

So we need the budget first, and I want to say to the American people tonight and whoever else is listening in their offices or wherever, common sense says show the budget. Like the little lady said on advertising some years ago, "Show me the beef." Show us the budget so we can see where we are at and so we can go forward with good sense and make the progress we need to make.

We all would like to have tax relief. I want tax relief. The money we have here is not our money. It is the people's money. We all know that. If we have more than we need, then we ought to send it back. But we ought to deal with the realities of where we are at and not jeopardize Social Security and Medicare and defense and agriculture, and a number of things that are very, very high priorities to us. We ought to think of it and be sure that we have the budget first.

So here we are tonight, Mr. Speaker, at this point, a few hours away from taking it up, and I would hope we would give some consideration to what we have talked about.

□ 2045

THE FLORIDA VOTE

The SPEAKER pro tempore (Mr. CANTOR). Under a previous order of the House, the gentlewoman from Florida (Ms. BROWN) is recognized for 5 minutes.

Ms. BROWN of Florida. Mr. Speaker, first of all let me thank the gentleman from Georgia (Mr. LEWIS), the gentleman from Alabama (Mr. HILLIARD) and the gentlewoman from Texas (Ms. JACKSON-LEE) for their discussion tonight over the fight to get the right to vote. I want to take that a step forward to discuss the fight to make sure every vote counts.

Before I begin, I want to talk a bit about the coup d'etat. I know those are strong words, Mr. Speaker, but that is what happened in Florida, on November 7, because, without a doubt, more people, not just in the United States, went to the polls and voted for Al Gore, more people in the State of Florida went to the polls and voted for Al Gore. In fact, I represent Duval County, the Third Congressional District of Florida, where 27,000 votes were thrown out, 16,000 of them African Americans, 22,000 overvotes, 6,000 undervotes, that have never been counted.

I was particularly disturbed last week when the Miami Herald, and I have got to give credit, if you read the article, they did not say that Al Gore lost Florida, but the media went in and talked about the election and indicated that in four counties, four counties, if the recount was done, that Bush would have won. But I knew for a fact they were not talking about Duval, because we just started counting the votes, the undervotes in Duval Monday. We have been in court. And so we are still counting the undervotes in Florida,

over 100,000 votes that were not counted, not one time.

Let me discuss what an undervote is. An undervote is like if you come from Duval County and you have those old machines and the machines spit the vote out so they were not counted. I asked the leadership of this House, when were we going to have a hearing on the illegal activities that occurred in Florida, the illegal activities that occurred on November 7. The response was that next week we are going to have a hearing on profiling, racial profiling.

Now, I really think that is very important, but that has nothing to do with the election in Florida and what happened in Duval County and in Seminole County, where people went in to the supervisor of elections and filled out forms, and in Martin County, where they went in to the supervisor of elections and took forms out and where the Secretary of State in the State of Florida took \$4 million of taxpayers' money, subcontracted to a firm in Texas to identify felons, and many that were identified and kicked off of the roll had never been arrested.

Yes, there were a lot of criminal activities that occurred in Florida on November 7. I cannot move forward because we are debating tomorrow a tax cut as if someone had a mandate on November 7. That is what is disturbing to me. The issue that we discussed today, turning back the clock for American workers, we would not be discussing those items if we did not have that coup to take place in Florida.

Mr. Speaker, my people in Florida want to know, when in Congress are we going to have a hearing on the illegal activities that took place in Florida during the election and after the election?

Mr. LEWIS of Georgia. Mr. Speaker, will the gentlewoman yield?

Ms. BROWN of Florida. I yield to the gentleman from Georgia.

Mr. LEWIS of Georgia. I thank the gentlewoman for yielding. We are not in the majority, so we cannot set the time and place of the hearing. It is my hope that we will have a hearing, that the leadership of the Congress, the leadership of this House will hold hearings on what happened in Florida. The right to vote, and the right to have your vote counted, is the heart and soul of our democratic process.

We just had a discussion a few moments ago about how people suffered, people struggled, people that I knew died for the right to vote. I will never forget in June of 1964, three young men, Andy Goodman, Michael Schwerner, white, Jewish from New York; and James Chaney, black, from Mississippi, were arrested, jailed by the sheriff, then taken over to the Klan where they were beaten, shot and killed because they were there to help people register to vote. Then Jimmy Lee Jackson in Alabama and others.

Ms. BROWN of Florida. This is round one, Mr. Speaker. We will continue this discussion.

C-SPAN, ERGONOMICS, THE PRESIDENT'S TAX CUT AND PATIENT PROTECTION LEGISLATION

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentleman from Iowa (Mr. GANSKE) is recognized for 60 minutes as the designee of the majority leader.

Mr. GANSKE. Mr. Speaker, this morning started out with a breakfast that I and other Members and past Members of Congress had with Brian Lamb, who is the head of C-SPAN, the chief executive officer of C-SPAN. I must give a lot of credit to C-SPAN, because it is bringing democracy into millions and millions of homes every day and has opened up the political process more than ever before. Sometimes I will give a special order and I will invariably hear from home from some of my constituents and very, very frequently I will hear from my colleagues here in Congress on a comment on what I spoke about. I know that other Members who take part in special orders find the same thing. A major reason for that is because of the coverage by C-SPAN, a real service. Mr. Lamb is a gentleman and I think a patriot for selflessly giving up of his time and tremendous work and energy to provide a service for citizens around the country and a service that also helps us do our business here. Because there will be innumerable nights when I will be working in my office and there will be coverage here on the floor or during the daytime when we are all tied up in committee meetings and other things, and we get to follow what is going on on the floor via the coverage from C-SPAN.

I think tonight is a good example of the type of diverse comments that are covered, especially after regular order and during what is called special orders, about the only time that Congressmen and Congresswomen have to speak at any length of time is during this time.

Mr. Speaker, we have 435 Members of the House. We can fill every seat in this room. And because there are so many of us, the rules of the House make it so that when we debate an important issue, there is a limited amount of time. We do not have the luxury of only having 100 members like they do in the Senate where the Senators can speak for extended periods of time and develop completely ideas. And so what frequently happens is that during a debate on an issue like today when we spoke about workplace regulations on ergonomics, we will have a set period of time for debate, it will be divided between both sides, the Republicans and the Democrats, and then, because so many Members want to speak on an issue, like will happen tomorrow when we debate the tax cut, there is

only a very small amount of time that is allotted to each Member. And so, unfortunately, frequently the volume is turned up and the thought does not get very well developed, and we end up sometimes, I am afraid, with some shouting on the floor and more partisanship than we need to see. And basically we are talking from soundbites. And so I very much appreciate the chance that we have on evenings like this to address some issues in a little more depth, and I think it is really, really important that we maintain the opportunity to do that.

I have learned a lot tonight in sitting on the floor and listening to fellow Members. We have just had the gentlewoman from Texas (Ms. JACKSON-LEE), the gentleman from Alabama (Mr. HILLIARD) and the gentleman from Georgia (Mr. LEWIS) talk about an event that happened 36 years ago. Unfortunately probably most Americans do not know what happened at the Edmund Pettus Bridge, but it was really, really important to a lot of people after it happened.

Mr. Speaker, it will not be long before you and I are not around, or any of us are around, and hardly anyone will remember any of us very long. But there is a saying that is engraved by Robert Kennedy's gravestone that I think is appropriate, and it is why we all work in public service and why at home we work for our families. It is not that there is any expectation that we are going to be famous or that we are going to be remembered for any period of time, it is just that if you toss that small pebble into the ocean, you will make a little splash, and it will create a little wave, and if enough other people do that, you will create a current, and a current adds to a current and collectively you can make a difference just like those men and women did 36 years ago that resulted in millions and millions of people getting the right to vote. I really appreciate the comments tonight that we have had from our colleagues.

We do not always agree. I do not agree that in Florida there was any evidence that any fraud took place. And so I would take issue with statements that were made tonight in that regard. But my plea to Mr. Lamb is that we are allowed to continue to have special orders broadcast. I think it is important. We can communicate with our colleagues back in the office buildings after hours, or sometimes even in their apartments here on Capitol Hill. We can communicate with constituents. And it gives us our only chance here in the House to talk about an issue in some depth without having to shout soundbites.

So tonight, Mr. Speaker, I want to talk about a couple of issues. Earlier today, the House dealt with the proposed new workplace regulations on repetitive-type injuries, or the ergonomics rule. When I was on the floor earlier today and wanted to speak on this, I was given 1½ minutes to talk

on this complex issue. So I looked at my speech and I tried to pare it down and sure enough I ran out of time right at the end. So I am going to speak a little bit about that, because it is an awfully important issue, to workers, to employers, and really to our economy.

Tomorrow we are going to be debating a tax cut bill. So today I went to the floor, here on the floor, I ran into the chairman of the Committee on Ways and Means, and I asked the gentleman from California (Mr. THOMAS) if I could have some time to speak on the tax cut. Well, he thought that maybe I could have a minute or two, but he had an awful lot of people on his own committee who wanted to speak. So tonight I am going to develop a little bit further my thoughts on a tax cut.

We have before us in Congress a very important issue on patient protection, and how people are treated by their HMOs. Goodness, Mr. Speaker, I can remember about 3 years ago now this coming to the floor and we had 1 hour of debate on each side, which meant that everyone who wanted to speak got about 1 minute or 2 minutes, so tonight I am going to spend a little bit of my time on that, too.

Mr. Speaker, I applaud yesterday's vote in the Senate on the proposed ergonomics rule in which 56 Senators to 44 voted that the proposed regulations were inappropriate and that we should do them again.

□ 2100

I applaud the House of Representatives in taking a similar position today.

Mr. Speaker, prior to coming to Congress, I was a reconstructive surgeon who treated a large number of patients with upper extremity musculoskeletal disorders, some of which were disease processes like carpal tunnel, cubital tunnel, tendonitis.

Mr. Speaker, I am not a spokesperson for these organizations; but I am the only Member of Congress who is a member of both national hand surgery societies, the American Society for Surgery of the Hand and the American Association of Hand Surgery; the only Member of Congress who has actually treated patients with ergonomic diseases. Like hand surgeons around the country, I share OSHA's concerns about the health and safety of workers and I am dedicated, as all hand surgeons are, to helping prevent and reduce workplace injuries.

Repetitive stress injury is poorly understood. The diagnosis is made far too commonly and the implications of that diagnosis are far-reaching for patients, employers, employees, and third party payers. Like OSHA, I and thousands of other hand surgeons recognize the need to pay close attention to musculoskeletal aches and pains and to appropriately diagnosis and treat musculoskeletal disease in a timely fashion. However, I believe that OSHA's new ergonomic rules are not founded on, "a substantial body of evidence." I agree

with the National Research Council that more study is important.

Mr. Speaker, we need a better understanding of the mechanisms that underlie the relationships between causal factors and outcomes. We need to clarify the relationships between symptoms, injury, injury reporting and disability on the one hand and work and individual and social factors on the other.

We need more information on the relationship between the degree of different mechanical stressors and the biological response in order to understand what is known as a dose response relationship, and then to define risk.

Mr. Speaker, we need to clarify the clinical course of musculoskeletal disorders.

Now, as someone who has treated a lot of patients with this problem, I can say that it is not always easy to distinguish various aches and pains from musculoskeletal disorders. Unfortunately, Mr. Speaker, the older we get the more often we all end up with aches and pains, but we do not all have ergonomics, ergonomic-type diseases or disorders.

It is paramount, Mr. Speaker, to the patient's welfare and future in the workforce to make the correct diagnosis. If a patient is told that he or she has a musculoskeletal disease, quote/unquote, it can actually encourage a disease mentality where one may not have existed before.

This regulation that the House tonight just rejected, in my opinion, could have actually harmed patients. For instance, OSHA describes "observable" physical signs that would constitute, quote, "a recordable musculoskeletal disease," unquote, that would have to be reported by the employer.

Now, some of those signs that OSHA talks about that the employer is supposed to look for are things like decreased grip strength or decreased range of motion. Mr. Speaker, all hand surgeons know that those types of tests can be very subjective. How does one know how hard somebody is trying to grip? How does one know if they are cooperating fully with a full range of motion? This is something, that according to these regulations, is supposed to be done by the employer.

I am troubled that in those regulations the truly objective type of findings, the things that can be reproduced without a patient's subjective input, things like atrophy, reflex changes, electrodiagnostic abnormalities and certain imaging findings, these were not the things that were required by the employers to report. The MSD symptoms in the rule do not require objective verification in order to be recordable. So, in my opinion, that places much too much responsibility on both the worker and on the employer to make a correct diagnosis.

This gets to be a problem because of this: Mr. Speaker, we know that in the

general population about 2 to 10 percent of the public can have bodily complaints as a manifestation of psychosocial disorders and, Mr. Speaker, in my opinion it is more common to see that in a group of patients when one is dealing with work-related musculoskeletal disorders, and especially when one is dealing with worker's compensation.

Dealing with these patients in order to help them continue to be productive members of society, for their own welfare, is a real art. It requires an optimistic approach. It requires reassurance. One needs to be very careful that they do not set in motion expectations by the patient that they may not be able to get back to work.

I am afraid that that proposed rule, which fortunately the House tonight decided to send back to the drawing board, would have instantly made millions of individuals eligible for extensive treatment with up to 6 months' paid time off, and I will guarantee, Mr. Speaker, that that regulation would not have helped those individuals in the long run.

So let me repeat, I share OSHA's concern about health and safety, and now that this rule is off the table here is what I think we should do: We should support a national research agenda on work-related injuries, especially repetitive stress-type injuries. We should collect the necessary scientific data. We should then incrementally implement standards. We should test-control on-the-job pilot programs of the proposed new rule's various parts, instead of just jumping into a stack of regulations that high.

Mr. Speaker, we need to be very careful in the development of the diagnostic criteria and the clinical guidelines for employers, workers and health care professionals in the evaluation and management of musculoskeletal diseases in the workplace.

So because of the action both the House and the Senate have taken and on the assumption that President Bush will sign what we did today, we are going back to the drawing board. We have had assurances from the new Secretary of Labor that she wants to work on this. I think it is very important that when new regulations come back to us that they are done right.

TAX CUTS FOR ALL IS THE FAIR THING TO DO

Mr. GANSKE. Mr. Speaker, tomorrow we are going to have a vigorous debate on the floor on a tax cut, and I am going to vote for that tax cut. We should cut taxes because we are collecting surplus taxes, because the Tax Code should be more fair, and maybe, Mr. Speaker, most urgently because the economy would benefit from a responsible tax stimulus.

Mr. Speaker, I think it is very important that we act expeditiously. Just last week Federal Reserve Chairman Greenspan reiterated his support for

using the increasing tax surplus for tax relief. In testimony before the House Committee on the Budget, Mr. Greenspan noted that a surplus of this size allows the government to significantly cut the Federal debt while providing tax relief. Greenspan testified that the economy is slowing down. According to the Bureau of Economic Analysis, real gross domestic product has slowed from 8.3 percent in the fourth quarter of 1999 to only 1.4 percent in the fourth quarter of the year 2000, last year.

The Consumer Confidence Index has fallen 5 consecutive months. Unemployment increased by 300,000 in January. Manufacturing has experienced a severe downturn with 65,000 job losses in January, with the biggest loss in the auto industry. In December 2000, there were 2,677 mass lay-off actions, quote/unquote, the highest since the Labor Department started collecting that data in 1995.

Mr. Speaker, according to the Congressional Budget Office we have a \$5.6 trillion tax surplus. Of this, \$2.6 trillion lies in the Social Security trust fund and is off-limits. Another \$400 billion is off-limits in the Medicare budget. So the usable surplus is about \$2.6 trillion.

The tax relief bill before the House of Representatives tomorrow would provide tax savings to taxpayers of \$958 billion over 10 years. It provides immediate tax relief by reducing the current 15 percent tax rate on the first \$12,000 of taxable income for couples, \$6,000 for singles. The new 12 percent rate would apply retroactively to the beginning of 2001 and would also be the rate for 2002. The rate would then be reduced further to 11 percent in 2003 and 10 percent in 2006.

The reduction in the 15 percent tax bracket alone provides a tax reduction of \$360 for average couples in 2001, this year, or \$180 for singles, and it increases to \$600 for couples in 2006. The House bill reduces and consolidates rate brackets. By 2006, the present law structure of five rates, which is 15 percent, 28 percent, 31 percent, 36 percent and 39.6 percent, would be reduced to four rates of 10 percent, 15 percent, 25 percent and 33 percent. I believe that that is a more fair Tax Code.

Currently, the top income tax rate, 39.6 percent, is 2.64 times larger than the bottom rate, at 15 percent. Under our bill, which we will be debating tomorrow, the top income rate, 33 percent, would be 3.3 times the bottom rate. So proportionately it would be bigger than what we are currently dealing with.

Some have argued that we cannot afford a tax cut and say that it would unfairly provide the greatest benefit to high-income taxpayers. Mr. Speaker, that is just not the case. The rate reductions and the marriage penalty relief portions of the Bush plan would, according to the Joint Committee on Taxation, show that the wealthiest 1 percent of taxpayers who are currently paying 31.5 percent of income taxes

would receive 22 percent of the total reductions called for.

Those earning more than \$80,000 per year, or the top 10 percent, who pay 64 percent of income taxes would get 47 percent of this tax cut.

□ 2115

But lower- to middle-income earners would get a proportionately larger tax cut. Those making \$50,000 to \$75,000 per year who are currently paying 12.6 percent of income taxes would get 17 percent of the benefit, and those earning \$30,000 to \$50,000 per year who are currently paying 7 percent of income taxes would receive 12 percent of the tax cut we are going to vote on tomorrow.

Now, Mr. Speaker, I also support marriage tax relief and death tax relief, but the House is dealing with the rate reductions first because the economic effects of rate reductions would be felt sooner. It may not be that people are going to get tomorrow some additional money in their pocket, but they know it will not be too soon and they will factor that in to economic decisions that they are making now. I think that with the current economic slowdown, which is why the Federal Reserve has lowered interest rates twice in the month of January, and is why most Fed-watchers believe that interest rates will be lowered sooner, that our economy needs that stimulus. However, it is beyond the power of the Federal Reserve to lower taxes, and that is why Fed Chairman Alan Greenspan has made an appeal to Congress to lower taxes.

Mr. Speaker, I think it is very important to give the economy a boost now in order to try to avoid a further economic downturn. That is why the rate reductions in the lower brackets are accelerated and would be retroactive in the tax relief bill that the House is going to vote on tomorrow. That tax relief bill that we are going to vote on tomorrow is the responsible thing to do. In my opinion, those who vote "no" on that bill tomorrow will be the risk-takers.

CURRENT STATUS ON PATIENTS' BILL OF RIGHTS

Mr. GANSKE. Mr. Speaker, let me speak for just a little bit about the Patients' Bill of Rights and where we are.

This continues to be a problem that is affecting millions of people, literally every day, the problem about being treated fairly by their HMOs. I want to point out that some HMOs are being fair to their patients, but it is also fair to say that some are not. This cuts across all brackets, all groups of people, Republicans, Democrats, men, women. Just about every day, somebody comes up to me and tells me a story about the kind of problems they have had. Just a few days ago, a woman in Des Moines, Iowa, came up to me nearly in tears. She has had breast cancer. She has gone through chemotherapy. She needs a test that her doctor recommended, but her HMO refused. She has been, as she said, on an emotional roller coaster trying to get