

Mr. Speaker, I have introduced legislation that will provide employee control over their assets of their pension plans once they are vested. It is important that this happen. As we see again today with the Kmart employees, had they had control over their plans, if they were not required to pay a penalty, they could have exercised the independent judgment that so many people say retirees must be able to exercise. One of the reasons we say we want Americans to have 401(k) plans, the supporters do, as opposed to Social Security, is they can exercise their judgment. But if these plans are prohibited, if pension plans are out of the control of workers, and they have no way of knowing what is happening within the corporation, then they really do not have the exercise of power over the assets that have been put away for them.

In the situation of Enron, not only do we have a corporation engaging in fraud and inside dealing, but the entity that was supposed to certify it to employees and other investors was engaging in the same fraud, the deceptions and the criminal behavior, I believe. So where does the employee go? Yet those employees were trapped in that pension system.

The same is true in Kmart. Kmart looks more like a classic bankruptcy case. They made a series of bad business judgments, lost market share, their competitors outfoxed them, and now they are having trouble and seeking protection of the bankruptcy courts. Yet they locked their employees in, or at least locked them in where the employee would have to consider, because once the employee in Kmart exercised their judgment to sell the stock that was contributed by the employer, they would pay a very hefty penalty, and then they would be prohibited from having any further contributions by the employer. That is not a system which puts value on the ability of the employee in a vested plan to make these decisions.

Mr. Speaker, it is also reported today that Sears requires their employees to hold on to their stock, although apparently not 100 percent of the stock, but to hold on to the stock. We see now that they are impacted in the same way in terms of their ability. What we are talking about here is the ability of individuals to rescue their retirement. As we saw in Enron, we have seen families and individuals and couples who have had their retirement destroyed by the criminal behavior of Enron and Arthur Andersen. They should not have that retirement destroyed by the bad business decisions of Kmart when they are in a vested plan.

Mr. Speaker, I urge support of our legislation to make sure that Americans have control over their pension plans and they cannot be locked down by their employer.

#### RATHER BE CALLED CHICKEN THAN MORON

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

Mr. FOLEY. Mr. Speaker, I want to start off the second session of the 107th Congress on a positive note, and take a moment to remind those listening when anthrax first hit our Capitol, there was a decision made by the gentleman from Illinois (Mr. HASTERT), the Speaker, in conjunction with the gentleman from Missouri (Mr. GEPHARDT), the minority leader, to move our employees out and close the House for a couple of days to see the difficulty that we faced and the problems with anthrax spores in the Capitol. I commend both gentlemen because they were concerned about the safety of the employees and the health and welfare of the people in their charge.

The headlines screamed chicken, and blamed the Speaker of the House for Congress abandoning our responsibilities. I call attention to today's headlines in USA Today, "Anthrax at Senate offices deadlier than first thought." My colleagues may remember that in the other Chamber there was bravado saying we are going to stay and work. We cannot believe the House Members would leave and run for cover. Let me repeat the headline. "Anthrax at Senate offices deadlier than first thought."

Mr. Speaker, let me read from the same paper. Greg Martin, Bethesda Naval Hospital, took samples from Congressional aides and used them to grow cultures in the lab. He is a medical professional working for the U.S. Government.

The words "weaponized" and "highly concentrated spores" were still days away from making their way into the headlines. But Greg Martin, a physician in the hospital's medical corps, became so alarmed that morning that he asked for beds to be reserved at Bethesda. He was expecting staffers to become ill from their exposure to anthrax.

Let me read more on why the gentleman from Illinois (Mr. HASTERT) was so concerned for the employees of the Federal Government, the children of American families who work in our Nation's Capitol.

Nasal swabs from the Daschle aides had been incubating overnight in the laboratory. Not enough hours had passed by usual research standards for cultures to grow. Martin did not expect to see anything out of the ordinary, but he was shocked. "I was horrified to see there was heavy growth on numerous plates. That is when it all hit home that we had an extensive exposure."

Mr. Speaker, the House made the right decision, and I said days later I would rather be called a chicken than a moron for staying and leaving the citizens of this Capitol city exposed to deadly bacteria until we were able to find out whether it was in our offices.

Let me take a moment, though, to commend the senior Senator from Massachusetts for saying to the Press Club, I want to raise taxes. He said what was

on the mind of many Democrats, but they were afraid to utter. They went on national talk shows and said, We think the President needs to figure out a solution for the recession. We think the President brought us to a recession, blaming the chief executive of this country for the recession but not offering their own solutions. But the Senator said it clearly. Let us raise taxes. Let us reverse the tax cuts, the same thing. Everyone now agrees.

Mr. Speaker, I have to commend him for his courage. I have to commend him for saying it like it is on the record, for people to compare and contrast the political parties and what their intents are for the future of this debate. American families are struggling. Businesses are struggling. People are frightened. Consumer confidence is down. The last thing we should do is raise taxes in a recession.

John Fitzgerald Kennedy in 1961 decided when the recession looked bleak and our economy was teetering, he boldly suggested tax cuts, remarkably successful in those years. Today, a relative suggests that is not such a smart economic principle. That is great reflection.

I will stick with our course any day of the week. As a member of the Committee on Ways and Means, I salute the gentleman from California (Mr. THOMAS) for addressing the economic needs of this country. We can throw fear into the hearts of citizens and make them scared with talk of gloom and doom. I hope one party stands on this high hill above the city and suggests a way for Americans to have confidence in their country, which we have displayed in our war against terrorism, and give this President the same kind of confidence and backing that he will need to bring us to an economic certainty, to bring us to a time when people feel good about the direction of this country.

#### ENRON/ANDERSEN SCANDAL

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

Mr. DOGGETT. Mr. Speaker, I hope that we can begin this session of Congress in a spirit of cooperation by tackling some of the very serious domestic problems that face our country. I believe that we can learn from the repeated failures of last year when this Congress was unable to resolve with so many important issues, and from the several unproductive congressional sessions over the last several years. We can also learn from a rare and significant bipartisan success, namely was the completion of action on the new education law, just before the holidays, where members of both parties working together, developed a bill that offers great promise for improving the quality of American public education.

One of the issues which we should devote our energies now, and we should

work together to resolve, are those concerns, such as the use of tax shelters, brought to greater public attention through the Enron/Andersen scandal. Certainly, we should be concerned when we look at the Enron/Andersen scandal with the lawless conduct that allegedly occurred, and there are prosecutors exploring that as I speak. But we here in the Congress need to be equally concerned about conduct by Andersen, Enron, and others that may be lawful but is simply awful in its impact on America.

The Enron/Andersen scandal certainly demonstrates the error of many who have spoken in this House and who have insisted that a tax cut deregulation elixir is the cure for every ill afflicting America. Certainly Enron got plenty of that elixir. In recent years, they did not bother paying any income taxes whatsoever to support our great country. Rather in reviewing the conduct of Enron and Andersen, we learn much that appears to have been lawful but was awful in its impact on our country.

This scandal is about more than dealing with a lack of oversight, it turns on the deliberate decisions of some policymakers in Washington to overlook loopholes, shortcuts, back doors, exemptions and exceptions that riddle our laws, providing special protection and special opportunities to special interests that lobby here in Washington—to the detriment of blameless employees at Enron, Andersen and other companies, of retirees, of investors, and of those many taxpayers, who work hard to contribute their fair share to our country.

The Enron/Andersen scandal makes the case for long overdue reforms in many areas. One of those is the Abusive Tax Shelter Shutdown Act, which I have been urging Congress over three years to adopt. Too often major corporations use gimmicks similar to these offshore subsidiaries that Enron created as a scheme to avoid paying their fair share of taxes. This tax shelter legislation, which we voted on here on the House floor, suffered the consistent objection of companies like Andersen, who peddle their tax shelters to more than just Enron. There are plenty of other companies engaged in the same general type of abusive tax shelters that aided Enron.

Second, the debate demonstrates the need to reform our campaign finance laws. There is so much focus in the press on what people are doing with their campaign checks from Enron. The attention ought to be on whether anything meaningful will be done to reform the campaign finance system for all contributions. We are now two or three signatures away from a discharge petition forcing the Speaker to bring this issue to the floor for full and fair debate. We ought not to have to force him, this ought to be the first item up for consideration next week in this House.

A third area where prompt reform is definitely required is with reference to

retirement security. These blameless folks who lost their retirement savings in their 401(k) plan as a result of being locked in to relying on company stock by Enron management presents a problem that working together we can act on now before others suffer the same fate.

I hope that the leadership of this House and the Administration, both of whom have blocked reforms on campaign finance and abusive tax shelters, that they have learned from this outrageous, still unfolding scandal with Enron and with Andersen. If we approach these problems together learning from the mistakes of some, we can produce good legislation, do it, quickly but carefully, and thereby ensuring that no more similar scandals afflict American families.

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#### QUESTIONING CREDIBILITY OF FEDERAL STUDIES

The SPEAKER pro tempore (Mr. ISSA). 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 am anxious to be back here with my colleagues. There are a number of different issues that we face in this upcoming year.

One of the issues that I want to talk about this afternoon, and I am going to talk about a number of different things, but one of the things that is very important to me is the credibility of Federal studies. I want to give all of my colleagues on both sides of the aisle a very sad example of evidence that has been planted, planted evidence, just like in a criminal case where a police officer goes into the home of a suspect and plants a bag of marijuana. It is an effort to lie. That is what it is. It is lying about the evidence. That is exactly what has happened.

On a Federal study that was recently undertaken on three separate occasions, we had Federal employees who planted evidence in an effort to alter the result of a study involving an endangered species, the lynx. Let me go into a little more detail on the facts and let my colleagues determine for themselves, is this the way that we ought to run a so-called unbiased, fair study? And you ask the question and you answer the question: Should biologists, who have an agenda, go in and be involved and be allowed to make the decisions or be the ones who handle the evidence when they have obviously a biased agenda as to how that study ought to turn out?

The facts are this. In this country we undertook years ago the Endangered Species Act. It is an important act. It does a lot of important things. But as any act that has been enacted into law, there is always somebody who finds abuse, and there are always serious

questions and questions as to whether or not what the intentions of that act really were. Under the Endangered Species Act, we look out there for species, whose species are threatened or they are endangered. As we see those species, we go out and do studies. Or if we think species exist, we go out and we do studies to protect their habitat, to protect the area in which they live; we have actually seen one or two successful programs out of the Endangered Species Act; for example, the bald eagle. The bald eagle, that species and the preservation of that species, was approached with credible science.

Science is an important part of the preservation of these species. The science that is put forward must be credible. It has got to be truthful. You lose credibility regardless on which side of the aisle you are on, regardless of which side of the issue you are on, you lose credibility if you plant evidence. You lose credibility if you lie. You cannot do that. You have got to be truthful. Regardless of what those results of that study come out to be, you must be truthful.

Here is what happened. We had seven people involved. Several of those people were employees of the Federal Government. They were scientists. They were biologists. They were professionals. As chairman of the Subcommittee on Forests and Forest Health, which oversees the responsibility of this and answers to the full Committee on Resources, as chairman of that committee, we depend very heavily upon the assessment and the findings of these biologists. These people are hired as professionals. These people are hired with academic credentials.

Unfortunately, in this case we had some biologists who had a different agenda. We had some scientists who had a different agenda. We had some wildlife State employees who had a different agenda. They were so driven by their agenda that they felt it was necessary to plant evidence. What evidence did they plant? One of the endangered species which we are looking very carefully at, we are determining whether it should be listed as endangered and what areas it should be listed as endangered, is the lynx. It looks very much like your household cat, bigger, more like a bobcat. In fact, the species is related to the bobcat, the lynx and the bobcat.

What happened was these scientists and these biologists, these are your employees, they work for us, for the Federal Government. They work for the people of this Nation. They do our work, to go out and determine what are the facts—just the facts, ma'am—what are the facts. These biologists were assigned to undertake a lynx study in two forests to determine whether or not there was any kind of proof of the habitat of lynx in these particular areas. This is very controversial, because if lynx were found to exist in these areas, very severe conditions are placed upon these forests.