

The primary objective that the President and those of us who served on the Committee on Education and the Workforce and who have headed up the task force for the Democrats on this side, the gentleman from North Carolina (Mr. ETHERIDGE), who will be speaking very shortly, the gentleman from Indiana (Mr. ROEMER), the three of us have served as task force co-chairs. We were primarily concerned about the needs of our school districts. We want to make sure that the funds that are allocated go directly to the schools.

The irony is that we have had legislation come before this body called Dollars to the Classroom, because there is an intended assumption by the Republican majority that monies ought to go directly to the classroom.

If that is their policy and their thinking, why do they not earmark the monies that are being allocated for the 100,000 new teachers directly for that purpose? Instead, they are putting it into Title VI, which has, by inference and by some specific language, a flow-through to the States, where the States are permitted to retain 15 percent of the funding for administrative purposes. And there is a long list of ways in which the monies that flow into Title VI can be spent, not one of them specifically having to do with hiring teachers and lowering classroom size.

If one is not convinced that the public schools in our country are in need of additional schoolteachers and construction funds to replenish and rebuild their schools, I suggest that the Members look through the mail that they have been receiving this week.

There is one particular one, in a whole batch of things on education, from the American Association of University Women. They point out an alarming statistic which I think has probably floated around many times before, but has not quite been absorbed.

What they say in the second paragraph of their letter is that by the year 2006, enrollment in our public schools is expected to reach 54.6 million, surpassing the number of students in the baby boom years, where the number reached 51.7 million.

We have all talked about this terrible thing about the baby boom crisis and how that is going to impinge upon social security, and we are working to try to meet the crisis that this very large population that came on board in the fifties makes. No one is paying attention to the fact that we have right now in our system an impending burgeoning number of students.

So if we do not meet this challenge right now by providing the incentive for school construction and the hiring of teachers, we are never going to solve the problem of a classroom ratio that can meet the needs of independent special treatment for the students who need that kind of instruction.

The whole fallacy that has been presented by the majority in debating Dol-

lars to the Classroom has to be pointed out. They talk about directing 95 percent of the funding to the classroom. Yet, in the proposals that are floating around for the utilization of the additional monies in education, they are putting it into a block grant provision, Title VI, which has a 15 percent reservation to the States. So the classrooms across the country, if they get any for teachers, will be only at 85 percent, way below what the majority has been talking about.

So it seems to me we ought to get beyond the rhetoric, follow the policy, put the dollars in the classroom, and enhance the teachers by giving their school districts the additional monies for the 100,000 teachers.

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

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

EXCHANGE OF SPECIAL ORDER TIME

Mr. BARTON of Texas. Mr. Speaker, I ask unanimous consent to take the special order time of the gentleman from New York (Mr. PAXON).

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

There was no objection.

PORTALS INVESTIGATION AND POSSIBLE REFERRALS TO JUSTICE DEPARTMENT

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

Mr. BARTON of Texas. Mr. Speaker, the Subcommittee on Oversight and Investigations of the Committee on Commerce has held 7 hearings since August this year into the circumstances surrounding the planned relocation of the Federal Communications Commission to the Portals, a privately owned and financed office complex in Southwest Washington, D.C. in which Mr. Franklin L. Haney is a partner.

In particular, hearings have focused on the questionable fee arrangements Mr. Franklin L. Haney had with several top Washington lawyers/lobbyists, including Peter Knight, a former top Senate aide to Vice President Gore and manager of the Clinton-Gore reelection campaign; James Sasser, a former U.S. Senator from Tennessee, the current United States Ambassador to China; and Mr. John Wagster, a former subcommittee staff director for then Senator Sasser.

At this time the Subcommittee on Oversight and Investigations does not plan to hold any further hearings, but I do believe that the evidence developed to date warrants specific referrals

to the Department of Justice for investigation as to whether Mr. Franklin L. Haney, Mr. Peter Knight, Mr. James Sasser, and Mr. John Wagster might have committed one or more illegalities in connection with the Portals matter, the committee's investigation thereof, and other related matters, such as the extension of the Franklin L. Haney lease with the Tennessee Valley Authority.

The Department of Justice campaign finance task force currently is investigating some aspects of the Portals matter, but it is unclear whether the Department is focusing on some of the legal questions that our investigation has raised.

In addition, there is substantial reason to believe that in attempting to conceal the true nature of their fee arrangement, some of the individuals that I have mentioned may have lied under oath or otherwise made false or deceptive statements to the Subcommittee on Oversight and Investigations of the Committee on Commerce, which in and of themselves constitute crimes worthy of referral for further investigation.

In consultation with the full committee chairman, the gentleman from Virginia (Mr. TOM BLILEY) of the Committee on Commerce, I have directed majority committee counsel to prepare expeditiously a report setting forth findings on this matter, and the grounds for specific referrals to the Justice Department, which will be shared with all members of the subcommittee in order to solicit their views.

However, based on a preliminary assessment of the evidence gathered so far and the potentially applicable laws that may have been violated, I believe the subcommittee's investigation has raised the following legal questions: Whether Mr. Franklin L. Haney may have violated 41 U.S. code section 254(a) by retaining Mr. Peter Knight, Mr. James Sasser, and Mr. John Wagster on a contingency fee basis with respect to the Portals and or TVA leases; number 2, whether in violation of the False Statements Act, 18 USC 1001, and the False Claims Act, 31 U.S. Code, Section 3729, Mr. Franklin L. Haney may have caused a false certification of claim to be filed with the government asserting that he had not hired or retained anyone on a contingency fee basis with respect to the Portals and the TVA leases.

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Whether, in violation of the Federal Conspiracy Statute, (18 U.S. Code, Section 371) Mr. Peter Knight, Mr. James Sasser or Mr. John Wagster may have conspired with Mr. Franklin L. Haney in the making of these false certifications, or in an effort to defraud the United States Government by impairing, obstructing, or defeating the lawful function of a department or government agency.

Whether, in violation of the False Statements Act (18 U.S. Code 1001) and the Federal Perjury Statute (18 U.S. Code 1621) Mr. Franklin Haney, Mr. Peter Knight or Mr. James Sasser may have made false or deceptive statements or lied under oath before the Subcommittee on Oversight of the Committee on Commerce with respect to the nature of their fee arrangements on the Portals or and/or TVA leases; and

Whether Mr. Sasser may have violated 18 U.S. Code 203(a) by agreeing to and receiving compensation while a U.S. official for the representational services of another before a government agency with respect to a matter directly involving the Federal Government.

I also believe that the Department of Justice and the General Services Administration should take immediate steps to recover the \$2.5 million in fees paid by Mr. Franklin Haney to Mr. Peter Knight, Mr. James Sasser and Mr. John Wagster on the Portals as authorized by statute, and the more than \$17 million paid out to the Portals partnership for rent on a vacant building due to the fixed rent start date that Mr. Frank L. Haney and his representatives secured to facilitate his financing of the Portals.

The subcommittee's investigation into the Portals has been a difficult one, mainly due to the unprecedented lack of voluntary cooperation and the deliberate efforts at obstruction by Mr. Franklin L. Haney and his associates, virtually all of whom refused to be interviewed by committee staff or provide documents voluntarily. Mr. Franklin L. Haney's refusal to produce subpoenaed materials ultimately led to the Subcommittee on Oversight and Investigation of the Committee on Commerce and the full Committee on Commerce to hold him in contempt of Congress. A report detailing those proceedings against Mr. Franklin L. Haney recently was filed by the House by the chairman of the Committee on Commerce, the gentleman from Virginia (Mr. THOMAS BLILEY).

It is also my hope that the House will use this case to make much-needed changes to its rules governing investigations, including expediting enforcement of subpoenas and permitting subpoenas to be issued for staff depositions of witnesses who refuse to be interviewed voluntarily. These steps, among others, will permit the investigative subcommittees to do their important job in a more efficient, timely fashion in the future.

CHANGE IN ORDER OF TAKING SPECIAL ORDER

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

Mr. FRANK of Massachusetts. Mr. Speaker, I ask unanimous consent to substitute for the gentleman from Indiana (Mr. ROEMER).

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

There was no objection.

CONGRESS SHOULD ALLOW EDUCATORS TO DEAL WITH PREJUDICE AND BROADEN DEFINITION OF HATE CRIMES TO INCLUDE SEXUAL ORIENTATION

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

Mr. FRANK of Massachusetts. Mr. Speaker, earlier this week, a very decent young man was brutally murdered by two savages. And I am particularly struck, Mr. Speaker, because given the reasons that those two deformed individuals, mentally and morally deformed, murdered that individual, it could have been me. Had I, alone and unarmed, confronted these two thugs, I could have been subjected to the same brutalization that Mr. Shepard was in Wyoming, because his crime was to be a gay man.

Something in the culture in which these two young men who murdered him grew up led them, without an ounce of humanity, without a scrap of decency, to set upon this young man with a weapon, beat him to death, and leave him not quite dead, but at the point of death, alone, and in a way, that added further to his torment.

Mr. Speaker, I am encouraged by the number of people who have spoken out against this savagery. I am optimistic, having spoken with leaders here on both sides in the House, that we will take an important step and add to the Federal hate crimes legislation a provision that would say that if a young man who happens to be gay, as I happen to be gay, were to be set upon by thugs in the future who are so consumed with prejudice as to lose any shred of their humanity and kill him, that in appropriate circumstances, if the Attorney General found that certain very stringent requirements were met, and if a Federal presence was necessary, the Federal presence could be there. So, I hope we will add this to the legislation.

But we need to go beyond that. I do not argue, Mr. Speaker, that those who have been critical of various proposals that gay and lesbian people have put forward are guilty of murder or even of creating the climate. But this savage murder does call us to the need to improve what we as a society do to protect other young Mr. Shepherds from this kind of brutality in the future.

In particular, we have debated on the floor of this House measures whereby Members of this House have sought to penalize schools, secondary schools, because they would set up programs to do two things. First of all, to offer protection to the 15- and 16-year-old Shepherds, to the young gay men and young lesbians who find themselves tormented and abused and sometimes physically assaulted in school.

Some of these schools would also try to teach young people in their teens that brutalizing people because they do not like their sexual orientation is not acceptable human behavior. And we have had people in this House try to stop that, try to penalize it.

I hope that one of the things that will come out of this terrible, terrible murder will be a cessation of those trying to prevent schools from trying in turn to prevent this. It is not random that the terrible murder was committed and it is shocking that a 21-year-old and a 22-year-old, that they could be so bestial in their attitude towards a fellow human being. These are people not long out of high school themselves.

Mr. Speaker, this underlies the importance of allowing educators to deal with prejudice. We talk about teaching values. But when some talk about teaching the value of tolerance, when some talk about condemning violence based on someone's basic characteristics, we are told we cannot do that. We have been told that we cannot let a school teach acceptance of the gay lifestyle.

Mr. Speaker, think about that. What does nonacceptance mean? If acceptance is interpreted to mean approval, I and others do not care. There are bigots in this world whose approval holds no charms for me. But when nonacceptance means not accepting someone's right to live, we have a serious problem.

If the two murderers who so brutally beat Mr. Shepard to death and left him in this situation to ultimately to die, if they had been in a school system where people had taught that gay men and lesbians were human beings with a right to live, maybe this would not have happened. Maybe teaching people to accept differences, not in the sense of becoming their advocates or becoming their supporters, but in refraining from this sort of assault would be a good thing.

And so we will return to this. I hope we will, in the piece of legislation that is about to wrap up, adopt the hate crimes statute. But I hope also, Mr. Speaker, and I appreciate the Chair's indulgence for 10 seconds, I hope we will no longer see in this House efforts to harass educators and penalize educators who understand the importance of trying to remove from young people's attitudes the kind of hatefulness that led to this murder.

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

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

EXCHANGE OF SPECIAL ORDER TIME

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, I ask unanimous consent