislation, or a hearing is open to the public, that meeting or hearing shall be open to coverage by television, radio, and still photography in accordance with clause 4 of Rule XI of the Rules of the House. Operation and use of any Committee internet broadcast system shall be fair and non-partisan and in accordance with clause 4(b) of Rule XI and all other applicable rules of the Committee and the House.

*Rule IV.—Records and Record Votes*

(a) *Keeping of Records.*—The Committee shall keep a complete record of all Committee action which shall include—

(1) in the case of any meeting or hearing transcripts, a substantially verbatim account of remarks actually made during the proceedings, subject only to technical, grammatical and typographical corrections authorized by the person making the remarks involved, and

(2) a record of the votes on any question on which a record vote is demanded.

The result of each such record vote shall be made available by the Committee for inspection by the public at reasonable times in the offices of the Committee. Information so available for public inspection shall include a description of the amendment, motion, order, or other proposition and the name of each member voting for and each member voting against such amendment, motion, order, or proposition, and the names of those members present but not voting. A record vote may be demanded by one-fifth of the members present.

(b) *Property of the House.*—All Committee hearings, records, data, charts, and files shall be kept separate and distinct from the congressional office records of the member serving as Chairman of the Committee; and such records shall be the property of the House and all members of the House shall have access thereto.

(c) *Availability of Archived Records.*—The records of the Committee at the National Ar-

chives and Records Administration shall be made available for public use in accordance with Rule VII of the Rules of the House. The Chairman shall notify the ranking minority member of the Committee of any decision, pursuant to clause 3(b)(3) or clause 4(b) of such rule, to withhold a record otherwise available, and the matter shall be presented to the Committee for a determination on written request of any member of the Committee.

*Rule V.—Power To Sit and Act; Subpoena Power*

(a) *Authority to Sit and Act.*—For the purpose of carrying out any of its functions and duties under Rules X and XI of the Rules of the House, the Committee and each of its subcommittees, is authorized (subject to paragraph (b)(1) of this rule)—

(1) to sit and act at such times and places within the United States whether the House is in session, has recessed, or has adjourned and to hold such hearings, and

(2) to require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandums, papers, and documents, as it deems necessary. The Chairman of the Committee, or any member designated by the Chairman, may administer oaths to any witness.

(b) *Issuance of Subpoenas.*—(1) A subpoena may be issued by the Committee or subcommittee under paragraph (a)(2) in the conduct of any investigation or activity or series of investigations or activities, only when authorized by a majority of the members voting, a majority being present. Such authorized subpoenas shall be signed by the Chairman of the Committee or by any member designated by the Committee. If a specific request for a subpoena has not been previously rejected by either the Committee or subcommittee, the Chairman of the Committee, after consultation with the ranking minority member of the Committee, may authorize and issue a subpoena under paragraph (a)(2) in the conduct of any investigation or activity or series of investigations or activities, and such subpoena shall for all purposes be deemed a subpoena issued by the Committee. As soon as practicable after a subpoena is issued under this rule, the Chairman shall notify all members of the Committee of such action.

(2) Compliance with any subpoena issued by the Committee or subcommittee under paragraph (a)(2) may be enforced only as authorized or directed by the House.

(c) *Expenses of Subpoenaed Witnesses.*—Each witness who has been subpoenaed, upon the completion of his or her testimony before the Committee or any subcommittee, may report to the offices of the Committee, and there sign appropriate vouchers for travel allowances and attendance fees. If hearings are held in cities other than Washington, DC, the witness may contact the counsel of the Committee, or his or her representative, before leaving the hearing room.

*Rule VI.—Quorums*

(a) *Working Quorum.*—One-third of the members of the Committee or a subcommittee shall constitute a quorum for taking any action other than the closing of a meeting pursuant to clauses 2(g) and 2(k)(5) of Rule XI of the Rules of the House, the authorizing of a subpoena pursuant to paragraph (b) of Committee rule V, the reporting of a measure or recommendation pursuant to paragraph (b)(1) of Committee Rule VIII, and the actions described in paragraphs (b), (c) and (d) of this rule.

(b) *Quorum for Reporting.*—A majority of the members of the Committee or a subcommittee shall constitute a quorum for the reporting of a measure or recommendation.

(c) *Approval of Certain Matters.*—A majority of the members of the Committee or a subcommittee shall constitute a quorum for approval of a resolution concerning any of the following actions:

(1) A prospectus for construction, alteration, purchase or acquisition of a public building or the lease of space as required by section 7 of the Public Buildings Act of 1959.

(2) Survey investigation of a proposed project for navigation, flood control, and other purposes by the Corps of Engineers (section 4 of the Rivers and Harbors Act of March 4, 1913, 33 U.S.C. 542).

(3) Construction of a water resources development project by the Corps of Engineers with an estimated Federal cost not exceeding \$15,000,000 (section 201 of the Flood Control Act of 1965).

(4) Deletion of water quality storage in a Federal reservoir project where the benefits attributable to water quality are 15 percent or more but not greater than 25 percent of the total project benefits (section 65 of the Water Resources Development Act of 1974).

(5) Authorization of a Natural Resources Conservation Service watershed project involving any single structure of more than 4,000 acre feet of total capacity (section 2 of P.L. 566, 83rd Congress).

(d) *Quorum for Taking Testimony.*—Two members of the Committee or subcommittee shall constitute a quorum for the purpose of taking testimony and receiving evidence.

#### *Rule VII.—Hearing Procedures*

(a) *Announcement.*—The Chairman, in the case of a hearing to be conducted by the Committee, and the appropriate subcommittee chairman, in the case of a hearing to be conducted by a subcommittee, shall make public announcement of the date, place, and subject matter of such hearing at least one week before the hearing. If the Chairman or the appropriate subcommittee chairman, as the case may be, with the concurrence of the ranking minority member of the Committee or subcommittee as appropriate, determines there is good cause to begin the hearing sooner, or if the Committee or subcommittee so determines by majority vote, a quorum being present for the transaction of business, the Chairman shall make the announcement at the earliest possible date. The clerk of the Committee shall promptly notify the Daily Digest Clerk of the Congressional Record and shall promptly enter the appropriate information into the Committee scheduling service of the House Information Resources as soon as possible after such public announcement is made.

(b) *Written Statement; Oral Testimony.*—So far as practicable, each witness who is to appear before the Committee or a subcommittee shall file with the clerk of the Committee or subcommittee, at least 2 working days before the day of his or her appearance, a written statement of proposed testimony and shall limit his or her oral presentation to a summary of the written statement.

(c) *Minority witnesses.*—When any hearing is conducted by the Committee or any subcommittee upon any measure or matter, the minority party members on the Committee or subcommittee shall be entitled, upon request to the Chairman by a majority of those minority members before the completion of such hearing, to call witnesses selected by the minority to testify with respect to that measure or matter during at least one day of hearing thereon.

(d) *Summary of Subject Matter.*—Upon announcement of a hearing, to the extent practicable, the Committee shall make available immediately to all members of the Committee a concise summary of the subject

matter (including legislative reports and other material) under consideration. In addition, upon announcement of a hearing and subsequently as they are received, the Chairman shall make available to the members of the Committee any official reports from departments and agencies on such matter.

(e) *Questioning of Witnesses.*—The questioning of witnesses in Committee and subcommittee hearings shall be initiated by the Chairman, followed by the ranking minority member and all other members alternating between the majority and minority parties. In recognizing members to question witnesses in this fashion, the Chairman shall take into consideration the ratio of the majority to minority members present and shall establish the order of recognition for questioning in such a manner as not to disadvantage the members of the majority nor the members of the minority. The Chairman may accomplish this by recognizing two majority members for each minority member recognized.

(f) *Investigative Hearings.*—(1) Clause 2(k) of Rule XI of the Rules of the House (relating to additional rules for hearings) applies to hearings of the Committee and its subcommittees.

(2) A subcommittee may not begin a major investigation without approval of a majority of such subcommittee.

(g) *Participation of Members in Subcommittee meetings and hearings.*—All members of the Committee who are not members of a particular Subcommittee may, by unanimous consent of the members of the such Subcommittee, participate in any subcommittee meeting or hearing. However, a member who is not a member of the Subcommittee may not vote on any matter before the Subcommittee, be counted for purposes of establishing a quorum, or raise points of order.

#### *Rule VIII.—Procedures For Reporting Bills and Resolutions*

(a) *Filing of Reports.*—(1) The Chairman of the Committee shall report promptly to the House any measure or matter approved by the Committee and take necessary steps to bring the measure or matter to a vote.

(2) The report of the Committee on a measure or matter which has been approved by the Committee shall be filed within 7 calendar days (exclusive of days on which the House is not in session) after the day on which there has been filed with the clerk of the Committee a written request, signed by a majority of the members of the Committee, for the reporting of that measure or matter. Upon the filing of any such request, the clerk of the Committee shall transmit immediately to the Chairman of the Committee notice of the filing of that request.

(b) *Quorum; Record Votes.*—(1) No measure, matter or recommendation shall be reported from the Committee unless a majority of the Committee was actually present.

(2) With respect to each record vote on a motion to report any measure or matter of a public character, and on any amendment offered to the measure or matter, the total number of votes cast for and against, and the names of those members voting for and against, shall be included in the Committee report on the measure or matter.

(c) *Required Matters.*—The report of the Committee on a measure or matter which has been approved by the Committee shall include the items required to be included by clauses 2(c) and 3 of Rule XIII of the Rules of the House.

(d) *Additional Views.*—If, at the time of approval of any measure or matter by the Committee, any member of the Committee gives notice of intention to file supplemental, minority, or additional views, that member shall be entitled to not less than two addi-

tional calendar days after the day of such notice (excluding Saturdays, Sundays, and legal holidays) in which to file such views in accordance with clause 2(1) of Rule XI of the Rules of the House.

(e)(1) *Approval of Committee Views.*—All Committee and subcommittee prints, reports, documents, or other materials, not otherwise provided for under this rule, that purport to express publicly the views of the Committee or any of its subcommittees or members of the Committee or its subcommittees shall be approved by the Committee or the subcommittee prior to printing and distribution and any member shall be given an opportunity to have views included as part of such material prior to printing, release and distribution in accordance with paragraph (d) of this rule.

(2) A Committee or subcommittee document containing views other than those of members of the Committee or subcommittee shall not be published without approval of the Committee or subcommittee.

#### *Rule IX.—Oversight*

(a) *Purpose.*—The Committee shall carry out oversight responsibilities as provided in this rule in order to assist the House in—

(1) its analysis, appraisal, and evaluation of (A) the application, administration, execution, and effectiveness of the laws enacted by the Congress, or (B) conditions and circumstances which may indicate the necessity or desirability of enacting new or additional legislation, and

(2) its formulation, consideration, and enactment of such modifications or changes in those laws, and of such additional legislation, as may be necessary or appropriate.

(b) *Oversight Plan.*—Not later than February 15 of the first session of each Congress, the Committee shall adopt its oversight plans for that Congress in accordance with clause 2(d)(1) of Rule X of the Rules of the House.

(c) *Review of Laws and Programs.*—The Committee and the appropriate subcommittees shall cooperatively review and study, on a continuing basis, the application, administration, execution, and effectiveness of those laws, or parts of laws, the subject matter of which is within the jurisdiction of the Committee, and the organization and operation of the Federal agencies and entities having responsibilities in or for the administration and execution thereof, in order to determine whether such laws and the programs thereunder are being implemented and carried out in accordance with the intent of the Congress and whether such programs should be continued, curtailed, or eliminated. In addition, the Committee and the appropriate subcommittees shall cooperatively review and study any conditions or circumstances which may indicate the necessity or desirability of enacting new or additional legislation within the jurisdiction of the Committee (whether or not any bill or resolution has been introduced with respect thereto), and shall on a continuing basis undertake future research and forecasting on matters within the jurisdiction of the Committee.

(d) *Review of Tax Policies.*—The Committee and the appropriate subcommittees shall cooperatively review and study on a continuing basis the impact or probable impact of tax policies affecting subjects within the jurisdiction of the Committee.

#### *Rule X.—Review of Continuing Programs; Budget Act Provisions*

(a) *Ensuring Annual Appropriations.*—The Committee shall, in its consideration of all bills and joint resolutions of a public character within its jurisdiction, ensure that appropriations for continuing programs and activities of the Federal Government and the District of Columbia government will be

made annually to the maximum extent feasible and consistent with the nature, requirements, and objectives of the programs and activities involved.

(b) *Review of Multi-year Appropriations.*—The Committee shall review, from time to time, each continuing program within its jurisdiction for which appropriations are not made annually in order to ascertain whether such program could be modified so that appropriations therefore would be made annually.

(c) *Views and Estimates.*—The Committee shall, on or before February 25 of each year, submit to the Committee on the Budget (1) its views and estimates with respect to all matters to be set forth in the concurrent resolution on the budget for the ensuing fiscal year which are within its jurisdiction or functions, and (2) an estimate of the total amount of new budget authority, and budget outlays resulting therefrom, to be provided or authorized in all bills and resolutions within its jurisdiction which it intends to be effective during that fiscal year.

(d) *Budget Allocations.*—As soon as practicable after a concurrent resolution on the budget for any fiscal year is agreed to, the Committee (after consulting with the appropriate committee or committees of the Senate) shall subdivide any allocations made to it in the joint explanatory statement accompanying the conference report on such resolution, and promptly report such subdivisions to the House, in the manner provided by section 302 or section 602 (in the case of fiscal years 1991 through 1995) of the Congressional Budget Act of 1974.

(e) *Reconciliation.*—Whenever the Committee is directed in a concurrent resolution on the budget to determine and recommend changes in laws, bills, or resolutions under the reconciliation process, it shall promptly make such determination and recommendations, and report a reconciliation bill or resolution (or both) to the House or submit such recommendations to the Committee on the Budget, in accordance with the Congressional Budget Act of 1974.

#### *Rule XI.—Committee Budgets*

(a) *Biennial Budget.*—The Chairman, in consultation with the chairman of each subcommittee, the majority members of the Committee and the minority members of the Committee, shall, for each Congress, prepare a consolidated Committee budget. Such budget shall include necessary amounts for staff personnel, necessary travel, investigation, and other expenses of the Committee.

(b) *Additional Expenses.*—Authorization for the payment of additional or unforeseen Committee expenses may be procured by one or more additional expense resolutions processed in the same manner as set out herein.

(c) *Travel Requests.*—The Chairman or any chairman of a subcommittee may initiate necessary travel requests as provided in Committee Rule XIII within the limits of the consolidated budget as approved by the House and the Chairman may execute necessary vouchers thereof.

(d) *Monthly Reports.*—Once monthly, the Chairman shall submit to the Committee on House Administration, in writing, a full and detailed accounting of all expenditures made during the period since the last such accounting from the amount budgeted to the Committee. Such report shall show the amount and purpose of such expenditure and the budget to which such expenditure is attributed. A copy of such monthly report shall be available in the Committee office for review by members of the Committee.

#### *Rule XII.—Committee Staff*

(a) *Appointment by Chairman.*—The Chairman shall appoint and determine the remuneration of, and may remove, the employees

of the Committee not assigned to the minority. The staff of the Committee not assigned to the minority shall be under the general supervision and direction of the Chairman, who shall establish and assign the duties and responsibilities of such staff members and delegate such authority as he or she determines appropriate.

(b) *Appointment by Ranking Minority Member.*—The ranking minority member of the Committee shall appoint and determine the remuneration of, and may remove, the staff assigned to the minority within the budget approved for such purposes. The staff assigned to the minority shall be under the general supervision and direction of the ranking minority member of the Committee who may delegate such authority as he or she determines appropriate.

(c) *Intention Regarding Staff.*—It is intended that the skills and experience of all members of the Committee staff shall be available to all members of the Committee.

#### *Rule XIII.—Travel of Members and Staff*

(a) *Approval.*—Consistent with the primary expense resolution and such additional expense resolutions as may have been approved, the provisions of this rule shall govern travel of Committee members and staff. Travel to be reimbursed from funds set aside for the Committee for any member or any staff member shall be paid only upon the prior authorization of the Chairman. Travel shall be authorized by the Chairman for any member and any staff member in connection with the attendance of hearings conducted by the Committee or any subcommittee and meetings, conferences, and investigations which involve activities or subject matter under the general jurisdiction of the Committee. Before such authorization is given there shall be submitted to the Chairman in writing the following:

- (1) the purpose of the travel;
- (2) the dates during which the travel is to be made and the date or dates of the event for which the travel is being made;
- (3) the location of the event for which the travel is to be made;
- (4) the names of members and staff seeking authorization.

(b) *Subcommittee Travel.*—In the case of travel of members and staff of a subcommittee to hearings, meetings, conferences, and investigations involving activities or subject matter under the legislative assignment of such subcommittee, prior authorization must be obtained from the subcommittee chairman and the Chairman. Such prior authorization shall be given by the Chairman only upon the representation by the chairman of such subcommittee in writing setting forth those items enumerated in subparagraphs (1), (2), (3), and (4) of paragraph (a) and that there has been a compliance where applicable with Committee Rule VII.

(c) *Travel Outside the United States.*—(1) In the case of travel outside the United States of members and staff of the Committee or of a subcommittee for the purpose of conducting hearings, investigations, studies, or attending meetings and conferences involving activities or subject matter under the legislative assignment of the Committee or pertinent subcommittee, prior authorization must be obtained from the Chairman, or, in the case of a subcommittee from the subcommittee chairman and the Chairman. Before such authorization is given there shall be submitted to the Chairman, in writing, a request for such authorization. Each request, which shall be filed in a manner that allows for a reasonable period of time for review before such travel is scheduled to begin, shall include the following:

- (A) the purpose of the travel;

(B) the dates during which the travel will occur;

(C) the names of the countries to be visited and the length of time to be spent in each;

(D) an agenda of anticipated activities for each country for which travel is authorized together with a description of the purpose to be served and the areas of Committee jurisdiction involved; and

(E) the names of members and staff for whom authorization is sought.

(2) Requests for travel outside the United States may be initiated by the Chairman or the chairman of a subcommittee (except that individuals may submit a request to the Chairman for the purpose of attending a conference or meeting) and shall be limited to members and permanent employees of the Committee.

(3) At the conclusion of any hearing, investigation, study, meeting or conference for which travel has been authorized pursuant to this rule, each staff member involved in such travel shall submit a written report to the Chairman covering the activities and other pertinent observations or information gained as a result of such travel.

(d) *Applicability of Laws, Rules, Policies.*—Members and staff of the Committee performing authorized travel on official business shall be governed by applicable laws, resolutions, or regulations of the House and of the Committee on House Administration pertaining to such travel, and by the travel policy of the Committee as set forth in the Committee Travel Manual.

#### *Rule XIV.—Establishment of Subcommittees; Size and Party Ratios; Conference Committees*

(a) *Establishment.*—There shall be 6 standing subcommittees. These subcommittees, with the following sizes (including delegates) and majority/minority ratios are:

- (1) Subcommittee on Aviation (46 Members: 25 Majority and 21 Minority)
- (2) Subcommittee on Coast Guard and Maritime Transportation (11 Members: 6 Majority and 5 Minority)
- (3) Subcommittee on Economic Development, Public Buildings, and Emergency Management (11 Members: 6 Majority and 5 Minority)
- (4) Subcommittee on Highways and Transit (57 Members: 31 Majority and 26 Minority)
- (5) Subcommittee on Railroads (24 Members: 13 Majority and 11 Minority)
- (6) Subcommittee on Water Resources and Environment (36 Members: 20 Majority and 16 Minority)

(b) *Ex Officio Members.*—The Chairman and ranking minority member of the Committee shall serve as ex officio voting members on each subcommittee.

(c) *Ratios.*—On each subcommittee there shall be a ratio of majority party members to minority party members which shall be no less favorable to the majority party than the ratio for the full Committee. In calculating the ratio of majority party members to minority party members, there shall be included the ex officio members of the subcommittees.

(d) *Conferees.*—The Chairman of the Committee shall recommend to the Speaker as conferees the names of those members (1) of the majority party selected by the Chairman and (2) of the minority party selected by the ranking minority member of the Committee. Recommendations of conferees to the Speaker shall provide a ratio of majority party members to minority party members which shall be no less favorable to the majority party than the ratio for the Committee.

#### *Rule XV.—Powers and Duties of Subcommittees*

(a) *Authority to Sit.*—Each subcommittee is authorized to meet, hold hearings, receive evidence, and report to the full Committee

on all matters referred to it or under its jurisdiction. Subcommittee chairmen shall set dates for hearings and meetings of their respective subcommittees after consultation with the Chairman and other subcommittee chairmen with a view toward avoiding simultaneous scheduling of full Committee and subcommittee meetings or hearings whenever possible.

(b) *Disclaimer*.—All Committee or subcommittee reports printed pursuant to legislative study or investigation and not approved by a majority vote of the Committee or subcommittee, as appropriate, shall contain the following disclaimer on the cover of such report:

"This report has not been officially adopted by the Committee on (or pertinent subcommittee thereof) and may not therefore necessarily reflect the views of its members."

(c) *Consideration by Committee*.—Each bill, resolution, or other matter favorably reported by a subcommittee shall automatically be placed upon the agenda of the Committee. Any such matter reported by a subcommittee shall not be considered by the Committee unless it has been delivered to the offices of all members of the Committee at least 48 hours before the meeting, unless the Chairman determines that the matter is of such urgency that it should be given early consideration. Where practicable, such matters shall be accompanied by a comparison with present law and a section-by-section analysis.

*Rule XVI.—Referral of Legislation to Subcommittees*

(a) *General Requirement*.—Except where the Chairman of the Committee determines, in consultation with the majority members of the Committee, that consideration is to be by the full Committee, each bill, resolution, investigation, or other matter which relates to a subject listed under the jurisdiction of any subcommittee established in Rule XIV referred to or initiated by the full Committee shall be referred by the Chairman to all subcommittees of appropriate jurisdiction within two weeks. All bills shall be referred to the subcommittee of proper jurisdiction without regard to whether the author is or is not a member of the subcommittee.

(b) *Recall from Subcommittee*.—A bill, resolution, or other matter referred to a subcommittee in accordance with this rule may be recalled therefrom at any time by a vote of a majority of the members of the Committee voting, a quorum being present, for the Committee's direct consideration or for reference to another subcommittee.

(c) *Multiple Referrals*.—In carrying out this rule with respect to any matter, the Chairman may refer the matter simultaneously to two or more subcommittees for concurrent consideration or for consideration in sequence (subject to appropriate time limitations in the case of any subcommittee after the first), or divide the matter into two or more parts (reflecting different subjects and jurisdictions) and refer each such part to a different subcommittee, or make such other provisions as he or she considers appropriate.

## MENTAL HEALTH

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, I rise today to encourage President Bush to move forward on his recent commitment to create a national mental health commission. In fact, I would

recommend to the President that he move it immediately and ask the leadership of our institution to move the bill on suspension so the commission can begin its critical work.

As proposed, the commission part of a larger new freedom initiative would be charged with studying and making recommendations for mental illness treatment services and improving the coordination of Federal programs that serve individuals with mental illness.

I have long fought for the creation of such a National Commission on Mental Illness. When Russell Weston, Jr., a diagnosed paranoid schizophrenic, fatally shot two U.S. Capitol Police officers, Gibson and Chestnut, in July 1998 right outside this Chamber, a bipartisan group of Members called upon our leadership to create such a commission to investigate the serious national dimensions of mental illness, including the lack of access to proper treatment and the violence that can result. But our pleas for the establishment of an inter-jurisdictional mental health advisory committee fell on deaf ears.

It is tragic that despite the high number of major profile cases like Russell Weston, Jr., John Hinckley, Jr., Theodore Kazinski and, most recently, Robert Pickett, the man who fired his gun outside the White House just 2 weeks ago, that our mental health delivery system has largely been neglected.

Mr. Weston, for example, received Federal Social Security insurance benefits but was not expected to check in to assure that he was receiving his proper medication. Indeed, it is strangely disturbing that a technological society that is smart enough to land people on the moon cannot see what is staring us in the face right here on earth.

Today, the mentally ill face huge barriers to proper treatment. For many, the obstacles are simply too difficult to surmount. Many more fall victim to the gaping holes and lack of follow-up in our system. Since the deinstitutionalization of the mentally ill began decades ago, our Nation has spawned growing homelessness and neglect as well as violence. Now our local jails and Federal prisons become the primary domiciliaries for our Nation's mentally ill. It is sad. It is tragic. It is wrong.

It is now estimated that over a third of our Nation's homeless population are mentally ill, and a 1999 Department of Justice study that we commissioned here showed that even at the Federal prison level, nearly a fifth of those housed have a serious mental illness. And I know that in our local jails, it can be as high as two-thirds.

Dorothea Dix, the great social and political activist who worked on behalf of the mentally ill, precipitated major prison reform beginning in the 1840s, nearly two centuries ago, she would be horrified by our Nation's regression. It is wholly unacceptable that over 50 years later our prisons remain the pri-

mary home for our Nation's mentally ill.

The situation is urgent, and that is why I would forcefully urge our new President to act swiftly on his commitment to create this commission. He would have the support of this Member, and I know other Members in this Chamber who understand the dimensions of this problem.

The commission's establishment will be an important step toward what must be a greater role for the Federal Government in addressing this wide and growing crisis.

## THANKING CONGRESS FOR HELPING THE DISTRICT OF COLUMBIA GET OUT OF THE HOLE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from the District of Columbia (Ms. NORTON) is recognized for 5 minutes.

Ms. NORTON. Mr. Speaker, I come to the House to report periodically when significant events occur in the District of Columbia.

I know for new Members, the first impression might be well, that is not none of my business, Congresswoman. It really should not be, but it turns out to be because matters affecting the District of Columbia which, for every other district, would not be seen on this floor do come here.

Today's Washington Times has a headline of interest to the Members of the House, Control Board Prepares to Reinstate Local Fiscal Authority. This matter is of interest to the House, because the control board was formed pursuant to a statute passed by this House when the District of Columbia encountered fiscal problems in the mid-90s. It encountered those problems, because it is the only city in the United States that had to bear State, city and municipal functions.

I am pleased that this House offered some relief when it took over the most costly State functions, the rest of it was hard work from the District of Columbia, and, of course, the good economy.

The Times reports that on tomorrow, the control board will certify that the District has had its last of four clean audits, meaning that the control board period is over, and the control board itself will go out of existence on September the 30th. It is in a phase-out mode.

The District has had nothing short of a spectacular turnaround. It had to dig itself out of the worst kind of fiscal crisis. Any city in the United States that had to pay for State functions would have been in that kind of crisis long ago. Philadelphia had a control board. New York had a control board. Cleveland had a control board long before the District did, and they have a State to back them up.

The District is an orphan city all by itself carrying those functions with the kind of diminishing tax base that every

large city in the United States has. What the control board now finds is that the District has had 4 years of balanced budget with a surplus and a large reserve, and this has occurred 2 years ahead of time. At the same time, the District is in the throes of a complete overhaul of its city government, including every form of service delivery. We have surpassed the wildest expectations of this body.

The same page of the Washington Times reports, Hill Chairman To Keep Riders Off of City Budget. This will be very good news to most Members of the House who have had to consider the D.C. appropriation year after year.

I appreciate that the gentleman from Michigan (Mr. KNOLLENBERG) does not want the smallest budget in the House to take virtually the most time. This year I had to get unanimous consent.

I really thank the gentleman from Illinois (Mr. HASTER) who helped me get unanimous consent to get the District's budget out 6 weeks late, even after it was balanced and had a surplus, but the fact is that it caused a tremendous hardship to have our budget out 6 weeks ago ahead of time. This should not have come here in the first place. This is the District's money raised by the District's taxpayers. This is a terrible anomaly that that the budget comes here.

The hard work that both sides of the aisle put in still makes the Congress look bad because it takes so long to get the matter out. The District of Columbia has shown that it is prepared to uphold its end of the bargain with balanced budgets, with surpluses.

We recognize that the work is not done. This is a city that has had to put itself together again like Humpty Dumpty. I appreciate very much what the Mayor of this city and the revitalized city council has done to make this happen. Nevertheless, this is a city without a State.

I will have not some revenue, but bills on the floor for Members, but rather some notions that allow the District to build back its own tax base. Among the payment solutions I will put forward will be a tax credit that will allow the District to pay for the services that commuters use. Eight out of 10 cars in the District of Columbia come from Maryland and Virginia and outside the District. They tear up our roads and leave a diminished tax base to pay for them.

They call our fire. They call our police. They use our water and do not leave anything here. A tax credit based on the services commuters use which cost commuters nothing is the way to approach this. My colleagues do not want the District to go back down the drain, even given all the streamlining and hard work it has done to pull itself out simply because, unlike your cities and counties, we have no State to back us out.

We are not out of the woods yet, but we are way out of the hole. I come to the floor this evening to thank the

Congress for what they have done to help the District get out of the hole. I think that the Congress would want to thank Mayor Anthony Williams and would want to thank the counsel of the District of Columbia for pulling themselves up by their own bootstraps.

#### COURT RULING ON CLASS ACT LAWSUIT

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

Mr. SHOWS. Mr. Speaker, in a major legal development this past Thursday, a U.S. Court of Appeals ruled in favor of a lawsuit filed by the class act group of the military retirees.

In the case of Schism versus the United States, the court found that there is, in fact, a broken promise between the United States Government and thousands of military retirees and their families.

This suit was filed on behalf of military retirees who were recruited into the service with a promise that lifetime health care would be provided to them if they served a career of at least 20 years.

The class act represents retirees who entered the service prior to June 7, 1956. That was the day Congress enacted the first military retiree health care plan, which today we know it as Champus or TRICARE.

Enactment of those health care plans actually stripped away health care that had been promised to these recruits and which had been routinely delivered.

After June 7, 1956, statutes no longer obligated the government to provide health care to military retirees, but health care that is now provided at military bases on a space-available basis is out of reach for many retirees, due to base closures and downsizing, and that is assuming that space is available which is not always the case.

Here are a few choice quotes from the appeals court decision. The retirees entered active duty in the Armed Forces and completed at least 20 years of service on the good faith that the government would fulfill its promises.

The terms of the contract were set when the retirees entered the service and fulfilled their obligation. The government cannot unilaterally amend the contract terms now.

The government breached its implied-in-fact contract with the retirees when it failed to provide them with health care benefits at no cost.

Congress was without power to reduce expenditures by abrogating contractual obligations of the United States. To abrogate contracts, in the attempt to lessen government expenditure, would not be the practice of economy, but an act of repudiation.

The case has been remanded to a lower court to determine damages. Such damages could result in billions and billions of Federal dollars being

awarded to millions of military retirees and their families, particularly if damages are rewarded to retirees who fall beyond the scope of the class act group.

What does this mean to us in Congress? The court decision validates what I had been saying since 1999 when I introduced the Keep Our Promise to America's Military Retirees Act.

The appeals court decision gives us the opportunity to act now and restore health equity to military retirees who now have the courts on their side, and we can do it without busting our budget.

We must pass H.R. 179, the Keep Our Promise Act.

It acknowledges the broken promise of lifetime health care by providing military retirees within the class act group with fully-paid Federal Employees Health Benefit Plan eligibility, and allows all other military retirees to participate in the FEHBP, just like any other Federal employee.

Mr. Speaker, but if they are happy with TRICARE, the military health plan, they can stay with it, Congress passed that part of the Keep Our Promise Act last year.

If we pass this bill, the U.S. government will have responded to the court, and we will have acknowledged and made good on the broken promise to our America's military retirees.

We must do the right thing and quickly enact H.R. 179 into law.

#### IN SUPPORT OF BIPARTISAN PATIENT PROTECTION ACT OF 2001

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

Mr. GREEN of Texas. Mr. Speaker, I rise today as an original cosponsor of the Bipartisan Patient Protection Act, which was introduced last week by the gentleman from Michigan (Mr. DINGELL), the gentleman from Iowa (Mr. GANSKE), Senator JOHN MCCAIN, and Senator TED KENNEDY. I am proud to be part of the bipartisan coalition that hopefully will finally enact a strong Patients' Bill of Rights.

Mr. Speaker, Americans have been clamoring for a Managed Care Reform for a number of years. They want Congress to enact legislation that puts medical decision-making back in the hands of doctors and patients. They want legislation that provides meaningful accountability. In short, they want the Dingell-Ganske Bipartisan Patient Protection Act of 2001.

This legislation provides patient protections that are very similar to those that have been the law in my home State of Texas since 1997.

A recent article in Texas in the magazine "Texas Medicine" outlines the success of the independent appeals process as part of the HMO reform. As the article references, a provision of the law has been particularly effective in providing patients with real protections.

When the Texas legislature passed Managed Care Reform in 1997, it included an external appeals provision allowing patients to appeal the decisions of their health care plans. These appeals are not brought through expensive and time-consuming legislation but through quick reviews by State-certified independent review organizations called IROs.

IROs are made up of experienced physicians who have the capability and authority to resolve disputes for cases involving medical judgment. Their decisions are binding on both the patients and the plans.

These provisions have been successful, not only because they protect patients, but also because they protect the insurers. Plans that comply with the IRO's decision cannot be held liable for punitive damages. So if a decision goes against the patient, that patient can still go to court. But we will talk about that later on the lack of litigation under the Texas laws since 1997.

This plan has worked real well. Since 1997, more than 1,000 patients and physicians have appealed the decisions of the HMOs. The independence of the process is demonstrated by the fairly even split in the decisions resulted. In 55 percent of the cases, the independent review organizations, the IRO, fully or partially reversed the decision of the HMO. So in 55 percent of the cases, they were found for the patient or the physician than the original decision.

Now, during the debate on HMO reform in Texas, there was concern that managed care reform would be very costly and would lead to a flood of unnecessary and expensive litigation. But that has not been the case in Texas. To my knowledge, less than five cases have been filed since patients' protection became law in 1997.

I believe that the external appeals process has been instrumental in the success of the Texas plan and has given patients what they really want, access to timely quality medical care while protecting insurers from costly litigation.

The process works so well that, despite the U.S. Fifth Circuit Court of Appeals ruling that the external appeals were in violation of the ERISA, Aetna and other HMOs agreed to voluntarily submit disputes to the IROs for resolution.

Finally, Mr. Speaker, I would like to point out that these protections have not lead to dramatic premium increases as some of our naysayers said. In fact, in Texas, the premium increases have been consistent with, and in some cases actually lower than premium increases in other States with substantially weaker patient protections.

Mr. Speaker, it is time for Congress to enact a Bipartisan Patient Protection Act. Our President is supporting it. Hopefully we will be able in the House and the Senate to put a plan together that will give patients the protections that they need. I urge my colleagues to join me in supporting it.

Mr. Speaker, I include the article from the magazine "Texas Medicine" that I referenced earlier as follows:

[From Texas Medicine, Jan. 2001]

SECOND-GUESSING THE INSURERS

INDEPENDENT REVIEW PROCESS APPEARS TO BE WORKING

(By Walt Borges)

Since late 1997, more than 1,000 Texas patients and physicians have challenged decisions of health maintenance organizations (HMOs), insurance companies, and third-party administrators (TPAs) to deny payments for treatments that the insurers deemed medically unnecessary or inappropriate. The challenges were not brought through expensive and time-consuming litigation, but through quick reviews conducted at no cost to patients and physicians by three state-certified entities known as independent review organizations (IROs).

A Texas Medicine analysis of Texas Department of Insurance (TDI) statistics covering the first 2½ years of the IRO system's operation found that the IROs reversed insurers' decisions in whole or in part in more than 57 percent of the 1,007 cases that were reviewed.

HMOs' decisions were reversed or modified in 55 percent of the 515 reviews, while decisions by insurance companies and TPAs were overruled in 60.5 percent of 481 reviews. Eleven other reviews were for health care entities that did not have an identifiable status in the TDI databases.

Even though the TDI databases can be analyzed to show how individual insurers fared in independent review, the findings offer limited insights into the quality of care and decision-making because of large variations in the number of reviews of each health care entity. Attempts to index the reversals to claims or covered lives failed because of variations in enrollment over the three-year period and because TDI does not track the number of policyholders for health insurance companies.

"There are a huge number of patients and a huge number of claims, so reversal rates are tiny," said Paul B. Handel, MD, of Houston, chair of Texas Medical Association's Council on Socioeconomics. "But only 8 to 10 percent of the cases involve areas [of treatment] where the patients need the [extensive] technology and medication. We should be looking at how that population fares."

IROs were a key feature of a law passed by the Texas Legislature in 1997 that gave Texas health plan members the right to sue their HMOs for denying medically necessary treatments. But unlike that controversial provision, which acted as a lightning rod for insurance industry opposition and prompted lawsuits claiming it conflicted with federal law, establishment of independent reviews drew the public support of consumer advocates, insurers, and doctors alike.

In June, a three-judge panel of the U.S. 5th Circuit Court of Appeals in New Orleans upheld provisions authorizing suits against managed care organizations. However, the court ruled that independent reviews of HMO decisions violated the Employee Retirement Income Security Act (ERISA), the federal law that reserves regulation of employer-funded benefit plans to Congress.

But the appeal of the IRO process is such that Aetna, whose subsidiaries filed the suit, and other major HMOs announced after the decision that they would continue to voluntarily submit disputes to the IROs for resolution. That came well before TDI told insurers and health plans that it would consider the system intact until the completion of court rehearings and appeals.

Despite popular support for IRO process, some physicians and IRO officials think many questionable decisions have been left unchallenged because of a lack of public knowledge that the system exists.

"The sense is that doctors and patients are not really aware of the IRO process," said Dr. Handel. "This is something we've talked about at the council level."

Gilbert Prudhomme, secretary director of Independent Review Inc., one of the Texas IROs, said he was "absolutely astounded how few people know about it." Mr. Prudhomme says that as recently as last summer the insurance department at The University of Texas M.D. Anderson Cancer Center was unaware of the IRO process.

"A lot of people think ERISA preempts the system," said Mr. Prudhomme. "They tell me they didn't know if it was still valid or they thought it had stopped working. There's a cloud over it by virtue of the ERISA controversy."

IRO official Kathryn Block, administrator of Envoy Medical Systems, said, "The hospitals don't understand what we are. They seem to think we're some kind of insurance company when we ask for records."

REVERSAL RATES OF IROS

(December 1997 to August 2000)

IRO	Appeals	Upheld	Reversed	Partial	Percent reversed	Percent reversed (total and partial)
Texas Medical Foundation .....	652	308	301	43	46.17	52.76
Envoy Medical Systems .....	273	98	159	16	58.24	64.10
Independent Review Inc. ....	82	25	46	11	56.10	69.51
Total .....	1,007	431	506	70	50.25	57.20

HOW IT WORKS

Texas was the first state with external review of medical necessity decisions. Thirty-seven states now have a review process. Under Texas law, a patient may seek review by an IRO if a health insurer refuses to pay

for treatment it considers to be medically unnecessary or inappropriate. Patients or their physicians also may request IRO reviews of denial of treatments that are recommended but not yet performed. Doctors cannot authorize the release of the medical

records needed for the review, however. Only the patient or a guardian may sign the release form.

In most cases, the health plan's internal appeals process must be used before requesting an IRO appeal. Denial of treatment for

conditions that patients or doctors believe are life-threatening may lead to a bypass of the insurer's internal appeals process.

The IRO process is not always available. A complaint to TDI and/or an internal appeal to the health plan over the denial of payment is the only challenge permitted when treatment already has been provided and the insurer determines it was not necessary or appropriate, or when payment for a service not covered by the plan is denied. IRO appeals also are not available when Medicaid, Medicare, or a Medicare HMO provides a patient's health coverage.

Insurers pay \$650 for each review if the review is provided by a physician and \$460 if it comes from other health care professionals, e.g., dentists, optometrists, and podiatrists. The decision of the IRO is binding on the health plan or insurer.

Under TDI rules, "the utilization review agent that forwards an independent review request to TDI pays the IRO that does the work," said TDI's Blake Brodersen, deputy commissioner for HMOs. "We believe that the utilization review agents generally pass this cost through to the health plans themselves. The IROs are certified by TDI after we're satisfied they meet all certification re-

quirements contained in our rules. They do not, however, contract with TDI."

**BUT DOES IT WORK?**

There is general agreement among regulators, IRO officials, and health insurers that the system is working relatively well for those who seek reviews.

"It's working very well and as the legislature intended," said Insurance Commissioner José Monetmayor. "The legislature wanted a system of truly independent review, one in which there were no foregone conclusions to favor health plans or to favor patients. The independence of the process is demonstrated by the roughly 50-50 split between decisions upholding and decisions reversing adverse determinations by health plans."

Phil Dunne, chief executive officer for the Texas Medical Foundation (TMF), the first IRO certified by the state, said, "From TMF's perspective, the process appears to be working in accordance with the statute and regulations. The various organizations involved in appeals have been compliant and cooperative."

Mark Clanton, MD, chief medical officer of Blue Cross and Blue Shield of Texas, agrees. "The process of independent review appears to be working as intended in that it provides

an independent source of review for both consumers and health plans," he said. "Other than the additional cost of paying for the appeals, the process is not burdensome; the additional review provides members with additional choice."

Mr. Brodersen said TDI has received "no complaints that the process is burdensome to doctors. We have received a few complaints from health care plans that we allow too short a time for them to get patient records to the IROs."

He says he reviews completed between Nov. 1, 1997, and Oct. 31, 2000, could not have cost the health care plans more than \$718,250, "plus the cost of copying medical records. Obviously the plans incur other costs, such as those for personnel time and shipping records. But nobody has attempted to estimate these."

Lisa McGiffert of Consumers Union wonders whether patients and physicians underutilize the system. Like Dr. Handel, she is troubled by what she perceives as a lack of public knowledge. She suggests that "the state has the responsibility to get individuals to know about the process. It needs to be proactive in getting the information out."

**Insurers and third-party administrators (TPAs) with the greatest number of IRO reviews**

(November 1997 to August 2000)

Insurer	Other names	Type	Reviews completed	HMO decisions reversed
Employers Health Insurance		Insurer	115	73
Blue Cross Blue Shield of Texas		Insurer	94	52
American Medical Security		TPA	23	11
The Prudential Insurance Company of America		Insurer	19	6
PM Group Life Insurance Company		Insurer	18	4
Texas Health Management Services		TPA	17	9
CORPHEALTH, Inc.		TPA	16	6
Aetna U.S. Health Care	Aetna, Aetna Life Insurance Company and Affiliates	Insurer	13	4
CIGNA Behavioral Health		TPA	10	9
Subtotal			325	174
Total for 64 other insurers and TPAs			156	74
Totals			481	248

Insurers that deny payment for what they believe are unnecessary or inappropriate treatments are required by TDI to notify the patient that the IRO process exists twice in the preauthorization process. But Ms. McGiffert notes that the IRO process may appear to be just another frustrating step to many patients who already have exhausted two levels of insurers' internal appeals.

Patients can be discouraged by multiple denials, she says. "They've been denied, they've appealed, and they've been denied again. Why would they think the next one would be any different?"

**MEASURING QUALITY OF CARE**

The results of the independent reviews were compiled from TDI databases. More than 230 records had obvious problems: For example, HMO names were accompanied by insurance company designations. Because the underlying records of the reviews are not available to the public, TDI, at Texas Medicine's request, corrected the questionable records by looking at the records of each review.

Texas Medicine split the 1,007 IRO decisions into two groups for analysis. The first included the HMOs, while the second included insurance companies and TPAs.

Overall, denials by insurance companies and TPAs were overturned 52 percent of the time, while IROs ruled the HMOs made the wrong decision 49 percent of the time. (See accompanying tables, pages 32-35.)

However, 43 of 481 decisions involving insurers and TPAs were partially reversed and partially upheld by the IROs. Adding those figures into the mix yielded a full-and-partial reversal rate of 55 percent. Similarly, 30

of 515 of the HMO reviews resulted in full-and-partial reversals, for a mixed reversal rate of 60.5 percent.

The overall reversal rates and those listed for individual companies say little about the overall quality of medical care or of individual decisions to deny treatments, IROs and insurers agree.

"The relatively small number of external appeals, when compared with the millions of members and claims that go through the system, reaffirms that there is no large-scale problem with how plans apply their medical policy or how the internal mechanism for reviewing member appeals works," said Dr. Clanton. "The principal conclusion is that the quality of care remains very high in HMOs. Only 515 appeals were filed, compared with millions of claims that were paid according to member contracts. Further, only half of the number appealed were reversed."

The numbers "would probably not provide statistically significant conclusions," Mr. Dunne said.

"It is important to note that IRO review is not a quality-of-care review," Mr. Dunne wrote in a response to Texas Medicine's questions. "The IRO is asked to determine if the care is medically necessary, medically appropriate for the setting of care, and/or timely (e.g., determining if other, less invasive clinical interventions should be exhausted prior to implementing the treatment plan that is being appealed)."

Upheld	Split	Pending	Percent reversed	Decisions fully or partially reversed
37	5	3	63.48	67.83

Upheld	Split	Pending	Percent reversed	Decisions fully or partially reversed
34	8	1	55.32	63.83
9	3	1	47.83	60.87
11	2	0	31.58	42.11
9	5	0	22.22	50.00
6	2	0	52.94	64.71
7	3	3	37.50	56.25
6	1	1	30.77	38.46
1	0	0	90.00	90.00
120	29	9	53.54	62.46
68	14	2	47.44	56.41
188	43	11	51.56	60.50

**GOOD COMPANIES AND BAD COMPANIES?**

Texas Medicine's review of the IRO appeals outcomes did not analyze how each of the Texas IROs handled the reviews of individual insurers, TPAs, and HMOs. But Ms. McGiffert suggested that annual trends sometimes show wide disparities in reversals from the 50-50 rate the insurers and regulators are prone to cite.

TDI also puts some faith in the outcomes of reviews. "We monitor reversal rates along with the complaint statistics of individual companies," said Mr. Brodersen. "On occasion, a high reversal rate has been one of the factors that led us to perform quality-of-care examinations on particular companies."

But he also noted, "When you consider the huge number of medical necessity decisions that HMOs make each day, approximately 600 reversals over a three-year period suggests that, overall, the quality of care provided by HMOs is very good."

Officials with Envoy, which receives one of every three referrals from TDI, say that a short-term analysis gives a different picture than a long-term statistical analysis.

Daniel Chin, managing director of Envoy, and his administrator, Ms. Block, say they were initially asked to review large numbers of physical medicine cases during the year-plus period they have conducted reviews.

"Then all of a sudden, it was all psychological treatment cases," said Mr. Chin.

"Now it seems we're getting physical medicine cases again."

IRO CONSISTENCY

One analysis conducted by Texas Medicine was of the reversal rates of the IROs. (See "Reversal Rates of IROs," page 31.) TMF had a reversal rate of 53 percent when both full

and partial reversals were taken into account. Envoy reversed 64 percent of the decisions, and Independent Review Inc. reversed partially or fully 70 percent of the insurers' decisions.

Does this suggest that the IRO process is inconsistent? Not more than is expected when physicians exercise their

RESULTS OF IRO REVIEWS OF HMO DECISIONS

[November 1997 to August 2000]

HMO	Other names in TDI database	Current affiliation
Magellan Behavioral Health	Aetna Health Plan.	
Aetna U.S. Healthcare Inc		
Aetna U.S. Healthcare of North Texas Inc		
Texas Gulf Coast HMO Inc	NYLCare Healthcare Plans of the Gulf Coast; NYLCare Healthcare Plans	Owned by Blue Cross and Blue Shield of Texas
Prudential Healthcare Plan Inc	Prudential Healthcare.	
United Healthcare of Texas Inc	United HealthCare; United Behavioral Health	
Humana Health Plan of Texas Inc	Humana; Humana Health Plan; Humana/PCA Health Plans of Texas; Humana Health Plans.	Humana merged with Employers Health in 1997
Harris Methodist Texas Health Plan	Harris Methodist Health Plan; Harris Health Plan; Harris Methodist Health Inc.; Harris Methodist Health.	
PacifiCare of Texas	PacifiCare	Part of PacifiCare of Texas
Southwest Texas HMO Inc	NYLCare Health Plans of the Southwest	Owned by Blue Cross and Blue Shield of Texas
Rio Grande HMO	HMO Blue-EI Paso; HMO Blue-West Texas; HMO Blue-Northeast Texas; HMO Blue-Southeast Texas; HMO Blue-Southwest Texas; HMO Blue/formerly NYLCare of the Gulf Coast.	Owned by Blue Cross and Blue Shield of Texas
Scott & White Health Plan	Scott and White.	
CIGNA Healthcare of Texas Inc	CIGNA Behavioral Health; CIGNA Healthcare of Texas-North Division; CIGNA Healthcare of Texas-South Texas Division.	
Texas Health Choice LC		
Memorial Sisters of Charity HMO LLC		
SHA LLC	FIRSTCARE Southwest Health Alliances.	Now part of Humana
One Health Plan of Texas, Inc		
Methodist Care Inc		
AmeriHealth of Texas		
Community First Health Plans Inc		
Amil International (Texas) Inc		
Healthplan of Texas Inc	Heritage Health Plans	
Amcare Health Plans of Texas Inc	Foundation Health, A Texas Health Plan	
Healthfirst HMO Inc	HealthFirst HMO; Healthfirst	Merged with AmeriHealth of Texas
AmeriHealth HMO of North Texas	AmeriHealth HMO Texas; AmeriHealth HMO.	
Anthem Health Plan of Texas	Anthem Group Services Corporation	Merged with AmeriHealth of North Texas
Healthcare Partners HMO		Merged with Healthfirst HMO
Principal Health Care of Texas, Inc		Merged with United HealthCare

Current covered lives	Reviews completed	HMO decisions reversed	Upheld	Split	Pending	Percent reversed	Percent with some reversal
625,463	3	2	0	1	1	66.67	100.00
443,381	37	17	16	4	2	45.95	56.76
415,417	18	11	6	1	0	61.11	66.67
407,328	71	30	38	3	3	42.25	46.48
344,334	72	36	35	1	3	50.00	51.39
315,417	33	20	11	2	1	60.61	66.67
240,371	93	48	43	2	0	51.61	53.76
197,058	7	5	2	0	1	71.43	71.43
186,103	45	20	22	3	0	44.44	51.11
169,438	17	6	6	5	0	35.29	64.71
148,702	4	1	2	1	0	25.00	50.00
121,275	9	6	3	0	0	66.67	66.67
114,264	4	3	0	1	0	75.00	100.00
104,171	2	2	0	0	0	100.00	100.00
90,984	13	8	5	0	0	61.54	61.54
49,097	4	1	3	0	0	25.00	25.00
42,785	2	1	1	0	0	50.00	50.00
40,363	40	13	24	3	0	32.50	50.00
37,743	2	0	1	1	0	0.00	50.00
10,898	1	1	0	0	0	100.00	100.00
8,108	1	0	0	1	0	0.00	100.00
7,266	11	6	4	1	0	54.55	63.64
4,931	6	4	2	0	0	66.67	66.67
0	13	8	5	0	0	61.54	61.54
0	5	3	2	0	0	60.00	60.00
0	1	1	0	0	0	100.00	100.00
0	1	1	0	0	0	100.00	100.00
4,124,897	515	254	231	30	11	49.32	55.15

independent judgment on clinical problems, say regulators and IRO officials.

"The IROs, by definition, are independent," said Mr. Bordersen. "However, each must do its review in conformity with TDI requirements. We monitor processes, not results, and at the present time we are satisfied that each IRO is doing its work in accordance with our rules."

Mr. Dunne points out that the larger number of reviews conducted by TMF could account for the discrepancy in reversal rates.

Ms. McGiffert says the discrepancy in reversal rates is not unexpected, as physicians will make judgments that differ. She says that TMF, which tends to have a more clinical approach than the other two IROs, sometimes suggests other alternatives for treating conditions that led to denied claims, which she thinks is helpful to patients. TMF officials say they may mention more conservative treatment options in the

clinical rationale they provide in upholding insurer decisions, but they do not suggest treatment alternatives.

Dr. Handel say TMF's approach is appreciated. "My sense is that the patient may be benefiting from their suggestions. A purely administrative type of appeal may not benefit the patient as much."

Ms. Block noted that Envoy uses doctors who exercise clinical judgment in their reviews, but they do not propose treatment alternatives because that is not the function of the review process.

Mr. Prudhomme says physicians who conduct the reviews for Independent Review Inc. are encouraged to refrain from suggesting alternatives, unless it is obvious from the records that another course of action would benefit the patient.

CENSUS DATA MUST BE ACCURATE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise to voice my concern regarding the story, which appeared in last Thursday's Wall Street Journal titled "Bush's Next Recount Battle: Should Census Tallies Be Adjusted". The story relays President Bush's assurances to House Republicans to put the "fix on the Census" by not including sampling figures in those numbers used to redraw Congressional District lines.

This nation has already gone through one trauma related to the lack of accuracy in counts and the struggle to include every

American's vote in last year's election. Now, we are faced with inaccuracy in one of the few, Constitutionally mandated, functions of Federal Government the enumeration of our nation's residents.

Unfortunately the House Republicans reported to the Wall Street Journal that this issue has been settled without any discussion with the Democratic minority. The vast majority of undercounted residents in our nation are found in densely populated urban areas or vast tracts of sparsely populated rural communities.

This issue is larger than the drawing of lines for Congressional Districts, it effects how much federal dollars will go to those communities where the undercounted can be found. We know that children in poverty are among the hardest hit by an inaccurate census. In the 1990 census at least 532,769 and as many as 2,099,620 poor children were missed. In the City of Houston, according to the Census Monitoring Board, of the 128,602 children living in poverty about 8,906 were not counted.

This meant that the City of Houston was cheated out of millions in federal dollars in vital services provided to our nation's poorest children, such as Medicaid, Head Start, Foster Care, Adoption Assistance, Social Service Block Grants, and even school lunch and child care assistance depend on accurate census data. This tragedy was repeated in every community throughout the United States and today, we only hear finger pointing and hand wringing about the state of education and government services around the nation. The first step to resolving the issues facing our nation is an accurate census. This is a great nation and we can handle the truth about our population, lets not cheat our children out of a healthy future.

If the issues facing poor children in our nation are to be adequately addressed, we must be sure that the data used to determine the amount of federal resources which should be allotted to communities is accurate, which requires the use of sound statistical sampling.

For this reason, we should include sampling in the final figures for the Census because it more accurately reflects the total number of people residing in a particular area. We know from past experience, no matter how much funding is provided and how much planning is done millions of Americans will go uncounted and if left to this Administration not provided for over the next 10 years. These people or our neighbors, friends, family, and co-workers who, for what ever reason, did not provide their statistical information for the census count. For this reason, the Census Bureau established "The Accuracy and Coverage Evaluation," as a sampling method for the 2000 census. To accomplish the goal of a more accurate census, Census 2000 sent out its best enumerators to interview 314,000 households throughout the country in late summer. The results will provide the best opportunity for an accurate census. Traditionally, we know that African American, Hispanic, and Native Americans are under counted.

We cannot talk of improving education in America if we do not learn from our own lessons, the first of which if someone is not a part of the census in your community, then everyone in that community will suffer. Schools will not be overcrowded just for poor schools in a district. All schools in the district will suffer from a census undercount because the federal

government will not send enough resources to make the difference for all children in that district. I know that many citizens wonder at the rising cost of local property taxes and the declining conditions of public schools, I want to make it very clear that here is where all of the problems begin and end. If we as your elected representatives refuse steal your hard earned tax dollars from the needs of your community then we can have an educational system that is the envy of the world.

I strongly support an accurate Census count of our nation's residents and I am against any effort by the Bush Administration or House Republicans to exclude scientifically valid sampling figures.

The count of our citizens does not just determine the configuration of Congressional Districts it is the determinant for the distribution of vital government resources such as education, health care, fire protection, and infrastructure.

Less fortunate residents of our nation cannot afford to not be counted. I ask that my Colleagues join me in demanding that sampling be part of the final Census figures for the year 2000.

#### URGING THE PRESIDENT TO COUNT THE NEEDIEST CITIZENS WHO WERE UNDERCOUNTED

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

Mr. DAVIS of Illinois. Mr. Speaker, the census figures are now out. As we feared, it looks as though the undercount is going to be 3 million or more people. That is 3 million of the most needy; 3 million who are homeless, helpless, hopeless, in many instances people who live in disadvantaged communities; people who live in rural America, in inner-city areas, in ghettos and barrios; people who need the resources of government the most; people who are sick, do not have access to health care; children who need day care; seniors who need Meals on Wheels or just a place to go, place to sit, place to be; people who need nursing homes.

The most needy people in our country, Mr. Speaker, are those who are undercounted, those who need the resources of education, of health care.

So, Mr. Speaker, I come to urge President Bush to make use of adjusted figures; that is, to use statistical sampling as the basis for the allocation of resources based upon population needs in these various communities.

Now, I can understand the Supreme Court decision that said we are not going to use sampling for apportionment. So there is nothing political about what I am asking. There is nothing political about what I am urging. I am simply urging that the most needy people in this country be counted so that they can have the availability of public resources accrued to them based upon their existence, the fact that they are, and the fact that they are needy.

I urge the President to please take into consideration these points as he makes the decision about the use of adjusted numbers.

#### PUBLICATION OF THE RULES OF THE COMMITTEE ON ARMED SERVICES 107TH CONGRESS

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

Mr. STUMP. Mr. Speaker, I am submitting the rules of the Committee on Armed Services for the 107th Congress as required by clause 2(a)(2) of rule XI.

#### RULES OF THE COMMITTEE ON ARMED SERVICES 107TH CONGRESS

##### RULES GOVERNING PROCEDURE

#### RULE 1. APPLICATION OF HOUSE RULES

The Rules of the House of Representatives and the rules of the Committee on Armed Services (hereinafter referred to in these rules as the "Committee") and its subcommittees so far as applicable.

#### RULE 2. FULL COMMITTEE MEETING DATE

(a) The Committee shall meet every Wednesday at 10:00 a.m., and at such other times as may be fixed by the chairman of the Committee (hereinafter referred to in these rules as the "Chairman"), or by written request of members of the Committee pursuant to clause 2(c) of rule XI of the Rules of the House of Representatives.

(b) A Wednesday meeting of the Committee may be dispensed with by the Chairman, but such action may be reversed by a written request of a majority of the members of the Committee.

#### RULE 3. SUBCOMMITTEE MEETING DATES

Each subcommittee is authorized to meet, hold hearings, receive evidence, and report to the Committee on all matters referred to it. Insofar as possible, meetings of the Committee and its subcommittees shall not conflict. A subcommittee chairman shall set meetings dates after consultation with the Chairman, the other subcommittee chairmen, and the ranking minority member of the subcommittee with a view toward avoiding simultaneous scheduling of committee and subcommittee meetings or hearings wherever possible.

#### RULE 4. SUBCOMMITTEES

The Committee shall be organized to consist of five standing subcommittees with the following jurisdictions:

Subcommittee on Military Installations and Facilities: military construction; real estate acquisitions and disposals; military family housing and support; base closure and realignment; and related legislative oversight.

Subcommittee on Military Personnel: military forces and authorized strengths; integration of active and reserve components; military personnel policy, compensation and other benefits; and related legislative oversight.

Subcommittee on Military Procurement: the annual authorization for procurement of military weapon systems and components thereof, including full scale development and systems transition; military application of nuclear energy; and related legislative oversight.

Subcommittee on Military Readiness: the annual authorization for operation and maintenance; the readiness and preparedness requirements of the defense establishment; and related legislative oversight.

Subcommittee on Military and Development: the annual authorization for military research and development and related legislative oversight.

## RULE 5. COMMITTEE PANELS

(a) The Chairman may designate a panel of the Committee consisting of members of the Committee to inquire into and take testimony on a matter that fall within the jurisdiction of more than one subcommittee and to report to the Committee.

(b) No panel so appointed shall continue in existence for more than six months. A panel so appointed may, upon the expiration of six months, be reappointed by the Chairman.

(c) No panel so appointed shall have legislative jurisdiction.

## RULE 6. REFERENCE AND CONSIDERATION OF LEGISLATION

(a) The Chairman shall refer legislation and other matters to the appropriate subcommittee or to the full Committee.

(b) Legislation shall be taken up for hearing only when called by the Chairman of the Committee or subcommittee, as appropriate, or by a majority of those present and voting.

(c) The Chairman, with approval of a majority of a quorum of the Committee, shall have authority to discharge a subcommittee from consideration of any measure or matter referred thereto and have such measure or matter considered by the Committee.

(d) Reports and recommendations of a subcommittee may not be considered by the Committee until after the intervention of three calendar days from the time the report is approved by the subcommittee and available to the members of the Committee, except that this rule may be waived by a majority vote of a quorum of the Committee.

## RULE 7. PUBLIC ANNOUNCEMENT OF HEARINGS AND MEETINGS

Pursuant to clause 2(g)(3) of rule XI of the Rules of the House of Representatives, the Chairman of the Committee or of any subcommittee or panel shall make public announcement of the date, place, and subject matter of any committee or subcommittee hearing at least one week before the commencement of the hearing. However, if the Chairman of the Committee or of any subcommittee or panel, with the concurrence of the ranking minority member of the Committee or of any subcommittee or panel, determines that there is good cause to begin the hearing sooner, or if the Committee, subcommittee or panel so determines by majority vote, a quorum being present for the transaction of business, such chairman shall make the announcement at the earliest possible date. Any announcement made under this rule shall be promptly published in the Daily Digest, promptly entered into the committee scheduling service of the House Information Resources, and promptly posted to the internet web page maintained by the Committee.

## RULE 8. BROADCASTING OF COMMITTEE HEARINGS AND MEETINGS

Clause 4 of rule XI of the Rules of the House of Representatives shall apply to the Committee.

## RULE 9. MEETINGS AND HEARINGS OPEN TO THE PUBLIC

(a) Each hearing and meeting for the transaction of business, including the markup of legislation, conducted by the Committee or a subcommittee shall be open to the public except when the Committee or subcommittee, in open session and with a majority being present, determines by record vote that all or part of the remainder of that hearing or meeting on that day shall be in executive session because of disclosure of testimony, evidence, or other matters to be considered would endanger the national security, would compromise sensitive law enforcement information, or would violate any law or rule of the House of Representatives. Notwith-

standing the requirements of the preceding sentence, a majority of those present, there being in attendance no less than two members of the Committee or subcommittee, may vote to close a hearing or meeting for the sole purpose of discussing whether testimony or evidence to be received would endanger the national security, would compromise sensitive law enforcement information, or would violate any law or rule of the House of Representatives. If the decision is to proceed in executive session, the vote must be by record vote and in open session, a majority of the Committee or subcommittee being present.

(b) Whenever it is asserted by a member of the committee that the evidence or testimony at a hearing may tend to defame, degrade, or incriminate any person, or it is asserted by a witness that the evidence or testimony that the witness would give at a hearing may tend to defame, degrade, or incriminate the witness, notwithstanding the requirements of (a) and the provisions of clause 4 2(g)(2) of rule XI of the Rules of the House of Representatives, such evidence or testimony shall be presented in executive session, if by a majority vote of those present, there being in attendance no less than two members of the Committee or subcommittee, the Committee or subcommittee determines that such evidence may tend to defame, degrade or incriminate any person. A majority of those present, there being in attendance no less than two members of the Committee or subcommittee, may also vote to close the hearing or meeting for the sole purpose of discussing whether evidence or testimony to be received would tend to defame, degrade or incriminate any person. The Committee or subcommittee shall proceed to receive such testimony in open session only if the Committee or subcommittee, a majority being present, determines that such evidence or testimony will not tend to defame, degrade or incriminate any person.

(c) Notwithstanding the foregoing, and with the approval of the Chairman, each member of the Committee may designate by letter to the Chairman, a member of that member's personal staff with Top Secret security clearance to attend hearings of the Committee, or that member's subcommittee(s) (excluding briefings or meetings held under the provisions of committee rule 9(a)), which have been closed under the provisions of rule 9(a) above for national security purposes for the taking of testimony. The attendance of such a staff member at such hearings is subject to the approval of the Committee or subcommittee as dictated by national security requirements at that time. The attainment of any required security clearances is the responsibility of individual members of the Committee.

(d) Pursuant to clause 2(g)(2) of rule XI of the Rules of the House of Representatives, no Member, Delegate, or Resident Commissioner may be excluded from nonparticipatory attendance at any hearing of the Committee or a subcommittee, unless the House of Representatives shall by majority vote authorize the Committee or subcommittee, for purposes of a particular series of hearings on a particular article of legislation or on a particular subject of investigation, to close its hearings to Members, Delegates, and the Resident Commissioner by the same procedures designated in this rule for closing hearings to the public. The Committee or the subcommittee may vote, by the same procedure, to meet in executive session for up to five additional consecutive days of hearings.

## RULE 10. QUORUM

(a) For purposes of taking testimony and receiving evidence, two members shall constitute a quorum.

(b) One-third of the members of the Committee or subcommittee shall constitute a quorum for taking any action, with the following exceptions, in which case a majority of the Committee or subcommittee shall constitute a quorum: (1) Reporting a measure or recommendation; (2) Closing committee or subcommittee meetings and hearings to the public; (3) Authorizing the issuance of subpoenas; and (4) Authorizing the use of executive session material.

(c) No measure or recommendation shall be reported to the House of representatives unless a majority of the Committee is actually present.

## RULE 11. THE FIVE-MINUTE RULE

(a) The time any one member may address the Committee or subcommittee on any measure or matter under consideration shall not exceed five minutes and then only when the member has been recognized by the Chairman or subcommittee chairman, as appropriate, except that this time limit may be exceeded by unanimous consent. Any member, upon request, shall be recognized for not to exceed five minutes to address the Committee or subcommittee on behalf of an amendment which the member has offered to any pending bill or resolution. The five minute limitation shall not apply to the Chairman and ranking minority member of the Committee or subcommittee.

(b) Members present at a hearing of the Committee or subcommittee when a hearing is originally convened shall be recognized by the Chairman or subcommittee chairman, as appropriate, in order of seniority. Those members arriving subsequently shall be recognized in order of their arrival. Notwithstanding the foregoing, the Chairman and the ranking minority member will take precedence upon their arrival. In recognizing members to question witnesses in this fashion, the Chairman shall take into consideration the ratio of the majority to minority members present and shall establish the order of recognition for questioning in such a manner as not to disadvantage the members of the majority.

(c) No person other than a Member, Delegate, or Resident Commissioner of Congress and committee staff may be seated in or behind the dais area during Committee, subcommittee, or panel hearings and meetings.

## RULE 12. POWER TO SIT AND ACT; SUBPOENA POWER

(a) For the purpose of carrying out any of its functions and duties under rules X and XI of the Rules of the House of Representatives, the Committee and any subcommittee is authorized (subject to subparagraph (b)(1) of this paragraph):

(1) to sit and act at such times and places within the United States, whether the House is in session, has recessed, or has adjourned, and to hold hearings, and

(2) to require by subpoena, or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandums, papers and documents, including, but not limited to, those in electronic form, as it considers necessary.

(b)(1) A subpoena may be authorized and issued by the Committee, or any subcommittee with the concurrence of the full Committee Chairman, under subparagraph (a)(2) in the conduct of any investigation, or series of investigations or activities, only when authorized by a majority of the members voting, a majority of the Committee or subcommittee being present. Authorized subpoenas shall be signed only by the chairman, or by any member designated by the Committee.

(2) Pursuant to clause 2(m) of rule XI of the Rules of the House of Representatives,

compliance with any subpoena issued by the Committee or any subcommittee under subparagraph (a)(2) may be enforced only as authorized or directed by the House.

#### RULE 13. WITNESS STATEMENTS

(a) Any prepared statement to be presented by a witness to the Committee or a subcommittee shall be submitted to the Committee or subcommittee at least 48 hours in advance of presentation and shall be distributed to all members of the Committee or subcommittee at least 24 hours in advance of presentation. A copy of any such prepared statement shall also be submitted to the committee in electronic form. If a prepared statement contains national security information bearing a classification of secret or higher, the statement shall be made available in the Committee rooms to all members of the Committee or subcommittee at least 24 hours in advance of presentation; however, no such statement shall be removed from the Committee offices. The requirement of this rule may be waived by a majority vote of the Committee or subcommittee, a quorum being present.

(b) The Committee and each subcommittee shall require each witness who is to appear before it to file with the Committee in advance of his or her appearance a written statement of the proposed testimony and to limit the oral presentation at such appearance to a brief summary of his or her argument.

#### RULE 14. ADMINISTERING OATHS TO WITNESSES

(a) The Chairman, or any member designate by the Chairman, may administer oaths to any witness.

(b) Witnesses, when sworn, shall subscribe to the following oath: "Do you solemnly swear (or affirm) that the testimony you will give before this Committee (or subcommittee) in the matters now under consideration will be the truth, the whole truth, and nothing but the truth, so help you God?"

#### RULE 15. QUESTIONING OF WITNESSES

(a) When a witness is before the Committee or a subcommittee, members of the Committee or subcommittee may put questions to the witness only when recognized by the Chairman or subcommittee chairman, as appropriate, for that purpose.

(b) Members of the Committee or subcommittee who so desire shall have not to exceed five minutes to interrogate each witness until such time as each member has had an opportunity to interrogate such witness; thereafter, additional rounds for questioning witnesses by members are discretionary with the Chairman or subcommittee chairman, as appropriate.

(c) Questions put to witnesses before the Committee or subcommittee shall be pertinent to the measure or matter that may be before the Committee or subcommittee for consideration.

#### RULE 16. PUBLICATION OF COMMITTEE HEARINGS AND MARKUPS

The transcripts of those hearings and mark-ups conducted by the Committee or a subcommittee that are decided by the Chairman to be officially published will be published in verbatim form, with the material requested for the record inserted at that place requested, or at the end of the record, as appropriate. Any requests to correct any errors, other than those in transcription, or disputed errors in transcription, will be appended to the record, and the appropriate place where the change is requested will be footnoted.

#### RULE 17. VOTING AND ROLLCALLS

(a) Voting on a measure or matter may be by record vote, division vote, voice vote, or unanimous consent.

(b) A record vote shall be ordered upon the request of one-fifth of those members present.

(c) No vote by any member of the Committee or a subcommittee with respect to any measure or matter shall be cast by proxy.

(d) In the event of a vote or votes, when a member is in attendance at any other committee, subcommittee, or conference committee meeting during that time, the necessary absence of that member shall be so noted in the record vote record, upon timely notification to the Chairman by that member.

#### RULE 18. COMMITTEE REPORTS

(a) If, at the time of approval of any measure or matter by the Committee, any member of the Committee gives timely notice of intention to file supplemental, minority, additional or dissenting views, that member shall be entitled to not less than two calendar days (excluding Saturdays, Sundays, and legal holidays except when the House is in session on such days) in which to file such views, in writing and signed by that member, with the staff director of the Committee. All such views so filed by one or more members of the Committee shall be included within, and shall be a part of, the report filed by the Committee with respect to that measure or matter.

(b) With respect to each record vote on a motion to report any measure or matter, and on any amendment offered to the measure or matter, the total number of votes cast for and against, the names of those voting for and against, and a brief description of the question, shall be included in the committee report on the measure or matter.

#### RULE 19. POINTS OF ORDER

No point of order shall lie with respect to any measure reported by the Committee or any subcommittee on the ground that hearings on such measure were not conducted in accordance with the provisions of the rules of the Committee; except that a point of order on that ground may be made by any member of the Committee or subcommittee which reported the measure if, in the Committee or subcommittee, such point of order was (a) timely made and (b) improperly overruled or not properly considered.

#### RULE 20. PUBLIC INSPECTION OF COMMITTEE ROLLCALLS

The result of each record vote in any meeting of the Committee shall be made available by the Committee for inspection by the public at reasonable times in the offices of the Committee. Information so available for public inspection shall include a description of the amendment, motion, order, or other proposition and the name of each member voting for and each member voting against such amendment, motion, order, or proposition and the names of those members present but not voting.

#### RULE 21. PROTECTION OF NATIONAL SECURITY INFORMATION

(a) Except as provided in clause 2(g) of Rule XI of the Rules of the House of Representatives, all national security information bearing a classification of secret or higher which has been received by the Committee or a subcommittee shall be deemed to have been received in executive session and shall be given appropriate safekeeping.

(b) The Chairman of the Committee shall, with the approval of a majority of the Committee, establish such procedures as in his judgment may be necessary to prevent the unauthorized disclosure of any national security information received classified as secret or higher. Such procedures shall, however, ensure access to this information by any member of the Committee or any other

Member, Delegate, or Resident Commissioner of the House of Representatives who has requested the opportunity to review such material.

#### RULE 22. COMMITTEE STAFFING

The staffing of the Committee, the standing subcommittees, and any panel designated by the Chairman shall be subject to the rules of the House of Representatives.

#### RULE 23. COMMITTEE RECORDS

The records of the Committee at the National Archives and Records Administration shall be made available for public use in accordance with rule VII of the Rules of the House of Representatives. The Chairman shall notify the ranking minority member of any decision, pursuant to clause 3(b)(3) or clause 4(b) of rule VII, to withhold a record otherwise available, and the matter shall be presented to the Committee for a determination on the written request of any member of the Committee.

#### RULE 24. HEARING PROCEDURES

Clause 2(k) of rule XI of the Rules of the House of Representatives shall apply to the Committee.

### NIGHTSIDE CHAT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentleman from Colorado (Mr. MCINNIS) is recognized for 60 minutes as the designee of the majority leader.

Mr. MCINNIS. Mr. Speaker, I thought I would spend a little time this evening in another nightside chat. There are three areas I would like to address my colleagues about.

First of all, we have heard a lot of news in the last couple of weeks about the pardon that former President Clinton granted to an individual named Marc Rich, and I thought tonight I would take time to clarify that with my colleagues because it appears that this pardon will go down as the most egregious, most offending pardon in the history of this country. Never in our study of American history have we seen a pardon that so flagrantly violated the principles of our Constitution and against which the citizens of this country expected a President to follow before he issued a pardon.

When I go through this, I think you will be appalled, be stunned by the amount of money that traded hands, by where that money went, for example to the Clinton library, about the coordination and the coincidence of that money going to the Clinton library and the money going to close Clinton friends, and all of a sudden what would be a usual pattern of oversight on a pardon by the Department of Justice and other agencies was avoided, and then one of the world's most sought-after fugitives all of a sudden, after bilking the American taxpayers, after trading with the enemy during a war, and then bilking the American taxpayers of hundreds of million of dollars when you consider the penalties, now can walk free on American soil. He will have more freedom as a result of this pardon from Clinton, more freedom than one of our constituents who walks

into a Wal-Mart and steals a 50-cent candy bar.

As every day goes by, we find out that there is more and more underneath the surface of the Marc Rich pardon.

The second thing that I think is important to discuss this evening is the energy crisis in California. The State of California is very important to the economy of this Nation, but the State of California is going to have to stand up on its own two feet to help itself when it comes to this energy crisis. California is going to have to abandon the long-adopted concept in California "not in my backyard, let somebody else build it and let me have the benefits."

I think we will have an interesting discussion this evening about the energy crisis in the State of California.

Finally, we will take a look at the economy. I had the opportunity and the privilege today to listen to the Secretary of the Treasury. Over on the Senate side, Alan Greenspan spoke. Look, we have a lot of concerns about our economy; and every citizen in this country, every constituent of ours needs to worry about the future of this economy. A very critical part of that economy is, number one, the Federal interest rate and how the Feds deal with it; number two, how the President deals with it; and number three, how the Congress deals with it.

Alan Greenspan lowered the rate by 1 percent last month. The President has stepped forward and said here is a tax cut proposal, and this evening I want to go into some of the details about that tax cut proposal because I think that is one arm of our strategy to keep this economy from collapsing on us. It is not near collapse right now, but it is headed toward a significant slow down. We have to be able to throw some water on this small fire before it becomes a bonfire. If it is left without attention, I assure you that fire will only grow.

I think that President Bush has extended a very well-thought-out plan that will work in a very efficient manner through the tax cut, which will first of all reduce the debt that this country has incurred over years and years of some, in great part, mismanagement, as my colleagues know.

But first of all let us go to the pardon of Marc Rich. Let me quote from the "Wall Street Journal." "This story," speaking about Marc Rich, "This story will go down as an extraordinary feat in the annals of Washington lobbying, illustrating in a dramatic fashion how money begets access, access begets influence, and influence begets results."

Marc Rich and his partner, Mr. Green, were fugitives from American justice. Marc Rich was, I think, the sixth most sought-after fugitive in the world. Marc Rich bilked the American taxpayer, when you consider the penalties and interest, of hundreds of millions of dollars. It was Marc Rich when our American citizens were being held

hostage in Iran, when we were trying to put a blockade around the country of Iran, when we were trying to go right to the heart of the economy of Iran to force them to release our hostages, i.e. stop the sale of oil with Iran, Marc Rich was trading with the enemy. A U.S. citizen who subsequently renounced his U.S. citizenship, Marc Rich was trading with Iran while Iran was holding American hostages; and this is the man that Clinton has given a pardon to.

We are going to track about how that occurred. I think of some merit, I would like to read an article called "The Clinton Indulgences" from today's "Washington Post," Tuesday, February 13.

"The more that is learned about some of the pardons former President Clinton granted on his final day of office, particularly the pardon of financier Marc Rich, the more it appears that they constituted a major abuse of power. We learned, for example, that the Rich pardon, if not facilitated, at least preceded by gifts of nearly a half a million dollars from Mr. Rich's former wife to the Clinton Presidential Foundation and Library Fund. Ms. Rich was also a major campaign contributor, not just to the President but to the President's wife in her Senatorial campaign.

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The Rich pardon has been thoroughly denounced by almost everyone, except of course the lawyers who were paid by Mr. Rich to lobby for it. Leaving the article for a minute, that would be Mr. Quinn. Right down here, Mr. Quinn. So let me go through this again.

The Rich pardon has been thoroughly denounced by almost everyone except the lawyers who were paid by Mr. Rich to lobby for it and various others to whose organizations Mr. Rich made contributions over the years. The denunciation has been thoroughly bipartisan. Mr. Clinton's only public response has been to say that he spent a lot of time on that case, and he thinks there are very good reasons for it. Once the facts are out, the public will understand, he said.

What are those facts, if not that money talked and that Mr. Clinton may have benefited? He would do well to find a way to say and to explain the other questionable pardons on his list. This a classic Clinton case. The facts suggest that he first abused then wrapped himself protectively in a Presidential prerogative.

The public has a legitimate interest in determining the extent of the abuse. The question is how to conduct the necessary inquiry without, at the same time, weakening the prerogative if only by undercutting the public sense of its legitimacy. Mr. Clinton could solve the problem by being forthcoming, providing an explanation of the questionable pardon and a full list of contributors to his foundation; but he will not, or so far has not.

The issue is whether the public trust was violated. Enough valid questions should have been raised about some of those pardons to warrant a full accounting. Mr. Clinton should volunteer it and not force the country to extract from him.

So I ask my colleagues to follow with me a little this evening as we go through some of these points and they can make their own decision of how legitimate this looked; about what kind of prerogative was abused in the granting of the pardon for Marc Rich. And keep in mind, as I said earlier in my comments, that Marc Rich will walk a freer man in the United States than will one of our constituents who might steal a 50 cent candy bar from Kmart or Wal-Mart.

Let us take a look at the pardon. Denise Rich. Who is Denise Rich? Denise Rich is a very, very wealthy individual in this country. She also happens to be the ex-wife of Marc Rich and, apparently, is on very, very good terms with her ex-husband. In addition, Denise Rich has refused to testify in front of a congressional committee, invoking the fifth amendment against self-incrimination.

Denise Rich has given over \$1 million in donations to the Democratic National Committee. I thought she gave \$190,000 to the Clintons in gifts; but every day that goes by, this figure becomes more and more inaccurate. We now know, for example, that to the Clinton library this amount of money: \$450,000 was given to the Clinton library by Denise Rich. We also know that Denise Rich said other friends who were solicited say Clinton fund-raisers pressed Denise Rich for a much greater amount, as much as \$25 million for the library fund.

A source familiar said that it is at this point \$450,000, although a lawyer, Carol Elder Bruce, told committee staffers that Rich had contributed "enormous" amounts of money to the Arkansas foundation seeking to raise some \$200 million to build the Clinton Presidential library.

In addition to that, of course, on the gift registry, before the President's wife became a Senator, there was \$7,800 in furniture she bought for one of their homes, \$7,000 for furniture for another home, and the public saxophone to the President.

Now, this goes back to that Wall Street statement, and let me read the Wall Street article again about this influence and money. Let me read the quote again. The story will go down as an extraordinary feat in the annals of Washington lobbying illustrating in a dramatic fashion how money begets access, access begets influence, and influence begets results. That is exactly what happens.

Do my colleagues think, as Bill Clinton now says when he made the statement, that politics did not play a part in this? Oh, yes; right. I am sure that that is a very solid statement, considering the fact that a request was made

to Denise Rich to donate \$25 million to the Clinton library; that in fact she gave \$450,000; that in fact she wrote a personal letter to the President asking the President to pardon Mr. Rich; that in fact Mr. Rich is one of the most sought-after fugitives in the history of this country and, until recently, until he got the pardon, but prior to President Clinton's acting, he was one of the most sought-after fugitives in the world.

How interesting that this is one of those pardons, one of those suspicious pardons that goes around. Supposedly it is supposed to go to the Justice Department, to the Securities Exchange, and to the other parties involved for an assessment of whether or not that pardon should be granted. For example, Milken. Milken, by the way, refused a request to make a donation to the Clinton Presidential library; and as a result, well we do not know as a result, but he refused to do that and the consequences may have been that he did not get a pardon.

We know for some odd reason in the last few hours that this pardon for Marc Rich did not go through the customary channels; that it was handled in a highly unusual fashion. In fact, we have e-mails from one lawyer to another that says keep it secret; it would not be to our benefit to find out what we are asking from the President.

We also know that the lawyer representing Marc Rich is a close friend and confidant of then-President Clinton. We also know that the attorney received hundreds of thousands of dollars, hundreds of thousands of dollars from Marc Rich to help Marc Rich get this pardon. We also know this attorney represented the President on other matters of the President.

So let us start to put the combination together and see what we have. We have Denise Rich, who is lobbying very hard for the pardon for Marc Rich. She gives well over \$1 million. We may find out more than that, much more than that, to the Democratic National Committee. She donates \$450,000 that we know of so far, and we suspect there is a lot more. She was asked for \$25 million. She helps furnish two Clinton homes, and she provides other gifts for the Clintons.

Then we combine that with one of the Clintons' close confidants, who previously represented Bill Clinton, who has been paid hundreds and hundreds of thousands of dollars to represent Marc Rich. On top of that, we combine some of the organizations overseas that Marc Rich contributed to, charities and so on, who then sent letters, lobbying letters, to the President to grant this pardon for this fugitive, who as I have reminded my colleagues of before and I remind them again because it really leaves a bitter taste on my tongue, traded with the enemy.

What does that all spell? Well, that all goes over to the Clintons. And look what happens. Here they go. In 65 counts they granted a pardon. Where is the fairness?

It was interesting to hear the Democrats talk about this pardon. Every Democrat in these House Chambers that I have heard speak about it, every Democrat I have heard on national talk shows speak about it deplores what has occurred here. I am not saying every Democrat does, because I have not heard from all of my Democrat colleagues; but the ones I have heard from and the talk shows I have seen, they all deplore this. There is no way that this can be justified.

What kind of message does this send out there; what kind of reputation? Why would the President do this and leave with this kind of reputation? I can tell my colleagues this, and I speak from the earnestness of my heart, the granting of this pardon, in my opinion, was a disgrace. There is no pardon like it to the best of our knowledge in the study of American history. We cannot find another pardon like this, that so clearly shows connections of money, monetary contributions being made to a Presidential library; the connections with close confidants of the President; that the pardon request bypasses the normal channels for reviews.

And by the way, some of the best testimony I have heard on this came on this case from the former prosecutors, the U.S. attorneys who spoke the other day in front of the committee. One of the prosecuting attorneys, former U.S. Attorney, stated clearly that he voted twice for Bill Clinton as President. I wish my colleagues had heard that testimony. I felt that testimony was extraordinary. It was right on point.

He broke down in significant detail, detail that is far and above any kind of explanation I could give this evening from the House floor. He broke down in significant detail and rebutted every possible point made by this attorney, Mr. Quinn, who was paid hundreds of thousands of dollars.

This thing stinks. Now, that sounds like a strong word to use on the floor of the House of Representatives, but somebody needs to stand up on this floor, as I am doing right now and many of my colleagues have done in their own followings, and talk about just how wrong that is. This pardon should not have been granted.

Let us move on to the next issue. There are two other issues I want to address this evening. One of them, of course, is the energy crisis that we have in the State of California.

Now, a lot of us would like to say, California, if anybody had it coming, you had it coming. This is a State that has not allowed a power plant to be built in its State in the last 10 years. This is a State that today has 2 percent less capacity to produce power than they did 11 years ago. In other words, in 1990 they had 2 percent more capability to produce power than they do today in 2001. They had more capability to produce power in 1990 than they did in 2001. But what happened to the demand in power during that 10-year period of time? What happened

with demand? Demand went up 11 percent. So demand goes up and capability to provide it goes down.

We need to talk a little about that. Clearly, California provides to the United States about one-sixth of our economy. It is huge. I need to correct that statement. California, if it were a country, would be the sixth most powerful country in the world from an economic point of view. We cannot allow California to just go down the drain. We cannot ignore our neighbor to the west and just say that their problem ought to just be their problem and we are going to walk away from it.

Unfortunately, the political leaders of the State of California have pulled every State in the Union into this mess. Unfortunately, many of our constituents out there, whether they live in the State of Colorado, New Mexico or wherever, they are going to get pulled into this as a ratepayer. In the State of Colorado, for example, Excel Energy, what used to be our public service company, has sold energy to the State of California, some of it under what I consider an illegitimate order by the previous administration forcing it to sell power to a customer, number one, under a Wartime Powers Act, which we are not engaged in that type of threat right now; but they were concerned, so they used the excuse that it may affect the bases in California. So they ordered our utility in Colorado, for example, to sell energy to the State of California with no assurance that the State of California could pay for that.

This means that prices will go up for the ratepayers in Colorado to cover this loss to the State of California, while the ratepayers in the State of California enjoy a freeze on their rates put in by their political leaders. And that is not all. Take a look at some of the other things. The city of Denver. Now, I just have to say that part of this is gross negligence on behalf of the city of Denver. They invested \$32 million, and the citizens of the city of Denver ought to be aware of this. The city management team invested \$32 million after, not before, after they had received warning that these power companies in California may not be able to pay and in fact in all probability could not pay them back.

□ 1945

So part of that is gross negligence on the part of the city of Denver. But this is to point out that this is not isolated to the ratepayers and the taxpayers in the State of California, this spreads across the Nation.

How do we get there? How did California get there? Well, it is Economics 101. We have in our system of economics a capitalist type of system. We have what we call the private marketplace. And it is really fairly simple. We have the private marketplace.

Now, on the private marketplace, we have a seller and a buyer. Now, I know that this sounds kind of fundamental.

But as my colleagues walk through this with me, they will understand where I am going with this.

Now, the buyer over here knows exactly what they are looking for. The seller is trying to meet this demand. The seller wants to sell to the buyer at a mutually-agreed price. That price is negotiated. Every one of us goes through those transactions. We started out selling a piece of bubble gum when we were young. That is what we call a bargain, an agreement, a consent, an acceptance.

So we have got the seller and the buyer. Now, the seller tries to determine what it is he or she can provide to the buyer and at what cost. The buyer, of course, knows what they want.

Well, then we have the next transaction, which is the closure of the agreement. Let us call it consumption. On the consumption part of it, the money that comes from the consumption, the buyer gets the service of the product and the seller gets some type of compensation, generally cash.

Now, what does the seller do with the cash? This is very important. One, what the seller has to do with the cash is it has to make a profit. If the seller cannot make a profit, the seller will not be in business and the buyer will not get what they need. It is to the buyer's interest to have the seller in business as much as it is to the seller's interest to have the buyer in business or in the marketplace.

So what happens is the seller has to have a profit. Now, what happens with the profit in the system balances out. The seller has a cost to the product. So they have got the product, in this case, electricity. They have got the cost. The seller did not get the product, the electricity, free of charge. The seller had to either buy the power or generate the power. So it has a cost involved.

So, in order to pay for the power, the seller has to recover from the buyer at least that amount of money to cover cost. That is called "break even." But if the seller wants to be able to continue to sell this power in the future, especially if the buyer demands more and more from the seller, then the seller has got to reinvest in its ability to produce what the buyer desires. And that is one of the important aspects of profit.

The seller also has to have willing investors in the seller, which means that there has to be some type of enticement to bring people in the marketplace to invest in the capital structure of the seller.

Well, this all begins to work well. And, by the way, and I heard this in California, nobody deserves to make a profit on selling basic power to the American people, that there should not be a product out there where there are excess profits being made.

Well, what happens when excess profit comes into the marketplace? Do the bright political leaders have to go in and take over the marketplace? No. The marketplace self-corrects.

Let us look at an example. Let us say we have a hamburger stand in our community and that hamburger stand sells a hamburger for 50 cents and the cost of the product is 5 cents. So the hamburger stand makes 45 cents. And then pretty soon the hamburger stand finds out there are a lot more customers that want those hamburgers, so they raise the price to a dollar, then pretty soon they raise the price to \$2. Then pretty soon they cannot buy a hamburger except at this place for \$5 and the cost for making a hamburger, everybody knows, is five cents.

What is going to happen in the private marketplace? They are going to have competition. Somebody else is going to come in and say, wait a minute, Joe over there is selling his hamburgers for \$5 apiece. He is taking advantage of the public. His profits are excessive. I can go in and sell a hamburger for \$2 apiece and I still make a handsome product. I make enough money to reinvest into the capital that I have to make that hamburger, so I am going to go into competition. I am going to go into competition with Joe and I am going to force him to lower the price from \$5 to \$2; and if he does not, I am going to force him out of business. That is the private marketplace working. That is not what happened in California.

What has happened in California, in my opinion, is their State-elected leaders, including State legislators and including the Governor of California, do not have enough gumption to stand up to the consumers in California and say a couple of things.

Number one, look, we cannot have it both ways. We cannot say anymore "not in my backyard," but I want power to my house when I want electricity.

It was interesting, I read a Wall Street Journal article the other day that talked about Cisco Systems, Cisco Corporation. Many of my colleagues are investors or have constituents who own shares of stock and know about how Cisco did not want to power a plant. Even though they are a large consumer of power, they did not want to power a plant and they objected to a power plant being built near their facility because it partially obstructed their view of the ocean.

Do they know what? Face reality. We need power and all of us take advantage of power. Tonight, here in Washington, D.C., the outside temperature is probably in the low 40s, maybe under 40 degrees. But the temperature in these Chambers is probably 70 degrees. We have plenty of lights. We all know that. We need our power.

But the citizens of California need to understand that the other States of this Union, while we are colleagues, we are neighbors, we are fellow States, we cannot carry their weight for them. They need to agree to build some power plants out there. They need to agree to some reasonable access for grids to transfer that power from place to place.

They need to agree that, in order to build power plants, they themselves, the ratepayers out there, are going to have to invest.

Years ago somebody should have had enough guts to stand up to the political establishment in California and say to them, look, you cannot go into a so-called deregulation, in other words, enter the private marketplace, but go out to the consumer, the buyer, and go out to that buyer and say, no matter what the cost to the seller, no matter what it costs the seller, they are always going to get the same price. Here is the price cap, \$55 dollars per megawatt hour.

That is exactly what happened. California several years ago decided to "deregulate" their power production. And in order to deregulate, they decided to enter into the free marketplace; and in entering the free marketplace, they only made one mistake, and that mistake was they only partially entered the free marketplace. They did not want to upset their voters in the State of California. They did not want to be frank with their constituents and say, look, we are either in or out. If they are going to get into the marketplace, they have got to be willing to pay the marketplace so that the seller can reinvest to continue to generate, in this case, electricity.

No, California did not do that. California went to the citizens of California and said, hey, we have got something that defies the private marketplace. We have got something that never in the history of capitalism, never in the history of a free economy has it worked. But we in California have figured it out. We do not have to build any more power plants in our State, or we can make it so tough or miserable on them that nobody will want to build a power plant in California. We will go ahead and let the sellers in some of these power companies in California walk away or have some time to make a profit, we will let them sell the power producers, the generation facilities to out-of-state providers, and to the buyer we are going to give the sweetest deal of all. To our consumers of electricity in California, we are going to freeze the price. In fact, not only are we going to freeze the price just as an act of goodwill, we are going to reduce the price 10 percent.

That is exactly what the elected officials in California did. We will reduce the price 10 percent, buyer; and, guess what, use all of the power you want because in the future, the price that you are going to have to pay is frozen.

Well, what happened to it? Well, it led to a shipwreck. I will tell my colleagues what happened. The seller agreed, those power companies in California agreed because they made a lot of money on this transaction. The buyer agreed because it was a sweet deal. The consumers in California were persuaded by the politicians that, in effect, at some point they were going to get something for nothing, that they

could use all the power they wanted, they could waste power regardless of what they did, power would always be sold with a cap on it, they could not raise the power.

Then they made a mistake. They brought in a third party, power generation. They sold the generation facility to out-of-state producers and they expected these power generators to always come back to the State of California and say, California, because you are such a nice pal, we are going to go ahead and sell you electricity for just a little tiny bit more than what it cost us to produce it, not for what the marketplace would bring us, but for a little over what it could cost us to produce it.

Well, they did not want to play that game, these power generators. They were in the marketplace. In other words, what will the market bear? They charged what the market would bear.

California, in the meantime, goes on this binge of not allowing power plants in its State. I would love to have the opportunity to debate the Governor of the State of California. Mr. Governor, I plead upon you to stand up to the ratepayers in the State of California and say, look, we got a problem here. We have got to bring more power plants on-line. And I think, by the way, the Governor is edging that way. But more important than that, you have got to be frank with your ratepayers. You have got to be straightforward and say to them, look, if we are going to have investment, we have got to have profit.

Now, I think instead what the answer of many elected officials in the State of California is going to be, let the Government take over. Let us let the Government be the power supplier in California. Let us let the Government run this operation.

Take a look. Without exception, take a look at any point in history. What happens when we allow the Government to enter into the private marketplace and run business? Government cannot do it. Look at what we do with the Federal Government, my colleagues. Take a look at how efficiently the Social Security system is run. Take a look at how efficiently Medicare is run. I mean, we have huge inefficiencies.

Why? Why are the inefficiencies higher at the Government level than they are in the private marketplace? Because the Government does not have competition. In the private marketplace, efficiencies come as a result of the market because they have got competition.

Remember the hamburger guy I was talking about? That guy or gal decided to come in and he or she cannot sell those hamburgers for \$5 for very long because they have got competition that will come in and sell it for \$2.

I say to some of my colleagues from California, do not let your constituents buy off on the proposition that they are going to be able to get power at a

capped price. Do not let them buy off on the proposition that they are not going to have to pay for an increase.

Let me talk about what I think is the solution for the State of California and a big part of it. Number one, in California and across this country, we have got to conserve. And conservation really is pretty easy.

My wife and I, for example, in our home in Colorado, we live high in the Rocky Mountains, in our home, except for the area that we are working in, the area we are working in we leave at 70 or 72 degrees. The rest of the house is at 55 degrees.

In California, they have got to begin to conserve. They cannot conserve when they cap the price that the user is going to pay.

Let me give my colleagues an example. Colleagues, if any one of you ever rented a place from a landlord and the landlord agreed to pay all of the utilities, and by the way, that does not happen very often except for the Government, what incentive would you have to shut off the air conditioning during the summer or reduce the heat during the winter if the landlord paid the bill regardless of the usage you had on the air-conditioning or the heat? There is no incentive to conserve.

California has got to take this price cap off.

□ 2000

California has got to say to the electrical users in its own State, and I know politically it is not popular to do, but it is going to take some courage and some guts to stand up to the consumers in California. And frankly I think a lot of consumers will agree with this. Look, we have got to put a price. The more you use or if you are going to waste it, there is going to be a price to pay. We cannot cap it at \$55, especially when the marketplace out there is selling it at \$1,000, and that is what happened at points during this energy crisis.

So conservation is issue number one. All of us can conserve energy. I feel an obligation to conserve it in Colorado. And for gosh sakes in California you need to be led by your State political leaders to conserve.

The second thing that you have got to do in California is you have got to build production facilities. You have to provide for generation. The days of looking to your neighbors to the east and saying, well, put the power plants in Oregon or put the hydropower plants over in Arizona or let Colorado put the power generation plants in their State. We do not want power generation plants because it has an impact on the environment.

It does have an impact on the environment. You have got to balance that out. Having lights in here this evening, having 70 degrees on the House floor, it has an impact on the environment. We are using energy to provide this. But, California, you are going to have to carry a fair share of that. Or if you

want to depend on out-of-State suppliers, then you are going to be subject to the price variations of the market. And if the market knows that you do not have the capability to provide your own power, the market will be very punishing to you. The market has its own checks and balances. You cannot defy through political movement the marketplace or the punishment of the marketplace for ignoring the basic concepts of supply and demand. It will not work. You have tried it and it has been a disaster.

You have hit a brick wall in California. The elected officials in California need to stand up and understand the private marketplace, stand up and conserve and take that price cap off so that you have got some kind of incentive to build generation. And for gosh sakes, I urge the electrical users in California, do not buy into this dream that the government of the State of California can run an electrical system more efficiently than the private marketplace. Oh, temporarily it will be like that 10 percent discount you got when they first deregulated. They will make it sound as sweet as roses, sugar, and honey. But down the road, you will pay the price because the government cannot operate an electrical facility with efficiency.

Let me move on very briefly about the next subject that I think is critical and we are going to hear a lot about and that is the tax plan from President Bush. I think it is very, very critical that we put in place a tax cut.

I think our first priority, colleagues, has to be to reduce the debt. So the argument here on the Bush tax cut is not about reduction of the debt. I think most of my colleagues out here agree that we need to reduce the debt. The argument is the structure of how we go about it. Now, frankly some of the people opposed to this, i.e., the left wing of the Democratic Party, the more liberal element, and I say this with due respect, the liberal philosophy appears to be, keep the money in Washington.

I will tell you any time you keep money within reach of these Chambers, it is in high danger of being spent or dedicated to a new spending program. Do not kid yourself. Money sitting in Washington, D.C. is like setting a piece of pie in front of somebody that has not eaten for a long time. It is going to get eaten up very quickly. It is going to be committed.

If you want to reduce that debt, put that money back in the pockets of the people that made it. That is exactly what President Bush is focusing on. That theory is a theory that has been proved time and time and time again. Give the money not to the government to reinvest because, remember, the government does not create capital. The government transfers capital. Those men and women out there, working away, they are the ones that create capital. All the government does is reach into their pockets and transfer their hard-earned money to Washington, D.C.

Frankly as you know as a result of this surplus, you have had a lot more money than we need transferred out of a worker's pocket to Washington, D.C. You have got a lot of people that did not have to earn that money that have great ideas on how to spend your money. They want it kept in Washington. This new program, this new program, more for this program.

President Bush has it right. We have got an economy that faces a heck of a challenge. We have got an economy that threatens millions and millions of jobs. We have got an economy that just in the last month we have seen tens and tens of thousands of people lose their jobs.

We have got to come up with a recovery plan. The recovery plan is not to keep that surplus in Washington, D.C. for more spending. That recovery plan is to get that money quickly back out to the people who earned it. Get that money back out to the people who made it. That is how you create capital. And when you create capital, you create more taxable transactions. And when you create more taxable transactions, you reduce the Federal debt.

Today in the Committee on Ways and Means, I sat and listened to the Secretary of Treasury and heard a questioner imply that a tax cut was going to add to the national debt. A tax cut if appropriately put into place will reduce the national debt. Because you are putting money out and it creates capital out there in the free marketplace.

I also heard out there today about how this is a rich man's tax cut. Let us take a look at some hard facts here very briefly. This is who pays Federal income taxes. By the way, as you can tell, this is my homemade chart, colleagues, so forgive me for it but I think you can get the basics of it.

All taxpayers, of course, pay 100 percent. All taxpayers pay 100 percent of the taxes. The top 1 percent of the taxpayers in the country pay 34 percent of the taxes. The top 5 percent pay 53 percent of taxes. The top 10 percent of taxpayers in the country pay 65 percent of the taxes. Right down here, the top 50 percent, half of the taxpayers in this country, pay 95 percent of the taxes. The bottom 50 percent pay less than 4 percent of the taxes. I will go ahead and leave this up so you can take a look at it.

The bottom half pays less than 4 percent of the taxes. So if you are going to have an impact, if you are going to put dollars back out there, number one, the principle of a tax cut should go to people who pay taxes. Bush's plan is not a welfare plan. President Bush's plan is to go to the people who pay taxes, every taxpayer out there, regardless of their wealth and reduce marginal rates, get those dollars out here where they are going to work. Get those dollars out into that community. Get it out there where it is going to be reinvested under President Bush's income tax cut.

Under President Bush's income tax cut, there are several key issues. One in five tax-paying families with children will no longer pay any income tax at all. So out of every five families out there that are paying income taxes today, out of every five, they are paying taxes today, one of them after this program will no longer have to pay those taxes. By the way, all five of them will have their taxes reduced. A family of four who make \$35,000 a year will pay no Federal income taxes under this plan. So if you have got constituents out there, colleagues, who have a family of four, mom and dad, boy and girl, and they are making \$35,000 a year, under President Bush's plan they will no longer pay Federal income taxes.

What do you think happens to that money, colleagues? They do not go take the money that they are no longer transferring to Washington, D.C. and bury it in the ground. They go out and use that money. They either put it into savings or they go put it as a down payment or they go buy a washer or a dryer. That money begins to circulate in the environment that creates capital, that also creates taxable transactions, that also helps reduce the Federal debt.

Let me go on. A family of four making \$50,000 a year, so if you have mom and dad and boy and girl, and they are making \$50,000 a year, their taxes will be reduced by 50 percent. A 50 percent tax cut. A reduction of \$1,600. And a family of four who makes \$75,000 a year will receive a 25 percent tax cut.

On top of that, there are some other important issues that are being reduced and addressed by President Bush's tax plan. Let me start with one that hits me right in the heart and hits a lot of American families out there. And that is the elimination of the death tax.

Death should not be a taxable event in a country like the United States of America. Our forefathers never intended for a family to be taxed because of the tragedy of a death. What happened and where that tax was created was around the early 1900s as a tool to punish the Rockefellers and the Carnegies and so on and so forth, the Morgan Stanleys, those are the people they wanted to penalize, so it was put in purely as a penalty, as a punitive measure by the government, completely contrary to the philosophy of our government, that is, those who work hard should be able to save something for future generations.

What the Bush plan does is over an 8-year period of time, it eliminates that death tax. It actually goes out and says, wait a minute, the government is going the wrong way. What President Bush says the government should be doing is encouraging family business to go from one generation to the next generation.

President Bush says we should not have a government that discourages business and family farms and family

ranches from going from one generation to the next generation. This should be a government that encourages it. This should be a government that goes out there and says death is not a taxable event. President Bush does not believe that death should be a taxable event. This deserves the support of everybody in here.

Now, I hear some people say, well, all it does is support the wealthy. I am so sick of hearing that. You know something, if you go out there and you work hard and you save a few bucks, all of a sudden, some of my colleagues in here call you rich and for some reason despite the fact you worked for it, despite the fact you did something that brought that to you, you do not deserve it or somebody else who did not work quite as hard, who did not come up with a better mousetrap should have it from you. This tax plan is what we need for a recovery in our economy.

I will tell you what else President Bush does in this tax plan. And finally, finally, we have got somebody that will talk about the death tax and say death is not a taxable event. And finally we have got a President who incorporates within his tax cut plan an elimination, or a significant downsizing of the marriage penalty. Do you think that our forefathers ever imagined that this government would go to the point in time where it would tax a family for a marriage? Do you think that they thought that this government would go so far as to say, "We'll tax you when you marry, and we'll tax you when you die"? That is where the government is.

Finally, we have got a President who is standing up to this and saying, look, every taxpayer deserves a tax cut. Death is not a taxable event. Marriage is not a taxable event. We have also got a President who has proposed a tax cut that is not aimed at big business. This is not aimed at big business. This is aimed at individual taxpayers, regardless, every taxpayer in America, every taxpayer in America will benefit from this tax cut because it cuts the marginal rates. President Bush in his tax cut, he does not go out and pick a special, heavily lobbied organization or group or business to get the tax cut at the expense of every other taxpayer. He does not do that. President Bush goes out there and puts together a plan that benefits every taxpayer. That is what is beautiful about this tax plan. This country needs a significant tax cut.

The danger of a tax cut is if you do not do enough, then it will not help reduce the national debt. It will not work. It will not help give a jump-start to that economy. By the way, the tax cut alone will not jump-start the economy. It takes a combination of strategies. One of the strategies is you have got to have the Fed lower the interest rate and that strategy has been put into place. And I believe that Greenspan will lower those rates again within the very near future. Strategy number one, arm number one.

Arm number two, strategy number two, put a tax cut into place that has

some significance. It has got to be large enough to have some kind of impact on the economy. That is what has to happen. You put those two strategies in there and you have got one other one you have got to think about, and that is our responsibility on this House floor.

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You have got to control Federal spending. You have got to control spending. If you control spending, you reduce taxes and you lower the interest rate; that is the kind of formula that makes a very, very potent medicine to fight this slowdown that we are now facing.

So I am asking all of my colleagues, look, put partisan politics aside. Stand with the President. President Bush needs our support. President Bush has been willing to take the lead on this. We ought to stand up in unison; and we ought to help the President, because if we do not, this economy could continue to spiral in a downward fashion. We have time to save the economy, we have time to correct this downturn, but if we do not work with the kind of strategy that I think is now being deployed, one, by Greenspan, two, by the President, and, three, by us to control Federal spending, then, frankly, we are going to get what we ask for.

So, in conclusion this evening, let me recap the three topics.

Number one, the Mark Rich pardon. If you look at your history books, it will go down in history as one of the most disgraceful pardons in the history of this country, the most disgraceful pardon in the history of this country. Take a look at it. Watch it with interest.

Number two, the energy crisis in California. California, you are going to have to build generation in your own backyard. You are going to have to conserve. You are going to have to lift your price cap. And, for gosh sakes, Californians, do not let the government run your electrical distribution facility and entire electrical enterprise. It may sound sweet today; but for a short-term benefit, you will have a very, very long-term cost.

Number three, I urge my colleagues and the citizens and their constituents, urge your constituents to take a careful look at what the President has proposed. It does eliminate the death tax, it does reduce the marriage penalty, it does put tax dollars back to every taxpayer in this country, individual taxpayers in this country; and that is exactly the kind of formula we need, if we can deliver our part, and that is to control Federal spending.

#### HEALTH CARE REFORM

The SPEAKER pro tempore (Mr. CULBERSON). Under the Speaker's announced policy of January 3, 2001, the gentleman from New Jersey (Mr. PALLONE) is recognized for 60 minutes as the designee of the minority leader.

Mr. PALLONE. Mr. Speaker, I did want to indicate that I only plan to use about 20 minutes of the hour this evening, and then I would like to turn over the rest of the hour and yield to the gentlewoman, one of my colleagues from Ohio, who will be out here later, who is going to be talking, I believe, about Black History Month.

Mr. Speaker, I wanted to take to the floor, to the well, this evening, to talk about health care, and essentially to map out why I believe very strongly in this session of Congress we have an opportunity, hopefully on a bipartisan basis, to enact some health care reforms that will ensure more access to health insurance to more Americans, many of whom, about 40 million, do not have any kind of health insurance right now; and, secondly, that we enact a true HMO reform, along the lines of the Patients' Bill of Rights, a bipartisan bill that passed the House of Representatives last session, unfortunately, it did not become law, in order to reform HMOs. Third, I think that we should enact a Medicare prescription drug benefit for all Medicare beneficiaries.

I believe very strongly, Mr. Speaker, that these measures can pass in this Congress on a bipartisan basis.

I have to say I was a little concerned, I did not plan to talk about tax cuts tonight, but when I heard my colleague on the other side of the aisle who was here in the well before me, I do become concerned that if the tax cuts that are being proposed by the President become too large, so that the entire surplus, or most of the surplus that we now have, is used up, we not only face the potential of having a deficit situation again, with all the bad ramifications for its economy, but it would make it impossible for the types of things that I am talking about tonight, a Medicare prescription drug benefit, increased access to health insurance for many who do not have it, these types of things would be impossible to pass.

So I would ask my colleagues, when they look at these tax cuts, which all of us support tax cuts, and I certainly would like to see one passed, that it not be so large that it puts us back into a deficit situation or does not allow us to implement some of these needed health care reforms.

What I want to start out, if I could, Mr. Speaker, is by saying that when I talk about expanding health insurance and access to health insurance, I think you know in previous Congresses we have worked, for example, to expand health insurance for children, the so-called CHIP program, which now allows children whose parents make more than would be eligible for Medicaid, and who mostly are working, are now allowed in their individual States to enroll in a Federal program so their kids are covered by health insurance.

However, during the course of the last campaign it was quite clear that the Democrats felt very strongly and

still feel strongly that the CHIP program needs to be expanded to include adults, the parents of those children who are in the CHIP program.

It was very interesting, because during his confirmation hearings the new HHS Secretary, Secretary Thompson, actually said that he would like to see parents whose children are in the CHIP program be allowed to enroll in the program as well.

I mention that because I think even though this was a Democratic idea, it is something obviously that is supported by the current Health and Human Services Secretary, who is a Republican. So, again, I hope that we see some of our Republicans coming along with this proposal.

The other thing the Democrats have been championing for some time is the idea that people between the ages of 55 and 65 who are not eligible for Medicare now be able to buy into Medicare, the so-called "near-elderly." I would venture to say, Mr. Speaker, that if you were able to enroll all the kids that are now eligible for CHIP, and then expand the CHIP program to include all the parents whose children are in CHIP, and then expand Medicare so that the near-elderly, 55 to 65, could sign up, we would go a long way towards solving the problem of those 40 million Americans who work but who have no health insurance. I would like to see that done on a bipartisan basis.

Let me also mention the Patients' Bill of Rights, the HMO reform. It is abundantly clear to me that in the last Congress, even though the Patients' Bill of Rights was a Democratic initiative, the HMO reform, we had a number of Republicans who came forward and voted for it here in the House; and we had some very prominent Republicans who took the lead on it, the gentleman from Iowa (Mr. GANSKE) and the gentleman from Georgia (Mr. NORWOOD), who took the lead on it.

Why can we not pass that bill? We should be able to in this Congress. I know that most of the Republicans did not vote for it in the last Congress in the House, but there is no reason why we cannot do it.

President Bush comes from the State of Texas. Texas has a Patients' Bill of Rights, or an HMO reform, very similar to the Democratic Patients' Bill of Rights proposal. Let us see what we can do to get it passed on a bipartisan basis.

Finally, let me talk about the prescription drug benefit. I know when I go home and talk to my constituents, the seniors in my district, the biggest concern they have is the fact that Medicare does not cover prescription drugs, and many of them cannot sign up for Medigap programs or cannot get into an HMO where prescription drugs are covered, or may have been in such an HMO and had their coverage dropped as of January 1 of this year.

So we need to enact a prescription drug program under Medicare. Everyone in Medicare should be eligible for

prescription drug coverage, regardless of income, regardless of age, regardless of disability.

I wanted to talk if I can tonight, again I said I want to limit the amount of time that I took, because I want to yield to some of my colleagues, but I just want to develop a little more what the Democrats have been saying with regard to HMO reform and the Medicare prescription drug benefit.

What the Democrats have been saying is they want a strong enforceable Patients' Bill of Rights. This strong legislation with regard to HMO reform should include protections for all Americans and in all health plans. It should assure access to all emergency room care when and where the need arises. It should guarantee access to specialists when patients need it. It should guarantee access to a fair and timely internal and independent external appeals process, so patients can address disagreements with their health plans. It should have meaningful enforcement for patients who have been harmed as a result of health plan decisions. It should assure access to clinical trials and assure patients can keep their health plans.

If I could summarize what the Democrats have been saying about HMO reform and the Patients' Bill of Rights, basically we are saying we want medical decisions no longer made by the insurance company or the actuaries, but by the patients and their physicians. We want to switch it so that now those medical decisions are made by the patients and their physicians. And we want it that if the health care plan, if the insurance company, denies you care, that you have a right, either internally or through some arbitration, to review and to appeal that decision and have it reviewed by somebody who is not part of the insurance company. Finally, that you have the right to sue if all else fails. Those are the basic tenets of what we think are important for HMO reform.

Now, I have to say I was a little disappointed, because many of us, both Democrat and Republican, both House and Senate Members, most prominently Senator McCAIN as a Republican, Senator Ted KENNEDY a Democratic, leaders on health care issues, just a week ago we had a press conference. I was there along with some House Members, the gentleman from Michigan (Mr. DINGELL), the lead sponsor among the Democrats in the House in the last session, the gentleman from Iowa (Mr. GANSKE), one of the lead sponsors on the Republican side in the House, and we put forward a new Patients' Bill of Rights that is very similar to what was on the law in Texas, is on the law now, was there when President Bush was the governor, and very similar to the Patients' Bill of Rights that passed the House last session. It actually went even a little further than some of us would have liked by limiting punitive damages that patients can recover.

That was introduced last week on a bipartisan basis; and we were hopeful that President Bush, who talked about what existed in Texas during his campaign and how good it was, would go along with it. But, unfortunately, very quickly thereafter we saw the President's spokesman saying that this new bill, very similar to Texas law, very similar to the Patients' Bill of Rights in the last Congress, was not acceptable. In fact, I had a quote here from a letter that was sent, that the President wrote in the letter to the House and Senate GOP leadership, and he said he does not believe any bill currently before the Congress meets his principles.

So, again, I do not know what kind of games the President is playing. It seems to me that he should get on board this bill, with so many Republican Senators, so many Republicans in the House, on a bipartisan basis, and support it, because we need HMO reform and we need it now.

I am going to continue to speak out every night or as often as I can here on this issue, because I think it is important and it should pass and it can pass.

Let me just talk a little bit, for about 5 minutes, about the Medicare prescription drug benefit. The Democrats have certain principles, and I am just going to go through them very quickly.

We are saying the Medicare prescription drug benefit should be accessible and voluntary for all beneficiaries. Everybody in Medicare should be eligible for it, not just low-income people, not just certain people, everyone. It should be affordable to beneficiaries, it should be competitive and have efficient administration, because we do not want any waste, and it should provide high-quality and needed medications.

Let me develop those a little more. When we talk about accessible and voluntary, we say it should be an option for all beneficiaries, not limited to low-income beneficiaries, and provide an option to those with few or no choices.

It should be also available, whether or not you are in a traditional fee-for-service Medicare or you are in an HMO managed care. It should not matter. You are still eligible for the prescription drug benefit. It should ensure adequate access to pharmacists.

Just as an idea, just to give you a little more detail about what we proposed, and we talked about it and tried to pass it in the last Congress, we are talking about \$26 per month in the first year that covers 50 percent of total premium costs, no lower premiums for low-income beneficiaries. I mean, if you are below a certain income, you would not pay any premium, is what we are saying. And there would be privately negotiated discounts gained by pooling beneficiaries' purchasing power, so we can keep the cost down.

I am not going to get into all the details this evening, but I just wanted to give you an idea of what the Democrats have been proposing and why it is so different, unfortunately, from what

President Bush proposed just a few weeks ago.

This disturbs me a great deal, because during the course of the campaign, President Bush said, gave the impression, I thought, that he wanted a universal Medicare prescription drug benefit that everyone would be eligible for and all Medicare beneficiaries would have access to. But he is not proposing that.

This was, I guess, on January 31, just a few weeks ago, he unveiled his prescription medicine proposal called Immediate Helping Hand. It establishes block grants for States to provide prescription coverage for some low-income seniors and some seniors with catastrophic drug costs.

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His plan limits the prescription coverage to Medicare beneficiaries with incomes up to 35 percent above the poverty level; in other words, \$11,600 for individuals, \$15,700 for couples, and seniors with out-of-pocket prescription spending of over \$6,000 per year. That is the catastrophic coverage.

What does this mean? Most Medicare beneficiaries will not be able to get this prescription drug plan. It is not universal. I think that is a terrible thing, because I will be honest, if I can use my own home State as an example, in New Jersey if one is below these guidelines that the President has proposed, they automatically get what we call a PAAD program financed with casino revenue funds, so one only pays about \$5 for prescription drugs. It is the people above that that are hurting, middle-income people that have no access to a prescription drug plan, in most cases.

Just to give an example about how few people the Bush plan would cover, for example, a widow with \$16,000 in annual income and \$5,000 in annual drug spending would be eligible for no help at all because she is below the income, but she is not getting to that \$6,000 catastrophic coverage for the rest of the year.

Also, administering through the States, through block grants, it is not going to work. A lot of the States are not going to do it. The National Governors Association actually opposes it. Already some of the Senators have opposed the Bush plan. Senator GRASSLEY, the chairman of the Finance Committee, who is going to have so much input on this, he called the proposal dead before its arrival. I say, good. I think it should be dead before its arrival, because I think the bottom line is that we have to come up with a prescription drug plan into Medicare that covers all Medicare beneficiaries and is not just limited to low-income individuals, and that is not basically run by the States but run like Medicare, just like the Medicare program, throughout. That is what we need.

Again, we are going to be out here on a regular basis, the Democrats, talking about why this is necessary, not because we want to be partisan, because

I do not think there is anything partisan about Medicare prescription drugs or HMO reform or coverage for more people who do not have health insurance.

The bottom line is, the Democrats believe in certain principles. We know some of the Republicans will come along with us, but we need to have more come along with us, and we need the support of President Bush if we are ever going to get anywhere with this.

Mr. Speaker, I yield to my colleague, the gentleman from Arkansas (Mr. BERRY), one of the co-chairs of our Health Care Task Force, who has been outspoken on this issue and many others.

Mr. BERRY. Mr. Speaker, I thank the gentleman from New Jersey for yielding to me, and I appreciate his leadership ever since I has been in the Congress on these issues, and everything that he has done.

As everyone knows, last year's Presidential race was the closest in history. The Senate is evenly divided, the House is very closely divided. I do not believe that the close elections give a mandate to gridlock. The American people expect us to get something done, and they should.

Health issues are certainly among the most hotly debated issues in the campaign. Both sides promised to advance a Patients' Bill of Rights and Medicare coverage for prescription drugs. I see no obstruction or barrier that is so great that Congress and the new President should not be able to work out important ideological differences that exist, and reach an agreement soon.

Last week I was happy to join with others in introducing a bipartisan Patients' Bill of Rights legislation that will ensure that every American with private health insurance has basic guaranteed protection.

While some HMOs behave responsibly, the legislation is desperately needed to protect the vulnerable from insurance bureaucrats who place profits above all else. I encourage President Bush to come to the table and work with us to ensure a meaningful legislative package is enacted this year. For the sake of thousands of patients who are inappropriately denied health care daily, time is of the essence.

I want to also speak just a minute about prescription drugs. No single issue places a greater toll on our senior citizens than the outrageously high prices that pharmaceutical companies charge for prescription medicine. It is absolutely time that we do something about it. Drug spending over recent years has been climbing steadily at 15 to 20 percent a year. According to a study released last year by Families U.S.A., from January of 1994 to January 2000, the prices of prescription drugs most frequently used by older Americans rose an average of 30.5 percent. This increase was twice the rate of inflation.

In order to meet the needs of America's seniors, Congress should take immediate action to create a Medicare drug benefit and reform the pharmaceutical marketplace to be sure that it is fair to all Americans and all people. It only makes sense that the government should use the purchasing power of 40 million Americans on Medicare to win prescription drug discounts and not break the bank in creating a prescription drug benefit under Medicare.

I am encouraged that President Bush sent a prescription drug plan to Congress last week. However, I am disappointed that after an election in which the prescription drug issue was front and center, that the White House chose to unveil it in such a low-profile manner.

I agree with the concerns raised by members of both parties that instead of putting an emphasis on block grants to States that only attempt to help low-income seniors, a much more comprehensive approach should be taken that gives all seniors the opportunity to receive a prescription drug benefit under Medicare.

I look forward to working with members of both parties and the new administration to put a serious effort into seeing that meaningful HMO reform and Medicare prescription drug benefit is enacted in time to help all Americans who desperately need that help today.

I have been in this people's House now for a little over 4 years. We had these same problems when I came here. It is very distressing to think that we yet allow this to go on when it is a very simple thing to stop it and to help our seniors, and to be sure that people do not get mistreated by insurance companies that are willing to put their health and safety second behind profits.

Mr. PALLONE. Mr. Speaker, I thank my colleague for coming down here and joining me, as he has on so many other occasions.

Quickly, the gentleman is absolutely right, we have been talking about this for 4 years. I think we were very hopeful during the campaign when we heard President Bush then talk about these issues, the HMO reform, prescription drug benefit, that we were going to see quick action on it. Even in the beginning of the Congress, at the time of his inauguration a month ago, it seemed like this was going to be a priority.

We have heard very little about it. We have heard about the tax cuts, about defense spending, we have heard about a lot of other issues. When he unveiled his prescription drug benefit, it was almost like it was not even important. I just hope that that turns around, but we are certainly going to make sure that turns around. I thank the gentleman.

nounced policy of January 3, 2001, the gentlewoman from Ohio (Mrs. JONES) is recognized for 40 minutes, the remainder of the time, as the designee of the minority leader.

Mrs. JONES of Ohio. Mr. Speaker, I want to thank my colleague, the gentleman from New Jersey (Mr. PALLONE). He has stood up on this issue. Last year was my first term in the U.S. Congress, and there was not a greater voice on the issue of health care than that of the gentleman from New Jersey.

I appreciate the gentleman yielding the balance of this hour as we celebrate Black History Month this year, and I thank the gentleman, who should let me know when he needs a speaker and I will be there for him.

Mr. Speaker, Black History Month is an excellent time for reflection, assessment, and planning. A full understanding of our history is a necessary and crucial part of comprehending our present circumstances and crafting our futures. An understanding of our history helps illuminate and inform the present discussions concerning voter rights, particularly the travesty we recently witnessed in Florida, a social, political, and legal travesty ultimately sanctioned by the United States Supreme Court.

At this time, the subject matter of our special order is black history. We are going to be talking about voting rights, and historically, the disenfranchisement that occurred through the years.

It gives me great pleasure to yield to the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON), the chairwoman of the Congressional Black Caucus.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I thank the gentlewoman from Ohio for yielding to me. I also thank her for her leadership in leading this series of speakers tonight here on Black History Month.

Mr. Speaker, it is my honor to open the Congressional Black Caucus' annual Black History Month special order. This is the year that we will focus on a very important area for every black American; that is, voting rights and election reform.

We do this in the spirit of Sankofa. In Africa, Sankofa is more of a philosophy than a single word. It means that we learn from the past, work in the present, and prepare for the future. So in the first year of this new millennium, it is fitting that we honor African-American heroes and heroines, on whose broad shoulders we stand.

Mr. Speaker, we must mention those who paved the way to freedom in thought and deed, such as W.E.B. DuBois, Harriet Tubman, Booker T. Washington, Mary McLeod Bethune, Sojourner Truth, Malcolm X. As Members of Congress, we must also take note of those who served in the political realm, such as Dr. Martin Luther King, Junior, Ralph Bunche, Barbara Jordan, Fannie Lou Hamer, Adam

#### BLACK HISTORY MONTH

The SPEAKER pro tempore (Mr. CULBERSON). Under the Speaker's an-

Clayton Powell, Marcus Garvey, Shirley Chisholm. I could go on.

These African-Americans and countless others whom I have not mentioned by name are the reason that I am standing here today in the well of the United States House of Representatives as chairperson of the Congressional Black Caucus. They paved the way for me and for many of my colleagues in Congress.

However, when I look at the past, we cannot forget essential elements of political representation and the right to vote. African-American men were first granted the right to vote as a result of the 15th amendment to the Constitution. That post-Civil War amendment to the Constitution guaranteed that newly-freed slaves would not be denied the franchise simply because they had been held captive.

As a result of the 15th amendment and the use of Federal troops in the formerly Confederate States, black people were able to enjoy the fruits of liberty. They were able to vote, and their votes were counted.

Between 1870 and 1900, there were 22 African-Americans who served in the U.S. Congress, and countless more serving in State and local governments. However, this era of reconstruction began to fade away, and in State after State the right to vote and to participate in democracy was whittled away by oppressive means such as the poll tax, the grandfather clause, and the literacy test. The right to participate was brutally wrenched away by the intimidation of the night-riding Ku Klux Klan and the questionable imprisonment of large numbers of black men on trumped-up vagrancy and other minor charges.

We have to recall this history and be mindful, because we do not want to repeat it. But for most black Americans, the right to vote was a withdrawn promise that had been sacrificed at the altar of political expediency, the compromise of 1877 which allowed Rutherford B. Hayes to become President, who withdrew the last Federal troops from the Confederate States and ended the era of reconstruction.

By 1900, segregation was firmly established. Jim Crow was the law of the land, and terrorism and lynching ruled the South. Between 1929 and 1965, only eight black Members were elected to Congress. It would take the passage of the Federal Voting Rights Act of 1965 to begin to restore African-Americans to the right to participate in representative government that every other racial and ethnic group in this country had freely enjoyed.

This was under a Texas President. The President was Lyndon Baines Johnson. We stand here today with another Texan as President, and I know that he can do no less.

Today the Congressional Black Caucus is 37 strong, dynamic, informed, and committed leaders. But here we stand, almost 40 years after the landmark 1965 legislation, and again are

confronted with the question of whether African-Americans will be allowed to vote and whether their votes will count. In the words of the great Santayana, "Those who do not remember the past are condemned to repeat it."

□ 2045

We have read the past. We remember many of the past. All of us that are here remember the march from Selma to Montgomery. And, Mr. Speaker, for all of these reasons, I believe it is imperative that the first thing we address in the 107th Congress is election reform.

As far as I am concerned, the entire integrity of our democracy is at stake for voting, and having one's vote counted is the very crux of any democracy. And our reputation and standing in the world is on the line. The world is watching to see if America, the matriarch of democracy, will right the wrongs of the election system which was so badly exposed in the last Presidential election, not just in Florida, but many other States around the country, including my home State of Texas.

Mr. Speaker, last week, at the Democratic Caucus retreat in Pennsylvania, we were visited by our President, and when I was able to ask him a question, I asked him to support comprehensive election reform for this fiscal year 2002. In his budget, he responded positively. Election reform must be a part of the national discussion now, and we must solve the inadequacy of our system in time for the 2002 election cycle. But in order to do that, we would like to pass election reform legislation, not later than the 4th of July of this year. That is the anniversary of the United States claim of independence from the British system which refused to allow American colonists representation.

We do not want any American to be refused representation. If we enact legislation by this date, State and local officials should have sufficient time to implement uniformity of our election system that it so critically needs. However, they must also be given adequate resources and incentives to ensure the blessings of liberty for all Americans.

Now, our critics may say why is the Congressional Black Caucus talking about election reform? Why are they not talking about education reform, tax policy, the budget, maintaining a strong national defense, health care reform, fighting the scourge of AIDS in the U.S., and in Africa where this dreaded disease is killing entire villages and societies, to them I say we will address these issues, and the Congressional Black Caucus plans to be at the forefront of all of these issues and many others.

But we strongly believe that our liberty and our democracy will not be free until we fix our election system such that the public and the world must have faith that in any election held in the United States, that the true winner wins, then the confidence that the

world has in our great democracy will be damaged beyond repair. If we do not do it, our reputation will be damaged beyond repair.

We cannot allow this to happen. I must tell you, Mr. Speaker, the world is watching. And as I have visited outside this country since that election, the question has been posed, would not the American people go to the UN and ask for elections to be overturned if they did not feel that it was a fair election? And yet, the greatest power of the world has not raised the question about this election.

So it is over, and it has been decided by the Supreme Court, but we cannot move on. And so in this month of black history, as we reflect and as we celebrate our history and think about our African American mothers, fathers, ministers, teachers, officers, firemen, nurses, doctors, lawyers, painters, maids, maintenance people and any other community leader, we must say to them that your vote is as important as a vote of the Supreme Court, for it is us who must elect a President, and we cannot do it until we are assured that our election system is fixed.

We simply must fix this system to ensure that we have a bright future for America. Remember, the words of Santayana, remember the past or we might be condemned to repeat it.

Mrs. JONES of Ohio. Mr. Speaker, in 1901, the last black to leave Congress as a result of the Jim Crow laws was George Henry White from North Carolina, who stood up on this floor and declared, "you have excluded us. You have taken away the right to vote, and so I am the last one to leave."

This, Mr. Speaker, is perhaps the Negro's temporary farewell to the American Congress. But let me say, Phoenix-like, he will rise up some day and come again. These parting words are on behalf of an outraged heart-broken, bruised and bleeding, but God-fearing people, fateful, industrious, loyal people, rising people, full of potential force.

The Congressional Black Caucus, 37 strong, are the Phoenix that have risen up, just as George Henry White said back in 1901.

Mr. Speaker, I yield to the gentlewoman from Florida (Mrs. MEEK).

Mrs. MEEK of Florida. Mr. Speaker, I thank the gentlewoman from Ohio (Mrs. JONES) for yielding to me.

Mr. Speaker, I want to thank my illustrious sister and colleague who has given us a chance to help America understand what Black History is all about and what it means to all of us and to my colleagues.

Mr. Speaker, I am pleased to have this opportunity to stand with my colleagues tonight to celebrate, educate and share the rich culture and accomplishments of African Americans. God has been good to us. The 37 Members of us who have been able to now reach the pinnacle of success in the United States Congress. To date, we not only celebrate African American history month, but American history as well.

The history of African Americans is intricately woven into the framework of this country. We helped to build this country. We love this country.

None of us are who we are simply by some kind of divine intervention. We are who are because of many experiences and the many people with whom we have come in contact with, and because of those who have gone on before us. We have made a great difference in this country and a great difference in our own lives.

Many of those who have proceeded us in this life and in this body have fought hard to give us the right to vote. Some, Mr. Speaker, have even died. The right to vote is a fundamental right of all Americans, and it is not to be taken lightly. It is a part of our quest as the Congressional Black Caucus to be sure and emphasize the fundamental right of all Americans to vote.

And, I believe, it is the responsibility of government to protect this so basic and fundamental right, which has been guaranteed to all its people. It seems to me and the people that I represent that after what took place this past fall, that our government has let us down.

In my own case, my grandfather was a slave. He had no rights at all. I grew up in a southern town, Tallahassee, Florida. My father used to take me to the State Capitol. Every inauguration day, he came to see the governor take his seat; that was the only time we were welcome in our own State Capitol. It was a public building, but we were not welcome. We are welcome today.

America has changed. America will continue to change, but we must have America understand that it is still a basic human right for everyone to be treated fairly and for everyone to have the right to vote.

Within my lifetime, every conceivable effort was made to keep African Americans from voting and to keep our votes from being counted. My generation, like my parents' and grandparents' generation struggled mightily against poll taxes that we had to pay before we were allowed to vote, and literacy tests that required African Americans, and only African Americans, to recite whole sections of State constitutions or answer obscure questions to the satisfaction of examiners who could never be satisfied.

African Americans are alive today who were denied the right to vote in white-only primaries and who had to search for polling places that were moved with no notice in the black community, or moved so far that it was hard to get to them.

I remember the intimidation of being greeted at the polls by disdainful and unhelpful poll workers, or even police officers at the doors. So, please, refrain from telling us to get over it. We cannot get over the many years of hurt and shame and disdainful action on the part of some and of our country.

African Americans today remember when the district lines for cities and

counties and legislative districts were gerrymandered and drawn to exclude our neighborhoods or to dilute our vote. We remember how registration records would disappear when we showed up to vote and how the law, administrative procedures and the official discretion of public officials, were used to postpone and delay our attempts to assert our rights.

The Voting Rights Act was supposed to change all of this, Mr. Speaker, and the government was supposed to be a protection and helpful and on the side of equality and inclusion. In the case of Florida, government has failed us miserably.

During the last election, voting machines and equipment and precincts where African Americans lived predominantly were of the oldest vintage and the poorest quality. Ballot procedures were unclear and overly complicated.

A disproportionately large number of votes cast in African American neighborhoods were disqualified. It is clear that the phrase "voting rights" is only a mere platitude to many of our justices and government officials. One local official was even ignorant enough to opine that it was not anyone's fault if people could not understand the directions on the ballots.

What a shame in a country that leads the entire world. It is a failure of government and our electoral system when any person who wants to vote, any person who wants to vote is denied the opportunity to do so.

It is a failure of government and our electoral system when courts, the laws and government officials do not do everything humanly possible to ensure that every vote is counted and that the final vote is correct.

Again, Mr. Speaker, it is a failure of government and our electoral system when the outcome of an election is certified without counting all the votes. Never again, the Black Caucus says in its old refrain, must we allow hard-working, tax-paying Americans to be disenfranchised.

Never again must we allow voters who did everything they were supposed to do who studied the issues, who did their civic duty and went to the polls and who voted in massive numbers to not have their votes count.

Never again must we refuse to count all the votes cast.

I encourage this Congress, and with the help of the Congressional Black Caucus, we will help America understand and we will help this Congress to make fundamental election reforms.

It is the highest priority for us and for all Americans to ensure that what happened in Florida this past election never happens again. Never again, Mr. Speaker.

To protect the integrity of our Nation's election system, we must move with all deliberate speed to make sure that what happened in this past election will never happen again.

Mrs. JONES of Ohio. Mr. Speaker, as my colleagues have already said, we

cannot get over it. Every time someone raises their voice to question the results of the most recent election, we are told to get over it. Well, I am not ready to get over it, and neither are millions of Americans who watched with horror as the votes of so many people were discounted, and the Supreme Court that we had every reason to hope would protect the rights of all citizens went out of its way to trample on those rights.

Mr. Speaker, I yield to my colleague, the gentleman from the great State of New Jersey (Mr. PAYNE).

□ 2100

Mr. PAYNE. Mr. Speaker, let me thank the gentlewoman from the great State of Ohio for conducting this annual black history hearing. Congressman Stokes did it so many years, and she has certainly filled in the gap.

Mr. Speaker, as we celebrate Black History Month, I rise to join my colleagues in reaffirming our strong commitment to voting rights and our determination to ensure fairness in the electoral process. Of course I was active during the civil rights struggle of the 1950s and 1960s when I marched in the South and Selma and other places and welcomed Dr. Martin Luther King to my hometown of Newark. I am keenly aware that many people gave their lives so that future generations could freely exercise their right to vote: Medger Evers, Martin Luther King, Malcom X, and others.

During the Presidential election dispute in Florida, we heard many reports of voter intimidation and irregularities in the voting process in predominantly African-American precincts. Unfortunately, this is not new and it is not confined to Florida or the South in general.

In my home State of New Jersey, during the recent Senatorial election, white voters began receiving phone calls in the middle of the night between midnight and 4 a.m. on election morning telling them that African Americans were urging them to vote and to vote Democratic. Of course the process was to anger voters, waking people up in the middle of the night, as a way of disrupting the flow.

In New Jersey, Republicans actually have to seek preclearance from the Department of Justice under a consent decree before they do anything out of the ordinary because of past widespread election abuses. Their voter intimidation tactics have included hiring off-duty police officers as so-called "ballot security" police; videotaping of voters at African-American polling places; the posting of threatening signs warning that potential voters could be arrested and sent to jail.

There was a high profile incident in New Jersey which gained national attention when a top campaign official in the gubernatorial race bragged about paying African-American ministers to keep minority voters from the polls, all lies.

As members of the Black Caucus, we are here to say that we will stand up for the right to vote guaranteed by the Constitution and reinforced by the Voting Rights Act of 1965.

At the top of our agenda for this Congress, we should be having a thorough review of voting problems and an investigation into the disenfranchisement of thousands of voters. Combating voting abuses and ensuring fairer elections in the future is the best way for us to honor the memory of those heroes that I mentioned before.

It is ironic. In 1981, we had an election for governor that was only a few thousand votes out of the 3 or 4 million votes cast in New Jersey decided the outcome. At that time, it was this ballot security group that came out and intimidated voters and so forth.

In Florida, we heard the Supreme Court decide the future of this country by stopping the vote and giving the election to the now-President George Bush. The Supreme Court used the 14th Amendment involving the equal protection under the law, an amendment stating that you cannot have different standards in different counties for looking at votes. But it is very ironic that the 14th Amendment came about after the Dred Scott case where Judge Taney said that Dred Scott, who was a slave and was taken from his slave State to a free State, that the owner could not continue to have him as a slave, but Judge Taney said, yes, blacks have no rights that white men have to observe.

The 14th Amendment was passed in the middle 1860s to say that there is equal protection under the law and therefore the Dred Scott decision was overturned by the 14th Amendment. It is ironic in Florida the 14th Amendment, which was used to free Dred Scott, was used to deprive African Americans of their right to vote.

As I conclude, I once again thank our chairperson of this night for her leadership.

Mrs. JONES of Ohio. Mr. Speaker, "get over it; get over it." That is what those in power often say to people whose rights have been violated yet still have the audacity to raise their voice in protest. Get over it. We have heard that whenever our objections make it inconvenient for those in power to peacefully relish the fruits of their wrongdoing.

But it is important that this Nation understand why so many people cannot get over this one. The inability to get over it is not based upon stubbornness or misdirected anger or a victim mentality or an eagerness to play the race card. It is the logical and understandable by-product of years, decades, and even centuries of concerted efforts to disenfranchise minority voters in this country. We must not look at this as an isolated incident, a fluke, or an aberration because it is not. Instead, we must view it in its proper historical context.

When we do this, we see why the debacle in Florida is the latest, but cer-

tainly not the only example of why the long struggle to win the franchise is not over.

Attempts by blacks to gain the right to vote go back even back before the Civil War.

We have already heard some of the testimony and statements given my colleagues, and I note that I have been joined by another one of my colleagues, who I would like to give an opportunity to be heard.

Mr. Speaker, I yield time to my colleague, the gentleman from Alabama (Mr. HILLIARD).

Mr. HILLIARD. Mr. Speaker, today is one of those days that we set aside to pay tribute to our forefathers, their history, and what they have done for America.

When you consider all of the groups that have come to America and when you consider all of the contributions that have been made, there is no question that the contributions of African Americans to this country is so immense and so extraordinary it cannot be recorded in its entirety anywhere in the pages of American history. It is just that vast. But when we think of the manner in which African Americans were brought to this country, we think of slaves. We think of someone who had no freedom. We think of someone who was physically restrained and in many cases physically incarcerated.

But the loss of freedom is not just being physically restrained or physically incarcerated.

When a person mentally sets up a defense because of rejection or because he is treated differently, that also is a form of slavery.

When a person is denied the right to vote, when a person's vote is not counted, that also is a loss of freedom. It is a shame and an unpardonable sin that in the year 2001 African Americans still do not have rights and freedoms that all other Americans enjoy because of the views of this country and its majority.

In the past election, African Americans were encouraged to vote. Every manner and every medium of communication were used to get them to vote, to get them to the polls. And all the while we were making those plans, there were those who were making plans to minimize that effort. We were talking of ways of getting people to the polls, ways of encouraging them to vote, and there were those who were thinking of ways to intimidate them, ways to keep them from voting, methods of not counting their votes.

That, Mr. Speaker, was a destruction of freedoms. That set up a form of slavery. We must eradicate all vestiges of slavery. The only way that can be done is to ensure that every American, every American, has the right to vote and has his vote counted, has his vote counted in every way and every town. That is the way of freedom.

So when we look at all of the great things that African Americans have done for this country, all of the great

things that have been done to build this country to where it is now, we must recognize that in that greatness is the right of freedom, the right of freedom, and the right of citizenship. So as we celebrate black history of African Americans this month, we must remember that America is not free until every citizen is afforded all of the freedoms that every other American enjoys.

Mrs. JONES of Ohio. Mr. Speaker, as we continue this special order, many want to know why we have chosen to focus in on the electoral forum and to replay what happened in Florida. It is history. It is history that many of us lived through. It is a history that we do not want our young people in this country to forget. It is a history where we want to encourage those who are out listening to us to remember how precious the vote is, to not be discouraged and not feel that we cannot talk about this, to not think that their vote does not count.

We should be more encouraged that now more than ever we must bring all of our people to the polls. We must turn out as many as we can. We must educate our people on the issues that are coming to the ballot. There is not a Presidential election again for 4 years, but there will be elections in every city and State over the next 4 years and we must have our voice heard.

Attempts by blacks to gain the right to vote go back before the Civil War. In the 40 years prior to the Civil War, none of the new States that joined the Union recognized black voting rights. By 1869, 4 years after the Civil War had ended, only 6 northern States had extended the franchise and no State with a large black population had accepted the notion of black suffrage. Obviously prior to the Civil War, none of the slave States granted the vote to blacks.

Following the Civil War, the Federal Government made numerous efforts to expand suffrage rights to blacks. Southern States intimidated and blocked newly freed slaves from voting by using literacy tests, the grandfather clause, poll taxes, "white primaries," and other schemes. Southern States did all in their power to continue to subjugate their former slaves. Only when the Federal Government stepped in and sent Federal troops into the South were blacks able to vote.

Nevertheless white Southerners continued their efforts to recapture political control of State governments. Recognizing the vote as the great equalizer, they immediately set about undermining the 15th Amendment. In "From Freedom to Slavery," noted historian John Hope Franklin cataloged a number of tactics used during that period that are disturbingly similar to some of the things that we saw in Florida: "Elaborate and confusing election schemes, complicated balloting processes, and highly centralized election codes were all statutory techniques by

which blacks were disenfranchised," he wrote.

Sounds familiar, does it not. The Hayes-Tilden deal of 1876 sold out blacks and signaled that the Federal rights to protect the former slaves would yield to States rights, which would put blacks at the mercy of hostile State governments. That deal nullified the 15th Amendment and restored exclusive political controls to whites.

The ingenuity of opponents of the franchise for black Americans is what prompted the United States Supreme Court, in a series of voting rights cases, to remind the Nation that "The 15th Amendment nullified sophisticated as well as simple-minded modes of discrimination." Nonetheless, efforts at disenfranchisement continued throughout the first half of the century necessitating Congress to enact the 1957 Voting Rights Act and the 1965 Voting Rights Act. Those laws aimed at protecting the voting rights of African Americans were passed after a long and shameful orgy of lynchings, capped by the assassinations of Harry T. Moore in Florida, Medger Evers, Michael Schwerner, James E. Chaney, Andrew Goodman and Viola Liuzzo in Mississippi.

□ 2115

There is one major difference, however, between past disenfranchisements and what we saw in Florida. Traditionally, we could generally count on the Federal Government, particularly the Supreme Court, to step in and stop the rampant violations of minority voting rights in this country. Sadly, that is no longer the case.

In our last election, our U.S. Supreme Court not only failed and refused to protect voting rights, it used a ludicrous constitutional argument to actively thwart voting rights, and in so doing validated the obnoxious tactics we watched with such horror. Knowing this, why are people so surprised that so many of us look at the Florida situation not as a fluke but as a continuation of a pattern of disenfranchisement? Anyone looking at this in the context of the history of voting rights in this country would understand why we will not just get over it. We will not just get over it. We will not just get over it.

I thank my colleagues for listening and participating in this Special Order on black history and voter reform and the history of voting in our country.

#### SOCIAL SECURITY REFORM

The SPEAKER pro tempore (Mr. CULBERSON). Under the Speaker's announced policy of January 3, 2001, the gentleman from Michigan (Mr. SMITH) is recognized for 60 minutes.

Mr. SMITH of Michigan. Mr. Speaker, what is facing the United States Congress right now is a decision of where do we go to help make sure that the economy keeps growing. What do we do in terms of President Bush's sug-

gestion on tax cuts? How far should we go on those tax reductions to achieve tax fairness? How do we make sure that what we do is going to help make the economy stronger in the long run?

I would like to start with a chart that represents how the Federal Government spends money. This chart represents the spending of the Federal Government. And as we see from this pie, the largest expenditure is Social Security. So Social Security takes 20 percent of what the Federal Government spends. The next largest, of course, is the domestic discretionary budget. That is what this Congress, this body, the House and the Senate, with the White House, debate and argue on every year in 13 appropriation bills is the discretionary spending, in addition to defense. Defense spending is 17 percent; interest is 13 percent. That is why paying down the debt and continuing to do that is very important.

Today, this House made a decision that we were not going to spend any of the surplus coming in from Social Security taxes or Medicare taxes. I think that is a good start. Our goal has got to be to try to reduce the increase in spending of the Federal Government because the question that everybody in this Chamber needs to ask is how high should taxes be. Is there a point where taxes are so high that it discourages some people from going out and working, starting a new business and hiring more people? Is it possible that taxes become so high that people do not go get that second job to try to do well for their family because government takes most of the money?

Mr. Speaker, I ask everybody that might be listening to make an estimate of how many cents out of every dollar the average American taxpayer earns goes to pay for government. The answer is a little over 41 percent. Forty one cents out of every dollar that an individual earns goes for local, State, and Federal Government. And it would be my suggestion that we lower that. So I support President Bush's suggestion that we have greater tax fairness; that we leave a little more money in the pockets of those individuals that earn it.

One of the challenges, probably two of the biggest challenges that face this Congress, that face this country in terms of government programs, is Social Security and Medicare. When Social Security started, Franklin Roosevelt said, coming out of the Depression, that we need some alternatives except going over the hill to the poor house. So we started a Social Security system.

Social Security was supposed to be one leg of a three-legged stool to support retirees. It was supposed to go hand in hand with personal savings accounts and pension plans. One-third. Today, a lot of people depend, over 90 percent, on just their Social Security check. So it is understandable during this last Presidential election that

some seniors became concerned when Vice President Gore suggested that they might be losing benefits if we hired this other Governor Bush to be our next President.

I think the challenge much greater than that is not doing anything on Social Security. So I would encourage this administration to move ahead as aggressively as possible to try to make sure that we do not just talk about putting Social Security first but we move ahead to make the kind of changes that are not going to leave a huge debt for our kids and our grandkids and will make sure that Social Security is solvent, and to do that without cutting benefits and without increasing taxes on American workers.

The Social Security system right now is stretched to its limit. Seventy-eight million baby boomers begin retiring in 2008. Social Security spending exceeds tax revenues starting around 2015, maybe a little sooner. And Social Security trust funds go broke in 2037, although the crisis arrives much sooner than technically when the trust fund goes broke.

Let me try to give my impression of what the Social Security trust fund is. Starting in 1983, when we had the Greenspan commission to change Social Security to make sure it kept solvent for the next 75 years, we passed into law a bill that the experts said would keep Social Security solvent. And the action that was taken at that time was to dramatically increase the taxes that American workers paid and to reduce benefits. And that has happened several times throughout history. So I suggest that it is very important that we not delay or neglect making the changes in Social Security now so that it will keep solvent without lowering benefits or increasing taxes.

Insolvency is certain, and that is because we know how many people there are and we know when they are going to retire. We know that people will live longer in retirement. We know how much they will pay in and how much they will take out, and payroll taxes will not cover benefits starting in 2015, and the shortfall will add up to \$120 trillion between 2015 and 2075. The shortfall. In other words, there will be \$120 trillion less coming in from the Social Security taxes than is needed to pay the benefits that are now promised.

Right now Social Security gives a wage earner, on average, a 1.7 percent return on the money they and their employer put in. So in 10 years we are looking at a situation where retirees will be receiving someplace maybe even closer to a 1 percent return because of Social Security taxes continually increasing, and the suggestion of expanding benefits is ever on the minds of this body. So the challenge before us certainly is how are we going to keep Social Security solvent. What are the changes that can be made? How do we get better than a 1.1 percent return on that particular money?

And of course we know that a CD at the local bank will do much better than that. The question before the United States, before the American people, is should some of this money go into the stock market. Should some of the money be put into bonds? And how risky is it if some of this money went into equities? And I think that is what I sort of want to discuss, what the history of equities is.

First, let me say, to make it absolutely clear, that Social Security is not solvent. We can say it is going bankrupt or broke, but the fact is that there is going to be less money coming in than we need. So then we look at the Social Security trust fund and we say to the House and the Senate and the President, look, we borrowed this money for other spending for the last 40 years, now it is time to pay it back.

So what does Congress do to pay back the money that it has borrowed? What does Congress do to pay back the funds in the so-called Social Security trust fund? Probably one of three things: they either say, look, so that we do not have to pay back so much, we are going to again lower benefits; or we reduce spending on other programs to come up with the money for Social Security; or we increase taxes. Those are the three options.

If there was no such thing as a trust fund, but we have a law that says these are benefits, what would government do to come up with the money to keep its promise to pay those benefits? Same three things: we either reduce other spending, or we reduce the benefits going out to retirees, or we increase taxes on current American workers. So in reality we should not look to the trust fund as the savior of Social Security.

What is happening is on two fronts with Social Security. It is a pay-as-you-go program. Since 1934, when we started Social Security, it was current workers paying in their taxes that went immediately out to current retirees. So a pay-as-you-go program, but what is happening is fewer and fewer workers in relation to the number of retirees. Our pay-as-you-go retirement system will not meet the challenge of demographic change.

In 1940, there were 17 workers for every one retiree. By 2000, there were only 3 workers. Today, there are only three workers paying in their tax that immediately goes out to pay a retiree's benefits. And the estimate is that by 2025 there will be two workers paying in their Social Security tax. So a tremendous extra burden on those two workers, and the threat of increasing the tax on those two workers is even greater if we do not step up to the plate and make some changes now.

So now is the time. We have surpluses coming in. We have a surplus this year of \$236 billion. We have a total surplus in next year, the budget that we are now working on, of \$281 billion. The following year the surplus is \$303 billion, and we have heard \$5.6 tril-

lion surplus over the next 10 years. So I suggest, Mr. Speaker, I suggest that we take some of that surplus now and we fix Social Security and we fix it in such a way that it can stay solvent, that our kids are not burdened with the threat and the probability of those higher taxes.

This chart represents the short-term good times over on the top left in blue, and then when we hit 2012, with less money coming in than is needed to pay benefits. We have a huge challenge of future deficits. And, like I mentioned, in today's dollars it is an unfunded liability of \$9 trillion. If we take it in tomorrow's dollars, as we need the extra money over the years, in those future years up till 2075, it is going to take \$120 trillion. But if we can fix the problem today with a couple trillion dollars of that surplus and start getting a better return on the money that is invested, then we can keep Social Security solvent.

□ 2130

A lot of people I talk to around the country on Social Security have the feeling that somehow there is a Social Security account with their name on it. I quote from the Office of Management and Budget. "These trust fund balances are available to finance future benefit payments and other trust fund expenditures but only in a bookkeeping sense." They are claims on the Treasury that when redeemed will have to be financed, like I said, either raising taxes, borrowing from the public, or reducing benefits or reducing some other expenditures.

It is interesting to note that the Supreme Court, now on two decisions, has said there is no entitlement to Social Security, that simply because you paid in taxes all of your working life and your employer paid in those taxes, there is no entitlement to Social Security, it is simply another tax that Government has imposed on workers of America, and the benefits are simply additional legislation that can benefit retirees. So no promise that you are going to get any benefits.

So I think there is some good justification for putting some of that money in accounts of individuals, to put it into the safe kind of investments where we can guarantee that it will earn more than what Social Security will pay under the current program, where we can guarantee, if you will, that individuals that decide that they want to stay with the old system will have that option, or they can have the option to have the kind of, what in Federal Government we call a thrift savings account where there are limited, if you will, safe investments that everybody that works for the Federal Government can choose the different investments that they think will give them the maximum return on their investment.

Now is a difficult time to maybe convince some people that they should have part of that investment in equi-

ties, in the stock market. Yet, if we just look at last month, last month there was almost a 3½ percent increase in the money invested in the stock market.

Since the 1890s, there has never been a 12-year period where there has been a loss of money invested in equities in the stock market.

I want to make mention of the public debt versus Social Security shortfall. Right now we are talking about paying down the debt held by the public. We have a debt in this country of \$5.7 trillion. Of that 5.7 trillion, about 3.4 trillion is what I call the Wall Street debt, or the debt that is lent out by the Treasury in Treasury paper, Treasury bills, U.S. Government bonds.

That totals 3.4 trillion. But over the next 75 years, we are looking at a Social Security shortfall in today's dollars, not in tomorrow's dollars, of \$46 trillion. So it is just in that time period we are looking at \$46 trillion needed up until 2057.

Economic growth will not fix Social Security. Some people have suggested, well, if we can make the economy strong enough, if we can keep growing like we have been, that will help Social Security. Not so, because of the fact that Social Security benefits are indexed to wage growth, in other words, they are indexed to how strong the economy is. So the stronger the economy is, the higher the wages. The higher the wages, the more benefits that are paid out. When the economy grows, workers pay more in taxes but also will earn more in benefits when they retire.

So, in the short-term, a strong economy helps out the problem because individual workers are paying more money in, but when they retire, because there is a direct relationship between what the benefits they are going to get and the money that they paid in in taxes, in the long-run, it is not going to solve the problem.

Growth makes the numbers look better now but leaves a larger hole to fill later. I think the past administration did a lot for us when President Clinton said, we have got to put Social Security first. At least it brought it to the consciousness of the American people that it was important.

I am disappointed that we have not done anything on Social Security for the 8 years that I have been in Congress. I urge this administration to move ahead with the Social Security proposal that will keep Social Security solvent, because the biggest risk is doing nothing at all.

Social Security has a total unfunded liability of \$9 trillion. The Social Security trust fund contains nothing but IOU's. To keep paying promised Social Security benefits, the payroll tax will have to be increased by nearly 50 percent or benefits will have to be cut by 30 percent. Neither one, Mr. Speaker, is acceptable to the American people.

So again, it is important we move ahead with solving Social Security.

This chart that I made represents the diminishing return of your Social Security investment. The real return of Social Security is less than 2 percent for most workers and shows a negative return for some compared to over 7 percent return in the marketplace for any period over a 15-year period.

Social Security's real rate of return, this is Black History Month, minorities, because a young black worker dies at an earlier age, receives a negative return on the money that they pay into Social Security.

We need changes there. If they are average, then they get about a 1.7 percent return. But that is going down to just a little over one percent within the next 15 years. And the market is showing a return of 7 percent. So are there some safe investments?

Insurance companies testified before the Social Security Task Force that I chaired for the last couple years and said we can guarantee a return because we are selling it to the public now. We can guarantee you a return of 4.8 percent, or different companies have different percentages.

So it seems reasonable that if we are comparing a system that has a return of around 1 percent to something that we could invest the money in CDs or Government bonds or many other investments that would have a guaranteed return much greater than that, then at least part of the option that American people would choose would say, well, what is going to make me better off when I retire? And, obviously, as we are going to show in a minute, it is going to be some of those private investments.

And the private investments are not only a greater return, but it is the security of knowing it is your money, not having politicians in the future reach into that pot and say, well, times are tough in America. We are going to have to reduce benefits or we are going to have to increase taxes on American workers.

This is a chart I made up on the years that it is going to take to get back your Social Security tax. If you happen to retire in 1940, then it took 2 months to get back everything that you and your employer paid into Social Security. By 1980, it took 4 years to get it back.

Look what it takes to get it back today. Today you have got to live 23 years after you retire to break even to get back the money you and your employer paid into Social Security.

I have been trying to preach that increasing payroll taxes again is not the answer. And everybody in this Chamber agrees. They said, right, we cannot increase taxes on those American workers. Too many American workers already pay more in the Social Security tax, the FICA tax, the payroll deduction than they do in the income tax.

However, that is not the history in this country. Even though past Congresses have said the same kind of

promises, what we have done over the years is continue to increase the tax on Social Security.

In 1940, the tax was one percent on the employee, one percent on the employer for the first \$3,000. That made a maximum tax every year of \$60 per worker. By 1960, it got up to a 6 percent rate, and the base went up also to \$4,800 for a total annual tax maximum of \$288.

By 1980, the tax got up to 10.16 percent and the base was increased also to \$25,900. That made an annual tax a maximum of \$2,631. Today we have increased the tax to 12.4 percent. We did that in the 1984 legislation. And we increased the base and indexed it to inflation.

So this year it is approximately \$80,000 that you pay the 12.4 percent on, or approximately this year \$10,000 for those workers that make that \$79,000 a year.

So, again, I suggest that it is not out of reach, that if push comes to shove, if we keep putting off the solution to this problem, we are going to end up with some people saying, well, there is no other way, we need more revenues, let us increase taxes on our kids and grandkids and great-grandkids so that we have enough money to pay benefits.

What is interesting is that we think the senior population is strong politically today. When the baby boomers start retiring in 2008, we are going to have such a huge retirement population and they are living longer and the political power of that retired population is apt to demand that their benefits be increased, not reduced; and so, the only alternative, if we do not fix it today, is the threat of tremendously increasing taxes on our kids.

In an earlier chart, I showed that taxes would have to increase up to 50 percent, an increase in taxes of 50 percent, if we are going to continue to pay those benefits if we do not do anything to try to fix Social Security.

Seventy-eight percent of families now pay more in the payroll tax than they do in the income tax.

The six principles of saving Social Security. One, protect current and future beneficiaries. Two, allow freedom of choice. So you can either stay in the current system or you can have flexibility if you are sure you can get more than that 1.1 percent return on the money that is going in. Should part of that, at least part of that, be allowed for you as individual workers to have it in your own name, in your own account, and preserve the safety net.

Look, this is a country where we are not going to allow anybody to go hungry or to go without clothing or without lodging. So we do have a safety net to make sure in essentially every proposal that has been introduced in Congress on fixing Social Security, and most of those have some private investment aspect, in every case, there is a safety net. We make Americans better off, not worse off. We create a fully-funded system and no tax increases.

Personal retirement accounts. They do not come out of Social Security. They become part of your Social Security retirement benefits. I suggest that, if it is necessary to reach into the surplus over and beyond the surplus that is coming in from Social Security, to make sure that we save Social Security, now is the time to do that, that we use some of these surpluses to make sure that we keep the program solvent and we do that by getting a better return on the investment than the 1.1 to 1.7 percent the average retiree is going to make.

A worker will own his or her own retirement account, and it is going to be limited to safe investments that will earn more than this says, 1.9 percent paid by Social Security. 1.9 percent is the high rate of return that you can make on your Social Security investment. And as we saw by that other chart, a lot of individuals have a negative return from what they put into Social Security.

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Personal retirement accounts offer more retirement security. If John Doe makes an average of \$36,000 a year, he can expect monthly payments in Social Security of \$1,280. If it is in a PRA, a personal retirement account, the way they have performed for the last 50 years, then it would be \$6,514.

Choosing personal accounts. When we passed the Social Security law, we left the discretion that State and county government employees could have an option of being in Social Security or in a retirement pension plan of their own with their own investments. Galveston County, Texas chose that option, to not pay into Social Security but to pay, in the same percentage, into their own pension retirement plan. Employees of Galveston County, Texas, are now making \$75,000 in death benefits compared to Social Security's \$253 in death benefits. The retirees from the Galveston plan have disability benefits of \$2,749. Social Security would pay \$1,280. The retirement benefits, Galveston County plan, \$4,790 per month, compared to Social Security's \$1,280 a month.

I am showing these because some parts of the country have opted to go into some kind of private investment plans. Many of the State governments have private investment plans. Half of the people in the United States now have some investments in equities, in 401(k)s or other retirement efforts. San Diego enjoys PRAs as well. A 30-year-old employee who earns a salary of \$30,000 for 35 years and contributes 6 percent to his PRA would receive \$3,000 a month in retirement. Under the current system, he or she would contribute twice as much but receive only \$1,077 from Social Security.

I thought this was interesting: even those who oppose PRAs agree that they offer more retirement security. This is a quote from a letter that Senators BARBARA BOXER and DIANNE FEINSTEIN

and TED KENNEDY sent to President Clinton. They said, "Millions of our constituents will receive higher retirement benefits from their current public pensions than they would under Social Security." That is the truth.

The U.S. trails other countries in saving its retirement system. In the 18 years since Chile offered PRAs, 95 percent of Chilean workers have created accounts. Their average rate of return has been 11.3 percent per year. Among others, Australia, Britain and Switzerland offer workers PRAs. Many of the industrial countries of the world and many of the developing countries are now ahead of the United States in allowing individuals to have their own passbook that increases every year to give greater assurance in their retirement.

British workers choose PRAs. Ten percent returns on British workers. Two out of three British workers are enrolled in the second-tier Social Security system and now are getting a 10 percent return. The pool of PRAs in Britain exceeds nearly \$1.4 trillion, larger than their entire economy.

This is the real rate of return in stocks from 1901 to 1999. So you see the ups and downs. But the fact is if you keep it longer term, if you keep it in for over 12 years, then there is not a loss. The average gain has been 6.7 percent. Again I compare that to the current 1.7 percent in Social Security, soon to be 1.1 percent return, with some parts of our population actually getting shortchanged and getting a negative return. This is the rate of return for the last 100 years, 6.7 percent.

Based on a family income of \$58,475, the return on a PRA of course is better. I separated this to putting in 2 percent of your salary or 6 percent of your salary or 10 percent of your salary. Of course Social Security is 12.4 percent of your salary. If it was just for 20 years and you put it in at the 6 percent level, it would equal \$165,000 at the end of 20 years. At the end of 30 years, at 10 percent it would be over \$800,000. In 40 years, and I guess that is how long most of us are probably planning to work, that is 25 to 65, if you were investing this money over 40 years, even at the low 2 percent rate, it would still equal over a quarter of a million, almost a million if you put in 6 percent of your salary; and if you were tithing and putting in 10 percent of your salary into an average indexed investment, it would be worth almost \$1.4 million at the end of that time period, \$1,389,000.

I have introduced a Social Security bill since I first got here. When I was in the Michigan legislature, I was chairman of the Senate tax committee, and I was concerned to see that our productivity in comparison to other countries was going down. But what concerned me even more is our rate of savings compared to other countries was embarrassing. The United States that used to save 12 to 15 percent of every dollar they made back in the 1940s and 1950s now end up with an average sav-

ings rate in this country of about 4 percent.

That compares to countries like Japan where they are saving about 19 percent and Korea where they are saving about 35 percent of every dollar they make. And because saving and investment is so important to the economic strength of our country, because that is where companies get money to do the research, to buy the tools and machines that are going to increase productivity, increase efficiency and therefore increase wages, it is important that somehow we encourage increased savings. We have done this over the last several years, because what we have done in the United States Congress is we have said, look, we are going to have an IRA that encourages through our tax system more savings. If President Bush has his way, we are going to increase the allowable amount that individuals can save and still have a tax break. We developed the Roth IRA that says if you save the money now, when you take it out in 20, 30, 40 years, whatever that increased value is, you do not have to pay tax on it. So increasing savings is key.

One way to increase savings, of course, in this country is to encourage people to invest in their own personal retirement savings account. My proposal does not increase taxes. It repeals the Social Security earnings limit. It gives workers the choice to retire as early as 59½ years old and as late as 70. In my proposal if you delayed retirement between 65 and 70, you could receive an additional 8 percent increase in your retirement benefits for every year that you delayed retirement. What is interesting is that it is actuarially sound. It does not cost any money to do that, so we should be encouraging people to put off that retirement if they know that they can have that much extra return on their retirement benefits.

It gives each spouse equal shares of PRSAs and increases widow and widower benefits to 110 percent. Right now if one spouse works and makes good income and the other does not, there are provisions where the lower-income spouse if there is not enough to equal at least 50 percent of the higher-income spouse's Social Security benefits, that 50 percent will be promised as a minimum benefit for that second spouse.

What this does, in terms of the personal retirement savings account, if just one spouse is working, let us say it is the husband and the wife is staying home for the time being with the kids, everything that spouse makes will be divided in half, half going into the name of the stay-at-home mom and half going into the man's name or if the man stays home, just vice versa. It passes the Social Security Administration's 75-year solvency test and protects the trust fund with special lockbox provisions. That is what we did in this Chamber today. The lockbox simply says that we are not going to do what has been done for almost the last

42 years and, that is, when you have a surplus from Social Security, use that money for other government spending. So it is a good start.

What we also did in that legislation today is we said, we are not going to spend any of the Medicare trust fund. Social Security and Medicare are the two big trust funds. There are approximately 116 trust funds of the Federal Government. What we have been doing is we have been, if you will, overcharging those particular people that are paying into those trust funds so that there is a surplus into the trust fund. So when we say in the past year, for example, that there was a surplus, there was no surplus except for the surplus coming into the trust fund.

This next year, in 2002, we will have a surplus over and above the trust funds. And so it seems to me that another, almost a synonym, another definition for surplus is overtaxation, is we are overtaxing somebody, and that is why there is more coming in than we know what to do with. The danger, of course, is that this body finds it to their political advantage, most Members find it to their political advantage to come up with new programs, to take home pork-barrel projects where they get their picture cutting a ribbon on the new library or the new jogging trail or whatever. So the tendency has been over the years to increase spending. That is the challenge: How do we discipline ourselves to hold the line on increased spending?

I am encouraged by what I have seen this new President do in terms of his aggressive enthusiasm to search out and find out where the weaknesses are in Federal spending, to find out where the abuse is, where the fraud is, where the inefficiencies are. It is extremely important we do that. We have got a very inefficient Federal Government. If we divide \$1.9 trillion out by every Member of this Congress, it still is such a huge amount of dollars that it is difficult to keep track of.

The Social Security Solvency Act for 2000 takes a portion of the on-budget surpluses over the next 10 years; it uses capital market investments to increase the Social Security rate of return above the 1.8 percent workers are now receiving and over time PRSAs grow and the Social Security fixed benefit is reduced. It indexes future benefit increases to the cost-of-living increases instead of wage growth.

There are only two ways to fix Social Security, either bring in more revenues or you reduce the amount going out. What we are suggesting is one way to bring in more revenues is real investments. It could be a CD at your local bank, or it could be a United States savings bond. Or it could be the kind of investments that are indexed to maximize safety over the long run in those investments. Everybody should start thinking, is there a way that I could invest money better than what the government is doing in terms of what they give me back in Social Security?

Can I get a better rate of return on some of that money that would exceed the 1.1 percent return that we are expecting in the future on Social Security benefits? I think the answer is yes.

Mr. Speaker, I am encouraged and excited about a President that is suggesting that we hold the line on spending, a President that is suggesting that we pay down the debt, a President that is suggesting giving back some of this surplus and letting it stay in the pockets of the people that earned it.

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. ACKERMAN (at the request of Mr. GEPHARDT) for today and February 14 on account of medical reasons.

Mr. BECERRA (at the request of Mr. GEPHARDT) for today on account of business in the district.

Mr. ORTIZ (at the request of Mr. GEPHARDT) for today on account of travel problems.

#### SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. SCHIFF) to revise and extend their remarks and include extraneous material:)

Mr. UNDERWOOD, for 5 minutes, today.

Mr. SKELTON, for 5 minutes, today.

Mrs. MALONEY of New York, for 5 minutes, today.

Ms. HOOLEY of Oregon, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Mr. SHOWS, for 5 minutes, today.

Mr. GREEN of Texas, for 5 minutes, today.

(The following Member (at the request of Ms. JACKSON-LEE of Texas) to revise and extend her remarks and include extraneous material:)

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. DAVIS of Illinois, for 5 minutes, today.

(The following Members (at the request of Mrs. BIGGERT) to revise and extend their remarks and include extraneous material:)

Mr. GREEN of Wisconsin, for 5 minutes, February 14.

Mrs. BIGGERT, for 5 minutes, today.

Mr. PAUL, for 5 minutes, today.

Mr. BURTON of Indiana, for 5 minutes, today.

Mr. TAUZIN, for 5 minutes, today.

Mr. YOUNG of Alaska, for 5 minutes, today.

(The following Member (at the request of Mr. MCINNIS) to revise and extend his remarks and include extraneous material:)

Mr. STUMP, for 5 minutes, today.

#### SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 235. An act to provide for enhanced safety, public awareness, and environmental protection in pipeline transportation, and for other purposes; to the Committee on Transportation and Infrastructure, in addition to the Committee on Energy and Commerce for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

#### ADJOURNMENT

Mr. SMITH of Michigan. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 58 minutes p.m.), the House adjourned until tomorrow, Wednesday, February 14, 2001, at 10 a.m.

#### OFFICE OF COMPLIANCE REPORT

As required by the Congressional Accountability Act of 1995, the following report is submitted:

U.S. CONGRESS,  
OFFICE OF COMPLIANCE,  
Washington, DC, January 24, 2001.

Hon. J. DENNIS HASTERT,  
*Speaker of the House, House of Representatives,*  
Washington, DC.

DEAR MR. SPEAKER: Section 102(b) of the Congressional Accountability Act of 1995 (CAA) mandates a review and report on the applicability to the legislative branch of federal law relating to terms and conditions of employment and access to public services and accommodations.

Pursuant to section 102(b)(2) of the CAA, which provides that the presiding officers of the House of Representatives and the Senate shall cause each such report to be printed in the Congressional Record and each report shall be referred to the committees of the House of Representatives and the Senate with jurisdiction, the Board of Directors of the Office of Compliance is pleased to transmit the enclosed report.

Sincerely yours,

SUSAN S. ROBFOGEL,  
*Chair of the Board of Directors.*

Enclosures.

#### OFFICE OF COMPLIANCE

Section 102(b) Report: Review and Report on the Applicability to the Legislative Branch of Federal Laws Relating to Terms and Conditions of Employment and Access to Public Services and Public Accommodations. Prepared by the Board of Directors of the Office of Compliance pursuant to section 102(b) of the Congressional Accountability Act of 1995, 2 U.S.C. § 1302(b), December 31, 2000.

#### SECTION 102(B) REPORT

Section 102(a) of the Congressional Accountability Act (CAA) lists the eleven laws that, "shall apply, as prescribed by this Act, to the legislative branch of the Federal Government."<sup>1</sup> Section 102(b) directs the Board

<sup>1</sup>The nine private-sector laws made applicable by the CAA are: the Fair Labor Standards Act of 1938 (29 U.S.C. § 201 et seq.) (FLSA), Title VII of the Civil

of Directors (Board) of the Office of Compliance (Office) to: "review provisions of Federal law (including regulations) relating to (A) the terms and conditions of employment (including hiring, promotion, demotion, termination, salary, wages, overtime compensation, benefits, work assignments or reassignments, grievance and disciplinary procedures, protection from discrimination in personnel actions, occupational health and safety, and family and medical and other leave) of employees, and (B) access to public services and accommodations."

And, on the basis of this review, "[b]eginning on December 31, 1996, and every 2 years thereafter, the board shall report on (A) whether or to what degree the provisions described in paragraph (1) are applicable or inapplicable to the legislative branch, and (B) with respect to provisions inapplicable to the legislative branch, whether such provisions should be made applicable to the legislative branch."

#### I. Background

In December of 1996, the Board completed its first biennial report mandated under section 102(b) of the CAA (1996 Section 102(b) Report or 1996 Report).<sup>2</sup> In that Report the Board reviewed and analyzed the universe of federal law relating to labor, employment and public access, made initial recommendations, and set priorities for future reports. To conduct its analysis, the Board organized the provisions of federal law according to the kinds of entities to which they applied, and systematically analyzed whether and to what extent they were already applied to the legislative branch or whether the legislative branch was already covered by other comparable legislation. This analysis generated four comprehensive tables of laws which were categorized as: (1) provisions of law generally applicable in the private sector and/or in state and local government that also are already applicable to entities in the legislative branch, a category which included nine of the laws made applicable by the CAA; (2) provisions of law that apply only in the federal sector, a category which included the two exclusively federal-sector laws applied to the legislative branch by the CAA; (3) private-sector and/or state- and local-government provisions of law that do not apply in the legislative branch, but govern areas in which Congress has already applied to itself other, comparable provisions of law and; (4) private-sector laws which do not apply or have only very limited application in the legislative branch.

The Board then turned to its task of recommending which statutes should be applied to the legislative branch. In light of the large body of statutes that the Board had identified and reviewed, the Board determined that it could not make recommendations concerning every possible change in

Rights Act of 1964 (42 U.S.C. § 2000e et seq.) (Title VII), the Americans with Disabilities Act of 1990 (42 U.S.C. § 12101 et seq.) (ADA), the Age Discrimination in Employment Act of 1967 (29 U.S.C. § 621 et seq.) (ADEA), the Family and Medical Leave Act of 1993 (29 U.S.C. § 2611 et seq.) (FMLA), the Occupational Safety and Health Act of 1970 (29 U.S.C. § 651 et seq.) (OSHA), the Employee Polygraph Protection Act of 1988 (29 U.S.C. § 2001 et seq.) (EPPA), the Worker Adjustment and Retraining Notification Act (29 U.S.C. § 2101 et seq.) (WARN Act), and section 2 of the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA). The two federal-sector laws made applicable by the CAA are: Chapter 71 of title 5, United States Code (relating to federal service labor-management relations) (Chapter 71), and the Rehabilitation Act of 1973 (29 U.S.C. § 701 et seq.). This report uses the term "CAA laws" to refer to these eleven laws.

<sup>2</sup>Section 102(b) Report: Review and Report of the Applicability to the Legislative Branch of Federal Law Relating to Terms and Conditions of Employment and Access to Public Services and Accommodations (Dec. 31, 1996).

legislative-branch coverage. In setting its priorities for making recommendations from among the categories of statutes that the Board had identified for analysis and review, the Board sought to mirror the priorities of the CAA. Because legislative history suggested that the highest priority of the CAA was the application of private-sector protections to congressional employees where those employees had little or no protection, the Board focused its recommendations in its first report on applying the private-sector laws not currently applicable to the legislative branch.

The Board also determined in its 1996 Section 102(b) Report that, because of the CAA's focus on coverage of the Congress under private-sector laws, the Board's next priority should be to review the inapplicable provisions of the nine private-sector laws generally made applicable by the CAA. In December 1998 the Board set forth the results of that review in its second biennial report under Section 102(b) of the CAA (1998 Section 102(b) Report or 1998 Report).<sup>3</sup>

The 1998 Section 102(b) Report was divided into three parts. In Part I the Board reviewed laws enacted after the 1996 Section 102(b) Report, resubmitted the recommendations made in its 1996 Report, and made additional recommendations as to laws which should be made applicable to the legislative branch. In Part II the Board analyzed which provisions of the private-sector CAA laws do not apply to the legislative branch and recommended which should be made applicable. In Part III of the 1998 Report, although not required by section 102(b) of the CAA, the Board reviewed coverage of the General Accounting Office (GAO), the Government Printing Office (GPO) and the Library of Congress (the Library) under the laws made applicable by the CAA and made recommendations to Congress with respect to changing that coverage. The Board noted that the study mandated by Section 230 of the CAA which was submitted to Congress in 1996<sup>4</sup> did not include recommendations to Congress with respect to coverage of these three instrumentalities.<sup>5</sup> The Board concluded that the 1998 Section 102(b) Report, which focused on omissions in coverage of the legislative branch under the laws generally made applicable by the CAA, provided the opportunity for the Board to make recommendations to Congress regarding coverage of GAO, GPO and the Library under those laws.<sup>6</sup> As discussed in Section IV.C below, the Board Members identified three principal options for Congress to consider but were divided in their recommendation as to which option was preferable.

In the preparation of this 2000 Section 102(b) Report, the third biennial report

issued under section 102(b) of the CAA, the Board has reviewed new statutes or statutory amendments enacted after the Board's 1998 Section 102(b) Report was prepared. The Board has also reviewed the Section 102(b) reports issued in 1996 and 1998 and the analysis and recommendations contained therein.

#### II. Review of laws enacted after the 1998 section 102(b) report

After reviewing all federal laws and amendments relating to terms and conditions of employment or access to public accommodations and services passed since October 1998, the Board concludes that there are no new provisions of law which should be made applicable to the legislative branch. As in the two previous Section 102(b) reports, the Board excluded from consideration those laws that, although employment-related, (1) are specific to narrow or specialized industries or types of employment not found in the legislative branch (e.g., employment in fire protection activities, or the armed forces); (2) established government programs of research, data collection, advocacy, or training, but do not establish correlative rights and responsibilities for employees and employers (e.g., statutes authorizing health care research); (3) authorize, but do not require, that employers provide benefits to employees, (e.g., so-called "cafeteria plans"); or (4) are not applicable to public sector employment (e.g., an amendment clarifying the treatment of stock options under the FLSA).

#### III. 1996 Section 102(b) report

In preparation for the first Section 102(b) Report, as noted earlier, the Board reviewed the entire United States Code to identify laws and associated regulations of general application that relate to terms and conditions of employment or access to public services and accommodations. Noting the underlying priorities of the Act itself, the Board chose to focus its 1996 Report on the identified provisions of law generally applicable in the private sector for which there was no similar coverage in the legislative branch. The Board has reviewed the 1996 Section 102(b) Report and the recommendations contained therein, as well as the additional discussion of those recommendations found in the 1998 Section 102(b) Report.

The Board of Directors again submits the following recommendations which were made in the 1996 Section 102(b) Report and resubmitted in the 1998 Section 102 (b) Report:

"(A) Prohibition against discrimination on the basis of bankruptcy (11 U.S.C. § 525). Section 525(a) provides that "a governmental unit" may not deny employment to, terminate the employment of, or discriminate with respect to employment against, a person that is or has been a debtor under the bankruptcy statutes. The provision currently does not apply to the legislative branch. For the reasons set forth in the 1996 Section 102(b) Report, the board has determined that the rights and protections against discrimination on this basis should be applied to the legislative branch.

"(B) Prohibition against discharge from employment by reason of garnishment (15 U.S.C. § 1674(a)). Section 1674(a) prohibits discharge of any employee because his or her earnings "have been subject to garnishment for any one indebtedness." This section is limited to private employers, so it currently has no application to the legislative branch. For the reason set forth in the 1996 Section 102(b) Report, the Board has determined that the rights and protections against discrimination on this basis should be applied to the legislative branch.

"(C) Prohibition against discrimination on the basis of jury duty (28 U.S.C. § 1875). Sec-

tion 1875 provides that no employer shall discharge, threaten to discharge, intimidate, or coerce any permanent employee by reason of such employee's jury service, or the attendance or scheduled attendance in connection with such service, in any court of the United States. This section currently does not cover legislative-branch employment. For the reason set forth in the 1996 Section 102(b) Report, the Board has determined that the rights and protections against discrimination on this basis should be applied to the legislative branch.

"(D) Titles II and III of the Civil Rights Act of 1964 (42 U.S.C. §§ 2000a to 2000a-6, 2000b to 2000b-3). These titles prohibit discrimination or segregation on the basis of race, color, religion, or national origin regarding the goods, services, facilities, privileges, advantages, and accommodations of "any place of public accommodation" as defined in the Act. Although the CAA incorporated the protections of titles II and III of the ADA, which prohibit discrimination on the basis of disability with respect to access to public services and accommodations, it does not extend protection against discrimination based upon race, color, religion, or national origin with respect to access to such services and accommodations. For the reasons set forth in the 1996 Section 102(b) Report, the Board has determined that the rights and protections afforded by titles II and III of the Civil Rights Act of 1964 against discrimination with respect to places of public accommodation should be applied to the legislative branch."

#### IV. 1998 Section 102(b) report

##### A. Part I of the 1998 report (new laws enacted and certain other inapplicable laws)

In the first part of the 1998 Section 102(b) Report, the Board noted the enactment of two new employment laws and concluded that no further action was needed because substantial provisions of each had been made applicable to the legislative branch. Next, as noted above, the Board discussed and resubmitted the recommendations made in the 1996 Section 102(b) Report. In addition, the Board made three new recommendations, one based upon further review and analysis of statutes discussed in the 1996 Section 102(b) Report and two others based upon experience gained by the Board in the administration and enforcement of the CAA.

The Board of Directors resubmits the three new recommendations made in Part I of the 1998 Section 102(b) Report:

"(1) Employee protection provisions of environmental protection statutes (15 U.S.C. § 2622; 33 U.S.C. § 1367; 42 U.S.C. §§ 300j-9(i), 5851, 6971, 7622, 9610). These provisions generally protect an employee from discrimination in employment because the employee commences proceedings under applicable statutes, testifies in any such proceeding, or assists or participates in any way in such a proceeding or in any other action to carry out the purposes of the statutes. For the reasons stated in the 1998 Section 102(b) Report, the Board believes that these provisions are applicable to the legislative branch. However, because it is possible to construe certain of these provisions as inapplicable, the Board has concluded that legislation should be adopted clarifying that the employee protection provisions in the environmental protection statutes apply to all entities within the legislative branch.

"(2) Employee "whistleblower" protection. Civil service law<sup>7</sup> provides broad protection to "whistleblowers" in the executive branch and at GAO and GPO, but these provisions do not apply otherwise in the legislative

<sup>3</sup>Section 102(b) Report: Review and Report on the Applicability to the Legislative Branch of Federal Law Relating to Terms and Conditions of Employment and Access to Public Services and Accommodations (Dec. 31, 1998).

<sup>4</sup>Section 230 of the CAA mandated a study of the status of the application of the eleven CAA laws to GAO, GPO and the Library to "evaluate whether the rights, protections and procedures, including administrative and judicial relief, applicable to [these instrumentalities] ... are comprehensive and effective ... includ[ing] recommendations for any improvements in regulations or legislation." Originally, the Administrative Conference of the United States was charged with carrying out the study and making recommendations, but when the Conference lost its funding, the responsibility for the study was transferred to the Board.

<sup>5</sup>Section 230 Study: Study of Laws, Regulations, and Procedures at The General Accounting Office, The Government Printing Office and The Library of Congress (December 1996) (Section 230 Study).

<sup>6</sup>The Board also found that resolution of existing uncertainty as to whether GAO, GPO and Library employees alleging violations of sections 204-207 of the CAA may use CAA procedures was an additional reason to include recommendations about coverage.

<sup>7</sup>See, e.g., 5 U.S.C. § 2302(b)(8).

branch. Employees subject to these provisions are generally protected against retaliation for having disclosed any information the employee reasonably believes evidences a violation of law or regulation, gross mismanagement or abuse of authority, or substantial danger to public health or safety. The Office has continued to receive a number of inquiries from legislative branch employees concerned about protection against possible retaliation by an employing office for the disclosure of what the employee perceives to be such information. For the reasons set forth in the 1998 Section 102(b) Report, the Board has determined that whistleblower protection comparable to that provided to executive branch employees under 5 U.S.C. § 2302(b)(8) should be provided to legislative branch employees.

“(3) Coverage of special-purpose study commissions. Certain special-purpose study commissions that include members appointed by Congress or by officers of Congressional instrumentalities are not expressly listed in section 101(9) of the CAA in the definition of “employing offices” covered under the CAA. For the reasons set forth in the 1998 Section 102(b) Report, the Board recommends that Congress specifically state whether the CAA applies to special-purpose study commissions, both when it creates such commissions and for those already in existence.”

*B. Part II of the 1998 report (inapplicable private-sector provisions of CAA laws)*

In the second part of the 1998 Section 102(b) Report, the Board considered the specific exceptions created by Congress from the nine private-sector laws made applicable by the CAA<sup>8</sup> and made a number of recommendations respecting the application of currently inapplicable provisions, “focusing on enforcement, the area in which Congress made the most significant departures from the private-sector provisions of the CAA laws.”<sup>9</sup> The Board noted that it intended that those recommendations “should further a central goal of the CAA to create parity with the private sector so that employers and employees in the legislative branch would experience the benefits and burdens as the rest of the nation’s citizens.”<sup>10</sup>

The Board of Directors has reviewed the 1998 Report and resubmits each of the following recommendations made in Part III of the 1998 Section 102(b) Report:

“(1) Authority to investigate and prosecute violations of § 207 of the Act, which prohibits intimidation and reprisal. Enforcement authority with respect to intimidation or reprisal is provided to the agencies that administer and enforce the CAA laws<sup>11</sup> in the private sector. For the reasons set forth in the 1998 Report, the Board has concluded that the Congress should grant the Office the same authority to investigate and prosecute allegations of intimidation or reprisal as each implementing Executive Branch agency has in the private sector.

“(2) Authority to seek a restraining order in district court in case of imminent danger to health or safety. Section 215(b) of the CAA provides the remedy for a violation of the substantive provisions of the OSHA Act made applicable by the CAA. Among other things, the OSHA Act authorizes the Secretary of Labor to seek a temporary restraining order in district court in the case of imminent danger. The General Counsel of the Office, who enforces the OSHA Act provisions as made applicable by the CAA, has concluded that

Section 215(b) of the CAA gives him the same standing to petition the district court for a temporary restraining order. However, it has been suggested that the language of section 215(b) does not clearly provide that authority. For the reasons set forth in the 1998 Section 102(b) Report, the Board recommends that the CAA be amended to clarify that the General Counsel has the standing to seek a temporary restraining order in federal district court and that the court has jurisdiction to issue the order.

“(3) Record-keeping and notice-posting requirements. For the reasons set forth in the 1998 Section 102(b) Report, the Board has concluded that the Office should be granted the authority to require that records be kept and notices posted in the same manner as required by the agencies that enforce the provisions of law made applicable by the CAA in the private sector.

“(4) Other enforcement authorities. For the reasons set forth in the 1998 Section 102(b) Report, the Board generally recommends that Congress grant the Office the remaining enforcement authorities that executive-branch agencies utilize to administer and enforce the provisions of law made applicable by the CAA in the private sector.”

*C. Part III of the 1998 report (options for coverage of the three instrumentalities)*

In the third part of the 1998 Report, the Board, building upon its extensive Section 230 Study, exhaustively re-examined the current coverage of GAO, GPO and the Library under the CAA laws, and identified and discussed three principal options for coverage of these instrumentalities:

“(A) CAA Option—Coverage under the CAA, including the authority of the Office of Compliance and its administrators and enforces the CAA. (The Board here took as its model the CAA as it would be modified by enactment of the recommendations made in Part II of its 1998 Report.)

“(B) Federal-Sector Option—Coverage under the statutory and regulatory regime that applies generally in the federal sector, including the authority of executive-branch agencies as they administer and enforce the laws in the federal sector.

“(C) Private-Sector Option—Coverage under the statutory and regulatory regimes that apply generally in the private sector, including the authority of the executive-branch agencies as they administer and enforce the laws in the private sector.”

The Board noted that other hybrid models could be developed or, it could “be possible to leave the “patchwork” of coverages and exemptions currently in place at the three instrumentalities and fill serious gaps in coverage on a piecemeal basis.”<sup>12</sup>

The Board compared the three options against the current regimes at GAO, GPO and the Library, as well as against each other, and identified the significant effects of applying each option. The Board unanimously concluded that coverage under the private sector model was not the best of the options. However, the Board was divided as to which of the remaining options should be adopted. Two Board Members recommended that the three instrumentalities be covered under the CAA, with certain modifications, and two other Board Members recommended that the three instrumentalities be made fully subject to the laws and regulations generally applicable in the executive branch of the federal sector.<sup>13</sup>

A review of the analysis, discussion and recommendations contained in the Section 230 Study and Part III of the 1998 Section 102(b) Report demonstrates the complexity of the issues relating to coverage of GAO, GPO and the Library under the CAA laws. The current regime is an exceedingly complicated one, with differences evident both between and among instrumentalities and between and among the eleven CAA laws. Any proposals for changes in existing coverage must not only take into account the existing statutory regime, but also the practical effects of any recommended changes, as well as the mandates of the CAA, including Section 230. Indeed, the degree of the difficulties and challenges encountered in determining how the coverage of the instrumentalities might be modified is evidenced by the fact that after three years of study and experience, the Members of the Board in 1998 were unable to arrive at a consensus on the manner in which the CAA laws should be applied and enforced at GAO, GPO and the Library.

While the current Board Members are mindful of the institutional benefits of providing Congress with a clear recommendation as to coverage of the instrumentalities, the Board is of the view that further study and consideration of the questions presented is warranted in light of the complexity of the issues and the substantial impact that a modification would have on the instrumentalities and their employees.

The Board believes that Congress, and the instrumentalities and their employees, would derive greater benefit from a recommendation based upon further study, consideration and experience on the part of Board Members. Therefore, the Board has determined not to make any recommendations with respect to coverage of GAO, GPO and the Library under the CAA laws at this time.

**EXECUTIVE COMMUNICATIONS,  
ETC.**

Under clause 8 of rule XII, executive communications were taken from the Speaker’s table and referred as follows:

812. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency’s final rule—Dimethylpolysiloxane; Tolerance Exemption [OPP-301096; FRL-6762-1] (RIN: 2070-AB78) received February 8, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

813. A letter from the Director, Office of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting the Corporation’s final rule—Interagency Guidelines Establishing Standards for Safeguarding Customer Information and Rescission of Year 2000 Standards for Safety and Soundness (RIN: 3064-AC39) received February 9, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

814. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency’s final rule—Significant New Uses of Certain Chemical Substances; Delay of Effective Date [OPPTS-50638A; FRL-6769-7] (RIN: 2070-AB27) received February 8, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

815. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting Copies of international

have expired. At present, the five-Member Board of Directors is again at its full complement; three Members were appointed in October 1999 and two Members were appointed in May 2000.

<sup>8</sup>The private-sector laws made applicable by the CAA are listed in note 1, at page 1, above.

<sup>9</sup>1998 Section 102(b) Report at 16.

<sup>10</sup>Id. At 17.

<sup>11</sup>The only exception is the WARN Act which has no such authorities.

<sup>12</sup>1998 Section 102(b) Report at 27.

<sup>13</sup>In December 1998, at the time the 1998 Section 102(b) Report issued, there were four Board members; the fifth Board member’s term had expired and a new appointee had not yet been named. Since the issuance of the 1998 Report the terms of the four Board members who participated in that Report

agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

816. A letter from the Attorney-Advisor, Financial Management Service, Department of the Treasury, transmitting the Department's final rule—Federal Government Participation in the Automated Clearing House (RIN: 1510-AA81) received February 9, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

817. A letter from the Federal Register Liaison, Office of Thrift Supervision, Department of the Treasury, transmitting the Department's final rule—Supplemental Standards of Ethical Conduct for Employees of the Department of the Treasury (RINs: 1550-AB43, 3209-AA15) received February 2, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

818. A letter from the Acting Director, Office of Personnel Management, transmitting the Office's final rule—Repayment of Student Loans: Delay of Effective Date (RIN: 3206-AJ12) received February 8, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

819. A letter from the Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic; Closure [Docket No. 991008273-0070-02; I.D. 011801B] received February 8, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

820. A letter from the Acting Assistant Administrator, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Coastal Zone Management Act Federal Consistency Regulations [Docket No. 990723202-0338-02] (RIN: 0648-AM88) received February 8, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

821. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Water Quality Standards; Establishment of Numeric Criteria for Priority Toxic Pollutants for the State of California; Correction [FRL-6941-1] (RIN: 2040-AC44) received February 8, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

822. A letter from the Chair of the Board of Directors, Office of Compliance, transmitting A Report Required By The Congressional Accountability Act Of 1995; jointly to the Committees on Education and the Workforce and House Administration.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. REYNOLDS: Committee on Rules. House Resolution 36. Resolution providing for consideration of the bill (H.R. 554) to establish a program, coordinated by the National Transportation Safety Board, of assistance to families of passengers involved in rail passenger accidents (Rept. 107-1). Referred to the House Calendar.

#### PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following

titles were introduced and severally referred, as follows:

By Mr. MCGOVERN:

H.R. 559. A bill to designate the United States courthouse located at 1 Courthouse Way in Boston, Massachusetts, as the "John Joseph Moakley United States Courthouse"; to the Committee on Transportation and Infrastructure.

By Mr. ROSS (for himself, Mr. MOORE, Mr. STENHOLM, Mr. SHOWS, Mr. HILL, Mr. CLAY, Mr. SCHIFF, Mr. BISHOP, Mr. CARSON of Oklahoma, Mr. HOLT, Mr. POMEROY, Ms. BERKLEY, Mrs. TAUSCHER, Mr. SPRATT, Mr. MATHE-SON, Ms. SOLIS, Mr. HOEFFEL, Mrs. DAVIS of California, and Mr. LANGEVIN):

H.R. 560. A bill to establish an off-budget lockbox to strengthen Social Security and Medicare; to the Committee on the Budget, and in addition to the Committees on Rules, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DINGELL:

H.R. 561. A bill to establish the Bipartisan Commission on Election Reform to study and make recommendations on issues affecting the conduct and administration of elections in the United States, and for other purposes; to the Committee on House Administration, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ABERCROMBIE (for himself and Mrs. MINK of Hawaii):

H.R. 562. A bill to amend the Native Hawaiian Health Care Improvement Act to revise and extend such Act; to the Committee on Energy and Commerce.

By Mr. ABERCROMBIE:

H.R. 563. A bill to amend the Internal Revenue Code of 1986 to restore the deduction for the travel expenses of a taxpayer's spouse who accompanies the taxpayer on business travel; to the Committee on Ways and Means.

By Mr. ABERCROMBIE:

H.R. 564. A bill to amend the Internal Revenue Code of 1986 to increase the amount of the deduction allowed for meal and entertainment expenses associated with the performing arts; to the Committee on Ways and Means.

By Mr. ANDREWS (for himself, Ms. BROWN of Florida, Mr. PALLONE, Mr. TANCREDO, Mr. MENENDEZ, Mr. PASCRELL, and Mr. MICA):

H.R. 565. A bill to prohibit States from imposing restrictions on the operation of motor vehicles providing limousine service between a place in a State and a place in another State, and for other purposes; to the Committee on Energy and Commerce.

By Mr. ANDREWS:

H.R. 566. A bill to amend title XIX of the Social Security Act to require the prorating of Medicaid beneficiary contributions in the case of partial coverage of nursing facility services during a month; to the Committee on Energy and Commerce.

By Mr. ANDREWS:

H.R. 567. A bill to amend title XIX of the Social Security Act to require Medicaid coverage of disabled children, and individuals who became disabled as children, without regard to income or assets; to the Committee on Energy and Commerce.

By Mr. ANDREWS:

H.R. 568. A bill to assure equitable treatment of fertility and impotence in health

care coverage under group health plans, health insurance coverage, and health plans under the Federal employees' health benefits program; to the Committee on Energy and Commerce, and in addition to the Committees on Education and the Workforce, and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ANDREWS:

H.R. 569. A bill to amend the Social Security Act to waive the 24-month waiting period for Medicare coverage of certain disabled individuals who have no health insurance coverage; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. BIGGERT (for herself, Mr. WICKER, Mr. THOMAS M. Davis of Virginia, Mr. FRANK, and Mrs. JOHNSON of Connecticut):

H.R. 570. A bill to repeal the requirement relating to specific statutory authorization for increases in judicial salaries, to provide for automatic annual increases for judicial salaries, to provide for a 9.6 percent increase in judicial salaries, and for other purposes; to the Committee on the Judiciary.

By Mr. BILIRAKIS:

H.R. 571. A bill to amend title 49, United States Code, relating to explanations by air carriers of flight delays, cancellations, and diversions; to the Committee on Transportation and Infrastructure.

By Mr. BILIRAKIS (for himself, Mr. FOLEY, Mr. MCHUGH, Mr. BALDACCI, Mrs. MORELLA, Mr. LANTOS, Mrs. MINK of Hawaii, Mrs. THURMAN, Mr. WEXLER, Mr. FROST, Mr. PALLONE, and Mr. BONIOR):

H.R. 572. A bill to amend title 5, United States Code, to provide that the Civil Service Retirement and Disability Fund be excluded from the budget of the United States Government; to the Committee on the Budget, and in addition to the Committee on Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. CAPPS:

H.R. 573. A bill to provide grants to State educational agencies and local educational agencies for the provision of classroom-related technology training for elementary and secondary school teachers; to the Committee on Education and the Workforce.

By Mrs. CHRISTENSEN:

H.R. 574. A bill to modify labeling and advertising requirements for watches; to the Committee on Energy and Commerce.

By Mrs. CHRISTENSEN:

H.R. 575. A bill to amend the Harmonized Tariff Schedule of the United States with respect to the production incentive certificate program for watch and jewelry producers in the United States Virgin Islands, Guam, and American Samoa; to the Committee on Ways and Means.

By Mr. DICKS (for himself, Mr. SKELTON, Mr. SISISKY, Mr. FROST, Mr. EDWARDS, and Mrs. TAUSCHER):

H.R. 576. A bill to make emergency supplemental appropriations for fiscal year 2001 for the Department of Defense; to the Committee on Appropriations.

By Mr. DUNCAN:

H.R. 577. A bill to require any organization that is established for the purpose of raising funds for the creation of a Presidential archival depository to disclose the sources and

amounts of any funds raised; to the Committee on Government Reform.

By Mrs. EMERSON:

H.R. 578. A bill to amend the Internal Revenue Code of 1986 to allow penalty-free distributions from qualified retirement plans on account of the death or disability of the participant's spouse; to the Committee on Ways and Means.

By Mr. ENGEL (for himself, Mr. THOMAS M. Davis of Virginia, Mrs. MCCARTHY of New York, Mr. WEINER, Mr. SANDERS, Mr. McNULTY, Mr. OWENS, Mr. RUSH, Mrs. MORELLA, Mr. HILLIARD, Mrs. CHRISTENSEN, Mrs. JONES of Ohio, Mr. EVANS, and Mr. MORAN of Virginia):

H.R. 579. A bill to amend chapter 89 of title 5, United States Code, to make available to Federal employees the option of obtaining health benefits coverage for dependent parents; to the Committee on Government Reform.

By Mr. GREEN of Texas:

H.R. 580. A bill to amend title XXVII of the Public Health Service Act and title I of the Employee Retirement Income Security Act of 1974 to require that group and individual health insurance coverage and group health plans provide comprehensive coverage for childhood immunization; to the Committee on Energy and Commerce, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HEFLEY (for himself, Mr. UDALL of Colorado, and Mr. UDALL of New Mexico):

H.R. 581. A bill to authorize the Secretary of the Interior and the Secretary of Agriculture to use funds appropriated for wildland fire management in the Department of the Interior and Related Agencies Appropriations Act, 2001, to reimburse the United States Fish and Wildlife Service and the National Marine Fisheries Service to facilitate the interagency cooperation required under the Endangered Species Act of 1973 in connection with wildland fire management; to the Committee on Resources.

By Mr. HERGER (for himself, Mr. MATSUI, Mrs. JOHNSON of Connecticut, Mr. FOLEY, Mr. MALONEY of Connecticut, Mr. ROYCE, and Mr. ANDREWS):

H.R. 582. A bill to amend the Internal Revenue Code of 1986 to clarify the definition of contribution in aid of construction; to the Committee on Ways and Means.

By Mr. HUTCHINSON (for himself, Mr. MORAN of Virginia, Mr. BRADY of Texas, Ms. GRANGER, Mr. GREENWOOD, Mr. LUCAS of Oklahoma, and Mr. RILEY):

H.R. 583. A bill to establish the Commission for the Comprehensive Study of Privacy Protection; to the Committee on Government Reform.

By Mr. KLECZKA:

H.R. 584. A bill prohibiting the manufacture, sale, delivery, or importation of school buses that do not have seat belts; to the Committee on Energy and Commerce.

By Mr. LARSEN of Washington:

H.R. 585. A bill to amend the Internal Revenue Code of 1986 to increase to \$10,000,000 the maximum estate tax deduction for family-owned business interests; to the Committee on Ways and Means.

By Mr. LEWIS of Kentucky (for himself, Mrs. JOHNSON of Connecticut, Mr. RAMSTAD, Mr. PITTS, Mr. WATKINS, Mr. ENGLISH, Mr. WATTS of Oklahoma, Mr. LARSON of Connecticut, Mr. CLYBURN, Mrs. MINK of Hawaii, Mr. PASCRELL, Mr. RYUN of

Kansas, Mr. MOORE, Mr. McINNIS, Mr. DAVIS of Illinois, Mr. CAMP, Mr. BOUCHER, Mr. BISHOP, Mr. SESSIONS, Mr. TERRY, Mr. SUNUNU, and Mr. PAUL):

H.R. 586. A bill to amend the Internal Revenue Code of 1986 to provide that the exclusion from gross income for foster care payments shall also apply to payments by qualified placement agencies, and for other purposes; to the Committee on Ways and Means.

By Mrs. MINK of Hawaii:

H.R. 587. A bill to amend title 10, United States Code, to prescribe alternative payment mechanisms for the payment of annual enrollment fees under the TRICARE program of the military health care system; to the Committee on Armed Services.

By Mrs. MINK of Hawaii:

H.R. 588. A bill to provide authorities to, and impose requirements on, the Secretary of Defense in order to facilitate State enforcement of State tax, employment, and licensing laws against Federal construction contractors; to the Committee on Armed Services.

By Mrs. MINK of Hawaii:

H.R. 589. A bill to provide for the full funding of the Pell Grant Program; to the Committee on Education and the Workforce.

By Mrs. MINK of Hawaii:

H.R. 590. A bill to amend the Public Health Service Act to provide for a three-year schedule to double, relative to fiscal year 1999, the amount appropriated for the National Eye Institute; to the Committee on Energy and Commerce.

By Mrs. MINK of Hawaii:

H.R. 591. A bill to direct the Secretary of the Interior to study the suitability and feasibility of including certain lands along the southeastern coast of Maui, Hawaii, in the National Park System; to the Committee on Resources.

By Mrs. MINK of Hawaii:

H.R. 592. A bill to amend the Internal Revenue Code of 1986 to provide that an individual who leaves employment because of sexual harassment or loss of child care will, for purposes of determining such individual's eligibility for unemployment compensation, be treated as having left such employment for good cause; to the Committee on Ways and Means.

By Mrs. MINK of Hawaii:

H.R. 593. A bill to amend the Internal Revenue Code of 1986 to treat a portion of welfare benefits which are contingent on employment as earned income for purposes of the earned income credit, and for other purposes; to the Committee on Ways and Means.

By Mrs. MINK of Hawaii (for herself,

Mr. FILNER, Mr. ABERCROMBIE, Mrs. MEEK of Florida, Ms. JACKSON-LEE of Texas, Ms. WOOLSEY, Mr. RODRIGUEZ, Mr. MEEHAN, Mr. FROST, Mr. FRANK, Mr. WYNN, Ms. ROYBAL-ALLARD, Mr. BECERRA, Mr. KILDEE, Mr. GUTIERREZ, Mr. GEORGE MILLER of California, Mr. SANDERS, Mr. STARK, and Mr. LANTOS):

H.R. 594. A bill to amend the Social Security Act to further extend health care coverage under the Medicare Program; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MORELLA (for herself, Ms. BERKLEY, Mr. FROST, Mr. KENNEDY of Rhode Island, Mr. WAXMAN, Mr. McNULTY, Mr. CAPUANO, and Mr. BALDACC):

H.R. 595. A bill to amend title XVIII of the Social Security Act to expand coverage of bone mass measurements under part B of the Medicare Program to all individuals at clin-

ical risk for osteoporosis; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. NEAL of Massachusetts:

H.R. 596. A bill to amend the Internal Revenue Code of 1986 to allow personal exemptions for individuals against the alternative minimum tax; to the Committee on Ways and Means.

By Mr. PALLONE:

H.R. 597. A bill to amend title 23, United States Code, relating to the use of safety belts and child restraint systems by children, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. REYNOLDS (for himself and Mr. CANTOR):

H.R. 598. A bill to take certain steps toward recognition by the United States of Jerusalem as the capital of Israel; to the Committee on International Relations.

By Mrs. ROUKEMA:

H.R. 599. A bill to amend title XVIII of the Social Security Act to eliminate discriminatory copayment rates for outpatient psychiatric services under the Medicare Program; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SESSIONS (for himself, Mr.

WAXMAN, Mr. UPTON, Mr. BARRETT, Mr. BILIRAKIS, Mr. DINGELL, Mr. DREIER, Mr. BROWN of Ohio, Ms. PRYCE of Ohio, Mr. STRICKLAND, Mrs. ROUKEMA, Mr. BALDACC, Mr. ISAKSON, Mr. DOGGETT, Mr. GILCHREST, Mr. MOORE, Mrs. MYRICK, Mr. OBERSTAR, Mr. REYNOLDS, Mr. HINCHEY, Mr. DEFAZIO, Mr. KENNEDY of Rhode Island, Mr. SANDERS, Ms. KAPTUR, Mrs. JOHNSON of Connecticut, Mr. TOWNS, Mr. STARK, Ms. ESHOO, Ms. BALDWIN, Mr. GALLEGLY, Mr. ABERCROMBIE, Mr. SNYDER, Ms. SCHAKOWSKY, Mr. SHIMKUS, Mr. SCOTT, Mr. PALLONE, Mr. STUPAK, Mr. MARKEY, Mr. WYNN, Mrs. CAPPS, Mr. HALL of Ohio, Mr. KIND, Mr. MATSUI, Mr. GEORGE MILLER of California, Mr. MORAN of Virginia, Mrs. MCCARTHY of New York, Mr. PAYNE, Mr. UDALL of New Mexico, Mr. WATT of North Carolina, Mr. ENGEL, Mr. NADLER, Ms. LEE, Ms. BERKLEY, Mr. MURTHA, Mr. RUSH, Mrs. JONES of Ohio, Mr. KUCINICH, Mr. McNULTY, Ms. DEGETTE, Mr. BOUCHER, Mr. GREEN of Texas, Mr. BECERRA, Mr. ALLEN, Ms. RIVERS, Mrs. LOWEY, Mr. SHAYS, Mr. WELDON of Florida, Mr. OXLEY, Mr. PICKERING, Mr. WHITEFIELD, Mr. LAHOOD, Mr. HAYWORTH, Mr. FLETCHER, Mr. SWEENEY, Mr. SHADEGG, Mr. TAUZIN, Mr. GILMAN, Mr. NETHERCUTT, Mr. MORAN of Kansas, Mr. BRADY of Texas, Mr. DEUTSCH, Ms. CAPITO, Mr. WELLER, Mr. SCHAFER, Mr. NUSSLE, and Mr. PAUL):

H.R. 600. A bill to amend title XIX of the Social Security Act to provide families of disabled children with the opportunity to purchase coverage under the Medicaid Program for such children, and for other purposes; to the Committee on Energy and Commerce.

By Mr. SIMPSON:

H.R. 601. A bill to ensure the continued access of hunters to those Federal lands included within the boundaries of the Craters

of the Moon National Monument in the State of Idaho pursuant to Presidential Proclamation 7373 of November 9, 2000, and to continue the applicability of the Taylor Grazing Act to the disposition of grazing fees arising from the use of such lands, and for other purposes; to the Committee on Resources.

By Ms. SLAUGHTER (for herself, Mrs. MORELLA, Mr. ABERCROMBIE, Mr. ACKERMAN, Mr. ALLEN, Mr. BALDACCI, Ms. BALDWIN, Mr. BENTSEN, Ms. BERKLEY, Mr. BERMAN, Mr. BLAGOJEVICH, Mr. BLUMENAUER, Mr. BONIOR, Mr. BORSKI, Mr. BOUCHER, Mr. BOYD, Mr. BRADY of Pennsylvania, Mr. BURTON of Indiana, Mr. CALVERT, Mrs. CAPPS, Mr. CAPUANO, Mr. CARDIN, Ms. CARSON of Indiana, Mrs. CHRISTENSEN, Mr. COSTELLO, Mr. COYNE, Mr. CRAMER, Mr. DAVIS of Illinois, Mr. DEFAZIO, Ms. DEGETTE, Mr. DELAHUNT, Ms. DELAURO, Mr. DICKS, Mr. DOYLE, Mr. DUNCAN, Mr. EDWARDS, Ms. ESHOO, Mr. ETHERIDGE, Mr. EVANS, Mr. FARR of California, Mr. FATTAH, Mr. FILNER, Mr. FORD, Mr. FRANK, Mr. FRELINGHUYSEN, Mr. FROST, Mr. GALLEGLY, Mr. GEPHARDT, Mr. GILCHREST, Mr. GILMAN, Mr. GREEN of Texas, Mr. HALL of Ohio, Mr. HILLIARD, Mr. HINCHEY, Mr. HOFFFEL, Mr. HOLDEN, Mr. HOLT, Ms. HOOLEY of Oregon, Mr. HORN, Mr. INSLEE, Mr. JEFFERSON, Mrs. JONES of Ohio, Mr. KANJORSKI, Ms. KAPTUR, Mrs. KELLY, Mr. KILDEE, Ms. KILPATRICK, Mr. KING, Mr. KLECZKA, Mr. KOLBE, Mr. KUCINICH, Mr. LAMPSON, Mr. LANTOS, Mr. LARSON of Connecticut, Ms. LEE, Mr. LEVIN, Ms. LOFGREN, Mrs. LOWEY, Mr. LUTHER, Mrs. MCCARTHY of New York, Ms. MCCARTHY of Missouri, Ms. MCCOLLUM, Mr. MCDERMOTT, Mr. MCGOVERN, Mr. MCHUGH, Mr. MCNULTY, Mrs. MALONEY of New York, Mr. MALONEY of Connecticut, Mr. MARKEY, Mr. MASCARA, Mr. MATSUI, Mr. MEEHAN, Mrs. MEEK of Florida, Mr. MEEKS of New York, Mr. MENENDEZ, Ms. MILLENDER-MCDONALD, Mr. GEORGE MILLER of California, Mrs. MINK of Hawaii, Mr. MOAKLEY, Mr. MOORE, Mr. MORAN of Virginia, Mr. MURTHA, Mr. NADLER, Mrs. NAPOLITANO, Mr. NEY, Ms. NORTON, Mr. OBERSTAR, Mr. OBEY, Mr. OLVER, Mr. PALLONE, Mr. PASCRELL, Mr. PAYNE, Ms. PELOSI, Mr. PHELPS, Mr. PRICE of North Carolina, Mr. RANGEL, Mr. REYES, Ms. RIVERS, Ms. ROSLEHTINEN, Mrs. ROUKEMA, Ms. ROYBAL-ALLARD, Mr. RUSH, Mr. SANDERS, Mr. SANDLIN, Ms. SCHAKOWSKY, Mr. SCOTT, Mr. SERRANO, Mr. SHERMAN, Mr. SISISKY, Mr. SKELTON, Mr. SMITH of Washington, Mr. SNYDER, Mr. SPRATT, Mr. STARK, Mr. STENHOLM, Mr. STRICKLAND, Mr. STUPAK, Mrs. TAUSCHER, Mr. THOMPSON of Mississippi, Mrs. THURMAN, Mr. TIERNEY, Mr. TRAFICANT, Mr. UDALL of Colorado, Mr. UDALL of New Mexico, Mr. VISCLOSKY, Mr. WALSH, Ms. WATERS, Mr. WAXMAN, Mr. WEINER, Mr. WEXLER, Mr. WOLF, and Ms. WOOLSEY):

H.R. 602. A bill to prohibit discrimination on the basis of genetic information with respect to health insurance; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, and Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TANCREDO:

H.R. 603. A bill to suspend temporarily the duty on Fructooligosaccharides (FOS); to the Committee on Ways and Means.

By Mrs. THURMAN (for herself, Mr. STUPAK, and Mr. ENGLISH):

H.R. 604. A bill to amend the Hazardous Substances Act to require safety labels for certain Internet-advertised toys and games; to the Committee on Energy and Commerce.

By Mr. WEINER:

H.R. 605. A bill to amend the Truth in Lending Act to require a store in which a consumer may apply to open a credit or charge card account to display a sign, at each location where the application may be made, containing the same information required by such Act to be prominently placed in a tabular format on the application; to the Committee on Financial Services.

By Mr. WEXLER (for himself, Mr. GILMAN, Mr. CROWLEY, and Mr. CANTOR):

H.R. 606. A bill to direct the Secretaries of the military departments to conduct a review of military service records to determine whether certain Jewish American war veterans, including those previously awarded the Distinguished Service Cross, Navy Cross, or Air Force Cross, should be awarded the Medal of Honor; to the Committee on Armed Services.

By Mr. DOOLITTLE:

H.J. Res. 16. A joint resolution proposing an amendment to the Constitution of the United States establishing English as the official language of the United States; to the Committee on the Judiciary.

By Mr. ENGEL:

H.J. Res. 17. A joint resolution proposing an amendment to the Constitution of the United States to provide a new procedure for appointment of Electors for the election of the President and Vice President; to the Committee on the Judiciary.

By Mr. ENGEL:

H.J. Res. 18. A joint resolution proposing an amendment to the Constitution of the United States to provide a new procedure for appointment of Electors for the election of the President and Vice President; to the Committee on the Judiciary.

By Mr. SAM JOHNSON of Texas (for himself, Mr. REGULA, and Mr. MATSUI):

H.J. Res. 19. A joint resolution providing for the appointment of Walter E. Massey as a citizen regent of the Board of Regents of the Smithsonian Institution; to the Committee on House Administration.

By Mrs. MORELLA (for herself and Mr. UDALL of Colorado):

H. Con. Res. 27. Concurrent resolution honoring the National Institute of Standards and Technology and its employees for 100 years of service to the Nation; to the Committee on Science.

By Mr. PORTMAN:

H. Con. Res. 28. Concurrent resolution providing for a joint session of Congress to receive a message from the President; considered and agreed to.

By Mr. ENGEL (for himself and Ms. ROS-LEHTINEN):

H. Con. Res. 29. Concurrent resolution expressing the sense of the Congress regarding the conviction of ten members of Iran's Jewish community; to the Committee on International Relations.

By Mr. TANCREDO (for himself, Ms. DUNN, Mr. CANTOR, Mr. ACKERMAN, Mr. ENGLISH, Mr. RAMSTAD, Mr. MCNULTY, Mr. CALVERT, Ms. ROS-LEHTINEN, Mr. STEARNS, Mr. LAHOOD, Mr. OTTER, Ms. BERKLEY, Mr. ROSS, Mr. BARTON of Texas, and Mr. BERMAN):

H. Con. Res. 30. Concurrent resolution expressing the sense of Congress with respect

to relocating the United States Embassy in Israel to Jerusalem; to the Committee on International Relations.

By Mrs. THURMAN (for herself, Ms. ROYBAL-ALLARD, Mr. ABERCROMBIE, Mr. KILDEE, Mr. SPRATT, Ms. BALDWIN, Mr. KLECZKA, Ms. ESHOO, Mr. BARRETT, Mr. FOLEY, Mr. RAMSTAD, Mr. MALONEY of Connecticut, Mr. LATOURETTE, Mr. DUNCAN, Mr. HINCHEY, Ms. HOOLEY of Oregon, Mr. MOAKLEY, Mr. SHAYS, Mr. SNYDER, Mr. TANNER, Mr. STARK, Mr. HILLIARD, Mrs. NORTUP, Mr. CAPUANO, Mr. COYNE, Mr. MATSUI, Mr. GIBBONS, Mr. PETERSON of Pennsylvania, Mr. ROGERS of Michigan, Mr. SESSIONS, Mr. MCDERMOTT, Mrs. JONES of Ohio, Mrs. MORELLA, Mr. UPTON, and Mr. PASCRELL):

H. Con. Res. 31. Concurrent resolution expressing the sense of the Congress regarding the importance of organ, tissue, bone marrow, and blood donation and supporting National Donor Day; to the Committee on Energy and Commerce.

By Mr. REYNOLDS:

H. Res. 36. A resolution providing for consideration of the bill (H.R. 554) to establish a program, coordinated by the National Transportation Safety Board, of assistance to families of passengers involved in rail passenger accidents; considered and agreed to.

By Mr. FROST:

H. Res. 37. A resolution designating minority membership on certain standing committees of the House; considered and agreed to.

By Mr. HEFLEY:

H. Res. 38. A resolution providing amounts for the expenses of the Committee on Standards of Official Conduct in the One Hundred Seventh Congress; to the Committee on House Administration.

By Mr. THOMAS:

H. Res. 39. A resolution providing amounts for the expenses of the Committee on Ways and Means in the One Hundred Seventh Congress; to the Committee on House Administration.

## PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. ENGLISH introduced A bill (H.R. 607) for the relief of Mrs. Florence Narusewicz of Erie, Pennsylvania; which was referred to the Committee on the Judiciary.

## ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 2: Mr. LOBIONDO, Mrs. KELLY, Mrs. CUBIN, Mr. CAMP, Mr. THOMAS M. DAVIS of Virginia, Mr. SAM JOHNSON of Texas, Mr. NEY, Mr. MCINNIS, Mrs. BONO, Mr. DUNCAN, Mr. HAYWORTH, Mr. RYAN of Wisconsin, Mr. KERNS, Mr. SUNUNU, Mr. DEMINT, Mr. GREEN of Wisconsin, Mr. FERGUSON, Mr. GALLEGLY, Mr. GRUCCI, and Mr. SCARBOROUGH.

H.R. 15: Mr. GOSS, Mr. EHRlich, Mr. TOOMEY, and Mr. KING.

H.R. 28: Mrs. KELLY, Mr. SHIMKUS, Mr. GILMAN, Mr. MATSUI, Mr. BOUCHER, Mr. HUTCHINSON, Mr. DAVIS of Illinois, Mr. DEUTSCH, Mr. PRICE of North Carolina, Mr. HONDA, Mr. CUMMINGS, Mr. CLEMENT, Mr. RUSH, Mr. GRUCCI, Mr. LANGEVIN, and Mr. BARRETT.

H.R. 41: Mr. NEAL of Massachusetts, Mr. ROEMER, Mr. MCDERMOTT, Mr. SIMMONS, Mr. KINGSTON, Mr. FRELINGHUYSEN, Mrs. THURMAN, Mr. KOLBE, Mr. GOODLATTE, and Mr. NETHERCUTT.

H.R. 65: Mr. TANCREDO, Mr. HALL of Ohio, Mr. PUTNAM, Mr. FROST, Mr. MCINTYRE, Mr. DEFazio, Mr. ENGLISH, Mr. HUTCHINSON, Mr. STRICKLAND, Mrs. THURMAN, Mr. SIMMONS, and Mr. KILDEE.

H.R. 68: Mr. HALL of Ohio, Mr. BACHUS, Mr. SHERMAN, Mr. EHRlich, and Mr. STARK.

H.R. 79: Mr. GOODLATTE.

H.R. 81: Mr. FILNER.

H.R. 85: Mrs. MYRICK, Mr. BOUCHER, Mrs. EMERSON, Mr. BALDACCI, and Mr. RYAN of Wisconsin.

H.R. 134: Mrs. CHRISTENSEN, Mr. FILNER, Mr. FROST, Mrs. JONES of Ohio, Mr. KILDEE, and Mr. SANDERS.

H.R. 143: Mr. LATOURETTE, Mr. DINGELL, Mr. ENGLISH, Mr. JACKSON of Illinois, Mr. LAFALCE, Mr. GUTKNECHT, Ms. KAPTUR, Ms. KILPATRICK, Mr. KILDEE, Mr. EHLERS, Mr. KLECZKA, Ms. RIVERS, Mr. KIND, Mr. LIPINSKI, Mr. RUSH, and Mr. PETERSON of Minnesota.

H.R. 162: Mr. KENNEDY of Rhode Island, Ms. MCKINNEY, and Mrs. JONES of Ohio.

H.R. 168: Mr. WAMP.

H.R. 179: Mr. BERRY, Mr. BRYANT, Mr. CHAMBLISS, Mr. CUMMINGS, Ms. DEGETTE, Mr. FORD, Mr. INSLEE, Mr. ISSA, Mr. JONES of North Carolina, Mr. KELLER, Mr. KINGSTON, Mrs. MEEK of Florida, Mrs. MORELLA, Ms. PELOSI, Mr. SMITH of New Jersey, Mr. SOUDER, Mr. TANCREDO, Mr. TIERNEY, Mr. WALDEN of Oregon, and Mr. WU.

H.R. 184: Ms. MILLENDER-MCDONALD and Mr. PAYNE.

H.R. 185: Mr. GILMAN, Mr. SABO, Mr. PAYNE, Ms. CARSON of Indiana, and Mr. CUMMINGS.

H.R. 187: Mr. ENGLISH and Mr. LEACH.

H.R. 188: Ms. BALDWIN, Mr. SHOWS, Mr. PETERSON of Minnesota, and Mr. BEREUTER.

H.R. 189: Mr. DOOLITTLE, Mr. RILEY, Mr. GOSS, and Mr. DEAL of Georgia.

H.R. 190: Mr. DEAL of Georgia.

H.R. 191: Mr. DOOLITTLE and Mr. SCHAFFER.

H.R. 200: Mr. TERRY.

H.R. 245: Mr. OLVER, Mr. RUSH, Mr. TOWNS, and Mr. GORDON.

H.R. 248: Mr. ROGERS of Michigan and Mr. PAUL.

H.R. 249: Mr. PAUL.

H.R. 250: Mr. PASCRELL, Mr. CRAMER, Mr. BORSKI, Ms. WOOLSEY, Mr. UDALL of Colorado, Mrs. CHRISTENSEN, Mr. OLVER, Mr. FLETCHER, Mr. OWENS, Mr. BONIOR, Mr. PALLONE, Mr. BEREUTER, Mr. MEEHAN, Mr. DOYLE, Mr. MOLLOHAN, and Mr. MASCARA.

H.R. 256: Ms. BALDWIN, Mr. SHOWS, Mr. DICKS, Mr. PETERSON of Minnesota, Mrs. EMERSON, Mr. SANDERS, Mr. HOLDEN, Mr. DINGELL, Mr. ETHERIDGE, Mr. WATKINS, Mr. RILEY, and Mr. MCHUGH.

H.R. 257: Mr. SOUDER.

H.R. 267: Mr. TOWNS, Ms. PRYCE of Ohio, Mr. RYUN of Kansas, Mr. WELDON of Pennsylvania, Ms. MILLENDER-MCDONALD, and Mr. REYES.

H.R. 278: Mr. MCGOVERN.

H.R. 279: Mr. HALL of Ohio.

H.R. 294: Mrs. THURMAN, Mr. FLAKE, and Mr. PAUL.

H.R. 301: Mr. ROSS.

H.R. 302: Mr. ROSS.

H.R. 303: Mr. TANCREDO, Mr. PETERSON of Minnesota, Mr. NEAL of Massachusetts, Mr. HALL of Ohio, Mr. BORSKI, Mr. FROST, Mr. POMEROY, Mr. MCINTYRE, Mr. LAHOOD, Mr. WATKINS, Mr. BONILLA, Mr. DOYLE, Mr. PASTOR, Mr. DEFazio, Mr. PAYNE, Mr. BARTON of Texas, Mr. ENGLISH, Mr. COSTELLO, Mrs. CAPPS, Mr. BAKER, Ms. WOOLSEY, Mr. HAYES, Mr. SENSENBRENNER, Mr. GUTKNECHT, Mr. BALDACCI, Mr. HOLDEN, Mr. MOLLOHAN, Mr. HUTCHINSON, Mr. LEWIS of Georgia, Ms. HART, Ms. DEGETTE, Mrs. MINK of Hawaii, Mr. EDWARDS, Mr. LUCAS of Oklahoma, Mr. DELAHUNT, Mr. STRICKLAND, Mrs. THURMAN, Mr. MOORE, Mr. BONIOR, Mr. ROGERS of Michigan, Mr. PASCRELL, Mr. MORAN of Virginia, Mr. TOWNS, Mr. SIMMONS, Mr. KILDEE, Mrs. JO ANN DAVIS of Virginia, Mr. UNDERWOOD, Mrs. TAUSCHER, Mr. ACKERMAN, Mr. GANSKE, Mr. LUCAS of Kentucky, Mr. TERRY, Mr. KELLER, and Mr. RODRIGUEZ.

H.R. 311: Mr. HUTCHINSON, Mr. QUINN and Mr. MCKEON.

H.R. 320: Mr. CLAY.

H.R. 322: Mr. EDWARDS and Mr. THUNE.

H.R. 326: Mr. THOMPSON of Mississippi, Mr. PAYNE, Ms. MCCOLLUM, Mr. NADLER, Mr. FATTAH, and Mr. KUCINICH.

H.R. 330: Mr. CANTOR and Mr. AKIN.

H.R. 340: Ms. MCCARTHY of Missouri, Mr. ACKERMAN, Mr. BLAGOJEVICH, Mr. OBERSTAR, Mr. HOLDEN, Ms. ESHOO and Ms. BERKLEY.

H.R. 356: Mr. COSTELLO and Mr. OTTER.

H.R. 380: Mr. HALL of Ohio.

H.R. 419: Ms. LOFGREN, Mr. EVANS, Mr. BLAGOJEVICH, and Ms. BERKLEY.

H.R. 429: Mr. PAYNE, Mr. ENGEL, Ms. MILLENDER-MCDONALD, Mr. RODRIGUEZ, Ms. BERKLEY, Mr. GREENWOOD, Mr. BALDACCI, and Mr. McNULTY.

H.R. 436: Mr. GREENWOOD, Mr. DOOLITTLE, Mr. SESSIONS, Mr. PAUL, Mrs. EMERSON, and Mrs. JOHNSON of Connecticut.

H.R. 437: Mr. ARMEY, Mr. CRANE, Mr. SAM JOHNSON of Texas, and Mr. PAUL.

H.R. 438: Mr. THORNBERRY.

H.R. 457: Mr. HOLDEN, Mr. MCGOVERN, Mr. STARK, Mr. BARCIA, and Mr. BISHOP.

H.R. 466: Mr. COSTELLO.

H.R. 476: Mrs. MYRICK, Mr. ARMEY, Mr. GARY MILLER of California, Mr. AKIN, Mr. PENCE, Mr. LUCAS of Kentucky, Mr. CHAMBLISS, Mr. LARGENT, Mr. LIPINSKI, Mr. COSTELLO, Mr. LAHOOD, and Mr. HULSHOF.

H.R. 478: Mr. ROSS, Mr. BISHOP, and Mr. HINOJOSA.

H.R. 481: Mr. MCGOVERN, Mr. CAPUANO, Mr. EVANS, Mr. LANGEVIN, and Mr. CUMMINGS.

H.R. 482: Mr. SHIMKUS and Mr. PICKERING.

H.R. 488: Mr. WALSH, Ms. BERKLEY, Mr. NADLER, Mr. CLAY, and Mr. PAYNE.

H.R. 503: Mr. WATKINS, Mr. HUNTER, Mr. AKIN, Mr. HOSTETTLER, Mr. MICA, Mr. CAMP,

Mrs. MYRICK, Mr. REYNOLDS, Mr. LUCAS of Kentucky, Mr. BUYER, Mr. TERRY, Mr. HAYES, Mr. BURR of North Carolina, Mr. SMITH of Texas, Mr. BRYANT, and Mr. BAKER.

H.R. 516: Mrs. NORTHUP, Mr. OXLEY, Mr. OTTER, Mrs. MYRICK, Mr. CANTOR, Mr. SCHROCK, and Mr. PUTNAM.

H.R. 524: Mr. FERGUSON, Mr. DOYLE, Mr. BAIRD, Mr. COSTELLO, and Mrs. MORELLA.

H.R. 528: Mrs. MALONEY of New York.

H.R. 548: Mrs. CHRISTENSEN, Mr. LAHOOD, Ms. HART, Ms. DUNN, Mr. BONIOR, and Mr. KILDEE.

H.J. Res. 8: Mr. HEFLEY, Mr. KERNS, and Mr. DEFazio.

H.J. Res. 12: Mr. SHIMKUS.

H.J. Res. 13: Mr. BALDACCI, Mrs. LOWEY, and Mr. BERMAN.

H. Con. Res. 17: Mrs. THURMAN and Ms. BERKLEY.

H. Con. Res. 20: Mr. TAYLOR of Mississippi, Ms. MCCARTHY of Missouri, Mrs. MYRICK, Mrs. CHRISTENSEN, Mr. ROSS, and Mr. FLETCHER.

H. Res. 13: Mrs. BIGGERT, Mr. HORN, and Mr. SCHROCK.

H. Res. 15: Mr. SHIMKUS, Mr. TAYLOR of Mississippi, and Mr. SMITH of New Jersey.

H. Res. 23: Mr. ROSS, Mr. THOMPSON of California, Mr. CRAMER, and Mr. KILDEE.

H. Res. 34: Mr. ARMEY, Mr. GEPHARDT, Mr. DELAY, Mr. DIAZ-BALART, Mr. WATKINS, Mr. HOLT, Mr. MILLER of Florida, Mr. ISRAEL, Mr. LEWIS of California, Mr. BENTSEN, Mr. KIRK, Mr. FALCOMA, Mr. RILEY, Mr. PUTNAM, Ms. HARMAN, Mrs. LOWEY, Mr. ETHERIDGE, Mrs. JO ANN DAVIS of Virginia, Mr. KERNS, Mr. WATTS of Oklahoma, Mr. BROWN of South Carolina, Mr. FERGUSON, Mr. PLATTS, Mr. TOWNS, Mr. MATSUI, Mr. McNULTY, Mr. ROTHMAN, Mr. BURTON of Indiana, Mr. SHIMKUS, Mr. BERMAN, Mr. WEINER, Mr. HASTINGS of Florida, Mr. HOEFFEL, Mr. KINGSTON, Mr. SHERMAN, Mr. CARDIN, Mr. CROWLEY, Mr. WAXMAN, Mr. KING, Mr. WEXLER, Mr. CHAMBLISS, Ms. JACKSON-LEE of Texas, Mr. MALONEY of Connecticut, Mrs. NAPOLITANO, Mr. LANGEVIN, Ms. HART, Ms. LEE, Mr. SHAYS, Mr. REYNOLDS, Mr. DEUTSCH, Ms. SCHAKOWSKY, Mr. NADLER, Mr. ENGEL, Mr. SESSIONS, Mr. HOYER, Mrs. MORELLA, Mr. BLUNT, Mr. HORN, Mr. SISISKY, Mr. SCHROCK, Mr. SAXTON, Mr. CULBERSON, Mr. SCHIFF, Mr. PENCE, Mr. CRENSHAW, Mr. FOSSELLA, Mr. TIBERI, Mr. GOSS, Mr. BONILLA, Mr. REGULA, Mr. WELDON of Florida, Mr. OSE, Mr. GILCHREST, Mr. CUNNINGHAM, Mr. MANZULLO, Ms. ROSLEHTINEN, Mr. BALLENGER, Mrs. ROUKEMA, Mrs. EMERSON, Mrs. BIGGERT, Mr. HOUGHTON, Mr. NETHERCUTT, Mr. HANSEN, Mr. FILNER, Mr. HEFLEY, Mr. PETRI, Mr. WALSH, Mr. BOEHLERT, Mr. ROYCE, Mr. COX, Mrs. MCCARTHY of New York, Mr. EVERETT, Mr. OWENS, Mr. KNOLLENBERG, and Mr. BURR of North Carolina.