

HOUSE OF REPRESENTATIVES—Thursday, February 26, 1998

The House met at 10:00 a.m. and was called to order by the Speaker pro tempore (Mr. COLLINS).

DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
February 26, 1998.

I hereby designate the Honorable MAC COLLINS to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

With gratefulness and praise, with high hopes and anticipation, with a sense of thankfulness and with hearts of appreciation, we welcome this new day of grace. Of all Your blessings, O God, that fill the hours and nurture us until our last time, we pray for knowledge to understand our tasks and wisdom to choose the harder right instead of the easier wrong. May Your peace, gracious God, fill our hearts and souls with comfort and commitment that we may serve people in justice and in righteousness. This is our earnest prayer. 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 Illinois (Mr. RUSH) come forward and lead the House in the Pledge of Allegiance.

Mr. RUSH 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.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair announces there will be 15 one-minute speeches from each side.

WAKE UP CALL ON EDUCATION

(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, in the most recent international education survey conducted on U.S. high school seniors, U.S. ranks near the bottom in math and science. The math category alone, our students ranked 21st out of 23 countries.

My purpose this morning is not to shame the American youth nor blame our hard working teachers in this country, but rather to give a wake-up call to my colleagues.

For too long our liberal, but well-intended, colleagues have squandered billions of Federal education dollars on national testing and bloated Washington bureaucracy. It is high time they stop wasting money and start directing more money and more control to our parents, teachers, and communities.

Let us face it, parents and teachers are the people who know our kids the best. I have a 10-year-old son in Nevada's public school system. I would much rather have the parents and teachers and school officials in Reno, Nevada, decide what is best for my son's education rather than some know-it-all Washington bureaucrat.

Please, for the sake of our children, let us get America's education system on track by keeping big government out of our school systems.

STOP BLOCKING COMMON-SENSE MANAGED CARE REFORM

(Ms. DELAURO asked and was given permission to address the House for 1 minute.)

Ms. DELAURO. Mr. Speaker, the Speaker says this body will not vote on common-sense managed care reform until we have a "vision discussion."

I have a vision for the Speaker. Envision this: Janet Drouin, 32-year-old woman from Stafford Springs, Connecticut. Janet was diagnosed with breast cancer and underwent a mastectomy and lymph node dissection. She was kicked out of the hospital only 36 hours after the surgery, in incredible pain, and with drainage tubes protruding through her chest.

Janet had two toddlers at the time. She was unable to take care of her children herself. She could not go to the bathroom by herself. She could not even get out of bed. The Speaker and the Republican leadership are clearly

more worried about collecting the campaign checks from the health insurance industry than protecting the health and the well-being of people like Janet Drouin.

I urge the Republican leadership, stop blocking commonsense managed care reform. Schedule a vote today.

A TAX CUT FOR AMERICA'S CONSUMERS

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

Mr. DELAY. Mr. Speaker, I rise today to urge the Congress to pass legislation that would give the average American consumer a 30 percent tax cut. We can do this without breaking the caps, without finding offsets, and without spending the surplus. We can do this without even going to a flat tax or consumption tax. We can do this by breaking up the electricity monopoly.

The time has come to allow greater competition in the electricity industry. Giving consumers the power, the power to choose their electric company, will lead to a more efficient and cheaper electric industry. When we deregulated trucking and the airline industry and the telephone monopoly, the average savings to the American consumer was 30 percent. We can do the same with the electricity industry.

Let us give America's consumers the power to choose, and let us do it this year.

WOMEN FORCIBLY STERILIZED

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

Mr. PITTS. Mr. Speaker, I rise today to share a tragic story of an outrageous misuse of U.S. taxpayer dollars believed to go to foreign aid.

Recently a government campaign in the country of Peru revealed how USAID taxpayer dollars have been used over the past 2 years. What were these dollars used for, you ask: Community buildup, economic development, money to buy clean, sanitary medical conditions? No. Our taxpayer dollars have been put to use under the USAID banner for forced, mandatory, and coerced sterilization of poor Peruvian women.

Have these women chosen such paths for their reproductive futures? Have they been able to discuss options with their families and husbands? No. Without notification and without consent,

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

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

U.S.-funded operatives perform these sterilizations in filthy, primitive conditions just to meet a mandated quota.

Women have been degraded. Indeed, women have died because of this policy in the name of population control, and under the guise of family planning America has exported horror to women abroad.

Mr. Speaker, Congress should end taxpayer funding of such atrocities, once and for all.

TRIBUTE TO THE LIFE OF MARK ZALKIN

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

Mr. RUSH. Mr. Speaker, today I rise to pay tribute to the life, work, soul, and spirit of a dear friend, Mark Zalkin. Mark's life was tragically cut short on Monday as he passed at the age of 49 due to complications from multiple sclerosis.

During the seventies Mark's vision for justice translated into him building and leading the 46th Ward Community Service Center, and later the Uptown Community Service Center. He worked tirelessly to create services to Chicago's uptown neighborhood.

One of Mark's unique qualities was his steadfast belief in the wisdom and power of people. As editor of *Keep Strong Magazine* and *All Chicago City News*, and as press strategist for the late Harold Washington, the mayor of the city of Chicago, Mark always went first to people for information and to find out what was really happening. The disabled coal miner fighting for black lung benefits or the family displaced by suspected arson for profit, these were the people who Mark went to for information.

When Mark was stricken with MS, he faced life with the same quiet strength and determination he radiated all his life. My prayers go out to Mark's family, and especially to his son Brendan, who carries on his tradition and legacy as editor of Chicago's *Streetwise* newspaper.

TAX CUTS AND DEBT RELIEF, THE BEST CHOICES FOR USE OF THE BUDGET SURPLUS

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

Mr. BARTLETT of Maryland. Mr. Speaker, after nearly three decades of Washington living beyond its means, the Federal budget is projected to have a surplus next year of several billions of dollars.

So Congress has a choice. Actually, we have three choices. We can spend the surplus, we can use the surplus to start paying down the debt, or we can

continue with the tax relief started last year. Guess what the liberals want to do with the surplus? You got it, they want to spend it. They want to increase the size and power of the Federal Government.

I think that is about the last thing that Washington should do with the surplus. The way I look at it, if Congress uses the surplus for tax relief, that would be great. If the surplus goes towards reducing the debt, that would be great, too. Both would represent a radical change from the way Congress has been operating in recent decades, when the other side was in the majority.

Maybe we should take tax cuts and debt relief and go 50/50. The Americans want a debate on this. They do not want us to spend the money.

REFORM THE IRS

(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, unbelievable, the IRS admits it is wrong and vows to fix it. That is right, they said no more taking of property by individual agents, only district directors of the IRS can seize your property.

How nice of those computer bullies. Think about it. Instead of getting shafted by a little guy at the IRS, you will now get shafted by a big shot at the IRS. Beam me up.

I say it is time to tell the IRS to seize this, my bill, that requires judicial consent before those backstabbing, bric-a-bracken, Constitution-bending thieves destroy any more lives in our country, and that bill should be added to the conference report of the reform bill for the IRS.

IN SUPPORT OF SELF-DETERMINATION FOR PUERTO RICO

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

Mr. ROMERO-BARCELÓ. Mr. Speaker, I rise in support of H.R. 856, a bill that provides the process of self-determination for Puerto Rico. Since we are talking about U.S. citizens, why should this bill be necessary? This bill is essential in order to validate American democratic values. It is essential because the 3,800,000 U.S. citizens of Puerto Rico have been disenfranchised and this Congress has a moral obligation to address this inequity.

In Puerto Rico, we cannot vote to elect the President of our Nation, nor do we have any voting representation in the House or the Senate. We have no control over political decisions affecting our daily lives. We cannot vote as citizens, but we are called upon to fight and die for our country as soldiers.

The U.S. citizens of Puerto Rico have been partners in war with our fellow citizens, having fought hand in hand to defend American values and democratic ideals throughout the world in every armed conflict since 1917.

Puerto Ricans have earned with their blood the right to self-determination. As the United States preaches to the world on human rights and democracy, it has forgotten 3.8 million of its own citizens.

Mr. Speaker, I call on my colleagues to support H.R. 856. It is our moral obligation and responsibility. Let the U.S. citizens of Puerto Rico choose whether they want to be independent, stay as they are, or become a State. Vote in support of H.R. 856.

IRS REFORM

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

Mr. WELDON of Florida. Mr. Speaker, Americans who take an increasingly cynical view of politics and politicians often claim that "politicians are all the same," and those who do not vote justify their passivity saying "it does not matter."

I respectfully disagree. Consider the proposals to reform the IRS. The Democratic Party controlled Congress for a period of 40 years, ending in 1995. They had countless opportunities to do something about a government agency that clearly had major problems, problems which offended the American ideals of due process, of innocence until proven guilty, and basic fairness before the law.

When we have a country in which honest citizens fear a tax audit as much as tax cheats do, that is a situation that demands action. However, when one party seeks to expand the size and power of Washington and the IRS is the source of its power to do so, well, it is not surprising that nothing was done in 40 years to improve the situation.

Our party intends to reduce the size and power of Washington, so it is only natural that our party seeks to reform the IRS, and that makes all the difference.

MANAGED CARE REFORM SHOULD OCCUR NOW, NOT NEXT YEAR

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

Mr. GREEN. Mr. Speaker, the need for managed health care reform is growing every day. We hear numerous complaints from our constituents and concerns about managed care and how it limits their ability to make medical decisions on their own.

This coming Monday, March 2, is a special day. One, it is also Texas Independence Day, but also we are holding

a town hall meeting in Houston, Texas, to talk about managed care reform and to hear from the constituents in my home district. It will be at Houston Community College Southeast from 1:00 to 4:00.

We need to take action now after hearing from our constituents on solving the problems of managed care. A patient deserves a managed care plan that meets their needs, but also provides quality health care at an affordable rate. A patient's bill of rights will ensure that providers, not insurance companies, make medical decisions for patients.

We also need to ensure that patients receive high quality health care by guaranteeing their access to specialists, guaranteeing their ability to go to the emergency room without preclearance, and participation in medical decisions about their conditions.

We need patients to have these options now, not wait until next year.

AMERICANS DESERVE A TAX CUT

(Mr. JONES asked and was given permission to address the House for 1 minute.)

Mr. JONES. Mr. Speaker, the average American is now faced with a tax burden that is over 38 percent. I emphasize "burden" because that is exactly what it is.

I am one who believes that Americans should be rewarded for their hard work. To the contrary of that belief, however, people in our Nation today face a system that is penalizing their efforts to earn and save money by slapping them in the face with more and more taxes.

Last session, the Congress provided American families with the first tax relief they have seen in 16 long years. I hope that we will be able to continue that trend this year with further tax cuts and ultimately with a fairer and simpler tax system.

Let us once again reward the American people for their hard work and savings by giving them the tax relief they so rightly deserve.

BILL OF RIGHTS FOR HEALTH CARE CONSUMERS

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

Mr. WYNN. Mr. Speaker, I rise today to call for managed care reform, sometimes known as the Patient's Bill of Rights.

The President is correct, we need to protect the consumers of health care services. Today, millions of Americans have moved into managed care. It is fundamentally a good system, but there are problems. A recent California study showed that 42 percent of the people who have managed care have encountered problems with their service.

How can we correct this with a bill of rights? It would ensure that patients are informed of their health care options. It would ensure that they get the right doctor for the right type of care. It would ensure that they get access to emergency rooms when they need it. It would ensure that they are presented with all of their health care options, regardless of cost. It would ensure that doctors make decisions, not medical care bureaucrats. And it would keep patients' medical records confidential.

Mr. Speaker, these are official rights for every health care consumer. We ought to pass this law. Unfortunately, the Republican leadership is attempting to block our Health Care Consumers Bill of Rights. That is not fair. We need to move toward an intelligent bill of rights for health care consumers.

AMERICA'S BACKBONE DESERVES A TAX CUT

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

Mr. PETERSON of Pennsylvania. Mr. Speaker, there are some who think that Americans generally are undertaxed. There are those who think that the current tax burden is just about right. And then there are those who think Americans send too much money to Washington and are just flat not getting their money's worth. I fall into that category, as do, I suspect, most of my Republican colleagues.

Mr. Speaker, Americans do not mind paying their fair share. Americans truly are a people that want to see others get ahead, especially those who face greater obstacles in life than most of us face. But Americans do not like to see their money wasted. They are not happy about a Federal Government in Washington, D.C. that just keeps getting bigger and bigger while at the same time becoming less and less accountable to the people.

Simply put, Washington has gotten too big, too powerful and Washington should not be taking between one-third and one-half of a middle-class family's income.

Mr. Speaker, I do not care what the temporary polls show. I think the middle-class, the backbone of America, could use a break. The Tax Code is aggressive. It raises our taxes without a law change. We need a tax cut to make sure that middle America does not have a tax increase that just happens automatically because of the aggressiveness of the code.

DEBATE ON HEALTH CARE REFORM SHOULD BE SCHEDULED

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

Mr. McDERMOTT. Mr. Speaker, you have been quoted in the paper as saying that until you have a vision, you will not allow a bill to come out here to guarantee patients a bill of rights in the health care industry.

Mr. Speaker, I suggest you go see the movie "As Good as it Gets." When that pediatrician talks to that waitress about the asthma which her kid has, the whole audience claps because they are furious with the way they are being treated by HMOs.

As a physician, I have had the experience in Seattle of seeing a patient and having to get on the phone and call some health care bureaucrat in Omaha, Nebraska, and argue about whether my patient can stay another day in the hospital. Now that is not in the best interest of the patient nor of the physician. And this is the almost universal experience by physicians in this country.

Mr. Speaker, that is why they are so upset and why the bill offered by the gentleman from Georgia (Mr. NORWOOD), though not a perfect bill, is certainly a bill that ought to be scheduled for floor debate so that we can bring this issue that the President has called for before the American people.

There is no excuse for us never being in session and allowing this issue to sit unresolved. Schedule a debate, Mr. Speaker.

CLINTON'S BUDGET AND THE AMERICAN FAMILY

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

Mr. HEFLEY. Mr. Speaker, the President's budget includes a Citizen's Guide to help taxpayers better understand the budget process. It describes a typical American household where a father and mother sit around their kitchen table to review the family budget. They decide how much they can spend on food, shelter, clothing, and transportation, and figure out if they will be able to afford a family vacation this year.

Let us say that this family described in the Citizen's Guide thinks that it is important to keep one parent home to care for their children. Imagine how puzzled they will be when they realize in the President's plan they do not get a tax break unless both of them work.

And I bet that typical American family is sitting around the kitchen table wondering why the President feels compelled to raise taxes by over \$100 billion when we are on the eve of a balanced budget for the first time in 20 years.

Mr. Speaker, imagine when they hear they will have to help finance 85 new Washington spending programs, including 39 new expanded entitlements. There goes the family vacation.

Mr. Speaker, I am glad our typical American family is strong, because they are going to find the President's budget very taxing indeed.

CONGRESS SHOULD REJECT SUPPLEMENTAL APPROPRIATION FOR IMF

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

Mr. KUCINICH. Mr. Speaker, a supplemental appropriation for the International Monetary Fund, IMF, is rushing toward the Congress. Against the backdrop of headlines coming from Asia, the supplemental appropriation would seem to be needed for an emergency. The fact is, the supplemental appropriation is not needed to bail out Asian borrowers. The bailout has already taken place with existing IMF funds.

The supplemental is not needed on an emergency basis. Instead, the supplemental appropriation is a back-door attempt to increase the size and scope of the IMF. The \$18 billion supplemental appropriation would be the U.S. share of a planned 45 percent increase in the size of the IMF and in its magnitude.

Mr. Speaker, IMF proponents are counting on confusing Congress and the country in order to preclude careful scrutiny and push through a big increase in its size. The real question before this Congress should be do we really want to expand the size and scope of the IMF? Has the IMF been helpful or harmful? Are there changes we want?

Mr. Speaker, do we not want to find the answers to these questions before we commit \$18 billion to the IMF? The only way to get time to answer those and other questions is to first reject the supplemental appropriation.

BUSINESS AS USUAL AT THE IRS

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

Mr. TIAHRT. Mr. Speaker, some people think it is not fair to pick on the IRS so much. But when we think about all the people whose lives were turned upside down because of an honest mistake or an audit, our outrage might resurface with even greater force.

Americans could probably be divided into those who have experienced IRS abuse or incompetence and those who have not. And it would be interesting to see how many are in each group.

Mr. Speaker, listen to this horror story: Because of a printing error, about a million taxpayers could mail their returns to the IRS and see them sent right back to the sender. Hard to file a return on time when that happens. It turns out that there was a computer error on the stick-on address

labels that are used for processing. The IRS bar code tells the computer to take poor Mr. Taxpayer's form and send it right back to him.

Of course, in fairness we could say that that mistake was a simple bureaucratic snafu or an isolated instance or we could note that this is an all-too-common IRS blunder and simply more evidence of business as usual at the IRS.

CAMPAIGN REFORM PROPOSALS THAT DO NOT REFORM ANYTHING

(Ms. HOOLEY of Oregon asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. HOOLEY of Oregon. Mr. Speaker, as a mom, my children used to love for me to read the Alice in Wonderland story. They used to ah and ooh and giggle as I read it, because left meant right, up meant down, and nothing was what it seemed to be.

While I participate in the campaign finance reform debate in the House I cannot help but think back to those days of reading that story to my children. They would have laughed and giggled because we have got reform proposals that do not reform anything and a lot of people screaming about a broken system, but unwilling to do anything to fix it.

□ 1030

The trouble is, this is not Alice in Wonderland, so it is not funny. It is time to stop playing games and bring real and honest campaign finance reform to the floor for a vote.

BE HONEST ABOUT PROTECTING SOCIAL SECURITY

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

Mr. KINGSTON. Mr. Speaker, we hear a lot of fanfare about the budget and the surplus, and we hear that the deficit has been wiped out. When we take a close look at this, we find the only reason why we can say the budget is balanced is because we take \$100 billion in Social Security surplus and apply it to the general fund. Now, if we take that out of there, there is still a deficit; that we are still spending more money than we bring in if we pull Social Security out of it.

The reason why this is important is I agree with those who want to put Social Security first. I think it is very important to preserve Social Security, to protect it and to separate it from the rest of the group of money. But the President, as we know, has proposed over \$100 billion in new spending. Now, is it not coincidental that we have a \$100 billion surplus in Social Security and the President is pushing \$100 billion in new spending?

It is total fraud. We are not putting Social Security first. We are not protecting it when we are saying let us go out with a whole bunch of big government spending programs. I think we should be truthful and honest with America's seniors, protect Social Security and not increase government spending.

WIRELESS TELEPHONE PROTECTION ACT

Ms. PRYCE of Ohio. Mr. Speaker, by the direction of the Committee on Rules, I call up House Resolution 368 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 368

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for consideration of the bill (H.R. 2460) to amend title 18, United States Code, with respect to scanning receivers and similar devices. The first reading of the bill shall be dispensed with. Points of order against consideration of the bill for failure to comply with clause 2(1)(6) of rule XI are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill. Each section of the committee amendment in the nature of a substitute shall be considered as read. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 6 of rule XXIII. Amendments so printed shall be considered as read. The Chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be fifteen minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommend with or without instructions.

SEC. 2. After passage of H.R. 2460, it shall be in order to consider in the House S. 493. It

shall be in order to move that the House strike all after the enacting clause of the Senate bill and insert in lieu thereof the provisions of H.R. 2460 as passed by the House.

The SPEAKER pro tempore (Mr. TIAHRT). The gentlewoman from Ohio (Ms. PRYCE) is recognized for 1 hour.

Ms. PRYCE of Ohio. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to my good friend, the gentleman from Ohio (Mr. HALL), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 368 is a fair and open rule providing for the consideration of H.R. 2460, the Wireless Telephone Protection Act.

The rule provides for 1 hour of general debate equally divided between the chairman and ranking member of the Committee on the Judiciary. For the purposes of amendment, the rule makes in order the Committee on the Judiciary amendment in the nature of a substitute as an original bill and, under this rule, any germane amendment may be offered, with priority recognition given to those Members who have preprinted their amendments in the CONGRESSIONAL RECORD.

In addition, the rule provides for the customary motion to recommit, with or without instructions.

In order to bring this legislation to the floor today, it is necessary to waive clause 2(1)(6) of Rule XI, which requires a 3-day layover of the committee report, and this rule provides such a waiver.

Further, to expedite consideration of H.R. 2460, the chairman of the committee will be permitted to postpone votes during consideration of the bill and reduce voting time to 5 minutes on a postponed question as long as it follows a 15-minute vote.

Finally, the rule provides that upon House passage, it will be in order to move to insert the House language in the Senate bill number. This provision is included because the Senate has already passed the Wireless Telephone Protection Act.

Mr. Speaker, I hope all of my colleagues will support this fair and open rule so that we may proceed with a thorough debate of the underlying legislation, which the Committee on the Judiciary reported favorably by voice vote.

The goal of 2460 is straightforward. It seeks to deter cellular telephone fraud. As our society becomes increasingly reliant on cellular technology it is important that we have the tools to discourage and prosecute fraud in the wireless telephone industry.

The pervasiveness of such fraud is startling. In fact, calls made from stolen or cloned telephones are responsible for losses to the industry of close to \$710 million.

The dollars lost are very significant, but perhaps more worrisome are the

much more serious crimes which are related to cellular fraud. For example, it is becoming common practice for drug dealers to use cloned telephones to avoid detection when making calls to their sources and clients.

Under current law, prosecutors must prove that a person who possessed or used technology to obtain unauthorized access to telecommunications services had the "intent to defraud." But law enforcement officials have pointed out that this is often too hard to meet the standard and prove a violation of Federal law.

H.R. 2460 responds to this legal obstacle by removing the "intent to defraud" standard, recognizing that there is no reason why any person not working in the wireless telephone industry or in law enforcement would need such high-tech equipment unless they are intending to use it to clone cellular telephones. This change in the law will enable the government to successfully prosecute and punish the fraudulent use of cellular technology.

Another provision of H.R. 2460 will clean up existing law by clarifying the penalties which may be imposed for cellular telephone fraud, allowing for a 15-year maximum penalty for violations.

Mr. Speaker, the gentleman from Florida (Mr. MCCOLLUM), the chairman of the Subcommittee on Crime, explained to the Committee on Rules that this legislation is not controversial; and he requested that the legislation be considered under an open rule so that any Member who may be uncomfortable with the bill will have the opportunity to amend it.

The Committee on Rules was pleased to honor that request. In fact, the rule was reported out of committee by voice vote without dissent.

So I urge my colleagues to support a free and fair debate on the Wireless Telephone Protection Act by voting "yes" on this rule.

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

Mr. HALL of Ohio. Mr. Speaker, I yield myself such time as I may consume, and I want to thank my colleague, the gentlewoman from Ohio (Ms. PRYCE) for yielding me this time.

This is an open rule. It will allow for full and fair debate.

As my colleague just described, this rule provides for 1 hour of general debate, equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. Under this rule, amendments will be allowed under the 5-minute rule. This is the normal amending process in the House. All Members on both sides of the aisle will have the opportunity to offer amendments.

Fraud involving cellular telephones is a significant criminal problem in this country. Cell phone fraud is often linked to other, more serious crimes

when criminals use illegal phones to avoid detection of their activities.

This measure will make it easier to obtain convictions against criminals involved in cell phone fraud. It is a bipartisan bill with support on both sides of the aisle. The Committee on Rules approved this by a voice vote, and I urge adoption of the rule.

Ms. PRYCE of Ohio. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. HALL of Ohio. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Ms. PRYCE of Ohio. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Pursuant to House Resolution 368 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for consideration of the bill, H.R. 2460.

□ 1040

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2460) to amend title 18, United States Code, with respect to scanning receivers and similar devices, with Mr. COLLINS in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Florida (Mr. MCCOLLUM) and the gentleman from Florida (Mr. WEXLER) each will control 30 minutes.

The Chair recognizes the gentleman from Florida (Mr. MCCOLLUM).

Mr. MCCOLLUM. Mr. Chairman, I yield myself such time as I may consume.

I am pleased to rise in support of H.R. 2460, the Wireless Protection Act. This bill, introduced by the gentleman from Texas (Mr. SAM JOHNSON), is truly a bipartisan effort. I am proud to say that I was an original cosponsor of the bill, together with the gentleman from New York (Mr. SCHUMER), who is the ranking minority member of the Subcommittee on Crime, which I chair.

This bill will close a loophole in a statute Congress passed in 1994 to fight cellular telephone fraud.

At a hearing before the Subcommittee on Crime last year, witnesses from both the wireless industry and law enforcement testified that cellular telephone fraud is a significant criminal activity in the United States. In 1996, the wireless telephone industry lost over \$700 million in revenue as a result of calls made from stolen or cloned phones.

As important as that loss is, it is important that Members bear in mind that criminals often use these illegal telephones as a means to evade detection while they plan and commit other crimes. This phenomenon is most prevalent in drug crimes, where criminals frequently use several cloned phones in a day, or routinely switch from one cloned phone to another each day in order to evade detection.

In 1994, Congress amended section 1029 of Title 18 to make it a crime to knowingly and with intent to defraud possess hardware or software configured to clone wireless telephones. However, law enforcement officials have testified before the Subcommittee on Crime that it is often impossible to prove the intent to defraud element of this section.

Even in the most common case, law enforcement officials will arrest criminals for other crimes and find the telephone cloning equipment in the possession of the criminals, which has been, of course, used to make the cloned phones. However, they do so without finding specific evidence that the criminals intended to use this equipment to clone the wireless telephones; and if they do not find that evidence, law enforcement officials often have been thwarted in proving a violation of this statute.

Because there is no legitimate reason why an ordinary person would possess this equipment, there is no doubt that the intent of these criminals was to use that equipment to clone cellular phones. In order to remedy this problem, H.R. 2460 amends section 1029 to eliminate the "intent to defraud" requirement concerning the possession of this equipment.

In order to ensure that telecommunications company employees may continue to use these devices, however, the bill provides that it is not a violation of the amended statute for an officer, employee or agent of a facilities-based carrier to use, produce, have custody or control of or possess the hardware or software described in that subsection if they are doing it for the purpose of protecting the property or legal rights of that carrier.

□ 1045

The bill provides a definition of facilities-based carrier to make it clear to whom the exception applies. The bill also clarifies the penalties which may be imposed for violations of section 1029. Under existing law, violations of some subsections of this statute are subject to two different maximum penalties. The bill deletes this duplicative language and restates the entire punishment section of 1029 to more clearly state the maximum punishments for each possible violation of that section. Finally, the bill directs the United States Sentencing Commission to review and, if appropriate, amend its

guidelines and policy statements so as to provide an appropriate penalty for each of the offenses involving the cloning of wireless telephones.

Mr. Chairman, I would like to again reiterate the thrust of this bill. It is to provide for a situation where we can gain more prosecutions successfully, gain more convictions of those who are out there cloning telephones. The idea is that if one has this telephone cloning equipment, there is no possible earthly reason for him to have it unless he has got it there to clone phones. The only people who should have that equipment are the folks who are the manufacturers, the people who are in the telephone equipment company business who are professionals designed to have it. Therefore, in order to gain these convictions, since proving the intent to clone is not something that we have been able to do, we are making it in this case a criminal violation to possess in essence this equipment without having to prove the intent element.

It is a very simple bill, a very important bill, because telephone cloning is a very big business in this country and it involves a lot of criminal activity at all levels. Mr. Chairman, with that in mind, I urge the adoption of this bill.

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

Mr. WEXLER. Mr. Chairman, I yield myself such time as I may consume. I rise in support of this bill and commend the gentleman from Texas (Mr. SAM JOHNSON) along with the gentleman from Florida (Mr. MCCOLLUM) and the gentleman from New York (Mr. SCHUMER), the ranking member, for their work on this bill.

Mr. Chairman, cell phone cloning is the hottest new scam on the street. Cloning costs phone companies and their customers more than \$650 million a year. It lets drug cartels operate in secrecy, away from the reach of law enforcement surveillance. Cloned cell phones are rapidly becoming the main communication network of drug runners and street gangs. The reason is that cloned phones not only allow the criminals to cheat the phone company, but they also evade wire taps. A drug dealer will often have 20 or more cloned phones, constantly switching among them to cover his tracks.

The gentleman from Florida (Mr. MCCOLLUM) has already explained how the cloning process works. This bill will ban the copycat machines that criminals use to make cloned phones. These machines are freely advertised in magazines and on the Internet from anywhere from \$1100 to \$2500. Yet the only reason anyone would buy these devices is to defraud innocent consumers. Under current law, copycat machines are illegal only if the government can prove an intent to defraud. That is often impossible to prove and it permits unscrupulous manufacturers to keep making the machines and offering

them for sale. This bill will ban the copycat machines outright.

There has been one concern raised about the bill. Some cell phone companies are concerned that the language of the bill might inadvertently apply to machinery used by legitimate companies to test or reprogram their equipment. I understand that the gentleman from Florida (Mr. MCCOLLUM) will offer an amendment in the nature of a substitute that cures this problem. I expect to fully support the bill after that amendment.

I also want to note that with the amendment, the wireless industry fully supports the bill. In fact, at a hearing before the Subcommittee on Crime, representatives from both the cell phone industry and from law enforcement testified about the rapid increase they are seeing in cloning activity and the need to take these copycat devices out of circulation among the general public.

Mr. Chairman, I urge support for this bill.

Mr. Chairman, I yield back the balance of my time.

Mr. MCCOLLUM. Mr. Chairman, I yield such time as he may consume to the gentleman from Texas (Mr. SAM JOHNSON), the author of this bill.

Mr. SAM JOHNSON of Texas. Mr. Chairman, I thank the gentleman from Florida (Mr. MCCOLLUM) for yielding me this time and for his valuable assistance in helping make this bill possible.

The Wireless Telephone Protection Act is really another effort of ours to stop crime in this country. It is going to outlaw equipment which is used to steal cellular telephone numbers. For those who are not familiar with cellular cloning, the process is simple. Criminals sit in parked cars outside airports or along roadways and use special software and equipment to steal the electronic serial numbers from any person who uses a cellular phone within range. The stolen numbers are then programmed into other cell phones, called clones, and finally charges are made to the unsuspecting person's account, like me, for instance. My phone was cloned last year while I was standing on the curb at D-FW Airport, that is Dallas-Fort Worth, waiting for my wife. I ended up with over a \$6,000 phone bill for calls that I did not make. There were calls made to places all over the world, including Spain, Colombia and Mexico. Later while I was on my phone with the telephone company trying to get this problem resolved, my personal phone number was still being used to make calls while I was talking to the phone company.

The tactic of using stolen phone numbers is commonly employed by drug dealers and gang members who are trying to evade law enforcement wiretaps or other surveillance. It is estimated that the cellular industry

loses about \$650 million per year due to this illegal activity. It increases the cost to every cellular phone user in the country.

I hope that as a result of this bill, we can stop this fraud and help keep costs down for both the industry and the consumer. Cellular phone use is expanding by about 40 percent per year. With this increase, the Secret Service has doubled the number of arrests due to fraud every year since 1991. I am certain our law enforcement personnel could prosecute more criminals, as the gentleman from Florida (Mr. MCCOLLUM) says, if the current law permitted it, and it does not.

Current law requires prosecutors to prove that a criminal acted with the intent to defraud. This means that an officer must catch the crook in the act of cloning to be arrested, which is next to impossible. The bill removes this burden. Now criminals will be arrested for possessing or manufacturing the cloning equipment, which has no other purpose than to steal a phone number.

I have got an advertisement here that shows how easy it is to buy this cloning equipment. If we look at the fine print, it states that the equipment is used for educational or experimental purposes. That is kind of false. In fact, it is against the law. According to the Secret Service, there is no lawful purpose to possess, produce or sell hardware or software used to clone a wireless telephone.

This is good, common sense legislation that is supported on both sides of the aisle. As my colleagues can see here, it is also supported by the Department of Justice, the U.S. Secret Service, and the cellular wireless industry, as my colleague has already stated. Every Member of this House has constituents who have been the victim of cell phone cloning. It causes them great stress, and I can tell my colleagues when you get a bill for 6,000 bucks on your phone, it is a shock.

Let me just tell Members how James Kallstrom, the former head of the FBI, New York office, describes phone cloners. He says, quote, they are hard core criminals, murderers, kidnappers, terrorists, major drug dealers, child pornographers and pedophiles, violent criminals who use technology to avoid the law. We must stop this criminal activity now. This bill will do it. I urge Members' support.

Mr. MCCOLLUM. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Maryland (Mrs. MORELLA).

Mrs. MORELLA. Mr. Chairman, I thank the gentleman for yielding me this time. I would like to engage the gentleman in a colloquy on cellular extension phones.

Mr. Chairman, I understand that many cellular subscribers find it advantageous to have two cellular phones with the same number. In this way,

someone trying to reach a subscriber need only dial one number and the subscriber will be able to receive the call on either his or her car phone or on his or her portable hand-held phone. I also understand that the FCC currently prohibits companies from altering the electronic serial number of a cellular phone to allow more than one phone to have the same telephone number, but that the commission has been asked to reconsider that rule. I wonder, how would this bill affect the petition for reconsideration of this matter that is now pending before the FCC?

Mr. MCCOLLUM. Mr. Chairman, will the gentlewoman yield?

Mrs. MORELLA. I yield to the gentleman from Florida.

Mr. MCCOLLUM. I thank the gentlewoman for her inquiry. In passing H.R. 2460, we do not intend to direct the FCC to act in one way or another on the pending petition for reconsideration that she has described. If the FCC were to change its rules, however, I think it is important for Members to understand that even though they did change those rules, the bill would still prevent the use, possession, production, and so forth, of hardware or software to insert or modify electronic serial numbers or other telecommunication identifying information to create extension phones. If the FCC does decide that a change in its rules serves the public interest, I would be willing to consider amending section 1029 in such a way as to conform the bill to the spirit of the FCC's decision, yet still making sure that this equipment would be unlikely to fall into the hands of criminals.

Mrs. MORELLA. Mr. Chairman, that sounds reasonable.

Mr. MCCOLLUM. Mr. Chairman, I yield such time as he may consume to the gentleman from Arkansas (Mr. HUTCHINSON), a member of the committee.

Mr. HUTCHINSON. Mr. Chairman, I rise in strong support of H.R. 2460, the Wireless Telephone Protection Act, and commend the gentleman from Texas (Mr. SAM JOHNSON) for introducing the legislation. I also want to commend the leadership of the gentleman from Florida (Mr. MCCOLLUM) for his excellent work in behalf of this important legislation.

We have known for some time that a significant amount of criminal activity in the United States involves the use of cellular telephones and cloned phone numbers. Each year the cellular telephone industry loses millions of dollars in revenue as a result of the use of cell phones that are being illegally cloned. But more important, the greatest difficulty is in the arena of law enforcement. Those people who are trying to put drug dealers in jail have difficulty with the illegal use of cloned phones. Criminals frequently clone the cell phone number of an unsuspecting, in-

nocent party and then use this cloned number to engage in criminal activity, especially drug-related crimes.

The process of cloning involves the use of a device which captures the identifying information in the telephone and a second device which is used to reprogram the subsequent phones. Current Federal law requires a prosecutor to prove that persons in possession of those devices had an intent to defraud. This standard is very difficult to meet and since these devices have no legitimate purpose except for the use by the telephone companies themselves, then I believe it is very important to remove the intent requirement and make possession itself a crime.

As a parent of teenagers, very concerned about the drug culture that is so prominent in our society, as a former Federal prosecutor, I believe this is critically important in order to address the problems of drugs in our society and the use of cloned phones by the drug dealers.

Mr. Chairman, about a year ago the Subcommittee on Crime held a hearing on drug interdiction efforts in the Caribbean. One of the issues that repeatedly resurfaced during our discussions with law enforcement was the problems posed by cloned cell phones. This legislation provides an important tool for prosecutors to use in the war against drugs and as such I urge my colleagues to support it.

Mr. PAUL. Mr. Speaker, I rise today in opposition of H.R. 2460, The Wireless Telephone Protection Act. Setting aside the vital and relevant question of whether the enumerated powers and tenth amendment allow the federal government to make possession of electronic scanning devices criminal, another aspect of this bill should have met with harsh criticism from those who hold individual liberties in even some regard.

Under current "anti-cloning" law, prosecutors must prove a defendant intended to use scanning equipment illegally, or have an "intent" to defraud. This bill shifts the burden of proof of "innocent use" from the prosecutor to the defendant.

The United States Constitution prohibits this federal government from depriving a person of life, liberty, or property without due process of law. Pursuant to this constitutional provision, a criminal defendant is presumed to be innocent of the crime charged and, pursuant to what is often called "the *Winship* doctrine," the persecution is allocated the burden of persuading the fact-finder of every fact necessary to constitute the crime . . . charged." The prosecution must carry this burden because of the immense interests at stake in a criminal prosecution, namely that a conviction often results in the loss of liberty or life (in this case, a sentence of up to ten years).

This radical departure from the long held notion of "innocent until proven guilty" warrants opposition to this bill.

Mr. MCCOLLUM. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

The committee amendment in the nature of a substitute printed in the bill shall be considered by section as an original bill for the purpose of amendment, and pursuant to the rule each section is considered read.

During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

The Chairman of the Committee of the Whole may postpone a request for a recorded vote on any amendment and may reduce to a minimum of 5 minutes the time for voting on any postponed question that immediately follows another vote, provided that the time for voting on the first question shall be a minimum of 15 minutes.

The Clerk will designate section 1.

The text of section 1 is as follows:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Wireless Telephone Protection Act".

□ 1100

The CHAIRMAN. Are there any amendments to section 1?

If not, the Clerk will designate section 2.

The text of section 2 is as follows:

SEC. 2. FRAUD AND RELATED ACTIVITY IN CONNECTION WITH COUNTERFEIT ACCESS DEVICES.

(a) UNLAWFUL ACTS.—Section 1029(a) of title 18, United States Code, is amended—

(1) by redesignating paragraph (9) as paragraph (10); and

(2) by striking paragraph (8) and inserting the following:

"(8) knowingly and with intent to defraud uses, produces, traffics in, has control or custody of, or possesses a scanning receiver;

"(9) knowingly uses, produces, traffics in, has control or custody of, or possesses hardware or software, knowing it has been configured for altering or modifying a telecommunications instrument so that such instrument may be used to obtain unauthorized access to telecommunications services; or".

(b) PENALTIES.—

(1) GENERALLY.—Section 1029(c) of title 18, United States Code, is amended to read as follows:

"(c) PENALTIES.—The punishment for an offense under subsection (a) of this section is—

"(1) in the case of an offense that does not occur after a conviction for another offense under this section—

"(A) if the offense is under paragraph (1), (2), (3), (6), (7), or (10) of subsection (a), a fine under this title or imprisonment for not more than 10 years, or both; and

"(B) if the offense is under paragraph (4), (5), (8), or (9), of subsection (a), a fine under this title or imprisonment for not more than 15 years, or both; and

"(2) in the case of an offense that occurs after a conviction for another offense under this section, a fine under this title or imprisonment for not more than 20 years, or both."

(2) ATTEMPTS.—Section 1029(b)(1) of title 18, United States Code, is amended by striking "punished as provided in subsection (c) of this section" and inserting "subject to the same penalties as those prescribed for the offense attempted".

(c) DEFINITIONS.—Section 1029(e)(8) of title 18, United States Code, is amended by inserting before the period "or to intercept an electronic serial number, mobile identification number, or other identifier of any telecommunications service, equipment, or instrument".

(d) APPLICABILITY OF NEW SECTION 1029(a)(9).—

(1) IN GENERAL.—Section 1029 of title 18, United States Code, is amended by adding at the end the following:

"(g) It is not a violation of subsection (a)(9) for an officer, employee, or agent of, or a person under contract with, a facilities-based carrier, for the purpose of protecting the property or legal rights of that carrier, to use, produce, have custody or control of, or possess hardware or software configured as described in that subsection (a)(9)."

(2) DEFINITION.—Section 1029(e) of title 18, United States Code is amended—

(A) by striking "and" at the end of paragraph (6);

(B) by striking the period at the end of paragraph (7) and inserting a semicolon;

(C) by striking the period at the end of paragraph (8) and inserting "; and"; and

(D) by adding at the end the following:

"(9) the term 'facilities-based carrier' means an entity that owns communications transmission facilities, is responsible for the operation and maintenance of those facilities, and holds an operating license issued by the Federal Communications Commission under the authority of title III of the Communications Act of 1934."

(e) AMENDMENT OF FEDERAL SENTENCING GUIDELINES FOR WIRELESS TELEPHONE CLONING.—

(1) IN GENERAL.—Pursuant to its authority under section 994 of title 28, United States Code, the United States Sentencing Commission shall review and amend the Federal sentencing guidelines and the policy statements of the Commission, if appropriate, to provide an appropriate penalty for offenses involving the cloning of wireless telephones (including offenses involving an attempt or conspiracy to clone a wireless telephone).

(2) FACTORS FOR CONSIDERATION.—In carrying out this subsection, the Commission shall consider, with respect to the offenses described in paragraph (1)—

(A) the range of conduct covered by the offenses;

(B) the existing sentences for the offenses;

(C) the extent to which the value of the loss caused by the offenses (as defined in the Federal sentencing guidelines) is an adequate measure for establishing penalties under the Federal sentencing guidelines;

(D) the extent to which sentencing enhancements within the Federal sentencing guidelines and the court's authority to sentence above the applicable guideline range are adequate to ensure punishment at or near the maximum penalty for the most egregious conduct covered by the offenses;

(E) the extent to which the Federal sentencing guideline sentences for the offenses have been constrained by statutory maximum penalties;

(F) the extent to which Federal sentencing guidelines for the offenses adequately achieve the purposes of sentencing set forth in section 3553(a)(2) of title 18, United States Code;

(G) the relationship of Federal sentencing guidelines for the offenses to the Federal sentencing guidelines for other offenses of comparable seriousness; and

(H) any other factor that the Commission considers to be appropriate.

The CHAIRMAN. Are there any amendments to section 2?

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. MCCOLLUM

Mr. MCCOLLUM. Mr. Chairman, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. MCCOLLUM:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Wireless Telephone Protection Act".

SEC. 2. FRAUD AND RELATED ACTIVITY IN CONNECTION WITH COUNTERFEIT ACCESS DEVICES.

(a) UNLAWFUL ACTS.—Section 1029(a) of title 18, United States Code, is amended—

(1) by redesignating paragraph (9) as paragraph (10); and

(2) by striking paragraph (8) and inserting the following:

"(8) knowingly and with intent to defraud uses, produces, traffics in, has control or custody of, or possesses a scanning receiver;

"(9) knowingly uses, produces, traffics in, has control or custody of, or possesses hardware or software, knowing it has been configured to insert or modify telecommunication identifying information associated with or contained in a telecommunications instrument so that such instrument may be used to obtain telecommunications service without authorization; or".

(b) PENALTIES.—

(1) GENERALLY.—Section 1029(c) of title 18, United States Code, is amended to read as follows:

"(c) PENALTIES.—

"(1) GENERALLY.—The punishment for an offense under subsection (a) of this section is—

"(A) in the case of an offense that does not occur after a conviction for another offense under this section—

"(1) if the offense is under paragraph (1), (2), (3), (6), (7), or (10) of subsection (a), a fine under this title or imprisonment for not more than 10 years, or both; and

"(11) if the offense is under paragraph (4), (5), (8), or (9), of subsection (a), a fine under this title or imprisonment for not more than 15 years, or both;

"(B) in the case of an offense that occurs after a conviction for another offense under this section, a fine under this title or imprisonment for not more than 20 years, or both; and

"(C) in either case, forfeiture to the United States of any personal property used or intended to be used to commit the offense.

"(2) FORFEITURE PROCEDURE.—The forfeiture of property under this section, including any seizure and disposition of the property and any related administrative and judicial proceeding, shall be governed by section 413 of the Controlled Substances Act, except for subsection (d) of that section."

(2) ATTEMPTS.—Section 1029(b)(1) of title 18, United States Code, is amended by striking "punished as provided in subsection (c) of this section" and inserting "subject to the same penalties as those prescribed for the offense attempted".

(c) DEFINITIONS.—Section 1029(e)(8) of title 18, United States Code, is amended by inserting before the period "or to intercept an electronic serial number, mobile identification number, or other identifier of any telecommunications service, equipment, or instrument".

(d) APPLICABILITY OF NEW SECTION 1029(a)(9).—

(1) IN GENERAL.—Section 1029 of title 18, United States Code, is amended by adding at the end the following:

“(g)(1) It is not a violation of subsection (a)(9) for an officer, employee, or agent of, or a person engaged in business with, a facilities-based carrier, to engage in conduct (other than trafficking) otherwise prohibited by that subsection for the purpose of protecting the property or legal rights of that carrier, unless such conduct is for the purpose of obtaining telecommunications service provided by another facilities-based carrier without the authorization of such carrier.

“(2) In a prosecution for a violation of subsection (a)(9), (other than a violation consisting of producing or trafficking) it is an affirmative defense (which the defendant must establish by a preponderance of the evidence) that the conduct charged was engaged in for research or development in connection with a lawful purpose.”

(2) DEFINITIONS.—Section 1029(e) of title 18, United States Code is amended—

(A) by striking “and” at the end of paragraph (6);

(B) by striking the period at the end of paragraph (7) and inserting a semicolon; and

(C) by striking the period at the end of paragraph (8); and

(D) by adding at the end the following:

“(9) the term ‘telecommunications service’ has the meaning given such term in section 3 of title I of the Communications Act of 1934 (47 U.S.C. 153);

“(10) the term ‘facilities-based carrier’ means an entity that owns communications transmission facilities, is responsible for the operation and maintenance of those facilities, and holds an operating license issued by the Federal Communications Commission under the authority of title III of the Communications Act of 1934; and

“(11) the term ‘telecommunication identifying information’ means electronic serial number or any other number or signal that identifies a specific telecommunications instrument or account, or a specific communication transmitted from a telecommunications instrument.”

(e) AMENDMENT OF FEDERAL SENTENCING GUIDELINES FOR WIRELESS TELEPHONE CLONING.—

(1) IN GENERAL.—Pursuant to its authority under section 994 of title 28, United States Code, the United States Sentencing Commission shall review and amend the Federal sentencing guidelines and the policy statements of the Commission, if appropriate, to provide an appropriate penalty for offenses involving the cloning of wireless telephones (including offenses involving an attempt or conspiracy to clone a wireless telephone).

(2) FACTORS FOR CONSIDERATION.—In carrying out this subsection, the Commission shall consider, with respect to the offenses described in paragraph (1)—

(A) the range of conduct covered by the offenses;

(B) the existing sentences for the offenses;

(C) the extent to which the value of the loss caused by the offenses (as defined in the Federal sentencing guidelines) is an adequate measure for establishing penalties under the Federal sentencing guidelines;

(D) the extent to which sentencing enhancements within the Federal sentencing guidelines and the court’s authority to sentence above the applicable guideline range are adequate to ensure punishment at or near the maximum penalty for the most egregious conduct covered by the offenses;

(E) the extent to which the Federal sentencing guideline sentences for the offenses

have been constrained by statutory maximum penalties;

(G) the extent to which Federal sentencing guidelines for the offenses adequately achieve the purposes of sentencing set forth in section 3553(a)(2) of title 18, United States Code;

(H) the relationship of Federal sentencing guidelines for the offenses to the Federal sentencing guidelines for other offenses of comparable seriousness; and

(I) any other factor that the Commission considers to be appropriate.

Mr. MCCOLLUM (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. MCCOLLUM. Mr. Chairman, I will be brief in supporting this amendment in the nature of a substitute, but it does contain a number of technical amendments that we need to talk about. The manager’s amendment makes changes to H.R. 2460 from the form in which the bill was reported from the full Committee on the Judiciary. It reflects the input of minority members of the Committee on the Judiciary, the cellular telephone industry, the Justice Department of the United States, Secret Service and members of the Committee on the Judiciary of the other body which passed a bill similar to H.R. 2460 at the end of last year.

Mr. Chairman, the minority has indicated support of this amendment, but for the benefit of all Members, I will briefly outline the differences between the manager’s amendment in the bill as it was reported by the Committee on the Judiciary.

The purpose of H.R. 2460 is to clarify the provisions of section 1029 of Title 18 relating to equipment that could be used to clone wireless telephones. H.R. 2460 amends that section to make it clear that the mere possession of this equipment will be illegal in most instances.

The bill as reported by the committee prohibited the possession of equipment which had been configured for altering or modifying telecommunications instruments. Upon further reflection and after receiving input from the computer and telecommunications trade associations, the decision was made to further refine this language in order to make it more clear what types of devices would be prescribed.

The manager’s amendment will modify the bill to refer to hardware or software which has been, quote, configured to insert or modify telecommunication identifying information associated with or contained in a telecommunication instrument, unquote.

The bill defines the term “telecommunication” identifying information to mean the electronic serial number or any other number or signal that

identifies a specific telecommunications instrument and account relating to its specific telecommunication or the actual communication itself. The effect of this amendment is to make it clear that only devices which can insert or modify telecommunication identifying information contained in or otherwise associated with a telecommunications instrument are made illegal by the bill.

Mr. Chairman, H.R. 2460 as reported by the full committee amended the penalty provisions of section 1029 to make them more clear and to correct an unintended redundancy in that section. The manager’s amendment adds an asset forfeiture provision to the bill for all violations of section 1029. This provision requires forfeiture to the government of any personal property used or intended to be used to commit an offense. I note that this provision does not require the forfeiture of real property. Further, the property subject to forfeiture is only that personal property which the offender used or intended to use to commit the offense in question.

Additionally, the bill as reported by the subcommittee contains an exception to the prohibition on possessing cellular telephone cloning equipment for officers, employees, agents and persons under contract with telecommunications carriers so long as their use of this equipment is for the purposes of protecting the property or legal rights of the carrier.

The manager’s amendment eliminates the requirement that third persons, quote, “be under contract with,” unquote, a facilities-based carrier and requires merely the person be engaged in business with a facilities-based carrier. The purpose of this phrase is to include within the exception third parties which have a business relationship with the carrier, but where that relationship may not be evidenced by written contract.

In most cases, these parties will be persons and companies with technical expertise hired by carriers to assist them in protecting their property and legal rights. The phrase should not be interpreted to include within its meaning subscribers to the services of the telecommunications carrier.

The manager’s amendment also adds a further modification to this exception to make it clear that telecommunication carriers cannot use these devices to obtain telecommunication services provided by other carriers without the other carrier’s authorization.

Finally, the manager’s amendment to the bill also adds a new provision creating an affirmative defense to a prosecution under new section 1029(a)(9) in instances where the charge involved was the use, custody or control or possession of the equipment described in the bill. The affirmative defense is available if the defendant can

prove that his or her use, custody or control or possession of this equipment was for the purpose of research or development in connection with a lawful purpose. The defendant bears the burden of proving the facts relating to his or her conduct by a preponderance of the evidence, and I point out that the affirmative defense is not available as a defense to a charge of production or trafficking in this type of hardware or software.

Mr. Chairman, I believe the amendments made in the manager's amendment strengthen the bill, are entirely consistent with the intent of the legislation introduced by the gentleman from Texas (Mr. SAM JOHNSON) and I want to again thank him for his leadership on this issue. I also want to thank the gentleman from Massachusetts (Mr. FRANK) and the gentlewoman from California (Ms. LOFGREN) for their helpful suggestions as well as those who have also been reporting information to us on this bill.

EXPLANATORY STATEMENT AND SECTION-BY-SECTION ANALYSIS OF H.R. 2460 AS AMENDED BY THE MANAGER'S AMENDMENT SUBMITTED BY REP. SAM JOHNSON, REP. BILL MCCOLLUM, AND REP. CHARLES SCHUMER

PURPOSE AND SUMMARY

H.R. 2460 amends section 1029 of Title 18 of the United States Code, relating to fraud and related activity in connection with access devices. The bill amends subsection (a)(8) of section 1029 by deleting the "intent to defraud" requirement which exists under current law in order to prove a violation of that section. This section relates to persons who knowingly use, produce, traffic in, have custody or control of, or possess hardware or software which has been configured for altering or modifying a telecommunications instrument. As a result of the amendments made by the bill, in order to prove a violation of section 1029, law enforcement officials will no longer have to prove that a defendant possessing such hardware or software did so with the intent to defraud another person.

The amendment to the statute is being made because law enforcement officials occasionally have been thwarted in proving true violations of the statute by the "intent to defraud" requirement. But as the hardware and software in question can be used only for the purpose of altering or modifying telecommunications instruments, persons other than those working in the telecommunications industry have no legitimate reason to possess the equipment. Therefore, requiring the government to prove an "intent to defraud" in order to prove a violation of the section for possessing this equipment is not necessary. By eliminating this requirement from existing law this bill will make it easier to obtain convictions against criminals who possess this equipment before they actually use it for illegal purposes.

BACKGROUND AND NEED FOR THE LEGISLATION

Cellular telephone fraud is a significant criminal activity in the United States. Each year the wireless telephone industry loses hundreds of millions of dollars in revenue as the result of calls made from stolen telephones or cloned telephones. In 1996, the last year for which data is available, the wireless telephone industry reported that the aggregate loss to the industry was approximately

\$710 million. While the industry estimates that the losses for 1997 will be less, largely attributable to anti-fraud technologies it has developed and employed, the loss to this industry is still unacceptably high.

As significant as is the loss of revenue to the wireless telephone industry, cellular telephone fraud poses another, more sinister, crime problem. A significant amount of the cellular telephone fraud which occurs in this country is connected with other types of crime. In most cases, criminals used cloned phones in an effort to evade detection for the other crimes they are committing. This phenomenon is most prevalent in drug crimes, where dealers need to be in constant contact with their sources of supply and confederates on the street. These criminals often use several cloned phones in a day, or switch from one cloned phone to another each day, in order to evade detection. Most significantly, this technique thwarts law enforcement's efforts to use wiretaps in order to intercept the criminals' conversations in which they plan their illegal activity.

In 1994, Congress passed the Communications Assistance for Law Enforcement Act (Public Law 103-414) which, in part, amended 18 U.S.C. §1029, which concerns fraud and related activity in connection with access devices. That act added a new provision to section 1029 to make it a crime for persons to knowingly, and with intent to defraud, use, produce, traffic in, or have custody or control of, or possess a scanning receiver or hardware or software used for altering or modifying telecommunications instruments to obtain unauthorized access to telecommunications services.

Law enforcement officials have testified before the Subcommittee on Crime that it is often hard to prove the intent to defraud aspect of this section with respect to the possession of hardware or software used for altering or modifying telecommunications instruments to obtain unauthorized access to telecommunications services. In the most common case, law enforcement officials will arrest criminals for other crimes and find telephone cloning equipment in the possession of the criminals. Without finding specific evidence that the criminals intended to use this equipment to clone cellular telephones, law enforcement officials often have been thwarted in an effort to prove a violation of this statute. But because there is no legitimate reason why any person not working for wireless telephone industry carriers would possess this equipment, there is no question that these criminals intended to use that equipment to clone cellular telephones. Law enforcement officials have informed the Subcommittee that deleting the "intent to defraud" requirement from section 1029(a)(8) with respect to this equipment would enable the government to punish a person who merely possesses this equipment, as well as those who produce, traffic in, or have custody or control over it.

While we believe that, generally speaking, Congress should be hesitant to criminalize the mere possession of technology without requiring proof of an intent to use it for an improper purpose, the testimony before the Subcommittee on Crime, both by law enforcement agencies and representatives of the wireless telephone industry, confirms that the only use for this type of equipment, other than by persons employed in the wireless telephone industry and law enforcement, is to clone cellular telephones. Although wireless telecommunications companies use this equipment to test the operation of legitimate cellular telephones, to test the

anti-fraud technologies their companies employ to thwart the use of cloned telephones, and in other ways to protect their property and legal rights, the equipment has no other legitimate purpose. Thus, there is no legitimate reason for any other person to possess this equipment. In short, the requirement in existing law to prove an intent to use this equipment for an illegal purpose is unnecessary.

The bill H.R. 2460, amends existing law by deleting the intent to defraud requirement currently found in section 1029(a)(8). The bill strikes current subsection (a)(8) of section 1029 and replaces it with two separate subsections. New paragraph (8) restates the language presently found in section 1029(a)(8)(A). New paragraph (9) restates the introductory phrase of existing paragraph (8), but omits the "intent to defraud" requirement and essentially restates the text of existing subparagraph (B) of current paragraph (8).

The bill also clarifies the penalties which may be imposed for violations of section 1029. Under existing law, violations of subsections (a) (5), (6), (7), or (8) are subject to a maximum penalty of 10 years under section 1029(c)(1). However, these same violations are also subject to a maximum penalty of 15 years under subsection (c)(2) of that same section. This unintentional duplication of penalty provisions for these crimes should be corrected. The bill corrects this problem by restating the punishment section of section 1029 to more clearly state the maximum punishment for violations of each paragraph of section 1029(a).

In order to ensure that telecommunications companies may continue to use these devices, the bill provides that it is not a violation of new subsection (a)(9) for an officer, employee, or agent of, or a person doing business with, a facilities-based carrier to use, produce, have custody or control of, or possess hardware or software as described in that subsection if they are doing so for the purpose of protecting the property of or legal rights of that carrier. Section 1029 presently contains an exception to that section's prohibition for any lawful investigative, protective, or intelligence activities of law enforcement agencies of the United States, a State, or a political subdivision of a State, or of an intelligence agency of the United States. The bill also defines "facilities-based carrier" in order to make it clear that the exception to new subsection (a)(9) is only available to officers, employees, or agents of, or persons doing business with, companies that actually own communications transmission facilities, and persons under contract with those companies, because only those persons have a legitimate reason to use this property to test the operation of and perform maintenance on those facilities, or otherwise to protect the property or legal rights of the carrier.

The bill also amends the definition of scanning receiver presently found in subsection (e)(8) of section 1029. Under that definition, a scanning receiver is a device or apparatus "that can be used to intercept a wire or electronic communication in violation of Chapter 119" of Title 18. The bill will add to that definition to ensure that the term "scanning receiver" will be understood to also include devices which intercept electronic serial numbers, mobile identification numbers, or other identifiers of telecommunications service, equipment, or instruments.

Finally, the bill provides direction to the United States Sentencing Commission to review and amend, if appropriate, its guidelines and policy statements so as to provide

an appropriate penalty for offenses involving cloning of wireless telephones. The bill states eight factors which the Commission is to consider in reviewing existing guidelines and policy statements.

SECTION-BY-SECTION ANALYSIS

Section 1. Short title. Section 1 of the bill states the short title of the bill as the "Wireless Telephone Protection Act."

Section 2. Fraud and Related Activity in Connection with Counterfeit Access Devices. Section 2 of the bill sets forth the amendments made by the bill to section 1029 of Title 18 of the United States Code.

Section 2(a) of the bill deletes existing paragraph (8) from section 1029(a) and replaces it with two new paragraphs. New paragraph (8) restates in its entirety the text of old paragraph (8)(A). The text of new paragraph (9) is essentially the text of existing paragraph (8)(B), except that the existing requirement that the government show an "intent to defraud" in order to prove a violation has been deleted. Therefore, as section 1029 will be amended, in order to prove a violation of new subsection (a)(9), the government need only prove that the defendant knowingly used, produced, trafficked in, had custody or control of, or possessed hardware or software with the knowledge that it had been configured to insert or modify telecommunication identifying information associated with or contained in a telecommunications instrument so that the instrument could be used to obtain telecommunications service without authorization.

As amended, new subsection (a)(9) does not make it a crime to simply possess a wireless telephone or other access device that has been manufactured or modified to obtain unauthorized use of telecommunications services. Under other subsections of section 1029, however, it will continue to be illegal to use, produce, traffic in, have custody or control of, or possess such a device if the act was done with the intent to defraud another person. This is current law, and it remains unchanged by the bill.

The statute, as amended, also does not prohibit persons from simply possessing equipment that only intercepts electronic serial numbers or wireless telephone numbers (defined as "scanning receivers" under section 1029, as amended by the bill). For example, companies which produce technology to sell to carriers or state and local governments that ascertains the location of wireless telephones as part of enhanced 911 services do not violate section 1029 by their actions. Under new subsection (a)(8), however, it will continue to be illegal to use, produce, traffic in, have custody or control of, or possess a scanning receiver if such act was done with the intent to defraud another person. This also is current law, and it remains unchanged by the bill.

While not specifically defined in the bill, the term "telecommunications instrument" as used in new subsection (a)(9) should be construed to mean the type of device which can be used by individuals to transmit or receive wireless telephone calls. The term should be construed to include within its definition the microchip or card which identifies the device or communications transmitted through the device.

Section 2(b) of the bill amends all of existing subsection (c) of section 1029. Due to a previous amendment to this subsection, an inconsistency exists in current law with respect to the maximum punishment which may be imposed for violations of current paragraphs (a)(5), (6), (7), or (8). Currently,

the maximum punishment for violations of these paragraphs is 10 years under subsection (c)(1) but 15 years under subsection (c)(2). Clearly, it is inappropriate for there to be different maximum punishments which may be imposed for violations of these paragraphs. Section 2(b) of the bill eliminates this inconsistency by clearly stating the maximum punishments which may be imposed for all violations of section 1029.

Section 2(b) of the bill also amends existing subsection (b)(1) of section 1029 to state more clearly the maximum punishment which may be imposed for attempts to commit the crimes described in section 1029. As amended, subsection (b)(1) will provide that convictions for attempts under section 1029 are to be subject to the same penalties as those proscribed for the offense attempted.

Section 2(b) of the bill further amends existing subsection (b)(1) of section 1029 to add a criminal asset forfeiture provision for violations of section 1029(a). In the event of a conviction for a violation of this subsection, the defendant will be required to forfeit to the United States any personal property used or which was intended to be used to commit the offense. This section of the bill also provides that the forfeiture procedure to be used is that contained in section 413 of the Controlled Substances Act (except for subsection (d) of that section).

Section 2(c) of the bill amends the definition of "scanning receiver" currently found in section 1029(e)(8). The bill adds to the definition of scanning receiver additional language to ensure that the defined term is understood to include a device or apparatus that can be used to intercept an electronic serial number, mobile identification number, or other identifier of any telecommunications service, equipment, or instrument.

Section 2(d) of the bill creates an exception to the crime described in new subsection (a)(9) for persons who are employed by or are engaged in business with certain telecommunications carriers. The new exception provides that it is not a violation of new subsection (a)(9) for an officer, employer, or agent of a facilities-based carrier, or a person engaged in business with a facilities-based carrier, to engage in conduct (other than trafficking) otherwise prohibited by that subsection in limited situations. Therefore, the behavior permitted by this subsection is the use, production, custody or control of, or possession of the hardware or software described in subsection (a)(9). The exception is only available to those persons described if their actions were taken for the purpose of protecting the property or legal rights of the facilities-based carrier.

The purpose of the phrase "person engaged in business with a facilities-based carrier" is to include within the exception third parties which have a business relationship with the carrier but where that relationship may not be evidenced by a written contract. In most cases, these parties will be persons and companies with technical expertise hired by carriers to assist them in protecting their property and legal rights. The phrase should not be interpreted to include within its meaning parties whose business relationship with the carrier is only by virtue of having subscribed to the services of the telecommunications carrier.

The phrase "for the purpose of protecting the property or legal rights" of the carrier should be narrowly construed. Only such actions which might be deemed to be part of the ordinary course of business of a telecommunications carrier, such as actions involving maintenance on or modifications to

its telecommunications system, or which are designed to test the operation of the system or the system's ability to deter unauthorized usage (including the reverse engineering of hardware or software configured as described in new subsection (a)(9)), should be deemed to fall within this exception. Acts taken with the intent to defraud another, even if taken by officers, employees, or agents of a facilities-based carrier, or by persons under contract with a facilities-based carrier, would still violate the statute.

We take particular note of the fact that under certain under some circumstances a facilities-based carrier may wish to use this type of equipment to intercept signals carried on another telecommunications carrier's system for the purpose of testing whether its customers may be able to utilize the other carrier's system when those customers initiate or receive calls while inside the other carrier's geographic area of operation. It is our understanding that these types of interceptions have always occurred with the express consent of the two carriers involved. We believe that this is the appropriate practice. Therefore, the bill has been amended to include an "exception to the exception." The excepted conduct is not excepted (i.e., the conduct should be deemed to violate the statute) if the conduct was undertaken for the purpose of obtaining telecommunications service provided by another facilities-based carrier without the authorization of that carrier. Thus, the exception created by subsection (d) of the bill only applies to situations where the other carrier has consented to the use of this equipment to obtain the service provided on its system.

Subsection (d) of the bill also creates an affirmative defense to the crime described in new subsection (a)(9) for violations other than those consisting of producing or trafficking. The section provides that it is a defense to a prosecution for such a violation if the conduct charged was engaged in for research or development in connection with a lawful purpose. The defendant bears the burden of proving the facts supporting this defense by a preponderance of the evidence. The defendant must prove that the purpose of its acts was otherwise lawful and that its conduct was limited to research and development activities. Acts which go beyond research and development, even if connected to a lawful purpose, fall outside the scope of the affirmative defense. The defense is only available to defend against the charges of use, custody or control of, or possessing the hardware or software described in subsection (a)(9). In the event that a defendant is charged with one of these violations together with a charge for which the defense is not available (e.g., the defendant is charged with both use and trafficking) the defense may still be used by the defendant but only as against the charge permitted by the statute (e.g., use).

Section (d) of the bill also adds new paragraph (9) to subsection (e) of section 1029 in order to define the term "telecommunications service" and provides that the term is to have the meaning given that term in section 3 of title 1 of the Communications Act of 1934 (47 U.S.C. Section 153).

Section (d) of the bill also adds new paragraph (10) section 1029(e) in order to define the term "facilities-based carrier" as it is used in the exception to new subsection (a)(9). That term is defined to mean an entity that owns communications transmissions facilities, is responsible for the operation and maintenance of those facilities, and holds an operating license issued by the Federal Communications Commission. Thus, it

does not include so-called "resellers" of wireless telephone air time, companies which buy blocks of air time and resell it to retail customers. The definition also does not include companies which hold nominal title to telecommunications equipment but which have no responsibility for their operations or for performing maintenance on them. Finally, the definition does not include persons or companies which may own and operate tangible telecommunications equipment but which do not hold the appropriate license for that purpose issued by the Federal Communications Commission.

Finally, the bill also defines "telecommunication identifying information," one of the key terms in new subsection (a)(9). That term is defined to mean an electronic serial number or any other number or signal that identifies a specific telecommunications instrument. The intent of this term is to identify the unique components or features of a telecommunications instrument which can be inserted or modified by the devices described in new subsection (a)(9) such that the instrument can be used to obtain telecommunications service without authorization.

Section 2(e) of the bill directs the United States Sentencing Commission to review and amend its sentencing guidelines and policy statements, if appropriate, to provide an appropriated penalty for offenses involving the cloning of wireless telephones. This section of the bill states a number of factors which the Sentencing Commission is directed to consider during its review. We are concerned that violations of section 1029 are not punished as severely as other, similar, fraud crimes are punished under the Sentencing Commission's sentencing guidelines and, in any event, are not punished as severely as they should be in light of the magnitude of loss resulting from this crime and the fact that this crime is often used to facilitate more serious crimes. This section of the bill directs the Sentencing Commission to consider these and other factors in making to Congress as part of its annual reporting process whatever recommendations it deems appropriate with respect to the guidelines for imposing punishment for violations of section 1029.

Mr. MCCOLLUM. Mr. Chairman, I yield back the balance of my time on this amendment.

Mr. WEXLER. Mr. Chairman, I rise in support of the McCollum amendment.

The gentleman from Florida (Mr. MCCOLLUM) has described what this amendment does. It simply makes clear that FCC license carriers can use the type of equipment described by the bill for their legitimate business purposes. On behalf of the gentleman from Michigan (Mr. CONYERS) I want to thank Chairman MCCOLLUM and his counsel, Glen Schmitt, for their willingness to work through this issue. I also want to make it clear because there have been some questions on this point that the bill before us does not affect scanners. Scanners do have legitimate uses and will remain available.

Mr. SAM JOHNSON of Texas. Mr. Chairman, I move to strike the last word.

Mr. Chairman, in closing I just want to say that this bill will make cellular

telephones across America more secure. It is high time in our society that the victim rather than the criminal is protected. No longer will the hard-core criminal be able to steal cellular phone numbers and rack up huge phone bills which cost all of us.

Mr. Chairman, this bill is about freedom and security, the right of each American to freely and safely use their phones without the fear of their number being stolen. This bill is going to help our law enforcement agencies and ensure a safer America for all.

The CHAIRMAN. The question is on the amendment in the nature of a substitute offered by the gentleman from Florida (Mr. MCCOLLUM).

The amendment in the nature of a substitute was agreed to.

The CHAIRMAN. Are there other amendments?

If not, the question on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. GILCHREST) having assumed the chair, Mr. COLLINS, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2460) to amend title 18, United States Code, with respect to scanning receivers and similar devices, pursuant to House Resolution 368, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on the amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

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

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

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 414, nays 1, not voting 15, as follows:

[Roll No. 25]

YEAS—414

Abercrombie	Dickey	Johnson (CT)
Ackerman	Dicks	Johnson (WI)
Aderholt	Dingell	Johnson, E. B.
Allen	Dixon	Johnson, Sam
Andrews	Doggett	Jones
Archer	Dooley	Kanjorski
Armey	Doolittle	Kaptur
Bachus	Doyle	Kasich
Baessler	Dreier	Kelly
Baker	Duncan	Kennedy (MA)
Baldacci	Dunn	Kennedy (RI)
Ballenger	Edwards	Kennelly
Barcia	Ehlers	Kildee
Barr	Ehrlich	Kilpatrick
Barrett (NE)	Emerson	Kim
Barrett (WI)	Engel	Kind (WI)
Bartlett	English	King (NY)
Barton	Ensign	Kingston
Bass	Eshoo	Klecicka
Bateman	Etheridge	Klug
Becerra	Evans	Knollenberg
Bentsen	Everett	Kolbe
Bereuter	Ewing	Kucinich
Berman	Farr	LaFalce
Berry	Fawell	LaHood
Bilbray	Fazio	Lampson
Billrakis	Filner	Lantos
Bishop	Foley	Largent
Blagojevich	Forbes	Latham
Bliley	Fossella	LaTourette
Blumenauer	Fowler	Lazio
Blunt	Fox	Leach
Boehlert	Frank (MA)	Levin
Boehner	Franks (NJ)	Lewis (CA)
Bonilla	Frelinghuysen	Lewis (GA)
Bonior	Frost	Lewis (KY)
Borski	Furse	Linder
Boswell	Galleghy	Lipinski
Boucher	Ganske	Livingston
Boyd	Gejdenson	LoBlundo
Brady	Gekas	Lofgren
Brown (CA)	Gephardt	Lowe
Brown (OH)	Gibbons	Lucas
Bryant	Gilchrest	Maloney (CT)
Bunning	Gillmor	Maloney (NY)
Burr	Gilman	Manton
Burton	Goode	Manzullo
Buyer	Goodlatte	Markey
Callahan	Goodling	Martinez
Calvert	Gordon	Mascara
Camp	Goss	Matsui
Canady	Graham	McCarthy (MO)
Cannon	Granger	McCarthy (NY)
Cardin	Green	McCollum
Carson	Greenwood	McCrery
Castle	Gutierrez	McDade
Chabot	Gutknecht	McDermott
Chambliss	Hall (OH)	McGovern
Chenoweth	Hall (TX)	McHale
Christensen	Hamilton	McHugh
Clay	Hansen	McInnis
Clayton	Harman	McIntosh
Clement	Hastert	McIntyre
Clyburn	Hastings (FL)	McKeon
Coble	Hayworth	McKinney
Coburn	Hefley	McNulty
Collins	Hefner	Meehan
Combest	Heger	Meek (FL)
Condit	Hill	Meeks (NY)
Conyers	Hilleary	Menendez
Cook	Hilliard	Metcalfe
Cooksey	Hinches	Mica
Costello	Hinojosa	Millender
Cox	Hobson	McDonald
Coyne	Hoekstra	Miller (FL)
Cramer	Holden	Minge
Crane	Hooley	Mink
Crapo	Horn	Moakley
Cubin	Hostettler	Mollohan
Cummings	Houghton	Moran (KS)
Cunningham	Hoyer	Moran (VA)
Danner	Hulshof	Morella
Davis (FL)	Hunter	Murtha
Davis (IL)	Hutchinson	Myrick
Davis (VA)	Hyde	Nadler
Deal	Inglis	Neal
DeFazio	Istook	Nethercutt
DeGette	Jackson (IL)	Neumann
Delahunt	Jackson-Lee	Ney
DeLauro	(TX)	Norwood
DeLay	Jefferson	Nussle
Deutsch	Jenkins	Oberstar
Diaz-Balart	John	Obey

Oliver	Rush	Stupak
Ortiz	Ryun	Sununu
Owens	Sabo	Talent
Oxley	Salmon	Tanner
Packard	Sanchez	Tauscher
Pallone	Sandlin	Tauzin
Pappas	Sanford	Taylor (MS)
Parker	Sawyer	Taylor (NC)
Pascrell	Saxton	Thomas
Pastor	Schaefer, Dan	Thompson
Paxon	Schaffer, Bob	Thornberry
Payne	Schumer	Thune
Pease	Scott	Thurman
Peterson (MN)	Sensenbrenner	Tiahrt
Peterson (PA)	Serrano	Tierney
Petri	Sessions	Torres
Pickering	Shadegg	Torres
Pickett	Shaw	Towns
Pitts	Shays	Traficant
Pombo	Sherman	Turner
Pomeroy	Shimkus	Upton
Porter	Shuster	Velázquez
Portman	Sisisky	Vento
Price (NC)	Skaggs	Vislosky
Pryce (OH)	Skeen	Walsh
Quinn	Skelton	Wamp
Radanovich	Slaughter	Waters
Rahall	Smith (MI)	Watkins
Ramstad	Smith (NJ)	Watt (NC)
Rangel	Smith (OR)	Watts (OK)
Redmond	Smith (TX)	Waxman
Regula	Smith, Adam	Weldon (FL)
Reyes	Smith, Linda	Weldon (PA)
Riggs	Snowbarger	Weller
Riley	Snyder	Wexler
Rivers	Solomon	Weygand
Rodriguez	Souder	White
Roemer	Spence	Whitfield
Rogan	Spratt	Wicker
Rogers	Stabenow	Wise
Rohrabacher	Stark	Wolf
Ros-Lehtinen	Stearns	Woolsey
Rothman	Stenholm	Wynn
Roukema	Stokes	Yates
Roybal-Allard	Strickland	Young (AK)
Royce	Stump	Young (FL)

NAYS—1

Paul

NOT VOTING—15

Brown (FL)	Hastings (WA)	Pelosi
Campbell	Klink	Poshard
Fattah	Luther	Sanders
Ford	Miller (CA)	Scarborough
Gonzalez	Northup	Schiff

□ 1132

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mrs. NORTHUP. Mr. Speaker, on Roll Call Vote No. 25, I was unavoidably detained. Had I been present, I would have voted aye.

Mr. MCCOLLUM. Mr. Speaker, pursuant to House Resolution 368, I call up from the Speaker's table the Senate bill (S. 493) to amend section 1029 of title 18, United States Code, with respect to cellular telephone cloning paraphernalia, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The text of S. 493 is as follows:

S. 493

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 "Wireless Telephone Protection Act".

SEC. 2. FRAUD AND RELATED ACTIVITY IN CONNECTION WITH COUNTERFEIT ACCESS DEVICES.

(a) UNLAWFUL ACTS.—Section 1029(a) of title 18, United States Code, is amended—

(1) by redesignating paragraph (9) as paragraph (10); and

(2) by striking paragraph (8) and inserting the following:

"(8) knowingly and with intent to defraud uses, produces, traffics in, has control or custody of, or possesses a scanning receiver;

"(9) knowingly uses, produces, traffics in, has control or custody of, or possesses hardware or software, knowing it has been configured for altering or modifying a telecommunications instrument so that such instrument may be used to obtain unauthorized access to telecommunications services; or".

(b) PENALTIES.—

(1) GENERALLY.—Section 1029(c) of title 18, United States Code, is amended to read as follows:

"(c) PENALTIES.—(1) IN GENERAL.—The punishment for an offense under subsection (a) is—

"(A) in the case of an offense that does not occur after a conviction for another offense under this section, which conviction has become final—

"(i) if the offense is under paragraph (3), (6), (7), or (10) of subsection (a), a fine under this title or imprisonment for not more than 10 years, or both; and

"(ii) if the offense is under paragraph (1), (2), (4), (5), (8), or (9), of subsection (a), a fine under this title or imprisonment for not more than 15 years, or both;

"(B) in the case of an offense that occurs after a conviction for another offense under this section, which conviction has become final, a fine under this title or imprisonment for not more than 20 years, or both; and

"(C) in any case, in addition to any other punishment imposed or any other forfeiture required by law, forfeiture to the United States of any personal property used or intended to be used to commit, facilitate, or promote the commission of the offense.

"(2) APPLICABLE PROCEDURE.—The criminal forfeiture of personal property subject to forfeiture under paragraph (1)(C), any seizure and disposition thereof, and any administrative or judicial proceeding in relation thereto, shall be governed by subsections (c) and (e) through (p) of section 413 of the Controlled Substances Act (21 U.S.C. 853)."

(2) ATTEMPTS.—Section 1029(b)(1) of title 18, United States Code, is amended by striking "punished as provided in subsection (c) of this section" and inserting "subject to the same penalties as those prescribed for the offense attempted".

(c) DEFINITION OF SCANNING RECEIVER.—Section 1029(e) of title 18, United States Code, is amended—

(1) in paragraph (6), by striking "and" at the end;

(2) in paragraph (7)—

(A) by striking "The" and inserting "the"; and

(B) by striking the period at the end and inserting a semicolon; and

(3) in paragraph (8), by striking the period at the end and inserting "or to intercept an electronic serial number, mobile identification number, or other identifier of any telecommunications service, equipment, or instrument; and".

(d) APPLICABILITY OF NEW SECTION 1029(a)(9).—

(1) IN GENERAL.—Section 1029 of title 18, United States Code, is amended by adding at the end the following:

"(g) It is not a violation of subsection (a)(9) for an officer, employee, or agent of, or a person under contract with, a facilities-based carrier, for the purpose of protecting the property or legal rights of that carrier, to use, produce, have custody or control of, or possess hardware or software configured as described in that subsection (a)(9): *Provided*, That if such hardware or software is used to obtain access to telecommunications service provided by another facilities-based carrier, such access is authorized."

(2) DEFINITION OF FACILITIES-BASED CARRIER.—Section 1029(e) of title 18, United States Code, as amended by subsection (c) of this section, is amended by adding at the end the following:

"(9) the term 'facilities-based carrier' means an entity that owns communications transmission facilities, is responsible for the operation and maintenance of those facilities, and holds an operating license issued by the Federal Communications Commission under the authority of title III of the Communications Act of 1934."

(e) AMENDMENT OF FEDERAL SENTENCING GUIDELINES FOR WIRELESS TELEPHONE CLONING.—

(1) IN GENERAL.—Pursuant to its authority under section 994 of title 28, United States Code, the United States Sentencing Commission shall review and amend the Federal sentencing guidelines and the policy statements of the Commission, if appropriate, to provide an appropriate penalty for offenses involving the cloning of wireless telephones (including offenses involving an attempt or conspiracy to clone a wireless telephone).

(2) FACTORS FOR CONSIDERATION.—In carrying out this subsection, the Commission shall consider, with respect to the offenses described in paragraph (1)—

(A) the range of conduct covered by the offenses;

(B) the existing sentences for the offenses;

(C) the extent to which the value of the loss caused by the offenses (as defined in the Federal sentencing guidelines) is an adequate measure for establishing penalties under the Federal sentencing guidelines;

(D) the extent to which sentencing enhancements within the Federal sentencing guidelines and the court's authority to impose a sentence in excess of the applicable guideline range are adequate to ensure punishment at or near the maximum penalty for the most egregious conduct covered by the offenses;

(E) the extent to which the Federal sentencing guideline sentences for the offenses have been constrained by statutory maximum penalties;

(F) the extent to which Federal sentencing guidelines for the offenses adequately achieve the purposes of sentencing set forth in section 3553(a)(2) of title 18, United States Code;

(G) the relationship of Federal sentencing guidelines for the offenses to the Federal sentencing guidelines for other offenses of comparable seriousness; and

(H) any other factors that the Commission considers to be appropriate.

MOTION OFFERED BY MR. MCCOLLUM

Mr. MCCOLLUM. Mr. Speaker, pursuant to the rule, I offer a motion.

The Clerk read as follows:

Mr. MCCOLLUM of Florida moves to strike out all after the enacting clause of the Senate bill, S. 493, and insert in lieu thereof the text of the bill, H.R. 2460, as passed by the House.

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

The title of the Senate bill was amended so as to read: "A bill to amend title 18, United States Code, with respect to scanning receivers and similar devices."

A motion to reconsider was laid on the table.

A similar House bill (H.R. 2460) was laid on the table.

GENERAL LEAVE

Mr. MCCOLLUM. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the legislation just considered.

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

There was no objection.

CORRECTION OF THE CONGRESSIONAL RECORD OF WEDNESDAY, FEBRUARY 25, 1998

ELECTION OF MEMBERS TO CERTAIN STANDING COMMITTEES OF THE HOUSE

Mr. FAZIO of California. Mr. Speaker, by direction of the Democratic Caucus, I offer a privileged resolution (H. Res. 369) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 369

Resolved, That the following named Members be, and that they are hereby, elected to the following standing committees of the House of Representatives:

Committee on Small Business: Ms. VELÁZQUEZ to rank directly above Mr. SISISKY.

Committee on Banking and Financial Services: That the powers and duties conferred upon the ranking minority members by House rules shall be exercised by the next senior member until otherwise ordered by the House.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ELECTION OF MEMBER TO THE COMMITTEE ON SMALL BUSINESS

Mr. BONIOR. Mr. Speaker, I offer a resolution (H. Res. 370), and ask unanimous consent for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 370

Resolved, That the following named Members be, and that they are hereby, elected to the following standing committees of the House of Representatives:

Committee on Small Business: Ms. VELÁZQUEZ to rank directly above Mr. LAFALCE.

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

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ELECTION OF MEMBER TO THE COMMITTEE ON THE JUDICIARY

Mr. ARMEY. Mr. Speaker, I offer a resolution (H. Res. 371), and ask unanimous consent for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 371

Resolved, That the following Member be, and he is hereby, elected to the following standing committee of the House of Representatives:

Committee on the Judiciary: Mr. GRAHAM of South Carolina.

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

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PERMISSION FOR COMMITTEE ON WAYS AND MEANS TO HAVE UNTIL MIDNIGHT FRIDAY, FEBRUARY 27, 1998 TO FILE REPORT ON H.R. 3130, CHILD SUPPORT PERFORMANCE AND INCENTIVE ACT OF 1998

Mr. SHAW. Mr. Speaker, I ask unanimous consent that the Committee on Ways and Means have until midnight tomorrow, Friday, February 27, 1998 to file a report on H.R. 3130.

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

There was no objection.

LEGISLATIVE PROGRAM

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

TRIBUTE TO MARTI THOMAS

Mr. BONIOR. Mr. Speaker, I will inquire shortly of the distinguished gentleman from Texas (Mr. ARMEY) regarding the schedule.

Before I yield to my friend, the gentleman from Texas, I would just like to take this opportunity to let the Members know, those who are not already in knowledge, of the leaving of one of our real fabulous, super persons who have worked this floor for 9 years, Marti Thomas of the staff of the gentleman from Missouri (Mr. GEPHARDT), who has been a real inspiration to a lot of people around here.

She is leaving. She is not going very far, just down to the Treasury Depart-

ment. We will see her from time to time. I just want her to know that on behalf of all the Members of the House, and I think the gentleman from Texas (Mr. ARMEY) might elaborate on this, who also was honored here last night at a party, we want her to know how much we will miss her, how much we appreciate all the hard work she gave to this institution, and we look forward to seeing her from time to time as she comes back with her new responsibilities.

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

Mr. BONIOR. I yield to the gentleman from Texas.

Mr. ARMEY. Mr. Speaker, if I may just speak for a moment, perhaps I may make a comment about Marti and how much we, too, have enjoyed working with her. She has always been pleasant, even when she was being stubborn. But we have always enjoyed it, and we, too, will miss her.

I would think we may want to hear from the gentleman from Missouri (Mr. GEPHARDT) on this subject before we talk about the schedule.

If I might just say, Marti, from my point of view, I will miss you. I wish you Godspeed wherever you go, and I believe you owe me a lot, so I will be getting in touch with you later on that.

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

Mr. BONIOR. I yield to the distinguished gentleman from Missouri.

Mr. GEPHARDT. Mr. Speaker, I thank the gentleman from Texas for his comments. I have known a lot of staff people here, and we rarely thank and recognize our staff for the great work they do. One of the reasons this place works is that we have wonderful human beings who come here to work for us, and work behind the scenes without any celebration or without any sufficient recognition, to make this place work.

I know of no one that we have ever had on staff who has such unanimous acclaim as Marti Thomas. Everybody likes her, everybody loves her, everybody respects her, and everybody wishes her well in her new assignment with the Treasury Department.

Finally, I believe that she has such acclaim because she basically treats other people the way she would like to be treated.

That is her credo, and that is the way she conducts herself. So, Marti, we are going to miss you very, very much, and we know you are going to be a great success. And the only solace I have in this as her direct employer is that she has promised to come back here soon.

Mr. BONIOR. I yield to my friend, the gentleman from Texas (Mr. ARMEY).

Mr. ARMEY. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I am pleased to announce that we have finished legislative business for the week. The House

will reconvene for pro forma session on Monday, March 2 at 2:00 p.m. Of course there will be no legislative business and no votes on that date.

On Tuesday, March 3, the House will meet at 12:30 p.m. for morning hour and 2:00 p.m. for legislative business.

We will consider a number of bills under suspension of the rules, a list of which will be distributed to Members' offices. Members should note that we do not expect any recorded votes on suspensions before 5:00 p.m. on Tuesday, February 3.

On Wednesday and Thursday, the House will meet at 10:00 a.m. to consider the following bills, all of which will be subject to rules: H.R. 856, the United States-Puerto Rico Political Status Act; H.R. 3130, the Child Support Performance and Incentive Act for 1998; and H.R. 2369, the Wireless Privacy Enhancement Act of 1997.

Mr. Speaker, we hope to conclude legislative business for the week by 6:00 p.m. on Thursday, March 5. There will be no votes on Friday, March 6.

I want to thank the gentleman for yielding me this time.

Mr. BONIOR. I thank my colleague from Texas for his remarks and the information that he has given us. Can I ask the gentleman from Texas when we can expect the Puerto Rico bill to be coming to the floor?

Mr. ARMEY. I thank the gentleman for asking. We anticipate having that bill on the floor on Wednesday.

Mr. BONIOR. Wednesday. I thank my friend.

And, finally, the concern we had here is when we will be able to see the list of bills on suspension.

Mr. ARMEY. I thank the gentleman for that inquiry. We have had some late requests. We are trying to get the list together, and we should have them in your offices later today.

Mr. BONIOR. I thank my colleague and wish him a good weekend.

ADJOURNMENT TO MONDAY, MARCH 2, 1998

Mr. SOLOMON. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 2 p.m. on Monday next.

The SPEAKER pro tempore. Is there objection to the request from the gentleman from New York?

There was no objection.

HOURLY MEETING ON TUESDAY, MARCH 3, 1998

Mr. SOLOMON. I would also ask unanimous consent that when the House adjourns on Monday, March 2, 1998, it adjourn to meet at 12:30 p.m. on Tuesday, March 3, for morning hour debates.

The SPEAKER pro tempore. Is there objection to the request from the gentleman from New York?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. SOLOMON. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

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

There was no objection.

ANNOUNCEMENT REGARDING AMENDMENTS TO H.R. 3130, CHILD SUPPORT PERFORMANCE AND INCENTIVE ACT OF 1998

(Mr. SOLOMON asked and was given permission to address the House for 1 minute.)

Mr. SOLOMON. Mr. Speaker, I ask for this time for the purpose of making an announcement.

Mr. Speaker, I rise to inform the House of the Committee on Rules' plans in regard to H.R. 3130, the Child Support Performance and Incentive Act of 1998.

The bill was ordered reported by the Committee on Ways and Means on February 25, and the report is expected to be filed in the House on Friday, February 27, tomorrow.

The Committee on Rules will meet next week to grant a rule which may require that amendments to H.R. 3130, the Child Support Performance and Incentive Act of 1998, be preprinted in the CONGRESSIONAL RECORD. Amendments to be preprinted would need to be signed by the Member and submitted at the Speaker's table.

Members should use the Office of Legislative Counsel to ensure that their amendments are properly drafted and should check the Office of the Parliamentarian to be certain that their amendments comply with the rules of the House.

Mr. Speaker, this is intended to be an open rule, but there could be the preprinting requirement, and I just wanted to make sure that the Members understood that. This is a good bill, and we should take it up early next week.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 235

Mrs. MALONEY of New York. Mr. Speaker, I ask unanimous consent to have the gentleman from Nebraska (Mr. BARRETT) removed as a cosponsor from H.R. 235, the War Crimes Disclosure Act.

His name was added inadvertently due to a clerical error, while the gentleman from Wisconsin (Mr. BARRETT) should have been added as a cosponsor.

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

There was no objection.

URGING MEMBERS TO SUPPORT RESOLUTION REQUESTING POSTAL SERVICE TO ISSUE STAMP HONORING THE UNITED STATES SUBMARINE FORCE ON ITS 100TH ANNIVERSARY

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

Mr. GEJDENSON. Mr. Speaker, the year 2000 is the 100th anniversary of our submarine fleet. The Postal Service recently made what I believe was a serious error in rejecting a postal stamp. There were several options out there that would make a stamp that would have high demand in this country.

I ask my colleagues to join me in a resolution that will be supported by the chairman of the Committee on Veterans' Affairs and original cosponsor of this resolution. They will join President Carter, Defense Secretary Cohen, and Navy Secretary Dalton in support of having the Postal Service reconsider an earlier decision that turned down a submarine stamp.

We have but two possibilities here. Here is a second one. But what is most important, when we look at the number of stamps that are being produced, from cartoon figures to actors, it seems to me that a service that has been critical and vital to the survival of the United States and its freedoms, with so many Americans giving their lives in service, that they need to be recognized on this 20th anniversary. I hope all of my colleagues will join us in supporting this resolution.

Mr. Speaker, this morning I rise in support of the hundreds of thousands of Americans who have patrolled beneath the oceans to keep us free.

Today I will introduce a resolution urging the Postal Service to reconsider its earlier decision and issue a commemorative postage stamp honoring the United States Submarine Force on its 100th anniversary in the year 2000.

In December, the Postal Service made a mistake in turning down the request on the ground that the stamps might not have wide commercial appeal. The Americans who spent over 200 million dollars to see the Hunt for Red October and Crimson Tide at the movies would beg to differ. As would the over three million Americans who have visited the Nautilus museum in Groton, Connecticut, since it opened in 1986.

Even more importantly, this decision should be reversed on the merits of heroism. With only 2% of navy personnel during World War II, the U.S. submarine force destroyed 55% of all Japanese shipping. And we can never forget the 3,800 submariners who have given their lives to this country in the line of duty.

From the Navy's first submarine, USS Holland, to the latest due for commissioning this year as USS Connecticut, there is much of which we have to be proud. We can think of few better ways in which to honor the Submarine Force's 100 years than through this commemoration.

I am honored to have the Chairman of the Veterans Affairs Committee among the original co-sponsors of this resolution. They join former President Carter, Defense Secretary Cohen, and Navy Secretary Dalton in calling on the Postal Service to reconsider its earlier decision.

I ask all members of this House to join me and put the full weight of this body behind the men and women who have served this nation as part of the United States Submarine Force.

RETHINKING THE SAFETY NET FOR AMERICAN FAMILIES

(Mr. LEWIS of Kentucky asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. LEWIS of Kentucky. Mr. Speaker, I rise today to talk about an issue we have dealt with here in Congress and in the Family Caucus, of which I am chairman, and that is, "Rethinking the Safety Net" for American families.

The article that I want to talk about was published over a year ago, but still it has merit in answering the question of government's role in developing and strengthening families.

The author, Mr. Butler, calls for several reforms which have already been implemented, reforms in areas such as adoption laws, in tax relief, and welfare. However, the theme of the article is still very applicable and relevant to today's debate about the role of government in American families.

"Rethinking the Safety Net" states what many of us here in Congress have concluded, that government has done more damage than good for the American family. Mr. Butler points to many areas to prove this point, including the high burden of taxes, the dependency of entire generations on welfare, and how the decline of religion in this country is partly due to government actions.

This article about rethinking the safety net tells us the current safety net of government programs is not working. The true safety net consists of social institutions like family and religion. Therefore, Congress should promote programs that strengthen the family, rather than weakening it.

When Congress debates how to best implement and create social programs, let us keep in mind that communities and families are the most important areas to look at.

Mr. Butler shows us how programs created by Congress have had an adverse impact in the past. Let's not make the same mistakes again.

Mr. Speaker, I include for the RECORD the article by Mr. Butler.

The material referred to is as follows:

RETHINKING THE SAFETY NET

(By Stuart M. Butler)

INTRODUCTION

In the conventional wisdom of Washington, everything turns on federal spending. So it is not surprising that when a "Stand Up for Children" rally took place recently, the explicit assumption of the sponsors was that if one really cared about children, he would support more spending on "children's" programs and, of course, he should condemn those anti-child politicians who would cut these programs. Needless to say, it is an article of faith among the inside-the-Beltway media that compassion itself is synonymous with voting to spend other people's money on the children and the poor.

This attitude permeates the entire debate over the social safety net. What is it that prevents people from falling into poverty or enables them to bounce back after a spell on hard times? To most liberals the essential fabric of the net is cash—it is making sure, through government programs, that a generous cash cushion is available. So the more generous and comprehensive the cash assistance programs are, the more effective will be the social safety net. That is why liberals have fought so bitterly during this Congress to defend spending levels on these programs, and why they have castigated as heartless any lawmaker voting to reduce spending.

But if the purpose of an effective social safety net is to prevent poverty and to restore the lives of those now in poverty, the fierce battle over government spending is largely irrelevant. Spending money on these programs matters a great deal to the debate over deficits, taxes and economic growth, but it has little to do with creating an effective social safety net. If you examine the mountain of scholarly evidence, and if you spend much time in poverty-ridden and crime-infested communities, it becomes crystal clear that the real social safety net consists of two things: stable families and religious practice. The presence or absence of these two things overwhelms everything else—and especially it overwhelms the effect of government social welfare programs. It is hardly an exaggeration to say that nothing else matters.

THE CRUCIAL IMPORTANCE OF STABLE FAMILIES

As far as children are concerned, there are two distinct communities in America—traditional two-parent households and single-parent households. Whichever of these communities a child is born into will profoundly affect his or her future development and probable course in life. A child born into a single-headed family, for instance, is far more likely to be poor and to be brought up poor than a child born into a traditional, intact family. The most recent Census Bureau data (for 1994) underscores this. The poverty rate among intact families in 1994 was less than 11 percent. But among children in broken families, the rate was a stunning 53 percent. Significantly, the poverty rates for these two types of households, if one considers only black families, are almost the same as among the general population (11.4 per cent and 54 per cent in 1994). Race as such is not the factor in the general poverty rate differences between black and whites. The crushing problem in the black community is the huge rate of illegitimacy. About two-thirds of all African-American babies today are born to women without a husband; in some urban areas the proportion is even higher.

It is not just that income typically is lower in single-parent households (the point

noted by most liberals to argue that cash assistance would change the outcomes for children). What the evidence shows is that it is the absence of a father which matters. Whether there was a father in the house, not the household income as a child, is more the crucial indicator of how someone will turn out as an adult. Even within middle-class households the average child born without a father in the home will not do as well as a child who lives in a home where the father is present.

Studies also consistently show the probability of running into trouble with the law is linked closely to the lack of family stability and, in particular, to the permanent absence of a father in the house. Among these studies, an analysis of census data by The Heritage Foundation found recently that a 10 percent rise in illegitimacy in a state is associated with a 17 percent increase in later juvenile crime. The study found that in the case of Wisconsin (the only state for which usable data is available), a child from a female-headed household is 20 times more likely to end up in jail as a teenager than a child from a traditional family. And all over America, members of juvenile gangs are almost entirely from broken families.

An extensive survey of medical and social science literature by Heritage senior analyst Patrick Fagan also found that a child born in a female-headed household is less likely to do well in a variety of ways in later life. For example, these children (especially boys) exhibit lower levels of cognitive development and other measures of intellectual ability. They do less well in school, are generally less healthy, are two to three times as likely to have emotional and behavioral problems, and have a shorter life expectancy. Moreover, their likely future annual income is thousands of dollars less than that of children in traditional families. The effects also tend to continue from one generation to the next. The children of single mothers are much more likely to be poor and to have children out of wedlock than children who are brought up with two parents. Murphy Brown scriptwriters take note—these problems characterize children born to affluent mothers as well as to poor mothers.

THE ROLE OF RELIGION

An intact family is perhaps the strongest safety net we have. It is certainly far more effective than the plethora of government assistance programs now available. The only possible competitor would be a commitment to religious values. As in the case of intact families, the evidence is overwhelming. A recent survey of the scholarly literature by Fagan found that regular church or synagogue attendance had several profound effects. For one thing, Americans who practice religious commitment are more likely to get married, stay married and have their children when married. They are also less likely to have trouble with the law or to take drugs. And children in such households tend to do much better in school than children in otherwise identical households. Not only are people less likely to fall into poverty if they have a commitment to religion, but a spiritual awakening is typically behind the most dramatic cases of people in poverty or crime turning their lives around. Religion is the safety net that helps countless troubled people to bounce back.

A few months ago I attended a remarkable celebration in Washington. The "Achievement Against the Odds Awards" dinner, organized each year by Robert Woodson of the National Center For Neighborhood Enterprise, recognizes low-income individuals

from across the country who have achieved a remarkable transformation in their own lives or in their community. Dubbed "the low-income Oscars" by Woodson, the event honored such people as former urban gang leaders who have given up a life of crime on the streets, former teenage prostitutes who are now married and finishing graduate degrees and former crack users who are now drug-free and running drug rehabilitation centers for the worst cases—with 80 to 90 percent success rates.

As these heroes received their awards, they told the audience of the people and events that had turned around their lives. Significantly, nobody thanked the government. Nobody said that a \$20 increase in monthly AFDC payments had been responsible for their success. Nobody paid tribute to a government training program. Nobody praised America's generous welfare system. Indeed, to the extent speakers mentioned welfare, it was to condemn it as having imprisoned them. But without exception they declared that their lives had been saved by a religious experience, or by someone introducing them to God. The more desperate had been their plight, the more they emphasized how religious faith had been their real safety net.

HOW WASHINGTON HAS WEAKENED THE REAL SAFETY NET

It is bad enough that Congress, over the years, has failed to recognize the real social safety net. Instead, it has spent staggering amounts of money on service and cash assistance programs that have clearly failed to reduce poverty and dependence. In many ways government action has for several decades actually had the effect of weakening the safety net of family and religion.

Destructive Incentives. It is now recognized even by most liberals that the welfare system has not only failed to end poverty but has also undermined the family. Since 1965, according to calculations by Robert Rector of The Heritage Foundation, America has spent over \$5 trillion, in today's dollars, on means-tested programs intended to alleviate poverty. That is more, in real terms, than America spent in World War II to defeat Germany and Japan. Yet, although the poverty rate was falling sharply in the decade before the War on Poverty programs were launched, the rate has been stuck at 12 to 14 per cent ever since 1965. And as Charles Murray pointed out in his landmark book *Losing Ground*, there has been a steady rise in the "latent poor," these Americans who are entirely dependent on government aid to keep them above the poverty line.

How could this enormous expenditure have had such a dismal effect? The reason is that in most states today a young mother can receive tax-free government cash and in-kind benefits worth between \$8,500 and \$15,000, depending on the state. But there are two conditions: she must not have a real job; and she must not marry anyone with a real job. Thus the incentive for the father is not to marry the mother and take financial responsibility for the child. The result is a destructive penalty against the formation of traditional working families for the very households most in need of that stabilizing institution. It is little wonder that Rector describes the welfare system as "the incentive system from Hell."

Anti-family legislation. In addition, many rules and statutes at the federal and state levels have the effect of weakening the family. For instance, the federal tax code is anti-family in many ways. While the "marriage penalty" is more of an irritant than a real problem for most couples, the erosion of

the personal exemption because of inflation is a very serious obstacle to couples trying to raise children. In the late 1940s, the median-income family of four paid only two percent of its income in federal income taxes because of a generous exemption for children. But because of the declining value of the exemption, a similar family today struggles with a 24 percent federal tax burden (including payroll taxes).

At the state level, "no-fault" divorce laws have helped push up the divorce rate dramatically in recent decades. In 1950 some 300,000 American children suffered the pain of a marriage breakup. By the 1970s, however, over a million children each year saw their parents split up, and the annual number has stayed above one million ever since. This easy-out approach to marriage has been very damaging for children. Several major studies indicate that the children of divorced parents experience significantly more problems in later life, such as elevated rates of unemployment, premarital sex, school dropouts, depression and suicide.

No Religion. Almost as damaging to the real social safety net of family and religion is the almost fanatical insistence by judges and many lawmakers that a "wall of separation" must be maintained between religious practice and government activity. This means hard-working and tax-paying parents in a public housing project, struggling to send their son to a school teaching religious values, cannot use a government grant or voucher to help defray the cost. And it means that faith-based solutions to property and other social problems are generally denied inclusion in taxpayer-funded programs, even though they routinely outperform other programs. To obtain government support, these successful approaches have to remove any religious emphasis, in most instances the very basic of their success.

But even organizations that do not apply for government assistance are routinely constrained or harassed by government. Robert Woodson complains bitterly of highly successful faith-based shelters for teenage ex-gang members being threatened with closure because they are not state-approved "group homes," or because the organizer (typically a former gang member) is not a credentialed social worker. And consider the case of Freddie Garcia's Victory Fellowship. Himself a former drug addict, some years ago Garcia opened a church-based center for hard-core heroin addicts in San Antonio, Texas. The program has since spread to 60 churches in Texas and New Mexico and has a 60 percent success rate (compared with single-digit successes in typical government programs). But the Texas Drug and Alcohol Commission has told Garcia to stop promoting his center as a "drug rehabilitation" program because it does not comply with state standards.

HOW TO STRENGTHEN THE REAL SAFETY NET

If thoughtful politicians at all levels of government really want to strengthen the social safety net there are several things they and policy experts must do:

(1) Talk about what kind of safety net actually works. There is not going to be a decisive shift in the debate over the safety net until ordinary Americans, as well as most lawmakers, actually understand how important intact families and religious values are to social stability and improvement. Fortunately that process of education has been gaining traction. A decade or so ago there was little public understanding outside the conservative movement of the crucial importance of intact families to a child's life. When Vice President Dan Quayle had the te-

merity in 1988 to suggest that the media should not paint a rosy picture of single motherhood, he was widely denounced as a Neanderthal. But since then the sheer weight of the evidence has persuaded all but the most diehard liberals that single-parent households are bad for children. Even the left-leaning Atlantic magazine felt forced in 1993 to carry a cover story entitled "Dan Quayle was Right."

More work still has to be done to inform Americans of the relationship between religious activity and the social economic condition of families. Fortunately the evidence is beginning to be discussed in the media and among scholars. For instance, a recent Heritage survey of this scholarly work was summarized, uncritically, in *The Washington Post* (not normally a good platform for such ideas), and the beneficial impact of religious practice to the lives of low-income families is being discussed and accepted by politicians across the political spectrum. But much more needs to be done. For example, the General Accounting Office is the government's accounting arm, which evaluates and reports on the effectiveness of programs for members of Congress. But the GAO has never been asked to carry out a systematic comparison of faith-based and government-funded secular drug rehabilitation programs. Fortunately, surveys of this kind are now under way.

(2) Have government focus on family finances, not elaborate programs. The history of government attempts to create a system of social services for those in serious need has been a costly failure. These programs are inflexible, bureaucratic and, as discussed earlier, have eligibility criteria that create the debilitating dependence and social collapse they are intended to alleviate. The more profound the problems are of an individual or family, the less able to deal with them is the government safety net and the more decisive is the private safety net of family and religion.

What government can do is to let low-income Americans keep more of their own money. Thus policymakers should concentrate on such things as overhauling the tax system to make sure that families with children are not overburdened. A tax credit or improved exemption for families with children would go a long way to strengthen the stability of these families. Meanwhile, Congress needs to enact sweeping reform of the welfare system to end programs that hinder rather than help the poor.

(3) Reform divorce laws and encourage adoption. At the state level, government should begin to roll back many of the ill-conceived "reforms" of divorce laws enacted in recent decades, focusing especially on situations where children are involved. At the very least, to discourage easy-out divorce, couples who have children and are seeking a divorce should be required to undertake extensive counseling and complete a longer waiting period before a divorce is granted. Moreover, in the granting of a divorce and the distribution of property, the interests of the children and the parent with custody would be the overriding factor in court decisions.

Besides the need to make sure children are less often the victims of family breakup, action is also needed to make it easier for children without homes to be adopted by loving families. Several studies indicate that adopted children do as well or actually better in life than children brought up with both of their biological parents, and they do far better than children in single-headed households. Yet in most states there are still enormous barriers placed between couples who

want to adopt and children wishing to be adopted.

One problem is that many social workers apparently are simply ignorant of the evidence showing the benefits of adoption over institutionalization, and therefore err on the side of not releasing a child to a couple. A related problem, particularly in placing black children with black couples, is that social workers mistakenly place a much higher importance on the financial resources of the adopting couple than on more important factors. Thus a police sergeant and his teacher wife of fifteen years, who are regular churchgoers, might be deemed inappropriate parents because they have only a modest income and live in the "wrong" part of town. And a further, more insidious, problem is that the huge government payments made to foster care institutions to house children create an equally huge incentive for these institutions to oppose adoption. Increasing the rate of adoption in America would do far more to provide a safety net for the children than any amount of new federal spending.

(4) Make it easier for faith-based organizations to tackle problems. Many of the barriers against faith-based approaches are unlikely to be removed until the U.S. Supreme Court issues more sensible rulings on the matter. Still, many bureaucratic hurdles at the state level can be streamlined or eliminated. Furthermore, the federal government could help boost private support for faith-based approaches through the tax system, without any hint of violating the Constitution. For example, Representatives J.C. Watts (R-OK) and Jim Talent (R-MO) have authored legislation that would provide Americans with a 75 per cent tax credit for contributions to private charities that deliver services to the poor. This credit would encourage more financial support to those private organizations, including church-based groups, that have proved their effectiveness to ordinary Americans, rather than merely complied with the minutiae of federal contract rules.

CONCLUSION

Equating the social safety net with a set of government programs, and measuring compassion with one's support for these programs, is a profound mistake perpetuated by the media and by liberals in Congress. The real safety net is the system of social institutions that has stood the test of time. Scholarly studies underscore the effectiveness of these institutions, in particular the institutions of family and church. Unfortunately, the unintended effect of attempts to create a government safety net has been to weaken these institutions. It is time to recognize and strengthen them.

□ 1145

SPECIAL ORDERS

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

CENSUS DEBATE IS NOTHING NEW

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, the folks at the Census Bu-

reau must be getting a pretty thick skin. This is certainly not the first time they have been criticized. Guess who lodged the first complaint about an undercount? George Washington. He complained to Thomas Jefferson, who was the Marti Ritchie of the 1790s, that the numbers were too low. Washington knew that even back in 1790 when there were only about 3.9 million people living in the colonies, that there was no way to accurately count each American by simply going door to door.

The Census has been surrounded by controversy ever since. In 1920, the party in power was so dismayed by the Census numbers, they simply dismissed them. For the first time, the Census showed that urban areas held a greater proportion of the population than did rural areas. The shift was so devastating to the majority, that Congress just failed to act, claiming that these numbers could not possibly be right. The 1930 Census affirmed the shift and Congress was forced to act.

In 1940, the impact of the undercount simply could not be denied. The War Department was depending on the Census to determine the number of young men eligible to serve. Turns out there were many more men ready to defend their country than the count had indicated. Specifically, young black men were greatly underestimated.

Over 5 percent of the population was left out of the 1940 Census. As a result, the Census Bureau began a program to measure and understand the undercount. The undercount in the Census declined steadily across the decades until 1980 when the Census counted 98.8 percent of the population, an undercount of 1.2 percent.

However, while the total undercount grew smaller across time, the difference between black and nonblack undercounts did not change much. In fact, between 1940 and 1970, the difference actually increased slightly. In 1990, things really got bad. The net undercount went from 1.2 percent in 1980, to 1.6 percent, and the difference between black and nonblack was the highest ever measured.

The real story was even worse. The General Accounting Office estimated that there were over 26 million errors in the 1990 Census. About 10 million people were missed, 6 million people were counted twice and 10 million were counted in the wrong place. That is an error rate of over 10 percent.

We might ask why the Census Bureau has not done something about that problem. Well, the answer is that they have tried. But the efforts of its statisticians have been blocked by politicians trying to preserve their domain. The Census Bureau was under pressure to correct the errors in the 1980 Census, but at that time the technology for measuring and correcting those errors was not well enough developed to do the job. However, following the 1980

Census, the Census Bureau developed a research program to be ready to correct the 1990 Census.

The research went forward, but when time came to put the system in place to correct the 1990 Census, the Under Secretary for Economic Statistics at the Department of Commerce, an appointee of President Reagan, blocked implementation.

New York City, and several others, sued the Secretary to force the Secretary to implement the measures necessary to correct the 1990 Census, but before the case could be heard by the courts, the Commerce Department settled. The settlement called for a scaled down survey to measure the errors and an evaluation panel of eight experts, four appointed by the Secretary of Commerce, four appointed by the plaintiff.

In the end, they split 4-4. The four experts selected by the Secretary of Commerce recommended against correcting the Census. The four experts selected by the plaintiffs recommended in favor of using the survey to correct the Census. The experts at the Census Bureau voted 7 to 2 in favor of the correction and the director of the Census Bureau recommended to the Secretary that the Census counts be corrected.

The Secretary, however, refused to follow that advice and in the end the Supreme Court upheld his power to do so.

Dr. Barbara Bryant, President Bush's Director of the Census Bureau in 1990, set in place a research program to develop plans for the 2000 census that were above reproach. She called on the National Academy of Science for help, as well as talented statisticians and demographers throughout the country.

That research program led to the design for the census that we are fighting over today: A design to correct the 26 million errors. A design to reduce the cost of the census. A design that is fundamentally more fair and honest. That is the design that our colleagues want to tear down. If they succeed, they will take the whole census down with them.

Our colleagues who oppose correcting the mistakes made in 1990 have no credible alternative. Their only response to fixing the problem is to throw more money at it. We will give the census a blank check, they cry. Friends, money will not solve this problem.

Counting noses didn't work for Thomas Jefferson when there were less than 4 million persons in the United States and few of those were west of the Allegheny Mountains. Counting noses certainly will not work when there are over 260 million people spread across the 48 contiguous states, Alaska, Hawaii and the territories.

Every expert and scientific panel that has studied this problem has agreed with the Census Bureau. To fix the 10 percent error in the 1990 census you have to go beyond traditional counting techniques.

The opponents of an accurate census are quick to claim the plan for the 2000 census is unconstitutional, but none of the constitutional scholars they claim to support their views has

yet to put pen to paper. There has yet to be published a serious scholarly article that makes their case.

The opponents of an accurate census are quick to scream that the plan for the 2000 census is against the will of Congress.

However, Congress ceded its authority to design and run the census to the Secretary of Commerce. The opponents of an accurate census know they cannot pass a veto proof bill that rescinds that authority.

The plans for the 2000 census are sound. However, the opponents of an accurate census are doing everything in their power to make sure those plans fail.

If the next census exceeds the error rate of the last one, it will not be the fault of the employees at the Census Bureau.

If hundreds of Americans are left out of the democratic process because of flaws in the census, it will not be the fault of the Clinton Administration.

If the next census is a failure it will be the fault of those here in Congress who are doing everything they can to block a fair and accurate count.

ADMINISTRATION SHOULD NOT CERTIFY MEXICO AS COMPLIANT WITH DRUG LAWS

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

Mr. MICA. Mr. Speaker, today I understand that the administration is about to certify Mexico as compliant with the United States law that requires an assessment of every country that is making an effort to eradicate or eliminate drug trafficking or drug production.

It is rather sad that the administration would certify Mexico to a law that was designed to give benefits for trade, foreign assistance, financial assistance and military assistance to a country that is making progress in these areas, and choose to do so with Mexico because I cannot think of any offender worse than Mexico. In fact, in the drug war, Mexico is a disaster.

The major source of almost all hard narcotics coming into the United States across our borders is Mexico. In fact, the major source of cocaine, of heroin, of methamphetamines and marijuana coming into the United States, the vast quantities that are coming into our country and destroying our cities, our communities, our children, are coming in, in fact, from Mexico. And today this administration, I understand, is going to certify Mexico as compliant.

Mr. Speaker, let me tell my colleagues that Mexico is involved in narcotics up to its eyeballs, from the President's office down to the policeman on the beat. We know this. We have had hearings in our Subcommittee on National Security, International Affairs, and Criminal Justice that I serve on that confirm Mexico's

lack and failure to cooperate in the war on drugs.

Mr. Speaker, they failed to sign a maritime agreement; they failed to cooperate in the extradition of the hard criminal drug traffickers; they failed to bring down even one major trafficking ring in Mexico; they failed to curb corruption; and they have failed to aid our DEA agents when they put their lives at risk in that country to help stop the war on drugs.

Mr. Speaker, neighbors do not let neighbors have their young killed in the streets. I submit that Mexico is a neighbor and it has failed to take action and should not be certified by this administration now or until, in fact, it does get its act together and takes positive steps to curtail the production and the transit of drugs from that country to our country.

All we have to do is look at the youth death and the death and crime in our country as a result of the drugs. Again, the major source of these drugs is Mexico. They are coming into our country. Two million Americans behind bars are there because of a drug-related offense and most of those drugs are coming in from Mexico.

We have a skyrocketing rate of drug abuse and drug deaths among our youth, hitting our youth and our streets and our schools and our communities with cocaine deaths.

In my area of central Florida, record heroin deaths and heroin is coming in and it will soon be as cheap as cocaine or any other drug in incredible quantities from Mexico.

So we cannot certify a Nation that, indeed, is not cooperating. We cannot certify a Nation that is raining death and terror on our young people in the streets and neighborhood at a tremendous cost to our young people, a tremendous cost to our communities. The jails that are filled in this country and our citizens cannot even go to sleep at night because of the related crime and the related violence of drugs and narcotics.

So they are taking a step today and it is the wrong step. They have taken the wrong step in the past when they had a Surgeon General, Joycelyn Elders, who established the policy of "Just Say Maybe" to drugs; when we had the President tell our young people, "If I had it to do all over again, I would inhale."

Today, another fatal step in the lack of war on drugs by this administration and this President who are about to certify this country, which is the major source of violence, crime, and drugs in our Nation. We can stop it. We must stop it. We must decertify Mexico.

COMMEMORATING THE LIFE AND WORK OF MADAME C.J. WALKER

The SPEAKER pro tempore. Under a previous order of the House, the gentle-

woman from Indiana (Ms. CARSON) is recognized for 5 minutes.

Ms. CARSON. Mr. Speaker, since the inception of the Black History celebration, an idea that was inspired by Dr. Carver G. Woodson, the world has become acquainted with the myriad of contributions of African-American achievement.

I rise today to pay tribute to a woman, Madame C.J. Walker, who contributed to black history and to the larger picture of American history, who resided in Indiana's 10th Congressional District. The Walker Building in my district is on the Register of Historic Places. For these reasons the Postal Service honored Madame C.J. Walker last month with a commemorative stamp in the 10th District of Indianapolis, Indiana.

Madame Walker was born Sara Breedlove. She was America's first woman self-made millionaire. Overcoming a life of poverty, this orphaned daughter of slaves rose from washwoman to entrepreneur. In 1905, she developed a conditioning treatment for hair. Her pioneering hair care methods and products transformed the appearance and self-image of African-American women.

As a business woman, Madame Walker was the master of door-to-door sales through the demonstration of her products in homes, in churches, and club meetings. As an innovative chemist, she experimented with herbs, ointments and chemicals and she developed an effective product that revolutionized black hair care.

□ 1200

By 1910, when Madame C.J. Walker Manufacturing Company was created in Indianapolis, Walker had perfected the direct marketing technique used today by companies such as Mary Kay. At the height of Madame Walker's success, the company had 3,000 workers, including sales agents, factory workers, public relations persons, marketing specialists and chemists.

As a leader and advocate for women, most of her employees were women. The company provided an alternative to the traditional domestic service jobs that had been reserved for black women, truly a visionary action before women had won the right to vote even. Furthermore, in Madame Walker's will was a provision that the company she founded always be headed by women.

As a philanthropist, Madame Walker did much to promote racial and women's equality. At home, she contributed to Flanner House in Indianapolis, Bethel AME, the Alpha Home and the Senate Avenue YMCA. On the national level, she was an avid supporter of the NAACP, the Tuskegee Institute and the Mary McLeod Normal School. She encouraged her agents to support black philanthropic work by forming "Walker Clubs" and giving cash prizes to the

clubs performing the largest amount of community charity work.

I am grateful and proud that Madame Walker left such a rich legacy for not only me and my constituents in Indianapolis but for all of America. Indeed, if there was ever a person who personified the notion of self-determination and self-help, Madame C.J. Walker was that person. At a time when society could have strictly defined Madame Walker, she was the author of her own destiny and a beacon of inspiration for African-Americans and to all Americans, and women in particular.

RONALD REAGAN RESPONSIBLE FOR A NEW FREEDOM IN THE SOVIET UNION AND EASTERN EUROPE

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

Mr. LUCAS of Oklahoma. Mr. Speaker, over the past couple of weeks there has been a great deal of discussion in this body as to the legacy of our great former president, Ronald Reagan. I would like to add a short story which will serve only to enhance this well-deserved legacy.

Recently, one of my staffers was watching a television program with his 10-year-old son, David. The program's subject matter dealt with the role of the news media in various wars our Nation has been involved in down through the generations.

At one point in the program, David, who I know to always be an inquisitive lad, asked his dad what the Vietnam War was all about. And certainly that is a question that we all ask ourselves from time to time, I might add, but try explaining it to a 10-year-old.

While explaining our Nation's involvement in Vietnam to his son, my staffer referred to our country's efforts to stem the spread of Communism during that era. At the mention of the word Communism, David posed a simple yet profound question. "What's Communism, dad?"

Now, think about that, Mr. Speaker. Our generation is able to raise its children and grandchildren without the real and present fear of Communism and nuclear war with which we grew up.

My staffer appropriately responded to his son's question with a truth that he could thank Ronald Reagan for the fact that Communism is now such a failed relic of the past. And I agree with my staffer's assessment. Great strides have been made when a 10-year-old is able to live without the fear that haunted my childhood and yours.

No one among us should dispute the fact that under President Ronald Reagan's principled and unwavering leadership on the international stage, Communism crumbled. A new freedom has

dawned in the former Soviet Union and Eastern Europe, and we live without the fear of days past.

At the beginning of this month, on February 6 to be exact, those of us who love and respect this great president joined his family and his admirers around the world in celebrating his 87th birthday. On behalf of our children and their children, thank you, President Reagan, and belated happy birthday.

SPENDING THE BUDGET SURPLUS

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

Mr. THUNE. Mr. Speaker, this morning I would like to visit just a little bit about some of the discussions that I had with members of my district, which is the entire State of South Dakota; and I had the opportunity last week to travel the length and breadth of my great State and listen to what people were saying out there on a wide range of issues.

Of course, I heard a lot about the situation in Iraq, about the need to get a transportation funding bill passed, which is something that I think that we really need to move along in this body because there are many States, like mine, who depend on that, and the construction season is upon us.

But one of the other things we talked a lot about and I heard a lot about is the question today in Washington, which is not being lost on people out in my part of the country, as to the whole budget surplus issue and what might we do to make the best use of a potential budget surplus.

Of course, like my constituents, I agree that the first thing we ought to do is to begin to retire and protect for the future, our children's future, and deal with the \$5.5 trillion debt that we have racked up over the past many years. So that should be a priority and, in fact, at the same time we need to set aside money so that we can begin to replenish the trust funds that we continue to borrow from, including the Social Security Trust Fund.

I am the cosponsor of a bill, which the gentleman from Wisconsin (Mr. NEUMANN) will be visiting about here a little later, that in fact would allocate a third to debt repayment, a third to trust funds, Social Security Trust Funds, and then the balance of the third to tax relief.

It is my view that, as we look at the whole issue of whether or not we ought to use the budget surplus for tax relief, the only justification would be if it is an alternative to new Federal spending.

We have listened with great interest to some of the proposals that the White House has rolled out that would create a new Washington bureaucracy and

new Washington spending; and, frankly, I think as an alternative to that, we should look at what we can give to taxpayers, the people who are paying the freight in this country, those revenues back.

So, in doing that, we have had a considerable discussion, I think, within our own ranks about what is the best method or way of returning dollars to taxpayers; and in the whole marketplace of taxpayer ideas I believe one stands out. So I have, along with the gentlewoman from Washington (Ms. JENNIFER DUNN), cosponsored legislation which would deliver tax relief in a very broad-based way, which says that a taxpayer gets tax relief without having to behave a certain way or conducting themselves in a certain way; and then we will figure out a way, through the social engineering process, to micromanage their behavior and allow Washington to pick winners and losers.

We say as a matter of policy that it ought to be our practice here in Washington to come up with policies that treat everybody equally, and this is certainly an approach that would do that.

So the first principle should be that if we, in fact, have dollars available for tax relief in any budget that is put together here, that we ought to look at how we can return those to taxpayers in a way that is across-the-board and does not pick winners and losers from Washington.

The second thing we should do is come up with a tax relief proposal that, in fact, further simplifies rather than complicates the Tax Code. Because every time that we come up with legislation in this body it always seems to make it more complicated for the people who have to pay the freight out there, for the people who have to comply with that Tax Code.

So we have introduced legislation, two pieces of legislation, actually, the first of which would raise the personal exemption from the current \$2,700 to \$3,400, which would affect every taxpayer in this country.

If an individual has dependents, they can claim that increased personal exemption and thereby lower their tax liabilities; and it delivers the greatest proportion of tax relief from the lower income levels up through the income scale.

The second bill would drop 10 million people out of the 28 percent rate bracket back to the 15 percent rate bracket, which I think is significant. Because today we penalize people for working harder, producing more and earning more. Now we are saying that, instead of each additional dollar that an individual earns, 28 cents is going to be collected in taxes, that we want to move more people back into the lower 15 percent bracket. I think that is a significant step forward, one, towards simplification and, two, towards delivering

tax relief in a way that is very broad-based.

So as we have this debate in the Congress about the budget surplus, as we address the issues of putting a systematic plan in place which will, one, begin to pay down the debt; secondly, will replenish or restore the trust funds that we continually borrow from, particularly Social Security; that to the extent that we have additional dollars available, before we create new Washington bureaucracies and new Washington spending, that we ought to look at ways that we can give those dollars back to the taxpayers, the people whose money it is in the first place and who ought to have the first claim to additional budget revenues.

In doing that, as we make that decision, I think it is critically important we do it in such a way that we do not, from Washington, determine who wins and who loses and say that if people behave in a certain way they will be rewarded, we in Washington, D.C., will reward them by giving them this particular tax break; that, in fact, we ought to look at how we can deliver tax relief in a broad-based way so that all Americans who pay taxes are able to benefit from a growing economy.

That is the priority that I think we ought to place as we have this debate; and to the extent, again, that there are dollars available and as we talk about the whole issue of tax relief and what we might be able to do to give something back to the taxpayers of this country, that those ought to be the overriding principles; that, one, we make it broad based and that, two, we do it in such a way that it further simplifies rather than complicates the Tax Code in this country.

So I look forward to being a part of that debate, and I would urge my colleagues on both sides of the aisle to take a look at the legislation that we have introduced. Because I think it is consistent with those objectives. It is consistent with providing real relief and real choices to hard-working men and women in America who are trying to decide how to pay for their children's education, how to pay for their mortgage and their housing payments, how to pay for car payments and the groceries and everything else.

If we want to, in a very real and tangible way, empower them to make decisions about the needs that they have in their future and their children's future, this is a way we can do it.

One of the bills I mentioned earlier would, in fact, lower taxes on 29 million working Americans today to the tune of about \$1,200 per filer. That is real relief, it is real choice, and it will help real hard-working Americans in this country that we look to day in and day out to continue to support this country and to build a better future for all our children and grandchildren.

With that, I would encourage the Members of this body to take a hard

look at our legislation, consider co-sponsoring it and try to make it a part of the debate we are about to have in terms of budgetary priorities.

CONGRESS SHOULD RALLY AROUND PRESIDENT'S DECISION WITH REGARD TO IRAQ

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

Mr. ENGEL. Mr. Speaker, I want to spend the next few minutes talking about Iraq.

In 1991, I voted for President Bush's program, Operation Desert Storm. I was one of a minority of Democrats at that time to do so because I felt then and feel very strongly now that we need to have a bipartisan foreign policy; that once the President, whomever the President is, makes a decision, it is incumbent upon all of us to rally around the President's decision and to support our troops who may be in harm's way.

That is why, Mr. Speaker, I have been particularly chagrined to listen to the remarks of some of the critics of the President's policy in Iraq, the Senate Majority Leader and others, who have spoken out and said that this agreement, which the Clinton administration supports and which I support, have said it is not a good one.

I think it is very, very important that we rally around our President and that we support this agreement.

Is this a perfect agreement? Of course not. Are there some ambiguities in this agreement? Of course there are. But as Secretary of State Albright said the other day, let us try to work out these ambiguities. Let us place the onus on Saddam Hussein. Let us test this agreement.

We are testing it by keeping our forces in the region. We are testing it by making sure that American power and American might remains there to force Saddam Hussein to comply.

The main thing now is to get the inspectors into the presidential palaces and the other sites to make sure that we have adequate inspection on the ground.

This new agreement puts the onus on Saddam Hussein. If he violates it, we will have the support of many of the other nations who might have been reluctant to support our undertaking if we had started with a bombing campaign. This puts the onus squarely on Saddam and says to Saddam that the international community, the United Nations, is unified in demanding that he comply with United Nations' resolutions and with this latest agreement.

Rather than tearing down Kofi Annan, I would praise him for having the courage to go to Baghdad and trying to broker an agreement.

□ 1215

I am not annoyed that Saddam Hussein is claiming victory, as the Senate majority leader seems to be. Saddam Hussein claimed victory after Operation Desert Storm, when we know that his forces were decimated. I could not care less what Saddam Hussein says. The proof will be in the pudding. If indeed this gives the international community unfettered access to Saddam Hussein's presidential palaces and other sites, then this agreement will be successful. If it does not and if Saddam Hussein is devious, as we know he can very well be, and continues to hide things and we need to go in and do a bombing campaign, then President Clinton says that is what we will do.

Rather than this being a lose-lose situation, I think it is a win-win situation. This is not the time for U.N. bashing. Let us encourage the U.N. to pass a resolution in the Security Council adopting this agreement and putting in penalties if Saddam Hussein violates the agreement.

The critics of administration policy, I am sorry to say, would criticize the President for whatever he did. If we had a bombing campaign, they would criticize the President to say there will be civilian casualties, as we know inevitably there would be, or American casualties, as we know inevitably there would be. When the President was talking about a bombing campaign, these same critics were saying that the President had not told the American people what our objectives are, that he had not defined the objectives. If the President said, as he did say, the objectives would be to allow unfettered inspection of these sites and that is why we were bombing, the critics then said, "That's not enough. The objective should be the removal of Saddam Hussein." Well, we know the removal of Saddam Hussein, and I would like to see it as much as anybody else, would involve ground troops and would involve lots of casualties. If the President did that, the critics would say, "Well, the ground troops will mean American casualties."

So whatever the President does, and I quite frankly think he has handled the situation very, very well, these same critics would criticize. This is not the time for criticism. There has been an agreement. Let us try this agreement. If this agreement does not work, we can go back to a policy of a bombing campaign to force Saddam Hussein to allow unfettered inspections. Rather than criticize the President, I commend President Clinton. I think he has handled this situation marvelously. I think he has acted like a real statesman and acted like the American people expect him to act. I daresay that is why his approval rating is hovering around 70 percent, because people think that the President has acted boldly, not only in Iraq but all the

other things he has done to put this country on the right track.

Mr. Speaker, I say it is time to go back to the traditional bipartisan policy of rallying around the President, rallying around our troops and, once the President has made a decision, to support that decision for the good of the American people.

MEDICARE CLINICAL TRIAL LEGISLATION

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

Mr. BENTSEN. Mr. Speaker, I rise today to introduce legislation, the Medicare Clinical Trial Coverage Act of 1998, that would provide Medicare coverage for patient costs related to participation in clinical trials. Clinical trials are research studies that test new medications and therapies in clinical settings and are often the only treatment available for people with life-threatening diseases such as cancer, AIDS, heart disease, and Alzheimer's.

As the Representative for the Texas Medical Center, where many of these life-saving trials are being conducted, I believe there is a real need for this legislation to guarantee that patients can receive the cutting-edge treatment they need. I believe we must ensure that Medicare beneficiaries can obtain the best available treatment for their illnesses. Without this guarantee, patients must work aggressively to make sure that they receive the care they need. We must end this uncertainty and guarantee the best available care.

I have been contacted by many researchers at the Texas Medical Center, including the University of Texas MD Anderson Cancer Center, University of Texas Health Science Center, Baylor College of Medicine, and the Children's Nutrition Research Center, about the need for this legislation. These research institutes are conducting clinical trials to test new medical therapies and devices such as gene therapy, bone marrow transplantations, and targeted antibody therapy that will lead to better medical care and save lives.

Although there may be costs associated with more access to clinical trials, I believe that we should ensure access to these trials as a means to ensure quality health care. I also believe that this Medicare reimbursement policy would encourage other health care plans to cover these otherwise routine costs.

It is also important to note that providing Medicare coverage for clinical trials will increase participation in such trials and lead to faster development of therapies for those in need. It often takes 3 to 5 years to enroll enough participants in a cancer clinical trial to make the results legiti-

mate and statistically meaningful. In addition, less than 3 percent of cancer patients, half of whom are over 65, currently participate in clinical trials. This legislation will likely increase enrollment and help researchers obtain meaningful results much more quickly.

This legislation would apply to all federally-approved clinical trials, including those approved by the Departments of Health and Human Services, Veterans Affairs, Defense, and Energy; the National Institutes of Health; and the Food and Drug Administration.

There are currently 3 types of costs associated with clinical trials, the cost of treatment or therapy itself, the cost of monitoring such treatments, and the cost of health care services needed by the patient. Clinical trials usually cover the cost of providing and monitoring the therapies and medications that are being tested. However, such programs do not cover routine patient care costs, those medical items and services that patients would need even if they were not participating in a clinical trial. Under current law, Medicare does not provide coverage for these costs until these treatments are established as standard therapies. Medicare does not consider these patient costs to be reasonable and necessary to medical care. My legislation would explicitly guarantee Medicare coverage for patient costs associated with clinical trials. Such costs serve as a significant obstacle to the ability of older Americans to participate in clinical trials.

As I stated earlier, Medicare claims for the health care services associated with clinical trials are not currently reimbursable. A recent GAO report concluded that Medicare is currently reimbursing for certain costs associated with clinical trials, even though the Health Care Financing Administration, the Federal agency responsible for Medicare, has stated that Medicare policy should not reimburse for these services. In fact, the GAO report estimates that HCFA reimburses as much as 50 percent of claims made under Part B of Medicare and 15 percent of claims made under Part A of Medicare.

While some physicians and hospitals have been able to convince Medicare to cover some of these patient care costs in certain clinical trials, such coverage has been uneven and there is no firm rule governing them. I believe we must end this inconsistency.

My legislation would also ensure that all phases of clinical trials are explicitly covered under this new benefit. Under the new drug application process, there are 3 types of clinical trials, phase I, phase II, and phase III trials. Phase I trials test the safety of a potential treatment. Phase II and III trials examine both the efficacy and the safety of a treatment. Phase II trials are generally smaller and involve fewer patients. Phase III trials include a larger number of patients to ensure

that the proposed treatments help patients. My legislation requires that Medicare pay for all types of clinical trials.

Mr. Speaker, I was recently contacted by a constituent about the need for this legislation. Mr. Keith Gunning contacted our office regarding his mother-in-law, Mrs. Maria Guerra. Mrs. Guerra is suffering from AML, a type of leukemia that is common among senior citizens. Mrs. Guerra was enrolled in a Medicare HMO that would not permit her to join a clinical trial at the University of Texas MD Anderson Cancer Center for the treatment she needed. After much effort, Mrs. Guerra dropped her Medicare HMO coverage and returned to traditional fee-for-service Medicare. With her new Medicare coverage, Mrs. Guerra petitioned MD Anderson to join a clinical trial. After much effort on the part of her son-in-law, Mr. Gunning, Mrs. Guerra joined a clinical trial. It is still unclear whether the traditional patient costs associated with her clinical trials will be covered by Medicare. My legislation would guarantee that Mrs. Guerra would get the services she needs and would require all types of Medicare plans to provide coverage for clinical trials, including Medicare managed care plans.

Mr. Speaker, this is necessary to ensure that American patients, particularly older Americans, receive the best service, the best cutting-edge service, the best medical treatment that is available. Mr. Speaker, as a result, I believe this legislation will result in better health care for all Americans.

IN SUPPORT OF U.N. SECRETARY-GENERAL IN REGARD TO CURRENT SITUATION IN IRAQ

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I was disappointed to hear some of the debate and discussion around the recent return of U.N. Secretary-General Kofi Annan in respect to the resolution that has now to be presented to the National Security Council of the United Nations. Interestingly enough, we have been around this block before. Having spent the week in my district, in the 18th Congressional District of Houston, I was able to glean not only from those who have strong interests and concern on this issue but school children, senior citizens, who have a great concern of this Nation's future. Many of these people are veterans or potentially young people going into the United States military. Interestingly enough, they were alive in 1991, when all of us huddled around our respective television sets and news access to determine what was going on in Kuwait with

the Gulf War, frightened that we would enter into a Third World War. The conclusion of that particular effort was not all that this country wanted it to be. In fact, the discussion today surrounds the same leader, the same set of circumstances, the same tragedy, the same inequities, the same losses of life, the same inability to serve women and children who need good health care, food and other services. U.N. Secretary-General Kofi Annan left for Iraq a few days ago. I am gratified that through his leadership and the world commitment to the United Nations, we were able to carve out the understanding that we might be able at this time to get a solution without war. Why not give peaceful negotiations an attempt? Why should we accuse someone of laying down with the enemy rather than standing up for peace? I am gratified that there are reasons that as we proceed with the discussions in the United Nations, this country could support the final resolution that has been offered by Kofi Annan. He never represented anything other than let us design an agreement that I will take back to the United Nations. Let us design an agreement that I will present to the existing members of the Security Council, the 5 permanent members and others. Let us attempt to convince them that this is the right way to go, peaceful negotiations, before exercising the violence of war. Did the buildup in the Persian Gulf contribute to the negotiations? Absolutely. Was it the right thing to do? Certainly we have national interests that we must protect. But can we find better ways? We certainly should try. If, for example, this leader has acquiesced to the allowing of U.N. inspectors to continue their work, unfettered work, where they are able to see the palaces and other sites, then I say let us offer to the United Nations and those who will vote on this along with the United States this plan so that we can move forward in a peaceful manner.

May we have to go back to the drawing board? That is a possibility. Should we not give this negotiated, peaceful agreement a chance? Should we not review it with an open mind? Should we not applaud Kofi Annan who went into harm's way, if you will, and negotiated an agreement of which he did not say it is final but that I will bring it back to those members of the United Nations. Many times Americans will disagree and critique and criticize the United Nations. I would simply say that many of those who criticize are uninformed. I am gratified that there is an organization, albeit that it has those who agree and disagree that would be willing to act as the world's body where we could come and disagree and not be disagreeable, where we could come and find common solutions for peace, where it is not perfect but it is the best that we have.

And so I would simply argue that U.N. Secretary-General Kofi Annan should be applauded. The process should be applauded. We can always show our might. We are the United States of America. But we lead well when we lead peacefully, and we draw others to join us against those evil forces that would do damage to the world peace and the new world order. I am supporting these peaceful negotiations. I am likewise supporting the recognition that there is still humanitarian needs in countries like Iraq. I would hope that the leader of Iraq recognizes that this is not weakness but this is strength. I hope that he will follow through as he has promised. I hope that we will find that these weapons of war will be no more if you will, but if they are, he knows that we are able to contend with the problem. But a peaceful solution should not be criticized and looked upon with disdain. It should be applauded and welcomed, because it saves lives.

ORDER OF BUSINESS

Mr. HINOJOSA. Mr. Speaker, I ask unanimous consent to claim the time of the gentleman from New Jersey (Mr. PALLONE).

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

There was no objection.

HIGHER EDUCATION FOR THE 21ST CENTURY ACT

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

Mr. HINOJOSA. Mr. Speaker, last fall in preparation for the reauthorization of the Higher Education Act, Members of the Congressional Hispanic Caucus and I, along with several of our colleagues, introduced H.R. 2495, the Higher Education For the 21st Century Act.

□ 1230

Not only do our colleagues want to express our concern and our support for this bill, but nationally, from West Coast to East Coast, I am happy to say that *Latina Style Magazine*, a national periodical, we have leaders like Edward James Olmos and Rita Moreno, who are expressing their support for access to higher education for all students to reach their full potential. Each mind is a world, they say, and this bill helps us in moving towards that end.

Our bill would expand access to higher education for minority and disadvantaged students. I am pleased that the bill has over 55 cosponsors. Our intention in introducing the bill was for its provisions to be incorporated into the ATA reauthorization when the Committee on Education and the

Workforce takes up the legislation next week in March.

In crafting H.R. 2495, we did not seek to create any huge new programs or promote untested models for increasing access. Rather, we looked at the existing programs and determined how they could be modified to reach more students, especially those who are most disadvantaged or who are totally lacking in services.

In some cases that meant asking for increased dollars. In others it resulted in program modifications to focus on the most needy students. H.R. 2495 amends several titles in the Higher Education Act. We included proposals that will strengthen the outreach components of Title IV higher education programs and will enable disadvantaged students greater opportunities while they are attending college as well as when they graduate.

Our bill also amends Title III of the Higher Education Act to expand opportunities for financially needy students and the institutions they serve. Title III institutions play such an essential role in providing education for minority students. They allow students to attend colleges in environments that are sensitive to their needs and dedicated to making them academically successful. We therefore expanded Title III to include a separate part for both hispanic-serving institutions and tribally controlled Indian colleges and universities because of the preponderance of low-income students these institutions serve.

Many of them are desperately in need of resources such as laboratories, libraries and administrative improvements. The unqualified success of part 3 of the Title III in enhancing the capacities of historically black colleges and universities indicates that a separate part is a powerful tool in helping such institutions and in ultimately helping the students they serve. Currently, Hispanics have the highest drop-out rate in the Nation, nearly three times that of Caucasians and African-American students. They also have the lowest rates for attending college.

This is a national tragedy. It must be changed, and I believe our bill facilitates that change.

Our bill also addresses the Trio programs. Trio has been instrumental in recruiting talented disadvantaged students to go to college and in providing them with assistance in meeting obstacles along the way. However, over the past decade the Nation's demographics have changed, while the majority of the Trio providers have remained the same. Therefore, many areas of the country with high numbers of disadvantaged students who desperately need Trio services are unable to receive them because there are no local programs.

H.R. 2495 seeks to remedy that problem by rewarding applicants for Trio

projects that will serve areas where those programs are currently lacking, and at the same time we are working to insure that funding for the programs are significantly increased. We want Trio to continue to serve the same areas as it has historically served as well as reach tens of thousands of new capable and deserving young people.

H.R. 2495 would also help young people with their loan indebtedness. Many students today are forced to take on huge loan burdens to pay for their college education. They then must turn their backs on professions such as teaching, nursing, and social work because such jobs simply do not pay enough to allow them to make their loan payments. In the end, we all lose.

Mr. Speaker, I want to say that we are very interested in making sure that we change the way in which HSIs can get their funding. HEP provides programs to help migrants students who have dropped out of high school, obtain their GED while CAMP recruits migrant students to go on to college and provides them with counseling and other services during their first year. These are the only exemplary programs dedicated to enabling migrant students to pursue postsecondary education. They have achieved phenomenal success rates with 17 percent of the market students in the HEP program receiving their GED, and 96 percent of the CAMP participants going on to college.

Mr. Speaker, we urge my colleagues on both sides of the aisle to support this important legislation.

STOP OUR KIDS FROM SMOKING

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

Mr. ROTHMAN. Mr. Speaker, today I am going to be introducing legislation to stop children from buying cigarettes at vending machines. It has been well established that the cigarette manufacturers have been marketing their cigarettes to children, so say the 81 internal documents recently made public by R.J. Reynolds Tobacco Company.

Every day, more than 3,000 children start smoking, resulting in 1 million new smokers every year. Ninety percent of the new smokers are children and teenagers. In New Jersey alone, where I am from, 36 percent of high school students smoke cigarettes. These children are very vulnerable to well-orchestrated advertising campaigns and to the idea that smoking is somehow an act of defiance.

In this day, when so many of the negative health effects of smoking are known, we should be teaching our children to stay away from tobacco, not allow tobacco companies to market to our children. And we should be passing common sense laws to stop our chil-

dren from being able to buy cigarettes. That is why today I am introducing the Stop Kids From Smoking Act.

Last June's proposed tobacco settlement between the States and the tobacco industry contains important steps to stop smoking by minors, but those steps are not enough. Just getting rid of tobacco icons like Joe Camel or the Marlboro Man does not mean that the industry will stop trying to hook our kids on smoking, nor does it mean that the tobacco lobby will not go back to their old bag of legislative tricks as they did just last summer when they tried to get a \$50 billion tobacco tax credit put into the balanced budget agreement. As you know, we fought back, and we repealed that \$50 billion tax credit. But that episode is just an example of what we might expect when the tobacco settlement that is now under discussion comes before Congress this year.

It is obvious that stopping our children from buying cigarettes needs to be a part of the solution. But first we must have our merchants comply with the already existing age laws that in many States are already on the books. Thanks to people like Carol Wagner at the Mid-Bergen Health Center in Bergen County, New Jersey, Carol runs a sting operation with local teenagers. She and those teens are helping win this war. The local sting operations show that merchants in Bergen and Hudson Counties, two counties that I represent in New Jersey, have already reached the national goal for the year 2000 by reducing sales to minors by 80 percent.

So what then is an industrious kid to do when the stores that sell cigarettes over the counter check for age I.D.? Well, according to the U.S. Surgeon General, these young teenagers are 10 times more likely to then go to secret vending machines to buy their cigarettes, and they know which diners, hotels, bowling alleys, gas stations and restaurants in town have those cigarette vending machines.

Our towns have tried to fight back by banning cigarette machines everywhere in their communities, but the tobacco companies make 16½ million dollars on under-aged smoking in New Jersey alone. That is why they have spent millions of dollars to bottle up these local ordinances, in many cases frivolous and expensive lawsuits they know that our local towns cannot afford to contest.

The only way to save our towns from these lawsuits is to make it part of a Federal law that any American community, if they choose to, can ban cigarette vending machines from their community.

This week I am informally introducing the Stop Kids From Smoking Act, a bill to ban all cigarette vending machines in places where children under the age of 18 have access, and for

the 10 towns in my district that already ban cigarette vending machines from any part of their towns, the bill will contain a provision that allows them to have this total ban of cigarette vending machines remain valid and effective in their communities as long as they choose to keep these bans alive.

The congressional hearings that began this month should focus more attention on the tobacco companies' marketing strategy to children beyond the R.J. Reynolds memo that was recently released. Once we have that information, Congress must not delay in passing a wide-ranging tobacco settlement that will protect our children.

My Stop Kids From Smoking bill will help. That is why I am encouraging all of my colleagues on the Democrat and Republican side of the aisles to cosponsor this important bill. We need to stop kids from buying cigarettes at local unattended vending machines, and we need to do it now.

MOURNING THE PASSING OF A DEAR FRIEND, FORMER CONGRESSMAN RICHARD WHITE

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

Mr. REYES. Mr. Speaker, I rise today in tribute to Richard C. White, former Congressman for the 16th District of Texas. Congressman White passed away last Wednesday, February 18, in El Paso, Texas. It is with deep sorrow and condolences to his family that we mark the passing of this dear friend, exceptional leader and fine human being.

During his 74 years of life, he exemplified the highest attributes that all of us here in Congress and back in our respective districts respect and admire, the attributes of leadership, vision, integrity, humility and public service.

Early in his life, Richard White showed a concern and a commitment to his community and his country. He entered military service as a marine in World War II and saw action in the Pacific theater. While fighting in the battles of Bougainville, Guam and Iwo Jima, he was wounded in action, and his service to his country was marked with honor and high decoration, receiving the Purple Heart.

Upon returning to the States, this veteran began advocating as an outstanding lawyer for the people of El Paso. In 1949, he heeded the call for even greater community service. Congressman White launched the beginning of a distinguished career as a public servant.

He served first in the Texas Legislature from 1955 to 1958. In the beginning, he worked hard to improve the quality of life along the border. Focusing on health care and environmental issues,

he established a nursing school at the University of Texas at El Paso and created the Hueco Tanks State Park.

As a native Texan and a third generation El Pasoan, Congressman White remained close to his roots. After his successful terms in the State House, he returned to El Paso. He practiced law for a short time and served as a chairman of the El Paso Democratic Party prior to announcing his candidacy for the U.S. Congress in 1964.

Richard White then served in this body from 1965 to 1983. I know that during his years here in Washington he built many friendships. Many of you were his colleagues and remember his strong advocacy on behalf of his district and the well-being of this Nation. His work on the Committee on Armed Services reflected his strong commitment to national security, and this was reflected in his unwavering support for El Paso's Fort Bliss Army Post, and in the drafting of the reorganization of the Joint Chiefs of Staff language. In addition, he brought the needs of El Paso and the border to the forefront of Congress as he created the Chamizal Border Highway and the Chamizal National Memorial.

□ 1245

In addition, he served with distinction in the Interior and Insular Affairs Committees, the Post Office and Civil Service Committee, and the Science and Technology Committee.

Congressman White was a true citizen-legislator. During his 18 years representing El Paso, he served with distinction and determination. Moreover, his accomplishments were marked by a reputation as a person of the highest character and for always conducting himself as a gentleman.

Despite having attained seniority and earning the respect and admiration of his peers, he nevertheless left this Congress to return to his family in El Paso. The proud father of 7 children, he was devoted to spending more time with them.

Nonetheless, seeing the need to always contribute towards the betterment of El Paso and the citizens of El Paso, he remained active in numerous community affairs and lent his support to the 16th District as a mentor and a civic leader.

I can personally say that Congressman White was a long time friend to me and to my family. He inspired us with his leadership, and I appreciated his many insights and willingness to offer his continued assistance on behalf of our community.

Congressman White leaves an enormous legacy of concern for his constituents and a commitment to doing everything in his power to help those whom he served. Richard White personified the meaning of honorable public service. He made the most of his life by touching the lives of those around

him. As Congressman, legislator, attorney, friend, citizen, husband and father, he led a life of dignity and unselfish commitment. He worked hard. As we mourn his passing, let us all remember that his many accomplishments will be a benchmark for those of us here in Washington today.

Mr. Speaker and fellow Members of Congress, I will soon introduce legislation to name the El Paso Federal Office Building in his honor. I will ask for your support in this endeavor as a permanent monument to his proud record of public service and fierce drive to help his community and to work for the greater good of this Nation.

I thank you, and I want to wish his wife, Katherine and all his children well, and God bless the White family.

NATURAL DISASTER IN MAINE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1998, the gentleman from Maine (Mr. ALLEN) is recognized for 60 minutes as the designee of the minority leader.

Mr. ALLEN. Mr. Speaker, I am pleased to be here today to talk about probably the worst natural disaster ever to hit the State of Maine. But the ice storm we experienced early in January of this year did not affect Maine only; it also affected New York State, Vermont and New Hampshire, and we had never seen anything like it.

I want to use this opportunity to explain what happened in the State of Maine. Some of my colleagues, including Congressman BALDACCI from the Second District of Maine, are here. We expect others to join us in a little while. We are trying to convey a sense of what it was like, what happened, and why there remains a need for a supplemental appropriation to deal with the enormous costs of this particular disaster.

Today, those of us who went through this ice storm in Maine, we think of and our hearts are with those people in Florida and those people in California who have recently gone through a similar kind of natural disaster, those who are dealing with the issues of tornadoes in Florida and the floods and storms out in California.

The ice storm hit Maine on January 7, and the effects of it lasted for about two weeks. It was an unusual event, because in fact the storm itself did not last that long, but the ice stayed.

This photograph to my right will give you some sense of what the storm looked like. Here we have a utility pole, basically snapped off, the wires still attached, and all around are trees laden with ice.

This storm, of course, extended up into Canada. Many people saw some of those Hydro Quebec transmission poles, huge steel girders, simply bent over as if they were toothpicks. That is one photograph.

Here is a second photograph, the same kind of shot, showing a utility pole snapped off at the top, branches all around. Those of us who traveled throughout the State during the ice storm noticed that the hardwood trees all across a very broad band, about a 40 mile band running up through the State of Maine, the hardwood trees, many of them were snapped off within 25 to 30 feet of the top.

So this was a storm the effects of which came down. It was not a flood, it was not a landslide, but the effects came down from the top. As some people said, this was a storm designed by Mother Nature to take out the utility infrastructure in Maine, and that is what it did.

I have a number of experiences that I want to share. The people of Maine really pulled together in a very helpful and productive way. Like JOHN BALDACCI, I went to a great number of shelters. The shelters were put together sometimes by the Red Cross, sometimes just by local volunteers, but typically they would be set up in a high school gymnasium or some large room.

I will never forget what I saw there, because on one end of the room there might be some older people, some of them perhaps on oxygen, who were simply trying to cope with the storm. At another end there would be smaller children being cared for by their parents. In the middle there might be a soccer game, and the kids who were between 6 and 13 might be playing soccer.

But what I will always remember are the faces of the teenagers. Many of them did not have school for two weeks, and they were there volunteering in a shelter, perhaps the first extended volunteer effort that they had ever made. They were cutting carrots, carrying blankets, setting up cots, making sure the elderly were taken care of, and they had a pride and enthusiasm in their faces that really said it all.

We people of Maine like to think of ourselves as independent people, as self-reliant people, but we needed each other during this ice storm, and we needed the rest of the country. That is why I will never look at television pictures of what happens in Florida or what happens in California again without understanding how important it is for people in this country to pull together when there is a natural disaster in one part of the country. We all need to help each other. It is part of what we do as members of this great national community.

At this time, Mr. Speaker, I will yield to my good friend and colleague from the Second District of Maine, Congressman BALDACCI. I have the small district, and Congressman BALDACCI has the largest district in Maine, the largest district east of the Mississippi. He had more trees, but an equal number of people affected.

Mr. BALDACCI. Mr. Speaker, I would like to commend Congressman ALLEN for taking the leadership on this issue in terms of getting our Members here to speak to the other Members, and also to the people throughout the United States, so they have a better understanding as to what took place in Maine and why there is going to be a need for a supplemental appropriation.

I really appreciate the fact of the point that the gentleman raised in terms of what is going on in Florida and California, because our hearts certainly go out to those people, seeing the loss of lives, children suffering, and the homes going down the mountains, and furniture and everything going by the wayside, I think it really is something that the gentleman and I and many others in Maine and throughout the country certainly do have a lot of concern about, and our hearts are with those people.

I think that especially in our State, I know when the Vice President came, and the administrator, James Lee Witt, and also the people from the Federal Emergency Management Agency, we felt that there was a kinship there, and that we were not alone.

I think of the comments of building it brick by brick, and building it home by home and community by community, and letting the people of Maine and the country know as they go through these disasters that they are not doing it alone, and that the United States of America is standing there with us.

While there have been some concerns about aid or additional aid, I think to a lot of people in Maine, and I hope throughout the country, just knowing that they are there is a certain level of comfort. Because, as the gentleman pointed out earlier and many people know, Maine's citizens are hearty and well-prepared for winter storms. But nobody could have been prepared for the size and scope of the damage that ravaged our infrastructure starting on January 5.

The devastation in Maine was focused on our utilities, leaving many families without power for more than two weeks; trees and utility poles snapped like twigs under the weight of four inches of ice that accumulated from the mist and slow freezing rain that lasted for four days.

Travel was nearly impossible, not only because of the slick sheets of ice covering the road, but because of live wires, tree limbs and sometimes whole trees littering the ground. Someone said to me it looked like a helicopter had flown too low across the State, snapping off the tops of the trees in their rotors.

Mainers needing to stock up on provisions or seek shelter often found they could not leave their homes because the roads, as you see from this picture, which is very accurately portraying

how impassable the roads were. Some did get out, but only by stopping frequently to cut away downed trees with chain saws and move them to the side of the road.

Thousands of Mainers gathered in emergency shelters throughout the State to get a hot meal and to stay warm. There were countless heartwarming stories of people who stood hour after hour in community kitchens, chopping and cooking to keep their neighbors fed.

I remember we were doing a dinner benefit for an individual who had bone marrow cancer surgery scheduled, and his health insurance had been tapped out, and his family and we pulled together in the community in Brewer, and we were putting on a benefit to help raise money for him and his family.

It was during the middle of this power outage, and the family felt that they could not go forward, worrying about themselves. Can you imagine, bone marrow cancer replacement surgery, but they wanted to not take proceeds, and to open it up to the entire community of greater Bangor and Brewer for those who did not have power, to welcome them to get a hot meal and find community and comradeship.

We ended up serving over 1,200 people that Sunday night, and I was just truly amazed. I should not be amazed, but we know that to be true of Maine people, that they set a good example for all of us in how they reach out to each other, even though they have problems of their own. So it really is something to be very proud of.

Congressman ALLEN and I were talking with our other representatives, and it is not often that people ask for additional assistance from Maine. You know when they are asking for it that they really do need it.

Even when we had the helicopter rides with James Lee Witt and the delegation, he was remarking that when he had flown in other states, the helicopters were carpeted, warm, and you had to take your coat and sweater off. When he was in the whirlybirds in Maine, the drafts were coming through and he had to hold his coat to make sure the drafts were not coming through. He remarked that you know you really need help when people are trying to pull together on their own and showing they are doing everything they possibly can do.

So I am very pleased and proud to join my colleague from Maine, Representative ALLEN, to seek not only support for Maine, but also New Hampshire, Vermont, New York, Florida, California, and all of those areas that are afflicted by these disasters in this additional appropriation, which is going to be so dramatically needed.

As you know, in agriculture what has happened over the years is in the Staf-

ford Act they separated out agriculture, because in some cases it may have had better programs to help livestock and agricultural crops, to be able to repair from the damage.

What happened then is that over the years, those dissipated. So what we found out is because of lack of definition and law and because of not having a particular program, that a lot of our dairy farmers and other farmers were actually negatively impacted, because they could not qualify for the SBA program that FEMA had put forward, because they were not defined as a small business. So they really get a double whammy. Not only do they lose their crops and income, but they are unable to get into these types of programs for any additional help or assistance.

That is one of the reasons why, working together with you and other Members, we need this additional supplemental appropriation, to help those that slipped through the crack and be able to address this storm of the century.

So those are a lot of the same concerns that I know the gentleman registered and other people have registered, and I really have to say I appreciate the photo, because that tells 1,000 stories.

□ 1300

Mr. ALLEN. Mr. Speaker, I would say to the gentleman, the photograph we have right here is another one that the Portland newspapers took. They did an excellent job of covering this storm. They put out a supplement titled "When Maine Froze Over."

This photograph says it all, in many ways. There are downed trees, downed power lines. There were people that the gentleman talked to and certainly that I talked to who could not get out of their homes for several days because there were downed power lines and downed branches.

As the gentleman knows, people in Maine, sometimes we live down little dirt roads, and off to the side, where you kind of like to be tucked away in the woods sometimes. The result was that when the whole electric grid went down, people were without power all through the State.

In fact, that is one thing that might be worth showing right now. We have talked about what it was like and how severe this storm was. But just to give an example, on January 8 this chart shows 275,000 households were without power. We have 1.2 million people in the State of Maine. At one time or another 600,000 people were without power. Some of these people were without power for up to 2 weeks.

I can tell the Members that from all I heard, that the first night or two in the shelter might have been kind of exciting. The seventh and eighth nights were not. People who were out of their homes for that length of time really, really suffered.

The other point I think I would make, the stories are wonderful. The gentleman heard and I heard stories of people who got generators and they put the generator on the back of a pickup truck and drove around from home to home, hooking the generator up and running it for about 3 hours to keep the home warm so that the pipes would not burst. That kind of action really prevented a much more severe reaction, because it was well below freezing, obviously, and we could have had major plumbing problems, in addition to all of these.

What this chart shows is how gradually, over a period of time, the number of customer outages were brought down. But the stunning thing about this chart is the number that you begin with, 275,000 households. Gradually it was brought down day by day until it was 2,000 on the 23rd of January, and then we got hit again, particularly along the coast, which had not been hit so hard before, and it jumped right back up to over 75,000. So this gives us some sense of the number of people who were affected.

I have to say this, one of the reasons that this number goes down the way it does is that we had help from all across the country, all across the country. We had new utility poles that were shipped to Maine from Oregon and Washington. We had electric crews coming to Maine from Delaware and Maryland and New Jersey and North Carolina and South Carolina, and Central Maine Power, which normally has just under 100 utility crews available, at the peak of this storm had 1,000 crews out there clearing away the debris, the trees, repairing the wires, doing all of those things that they needed to do, 1,000 crews. Obviously, most of them came from outside of the State of Maine.

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

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

Mr. McHUGH. Mr. Speaker, I thank the gentleman for yielding to me, and I deeply appreciate his efforts in trying to provide this opportunity to help share with the American people a remarkable story, a remarkable story of crisis, and what we now see is I hope will be an equally remarkable story of recovery, and I would thank him for his efforts.

I, too, want to begin by adding my deepest words of condolence to those people in central Florida and on the coast of California that are now dealing with their tragedies, and certainly our collective hearts and thoughts and prayers are with them as they attempt to deal with that.

As the gentleman said, we are certainly anxious to work together with their Federal representatives to try to ensure that people across this country receive the kind of help, the kind of recovery assistance that they not only deserve but, frankly, they need.

I did not want to come down here and be totally redundant. As I listen to the two gentlemen recount their experiences, they sound very, very much like my own. Indeed, in my six-county district, about a 7,000 square mile area which most particularly was hit by the ice storm, more than 100,000 homes and businesses and public facilities were affected, totally without power.

As we know, they were not just without power, but in the dead of winter for each one of my six counties, as happened in the gentlemen's districts, they received a Federal declaration of disaster. What was rather interesting to us and made us perhaps somewhat unique, for some of my counties it was the third declaration of Federal disaster assistance in under 2 years. We feel we have done our part. By this time we are getting very good at responding to those, and we would like to take some time off before we meet that kind of challenge again.

It was a story of neighbor helping neighbor. I heard the gentleman from Maine (Mr. BALDACCI) talk about how those of us who live in the northern climes are very proud of our ability to deal with winter. He is absolutely correct. I get amused when I come to this wonderful capital city and all it has to offer, where a mere prediction of an inch or two of snow could actually close facilities, close schools, and send people scurrying to the grocery store for provisions.

There was one time just last year where in my district in about 22 hours we received over 70 inches of snow. We thought we had a North American record, but there was a dispute on measurement. But by any measure it was a significant amount of snow. That did slow us down a little bit, but we were able to overcome and to survive.

But we could not really imagine the difficulties that this ice storm, for all of our capabilities, all of our experience, could bring, and the challenges that it presented. It has been called the worst ice storm of the century. In spite of my gray hair I cannot attest to that personally, but I can say that in my lifetime I have never seen anything, absolutely nothing, that even begins to compare to this storm. The devastation was complete.

It is popular for people, particularly when they get their utility bills, to complain about power companies. Those of us who pay utilities understand that. But I think our hearts went out to those brave men and women who, as the gentleman from Maine (Mr. ALLEN) said, came from literally all over the country and virtually every power company in the United States, sending people to give us a hand.

I remember one night, or one morning, actually, about 1:30 in the morning, I was leaving Plattsburgh, New York for what would normally be a 4½ hour drive back to my hometown in

Pierrepont Manor, and I was passing through the middle of the Adirondack Mountains, and we were getting on top of the ice storm about 10 inches of new storm.

At 1:30 in the morning I drove by a number of power trucks lined up alongside the road, and on the printed panel were the words "Virginia Power Company." And I had to believe, as I saw those poor people up there in subzero temperatures, in a driving snowstorm, thinking about their old Virginia home, they must have thought they died and went someplace south of hell. But they never complained, they stood with us.

One of the more remarkable pictures I saw, and I believe it was taken in Maine, and yet I saw signs of similar natures throughout my district in response to those Virginia Power Company people, were the signs placed on lawns by grateful individuals that said, "Yes, Santa Claus, there is a Virginia," just saying thank you to the people of Virginia for sharing their recovery people.

Of course, those are stories that are not just particular to the power companies of Virginia, but all across this great Nation. It does, I think, reflect very, very remarkably upon Americans' ability and willingness to come together in times of challenge.

When the ice storm struck I was in Indonesia, which climatically could not be more opposite from my district. We were on a national security trip. I got the call about 2:30 Indonesian time about this storm. It was not quite clear yet the dimension of the challenge, although it became clear as the hours passed.

As I tried to make my way back home, which became an Odyssey of itself, I went to Australia to try to fly home. When I was there what they call a tropical cyclone hit. A community in Townsville, Australia, received some 20 inches of rain, was literally washed away, and was declared an Australian emergency disaster area. I was beginning to wonder if maybe it was me bringing all this bad luck.

On each stop we got calls as to what was happening. My staff and the people in the emergency management office were trying to describe to me the kind of devastation they had experienced. I thought I had a good idea. But as I got off the plane at Syracuse and drove north and got further into the eye of the storm, it really defied description. To see it still, with the cleanup, and to understand the challenges ahead, and the challenges are many.

The dairy community, who have particularly unique difficulties, because it was not always that the animals died, and they often did, but rather that their production capabilities had been severely hampered; that because of the inability to milk or the inability to

store the milk properly, some 14 million pounds of milk had to be destroyed, money right out of the dairy farmers' pockets.

For the maple growers, as the gentlemen know well, in the Northeast, a vital part of the economy was destroyed, whole sugar bushes wiped out. The fact that it takes 40 years to raise a maple tree to maturity so it can be tapped again and become productive, all of these are unique circumstances that I know the gentlemen are anxious to work together with all of us to try to respond to.

We do have enormous challenges ahead of us. I do not want to leave on a negative note, because I think, for all of the difficulties, the old adage that every cloud has a silver lining holds here. That morning I woke up when there was more than 70 inches of snow. I asked myself a question that I suspect many of us ask, why did my ancestors stay, and why are we still here?

The ice storm asked that question again, but I think in a real way it answered it as well. We are here because in this remarkable part of the country people care more than they do in most places. They came together, as the gentleman said. They worked with the Federal and State agencies. But above all else, they worked and cared for each other.

I want to close on one little story that I think really encapsulates the spirit of the people across this entire Northeast region. We, as you gentlemen recounted, were visiting a number of shelters. This one was located in a volunteer fire company in not even a village, it was not big enough to be a village, it was a hamlet with a total population of less than several hundred.

The volunteer firemen and firewomen and womens' auxiliary of that community had brought in cots from their own homes, had set up generators, and were feeding people. It was crowded and by most standards it was not very happy living conditions. There was one fellow there who, in spite of the effort being put forward by everyone else, I think was working harder than all of them combined. He was over here serving food, over here washing dishes. While I was there they brought in three people who had been overcome by carbon monoxide by a faulty kerosene heater in their home. He was helping administering first aid to them. Then he is back over cooking the next meal.

He finally stopped for a moment and we got to talking. And he started talking about the storm, and then another fellow told me, well, that man who had been working so hard to help everybody else, just 6 months ago had lost his son; and that very same man who was working so hard to help everybody else was on the verge of losing his prize horse, his breeding horse pair that he simply could not care for in this weath-

er. That very same man who had lost his son, was about to lose his livelihood, had lost his home in a fire about 2 weeks previous to that. Yet this man was there.

When I asked him about that, he did not want to talk about it. He goes, well, these are the people that have it hard.

That is the spirit of the people of the north country, and through northern New York and Vermont and New Hampshire and Maine, that I think will carry us through, and how with all of our collective efforts we can put them back on the road to recovery. They need it, but I am darned sure they deserve it.

So I want to again thank the gentleman. I am pleased to join with my colleagues, and I see the gentleman from Vermont (Mr. BERNIE SANDERS), my neighbor from across Lake Champlain, and I am happy to carry a little of this message to the American people.

Mr. ALLEN. I thank the gentleman from New York. That is a terrific story. It is that kind of spirit that the storm brought out in people all across this region.

Mr. Speaker, as the storm moved from New York, it went over to Vermont. I yield to the distinguished gentleman from Vermont (Mr. SANDERS).

Mr. SANDERS. Mr. Speaker, I want to thank the gentleman and my colleagues from Maine and New York for putting on this special order, and to say that we in Vermont intend to work with the gentlemen as hard as we can to try to help some of those people who have been hurt. I applaud the gentlemen for all of their efforts.

I think the stories that we heard from Maine and New York State and New Hampshire are certainly repeated in the State of Vermont. I have lived in Vermont for 30 years, and I do not recall seeing a weather disaster to the extent that we experienced in the northern part of our State.

The storm cut electric power to some 30,000 Vermont customers for as long as 10 days. As people know, it gets awfully cold in the State of Vermont. People had to make do as best they could without electricity. As the gentleman from New York indicated, this was an especial problem for our family farmers, who already have more than enough problems to try to contend with. This is just another problem on top of many others.

□ 1315

Without electricity to run their milking machines, many farmers obviously were unable to milk their cows. Because cows could not be milked regularly, there was widespread cases of mastitis developing, which is an inflammation of the udder. In some cases the cows died and had to be shipped for slaughter.

Farmers who did not have generators had no way to keep their milk cold and with roads impassable, it was not possible to ship the milk to producers. Thirty-seven dairy farms in Grand Isle County alone lost between 500,000 and 750,000 pounds of milk over the extended power outage.

In my State, and I am sure in upstate New York and in other regions of New Hampshire and Maine, family farmers are struggling very hard right now just to keep their heads above water and just to maintain their farms. This was a blow that they really did not need.

In terms of maple production, and obviously Vermont is well-known for maple syrup production, our maple producers were hit hard as well. Thousands of acres of sugar bushes were destroyed by severe icing. The storm is expected to cause a 10 percent drop in Vermont maple syrup production resulting in losses of millions of dollars to the State.

Farmers were not only hurt, but local communities were hurt. In the City of Burlington, we saw extensive damage to our trees. Burlington has a reputation of being one of the greenest cities in America and there has been substantial damage to our trees.

Utility losses due to down lines and poles total in excess of \$10 million, and the estimate is that farm losses totaled nearly that amount as well. But like the representatives from Maine and upstate New York and New Hampshire, Vermonters came together as we have not seen for many, many years, helping each other and doing the best they could to weather the storm.

Mr. Speaker, I look forward to working with my colleagues from Maine and the rest of the Northeast to make certain that we do everything that we can to try to help those people and those communities that were hurt. And I want to congratulate my colleagues from Maine for calling this special order.

Mr. ALLEN. Mr. Speaker, I thank the gentleman from Vermont (Mr. SANDERS) for his comments. We are back to this photograph that I had up here before, just again to show the type of damage inflicted by the storm. I want to take just one minute to give people a sense of how different this ice storm was than anything that had ever hit the State of Maine in the past.

This chart shows the comparison of the ice storm of 1998 with Hurricane Bob in 1991 and Hurricane Gloria in 1985. Those are the two other major, major storms that took out electric power.

In phase one of the ice storm of 1998, 340,000 customers lost power. In phase two, it was 75,000. So we have a total of well over 400,000. Just about half that for the two prior hurricanes.

But look at the feet of cable that needed to be replaced. Two million feet of cable line needed to be replaced as a

result of this storm, whereas only 52,000 feet of cable needed to be replaced with Hurricane Bob.

We had 2,600 telephone utility poles that had to be replaced. Telephone utility poles do not snap easily. That is pretty basic. We have never seen anything like this at all.

Transformers, 4,000 had to be replaced compared to 158 when Hurricane Bob struck in 1991.

The number of customers who reported an outage, here it was basically just about 650,000. We have 1.2 million people in the State of Maine. That was 649,000 customers or households. One hundred twenty thousand by comparison with Hurricane Bob.

There simply has been nothing like this in the past in Maine. And as I said at the beginning, this looked as if, it appears to be a storm designed by Mother Nature to take out the electric power grid.

One of the frustrations with the existing FEMA law and the existing resources are that the utility ratepayers in Maine may be looking at a substantial rate increase to pay for this storm because we have investor-owned utilities in the State of Maine and not community-owned electric utilities. And the result is that part of what we are asking for is some relief for those ratepayers.

We are not suggesting that investor-owned utilities should make a profit from an ice storm. They cannot. They will not. We will not let it happen. But it is fair when disaster relief would be available for certain kinds of customers from rate increases that it be available for customers in Maine, New Hampshire, Vermont and New York who are looking at significant rate increases simply to pay for a natural disaster that is unlike anything we have ever seen before.

That is really the reason why we are here talking about this storm, making sure that people all across this country understand that there is a great need for a supplemental appropriations bill to provide additional disaster relief, not just for Maine and New Hampshire and Vermont and New York, but also from what we can say on our television every day now in Florida and in California.

Mr. Speaker, with that, let me say one more thing. I just want to praise the media in Maine. The newspapers provided extensive coverage, but in addition to the American Red Cross and the Salvation Army doing everything they could, the radio and TV talk shows basically devoted substantial time, in a couple of cases around-the-clock coverage, so that people could call in and tell their stories and ask for help.

That was true of radio and TV talk shows. The Portland TV stations coordinated on a telethon to raise money for the Red Cross. There was a terrific

response. And all across the State in Bangor and throughout the State, people really pulled together.

So we can be proud of Maine, but we also know that we need some assistance from the rest of the country. With that, I yield back to the gentleman from Maine (Mr. BALDACCI).

Mr. BALDACCI. Mr. Speaker, I thank the gentleman from Maine (Mr. ALLEN) for his comments. As he has pointed out, in the stories that dealt with the media in particular, because our Maine emergency signal went down, our Maine Emergency Broadcasting Company was not able to televise and to give radio signals and broadcasts and it was the private enterprise radio stations, and particularly in central Maine and WABI radio and Voice of Maine, that were actually providing sort of Uncle Henry's Guide to what was available, where it was available, and pointing up the resources and matching up the resources.

So if somebody called in and needed a generator or somebody needed wood or needed some electrical help to do some work on the cables or whatever, somebody else would call in and say I can do that; I know who can do that.

We had so many, and it would take from here until the end of this legislative session to go through everybody, but particularly as the gentleman from Maine (Mr. ALLEN) has mentioned, the media and private enterprise stepped forward in terms of making sure that our citizens got that information.

Particularly, I have to thank the Bangor Daily News, because they were continually putting on a scroll of the 800 numbers, the points of contact, and something that people needed, because they did not have television and in many cases there was no electricity, it was only radio that they had. But the daily newspaper was able to put out this information.

I kind of remarked earlier, the first night it can be kind of romantic without power. But after a while it wears thin. My son, who is used to looking at the TV and talking to me, actually had to look at me and talk to me. There were some benefits to not having the power. But after a while, it sort of wore thin.

People were melting snow to make showers. They were washing dishes that way. And as was mentioned, they were going around and the unfortunate thing, again, as was pointed out, is that a lot of the Federal programs and resources are not set up to take care of the kind of ice storm that happened in Maine because of the way it hit and what it hit and because it was able to go into the heart of the transmission system and deny all of the citizens of the State of Maine power for up to 2 weeks.

We do not reimburse investor-owned utilities because we do not reimburse small businesses for their losses. We

give them low-interest loans. But in this case we do not even give them low-interest loans. We say you do not qualify. The regulatory body says we are going to run it through the rate base so that people who are out of work, not able to get income, businesses who have lost income, dairy who has lost livestock and production and milk thrown out, now all of the sudden they get their electric bill and they are going to get an additional kick because it will be run through the rate base.

Mr. Speaker, that is just really not fair. And that is one of the reasons why we are working hard on a supplemental appropriation to pick up what slipped through the crack and to make sure that people have the opportunity, as the Federal program calls for it, rebuilding their lives so that we can stand together as a country and a community and as people.

I am so proud to be able to work with the gentleman from Maine (Mr. ALLEN) and other Members in the Congress to bring this about. And I hope, Mr. Speaker, that we are able to do that before too much time and that we are able to bring that supplemental emergency assistance program.

Mr. Speaker, I thank the gentleman very much for this time and I appreciate this opportunity.

Mr. ALLEN. Mr. Speaker, I want to thank all of my colleagues for being part of this special order. I want to end this with a small story about Bridgeton, Maine. I went up to Bridgeton, Maine, which was hit as hard as any other part of the State of Maine, and there was a woman there who owns a restaurant. She kept it open 24 hours a day for over a week to help feed the utility workers.

The utility workers, when I went and talked with them at CMP, the central main power station there, they came from New York and they came from North Carolina and South Carolina and Virginia and Delaware and Maryland, and the people of Maine were very grateful.

Maine people pulled together. We dealt with the worst natural disaster in our experience. We recognized that we are one community in our State and we pulled together and acted that way. But we also know that this country is one community, that we have to help each other and that that is why we will be asking for assistance through a supplemental appropriations bill.

Mr. MCHUGH. Mr. Speaker, I appreciate my colleague from Maine reserving this special order so that we may speak about the devastating ice storm which swept through the northeast last month and paralyzed most of Maine, New Hampshire, Vermont and Northern New York. It is ironic that as we speak today regarding our experiences from the storm which crippled our Congressional Districts, Florida has just endured a terrible tragedy with loss of life and California continues to be subjected to punishing El Nino storms. It is

painfully obvious this winter's severe weather will test our abilities, patience and pocket-books.

In my New York 24th Congressional District alone, the storm toppled thousands of trees, grounded power wires, created flooding and left more than 100,000 homes, businesses, schools and other public and community facilities without power and communications in the dead of winter. The devastation was so severe that all six of my affected counties were declared federal disaster areas. For several of these counties, this was their third federal disaster declaration in less than two years.

For those of us privileged to represent the northeastern parts of the United States, we take a special pride in our ability to weather Mother Nature's onslaughts in the winter months. When a few inches of snow brings our nation's capital to a screeching halt, we collectively chuckle and boast that where we come from, it takes a lot more than a little snow to shut us down. Well, Mother Nature apparently felt it was time to bring us down a few pegs and so came the Ice Storm of '98.

When the ice storm struck, I was in Southeast Asia with some of my colleagues from the National Security Committee on an official trip. My staff quickly alerted me to the increasingly grave situation back home and the challenges the people of the North Country were facing. My first thought was to immediately get on a flight and return to the district. After extensive discussions with my staff, the twelve hour time difference forcing me to make calls well into the wee hours of the morning, I decided that initially I could do my constituents more good during those critical first hours of the recovery effort by working the telephone from Jakarta, Indonesia than spending the next 24 hours in the air. I immediately placed phone calls to our county emergency coordinators and several State legislators to find out where their needs were and what help they needed. I then placed a call to Federal Emergency Management Agency Director James Lee Witt to make him aware of the critical situation in the North Country. I also urged he act expeditiously on Governor George Pataki's forthcoming request for federal assistance. That phone call to Mr. Witt gave me some peace of mind because he assured me his people were already on the ground and would give the Governor's request for federal disaster assistance his strongest consideration. True to his word, President Clinton declared my six counties eligible for federal disaster assistance less than twelve hours after receiving Governor Pataki's request. This declaration freed up a number of federal resources for disaster assistance and recovery efforts, for this we are very thankful.

I finally left Jakarta to return to New York, but had to make stops in three countries and wait out a monsoon before I was able to begin the long journey back. One local newspaper said I went from disaster to disaster. The devastating weather I encountered in Sydney, Australia could not come closer to the destruction I found when I go home.

It has been called the worst ice storm of the century. I am not sure if that is an accurate statement from a meteorological perspective, but I can tell you that in my lifetime in Northern New York State, there has been nothing,

absolutely nothing, which can begin to remotely compare to this ice storm. The devastation wrought by this storm boggles the mind. Niagara Mohawk Power Corporation, the primary utility serving these six counties, saw its entire distribution system in the region destroyed. The company estimates it will cost approximately \$125 million for the clean up; the other utility serving the area, New York State Electric and Gas, estimates its storm-related costs at between \$35-\$40 million. These costs could ultimately be passed along to the consumer. Another legacy of the storm.

Ice, in some places four and five inches thick, coated trees and power lines. If the weight of the ice didn't bring the lines down, the falling branches did. Then, of course, the poles snapped. I witnessed destruction that can only be compared to that of a war zone. In fact, that military description was the most appropriate to describe the damage. It has been reported that when Vice President GORE toured Maine, he remarked that it looked like a reverse neutron bomb: the people are left standing but everything else is destroyed. In a matter of hours, all of Northern New York went black. For many people, it would be another two to three weeks before their power was restored.

In addition to the massive power outages, the fallen tree limbs, poles and utility lines, and ice covered roads, movement throughout the North Country came to a virtual standstill. Nothing moved and what ever did move, slid. The paralyzation of Northern New York was complete. With daytime temperatures rarely pushing past the freezing mark and nighttime temperatures occasionally dipping below zero, the discomfort level rocketed off the scale. A power outage, which in the spring, summer or fall would have been a major disruption in lifestyles, in January became a matter of life or death. And for nine souls, it was a matter of death. Our hearts go out to their families at this most difficult time and we shall keep them in our prayers.

The loss of electric power had enormous repercussions simply beyond the inconvenience factor. As the third largest dairy producer in the nation, Northern New York is the state's largest dairy region. Without power, dairy farmers were unable to milk their herds. Those with generators—an instrument which, as the hours without power turned into days and then weeks, became one of the region's most sought-after and precious commodities—who were able to milk frequently had to dump their milk because the roads were impassable and the milk trucks were unable to get through to pick up their product. Those lucky enough to be able to milk and get their product to the producer were frequently confronted with the milk plant being without power. Although final figures are still being compiled, early estimates indicate approximately 14 million pounds of milk were dumped. In addition, because of their inability to milk the herds, or to milk on a normal schedule, many cows contracted mastitis, an illness which if not treated, can kill the cow. In many instances, the illness is treatable, but it will be many weeks, if not months, before the cow is back on a regular production cycle. In the meantime, the farmer has lost critical production.

Our initial hope that the federal disaster declaration would speed assistance to our

farmers was soon shattered as it became clear the Farm Service Agency's primary form of assistance was low interest loans. I was shocked. Federal programs to replace livestock losses or dairy production are either expired, do not apply to dairy farmers or non-existent. To these dairy farmers, many of whom are already operating on the margins due to a 20 year low in milk prices they are paid, the low interest loan program wasn't even an option. They simply can't afford it. Loans ain't gonna cut it for these folks.

The situation reminds me of a story of a guy who goes to see the doctor because he's not feeling very well. The doctor takes some tests and tells him to check back in a week. The guy goes back to see the doctor and the doctor tells him he has good news and he has bad news for him. The guy says, "Gosh, I guess I should have the good news first to prepare me for the bad news." The doctor says, "Okay, the good news is: you have three days to live." The guy says, "if that's the good news, then what on earth is the bad news." The doctor says, "the bad news is: I've been looking for you since yesterday to tell you." The story reminds me of the North Country right now because there hasn't been a lot of good news for the folks up there lately and what news there has been, hasn't been that good.

The maple syrup industry is also a critical component of the North Country's economy. The ice wreaked havoc on our maple trees causing either complete destruction or such severe damage the trees are effectively useless to the owner. Once again, final figures are still being compiled, but losses will run into the millions. I ask my colleagues to remember that it can take upwards of 40 years for a maple tree to reach maturity. In short, the North Country's maple syrup industry is crippled for the foreseeable future. To those who savor the simple pleasure of real maple syrup on your Sunday morning pancakes, get used to the imitation stuff.

The bushes which produce maple sugar, another important North Country commodity, were destroyed by the ice. In addition, Christmas tree farms and other tree farms sustained crippling damage. It will take years, if not decades, before the trees are restored and production reaches pre-ice storm levels. For these tree farmers, their livelihoods are as flattened and splintered as their trees.

Mr. Speaker, I could go on and on itemizing the destruction caused by this storm. Suffice it to say, it is widespread and long-term.

Further compounding the suffering many of my constituents have endured in the wake of this storm is the lack of Federal assistance programs available to many of our storm victims. Although the initial response to the disaster by the Federal government was swift, and at this point I should like to commend the Federal Emergency Management Agency (FEMA) and its New York State counterpart, the State Emergency Management Office (SEMO), for their efforts, it has become evident there are significant gaps and shortfalls in assistance programs, especially those for dairy farmers and small businesses.

In cooperation with my colleagues from the three other states targeted by this storm, we are identifying those areas most in need of assistance and working with Appropriations

Committee staff to craft the appropriate language to meet those needs. Of top priority will be a dairy indemnity program to reimburse the farmers for the milk they lost. In addition, a livestock indemnity program is needed to help finance the loss of livestock from the storm, be it from weather or from illness caused by the power outages. Another priority will be a program to finance the replacement of trees destroyed by the storm. In the aftermath of this disaster, it is readily apparent that many Federal assistance programs are simply not adequate to meet their needs. I intend to work closely with the members of the three other state delegations and the appropriate committees to institute these changes.

Mr. Speaker, I do not wish to close these remarks on a note of doom, gloom and despair. I am immensely proud of the North Country's response to the storm. Once again, in the face of another adversity thrown at us by Mother Nature, and I must admit, this is starting to get old, the residents of the North Country pulled together and weathered the storm, figuratively and literally. In instance after instance, communities rallied together. Neighbors took care of neighbors, strangers came together and worked together as a team. Community and civic groups turned their posts or clubhouses into shelters or food pantries. Without being asked, these organizations took it upon themselves to come to their communities' assistance. Many incurred costs of several thousands of dollars in renting or operating generators or purchasing food. I am hopeful that all of these costs will ultimately be reimbursed. In short, it was a community effort and in a strange manner, it may well have been the North Country's finest hour.

Now that the immediate urgency of the crisis has passed, we must work together to ensure that all those who sustained losses from the storm are afforded the assistance necessary to begin the rebuilding process and be made as whole again as possible. The mission before us will be difficult, at times frustration, and certainly long, but I am hopeful that with the goodwill of the Members of this body, we will soon accomplish this task.

Mr. Speaker, I wish to once again thank the gentleman from Maine for this time and hope the lessons learned from this experience will better prepare us for nature's next challenge.

AMERICA'S MOST IMPORTANT ISSUE: SOCIAL SECURITY

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

Mr. NEUMANN. Mr. Speaker, first I would like to address the discussion that has been going on here on the floor so far. I think as we see the floods all across America and the ice storm certainly that hit up in Maine, I know the folks in our district are willing to lend a hand, as well as in a lot of the other parts of the country.

But as we begin this debate about a supplemental spending bill, that is spending outside the normal spending

in Washington, I think it is very important that we do not just go and blow in the taxpayers' money; that we do not spend money without thinking where it is coming from.

Mr. Speaker, I would encourage my colleagues who are involved in this conversation that they find other areas of government that are less important and in order to provide the funds, the very needed funds there in Maine and in some of these other places across the country, I would like to encourage my colleagues to find other parts of the budget that are less important. And Lord knows, there is plenty of wasteful spending in this budget.

Find some of that wasteful spending, knock out the wasteful spending, and let us redirect those savings, the dollars we do not spend, into the programs that are necessary to help some of these people around the country. But for goodness sakes, let us not just go spend more money without knowing where it is coming from.

The only thing many folks like myself would ask is that we reprioritize our spending to take care of some of these areas that are in need of help in view of some of the floods that have occurred, whether it be California or Florida, or the ice storm up in Maine. Let us do what they need, but certainly let us find other programs where we do not have to spend the money in order to make up for it, as opposed to just going out and spending more of the taxpayers' money.

Mr. Speaker, I would like to turn our attention to what I think is the most important issue facing America today, or at least one of the most important issues, and that is Social Security. I would like to dedicate a good portion of this hour to Social Security, how it fits into the big budget, and where we might be going to solve some of these problems facing our Nation today as it relates to Social Security.

□ 1330

First off, I think it is important that we understand the Social Security system and what is going on. For anybody out there in America or my colleagues, they are all paying taxes into the Social Security system. I think it is important that we understand how many dollars are coming into the Social Security system each year.

What I brought is a chart that shows the total revenues in the Social Security system this year is \$480 billion. The total amount that we are sending back out to our seniors in benefits is \$382 billion.

If you think about this like your checkbook and just for a second forget the billions on the end, if you have \$480 billion in your checkbook and you only spend \$382 billion or \$382, that works out pretty well. In fact, you still have money left in your checkbook.

The Social Security system today is working; that is, it is collecting more

money than what it is actually paying back out to our senior citizens in benefits. The idea in this system is that they collect this extra \$98 billion. They put it into a savings account. They put that savings account money aside, and it grows and grows and grows, because, eventually, and it is not very far down the road, the baby boom generation gets to retirement.

When the baby boom generation gets to retirement, this top number, the revenues becomes smaller than the bottom number, the expenses. When the expenses are greater than the revenues, the idea was we were supposed to be able to go to this savings account, get the money out and make good on our promises to pay Social Security to our senior citizens. That is how the system is set up, and that is how it is supposed to work.

Every year since 1983, the situation has been much like this one, where there is more money being collected out of the taxpayers' paychecks than what is being paid out to our senior citizens in benefits. As a matter of fact, since 1983, we were supposed to accumulate this kitty or this savings account of about \$700 billion. That is how much is supposed to be in that trust fund right now, today.

When I am out in Wisconsin and I ask the question does anybody want to take a shot in the dark what Washington has done with the \$98 billion, I always get a snicker in the audience. It does not seem to be any big surprise when we talk about what is going on here in this city.

That \$98 billion that is supposed to be going into a savings account to preserve and protect the Social Security system here is what is actually going on. They take the \$98 billion; they put it into the government's general fund. You can think of that like the big government checkbook that they pay all their bills out of it.

So they take the \$98 billion. They put it in the big government checkbook. Then they write checks out of the big government checkbook, and there is no money left at the end of the year. As a matter of fact, until this year, every year they overdrew even this checkbook. That is what you have been hearing about, is the deficit.

It is important to understand that when Washington says they are going to balance the budget, that that \$98 billion that has been put in here from Social Security has been spent out of that checkbook.

So the facts are the government is taking the \$98 billion, putting it in the big government checkbook, spending all the money out of the big government checkbook. Of course, that means that at the end of the year there is no money left to go down here into the Social Security Trust Fund.

As a result, what Washington does is they simply write an IOU to the Social

Security Trust Fund. When you hear Washington talking about whether or not the budget is balanced, that is this circle out here, and it is using that Social Security money that is supposed to be down here in the Trust Fund.

In the private sector, if anybody tried to do this with pension funds, if anybody was running a pension where \$98 billion or \$9,800 was supposed to go into the pension fund but, instead, they put it into their regular checkbook, they would be arrested. This would be illegal in the private sector. In Washington, D.C., this is a practice that absolutely must be stopped.

Before we are too hard on the people out here, let us understand that this idea of balancing the budget in this circle, even though it uses the Social Security money, even that has not been done since 1969.

So what has happened in the last 3 years is a good step forward. At least they have got that part balanced. But it absolutely does not solve the problem as it relates to Social Security.

Now, some have been hearing the President's State of the Union and some of the things that have been said since the State of the Union where they are now saying that that they are going to take all of these surpluses and dedicate those surpluses to Social Security. It is important to understand exactly what they are saying and what they mean.

First off, the surplus is whatever happens to be left over in this checkbook at the end of the year. We will put \$98 billion of Social Security money in there, and they call it a surplus if there is anything left over at the end of that 12-month period of time.

What they are saying is that leftover is going to be used to preserve Social Security. In and of itself, that does not sound bad. It sounds like a good step at least in the right direction, albeit not what we ought to be doing.

The problem is they are not even doing that. You see, this Social Security debt, this \$700 billion of IOUs that are down here in the Social Security Trust Fund, that is part of the much larger debt, the \$5.5 trillion debt that has been run up for our Nation. \$5.5 trillion is about \$5,500 billion. Seven hundred of that billion dollars belongs here.

But when you actually look at what is being proposed, they are not actually saying they are going to pay off some of these IOUs and put real money down in the trust fund. What they are actually saying is they are going to pay off some of that other outstanding debt. In fact, not even the surplus gets down here to the Social Security Trust Fund.

So the fallacy that somehow the surpluses are going to solve the Social Security Trust Fund problem is just baloney at this point in time. It is just

plain baloney. I cannot think of any better way to describe it.

Again, what is going on today, there is more money coming in than what is going back out to seniors in benefits. \$98 billion is being put in the big government checkbook. All the money is being spent out of the big government checkbook, and they are simply putting IOUs down here in the Social Security Trust Fund.

Now, lest anybody think that nobody in Washington is paying any attention, some of us are. We introduced legislation in our office. It is called the Social Security Preservation Act. It is H.R. 857.

Here is what it does. It is very, very simple.

It simply takes the \$98 billion and directs it straight to the Social Security Trust Fund. It prevents it from going into the general fund. It prevents it, then, from being computed in the overall budget computations. It simply takes the pension money and puts it in the pension fund.

When I am out in Wisconsin and say how many people think this is a good idea, I have not found a single audience anywhere where every single hand does not go up.

You see, when we are working with the young people, like, for example, my son, who is 15 years old and mowed lawns last year, he earned \$2,000 mowing lawns. He paid \$300, roughly, into the Social Security system out of his \$2,000 of earnings.

Now, for a 15-year-old to be paying \$300 into Social Security, that is pretty tough; and a lot of people think we ought to be doing something about that. But my point would be, until we actually get some real dollars down here in the Social Security Trust Fund so that our present seniors are safe and secure and the people that are in their forties and fifties get to a point where they can actually count on the money being there in Social Security, I do not think you can make the other changes in the system that many people out here in this city think are necessary and logical.

I think most Americans would agree that it does not make a lot of sense for a 15-year-old to be required to pay \$300 into the Social Security Trust Fund. But the problem with making that change today is it puts seniors in jeopardy because there is no money currently in the Social Security Trust Fund.

So where are we going with this Social Security issue and what do we really need to do to solve it?

The first thing we need to do is pass the Social Security Preservation Act. The Social Security Preservation Act would take the surplus funds that are coming in this year and put those funds correctly into the Social Security Trust Fund.

I want to be a little bit technical for my colleagues as to exactly how this

would happen. Today, those IOUs are nonnegotiable, nonmarketable Treasury bonds; and all we are suggesting is that, instead of buying nonnegotiable, nonmarketable Treasury bonds, we simply buy negotiable Treasury bonds, the same thing that any American citizen can walk into the bank and buy.

Why would you do it that way as opposed to any other way? Well, a Treasury bond is a safe, secure investment. When the shortfall occurs, when those numbers we looked at on the other chart turn around and there is not enough money coming in and too much money going out, when that shortfall occurs, we need to be able to sell the assets. A negotiable Treasury bond can be sold at any bank in America.

So the idea is you put a negotiable Treasury bond into the Social Security Trust Fund. Now you have real assets in there so today's seniors are safe and secure. Then we can begin the discussion of the young people in this great Nation having some other options if they so desire.

Again, I point to my 15-year-old who went out and worked his tail off, earned \$2,000 and found out he owed \$300 to the Social Security Trust Fund.

But first we need to make sure that we have real assets in that account so today's seniors are safe and secure.

The bill, again, that I have introduced is the Social Security Preservation Act. It is H.R. 857. I would strongly urge my colleagues to join us in this. It is something that people from all over the country have called and talked to us about, and I am sure that is going to continue as we move forward. We have got about 90 cosponsors on it right now, and we would hope to see that number grow as this debate goes forward.

I have one other chart here that, again, illustrates the President's discussion and what we are starting to hear out here. I encourage my colleagues not to be misled by the smoke and mirrors that has been put out of this city for years.

Out of this city, for years, we have been telling people there is a Social Security Trust Fund. That is wrong. Day one when I got here, I knew that was wrong; and we started fighting to end this practice.

Today the new smoke and mirrors game has put the \$98 billion into the general fund. Spend all the money you want to out of the general fund, and whatever is left over they say is going to Social Security. But, remember, it is not coming into the Trust Fund. It is really simply going to pay additional revenues.

I would just like to point out that, even under this system, any spending that goes out of this account effectively reduces the amount of money that is left over for Social Security. The reason I point that out is because, when we look at the proposal that is

coming forward, and I am now talking about the President's budget, but let us make no mistake, this is not like it is a partisan thing that obviously one side proposes new spending. Any new Washington spending program effectively reduces the availability of funds for Social Security.

I have a list here of new spending that is being proposed currently in Washington, D.C. These all happen to be in the President's plan, but I guarantee you will see people from both sides of the aisle supporting this new spending: their new child care program, \$12.2 billion; new schools, \$6 billion; new teachers, \$5.1 billion.

I know a lot of folks out there are going, hey, Mark, those things look like good things: new schools, more teachers, child care for working families. I mean, gosh, those are all good things. Do we not want to do those things in this country?

We need to understand what is being proposed. What is really being proposed, and let us just take the new schools. That is a classic example. What is really being proposed is that Washington, the United States Government, reaches into the taxpayers' pockets. They bring the money out here to Washington, and then the people here in Washington decide where it is that we should build new schools in America.

Would it not be better if, instead of Washington getting that money out here, spending 40 cents on the dollar in the bureaucracy, and then Washington making the decision of which school district is going to get help, would it not make a lot more sense to leave the money out there in the hands of the people in the first place so they get a dollar's worth of new schools for the dollar that they are paying in taxes?

If a community needs a new school, then the parents and the teachers and the school board and the folks in the area ought to get together and build a new school.

I know in the district that I am from that a lot of our school districts have done exactly that. In our home district, Janesville, I know they just built a new middle school. Burlington built a new school. The folks in our district care about education, and so do I.

What I do not want to see happen is Washington, the government, reaching into the pockets of people, bringing the money out here to Washington and spending 40 cents on the dollar in the bureaucracy and then Washington making the decision as to who is going to get help and who is not going to get help. That is not the way it ought to work. It ought to be that the people make those decisions for themselves and the people in their local communities make a decision as to how many teachers they wanted or how many new schools they want.

Let us just look at child care. Let us look at another way to deal with the child care issue.

Would it not be much better if, instead of Washington taxing people and getting the money to Washington, that instead of that, getting that money out here and spending 40 cents on the dollar in the bureaucracy, would it not be a whole lot better if Washington just said we are going to tax all of our families less? The government says we are going to tax our families less, leaving more money in their homes.

In fact, that is exactly what happened last year. Last year, in the tax cut package, the decision was made that, rather than develop some new program called Washington-run child care, that we would, instead, leave \$400 per child under the age of 17 out there in the homes and in the families.

So instead of Washington collecting the money, spending it on a bureaucracy and deciding where it should go back to, Washington simply said to the working families, for every child under the age of 17, keep \$400 out there, and you decide whether that \$400 is best spent for new shoes or whether it is best spent for child care.

Instead of Washington making the decision after losing lots of the money in the bureaucracy, the people are making the decision. The families are making the decision. Is that not a much better way? I guess it all depends on who you believe is best prepared to spend the people's money, the people here in this city or the people out there in America.

With that, I am going to switch. I want to stay focused just a little bit on what Washington means by a balanced budget, because that is absolutely essential in terms of understanding the problems that we have here in this city as it relates especially to Social Security.

Washington's definition of a balanced budget is that the total dollars being collected from the taxpayers is equal to the total dollars that Washington spends. Remember, some of those dollars we are collecting from the taxpayers are for things like building roads.

So when you fill your gasoline tank up and you pay a Federal tax on that gas tank, part of that money is dollars coming into Washington. Those dollars aren't even being spent to build roads. Part of that money is Social Security money.

So when they add up all the dollars coming in and they look at all the dollars going out, if those two numbers are equal that is called a balanced budget in Washington.

Now, as this relates specifically to Social Security, remember that part of those dollars in is \$98 billion extra coming in for Social Security. So we need to be very concerned that we do not get confused of what we mean by a balanced budget or a surplus.

I, again, am going to show the President's numbers since the other budgets have not been produced this year, but the other budgets are basically the same.

The President's budget says in the next fiscal year that we are going to have revenue of \$1,743 billion, and we are going to have expenses of \$1,733 billion. That, of course, leaves a \$10 billion surplus.

But I want to show you the fallacy in talking to the American people this way. The fallacy is that, if you take Social Security out of the picture, the revenues are now \$1,241 billion; and, remember, the difference in these two pictures is that we have set Social Security aside.

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When we take Social Security out, the revenues are \$1,241 billion, the expenses are \$1,337 billion, and instead of talking about a surplus, we actually have a shortfall of about \$96 billion. The facts are that today when we talk about dollars in equal dollars out, that is the Washington definition of a balanced budget and before we are too hard on them, remember they have not even balanced the budget that way since 1969, but let us also remember that we have a long ways to go before we start accepting this concept of new Washington spending programs. Let us remember that whenever there is a new Washington spending program initiated, that it is simply going to make that bottom line worse. We have a long ways to go in this great country of ours.

I have brought with me a few more pictures here. I always believe a picture is worth a thousand words. Whenever I am out in Wisconsin, they would much rather have a picture than a thousand words. Most people do not want to listen to a politician give them a thousand words. These pictures help us understand some of the seriousness and severity facing our country. When I talk about this next chart I get very serious about it because this is a serious problem facing America. What I have on this next chart is how the debt facing our Nation has grown from 1960 through 2000, including the projections through 2000. One can see, looking at this, from 1960 to 1980 that the debt facing our country did not grow very fast. But from 1980 forward it has grown off the wall. If we hope to have a future in this great Nation that we live in, if we even hope to have a future in this country, we have got to stop this growing debt. We are here on this chart right now today. It is a very serious problem facing our country.

Now, I said 1980. I know all the Democrats out there are going, "Sure, that was the year Ronald Reagan, the Republican, took office and it is the Republicans' fault." I know all the Republicans out there are going, "Those

Democrats spent like crazy in the 1980s. And because they spent so much money it is the Democrats' fault that we have this picture to look at." I would like to point out that it does not matter whose fault it is at this point and whether you are Democrat or Republican, I think it is our responsibility as Americans to solve these kinds of problems facing this country if we hope to preserve this Nation for future generations.

Looking at this picture, knowing that we are way up here on this chart, should encourage us to do the right thing as we look at the budgetary matters going forward. I also wanted people to see the actual number that is involved because it is a pretty staggering number. The United States government is now \$5.5 trillion in debt. That is, they have spent \$5.5 trillion more than what they were willing to collect from the American taxpayers in taxes, basically over the last 15 years. Let me translate that number, since that number is so big, into something that makes a little more sense. If we take that \$5.5 trillion and divide by the people in the United States, we would find that every single American, man, woman and child, is now responsible for \$20,400 of debt. For a family of 5 like mine, I have 3 kids and a wife at home, for a family of 5 like mine the United States Government has borrowed \$102,000. Again, basically this has all occurred over the last 15 years. It is a staggering, staggering sum of money. The kicker in this whole picture is that we are paying real interest on this money. The real interest that we are paying amounts to \$580 a month for every group of 5 people. It is being paid. It is being paid by collecting taxes from the American people. Every month every group of 5 people in America pays \$580 to do nothing but pay interest on the Federal debt. It is an absolutely staggering number when we think about it. A lot of people do not think they pay that much in taxes. But the fact is every time you walk in the store and do something as simple as buy a pair of shoes, every time you do something as buy a pair of shoes for your kids, the store owner makes a profit on that pair of shoes and part of that money actually gets sent to Washington, D.C. in taxes. One dollar out of every \$6 that Washington spends does absolutely nothing but pay the interest on this debt.

It is interesting to look at and to think about how it is that we got to this particular situation. When we look back on the past, most Americans remember the Gramm-Rudman-Hollings Act of 1985 and the Gramm-Rudman-Hollings revision of 1987 and folks remember the budget deal of 1990. They remember hearing all these different promises, how Washington was finally going to balance the Federal budget. Every time they heard the promise,

their hopes got up. Then they found out Washington, the Government, did not balance the budget. They got another promise and their hopes went up again. They got another promise, their hopes went up again. They kept getting this demoralizing news that in fact Washington, our Government, had not done what it promised to do.

I have a picture here of one of them. This is the Gramm-Rudman-Hollings Act of 1987. But they were all the same. The 1985 one, the 1990 deal. They were all the same. This shows where the deficit was going to go to zero. In this particular bill the promise was by 1993. The red line shows what actually happened to the deficit. These promises were broken and broken and broken and the American people got very cynical, myself included. One of the reasons I ran for office in 1994 is because of this picture. But this is not all of the picture. The folks looked at this picture and they saw that gap out there, that deficit of \$200 billion, and the people in Washington said, "We have got to solve this problem. This problem is serious." The only way they knew how to solve the problem was reach in the pockets of the American people and raise taxes. That is what they did in 1993. Some people remember Social Security taxes went up. The money was not even put in Social Security. Gasoline taxes went up by 4.3 cents a gallon. The money was not even spent on building roads. The bottom line is they reached into the pockets of the American people and they brought more money out here to Washington with the idea that if they just got more money out here in Washington, they could maintain the Washington spending programs and still balance the budget.

What happened in 1993? The American people, got very, very upset in this country. They said, "We did not want you to raise our taxes to balance the budget. What we wanted you to do is get spending under control in Washington, D.C." So in 1995, they elected a new group of people.

In fact, at that point for the first time in a long time, we have Republicans controlling the House of Representatives, Republicans controlling the Senate, and a Democrat President. That is the situation we had in 1995, the first time in 40 years that we had that situation. The problem was, this stuff in the past with all these broken promises that made the people so upset, the problem was convincing the folks in Washington, D.C. that the right thing to do was control Washington spending as opposed to reaching into the taxpayers' pocket and taking out more money. So we laid out a plan. The plan was to control Washington spending and get us to a balanced budget. We laid out a blue line like they had done before saying we are going to get to a balanced budget in 2002. We made

our promise. What did the American people do when they made that promise? They yawned. They said, "It can't happen. We've been promised before. Why should we believe this group is any different?" We are now in our third year of that plan, completed the third and into the fourth year.

The facts are that we have not only hit our targets and projections, but we are far ahead of schedule. For the last 12 months running, the United States Government for the first time since 1969 did not spend as much as money as it had in its checkbook. Think about this. The first time since 1969. It is in the books. For the last 12 months running, our government did not spend more money than it had in its checkbook. What an amazing accomplishment, 3 short years in, and, I would point out, 4 years ahead of what was promised to the American people.

There is a significant change in Washington, D.C. I know there are problems with Social Security that we talked about earlier. There are bad problems and they need to be solved. But to not recognize the difference in these two pictures using the same definitions, using the same Social Security money, to not recognize how much this city has changed in 3 short years would be a mistake. This is a monumental accomplishment to be at a point where we have actually reached a balanced budget and are running a small surplus. Albeit under a definition that I do not like very well, the point is it is still the first time since 1969 that this has been accomplished. I know that out there in America, every time I say this, I have all kinds of people say to me in our town hall meetings, you politicians are taking credit for our hard work. In fact, the economy is doing so good and it is doing good because we are out here busting our tails. As we bust our tails, we make more money, which is good, that is the American way, that is good. We make more money. Then we pay more taxes and with Washington having all that extra revenue how could you have possibly messed it up? Partly that is true. In fact, people are working very hard out there. They are being more successful. I am happy to say there are stories all across this country where people have lived the American dream and they are being successful. When they are successful they do pay more taxes and revenues are up in Washington, D.C.

So a lot of the credit for this is because people have done the right thing, worked very hard, and in fact are paying more taxes, more revenue to Washington, D.C., which is why we can also reduce taxes, I might add. But there is another side to this picture that I think is important. Between 1969 and today there have been strong economies before. Every time there was a strong economy and extra revenues came into Washington, Washington

very simply spent the money. They did not balance the budget. They have had this opportunity before. We have had strong economies between 1969 and today. And every single time we had a strong economy, Washington simply raised the spending to match up with the extra revenues. That is where this Congress should deserve some of the credit for changing that. This red column shows how fast Washington, or government spending was growing before we got here in 1995. This blue column shows how fast Washington spending is growing today. In fact, the growth rate of Washington spending has been slowed from a 5.2 percent to a 3.2 percent. Let me even go one step further. When we look at the growth rate of Washington spending last year, for the first time in eons, with one exception, Washington spending grew at a slower rate than the rate of inflation. Translation. Washington actually got smaller in real dollars. Last year the growth rate of Washington, or government spending was lower than the growth rate of inflation. That is not the picture we had before we got here.

What we really have going on right now today is we have two things happening simultaneously. We have a very, very strong economy, which generates additional revenues to Washington, D.C., that is the American people and they deserve the credit for it, coupled with a Washington, a government that has understood that what the American people want us to do is control Washington spending. We are bringing Washington spending under control in the face of this extra revenue.

I want to challenge each one of my colleagues today to do something. I would like them to look back in our 1995 budget plan and I would like them to look at the projection as to how much money we were going to spend in fiscal year 1997. I always do this in a fun way out at my town hall meetings. I ask the folks which one do you think is most likely to happen. Do you think it is more likely for a Martian spaceship to land in your backyard, they come in, have coffee and head back to Mars, or Washington got \$100 billion of unexpected revenue and did not spend a nickel of it? What happens is a lot of our folks go to the coffee pots to welcome the Martians because they do not think it is possible.

But if my colleagues would take the time to look back at our budget plan that we laid out in 1995, we laid out our projected spending for fiscal year 1997, we actually underspent that number by over \$20 billion. At the same time the revenues that we expected were up by \$104 billion. So Washington got more than \$100 billion of expected revenue and reduced spending from the plan by \$20 billion.

It is a minor miracle what has happened in this city. Where does that really leave us? It seems to me that

leaves us with 3 very significant problems facing our Nation today. After we get the budget balanced, taxes are still too high. I find very, very few people out in Wisconsin, and I see my colleague from South Dakota has joined me. I do not know what he finds in South Dakota. Does the gentleman find there are a lot of people that think taxes are not too high out in South Dakota?

Mr. THUNE. That is not what I have heard lately. I want to credit the gentleman from Wisconsin for the lead that he has taken on this important issue. Because clearly in this country, and we have seen the statistics of late that the tax burden in America is higher as a total than it ever has been since 1945, and secondly, each individual family pays higher taxes today than they ever have. To suggest for a moment that Washington has gotten spending habits under control would be a misnomer. We have some huge problems looming out there in the future. I think the approach that the gentleman from Wisconsin (Mr. NEUMANN) and his legislation has taken on that is an important step forward in addressing not only the \$5.5 trillion debt that we have already piled up out there and what is going to happen when the Social Security bills start coming due.

Mr. NEUMANN. Those are the other two issues we have here. The 3 problems we have, and the gentleman just mentioned the other 2, the 3 problems we have left are taxes are too high. We still have a \$5.5 trillion debt staring us in the face and the Social Security issue which we discussed in great detail earlier here in the hour.

We have two pieces of legislation, and I know he is a cosponsor on these bills. The first is the Social Security Preservation Act, which I spent a lot of time earlier in the hour, that simply says that the money coming in for Social Security gets put into the Social Security trust fund. It is very much a common sense approach.

The second one, I know the gentleman is a cosponsor on this. Why do I not let him take it a little on the second. Go ahead.

Mr. THUNE. I just happen to believe the approach the gentleman has outlined in his legislation is one that will give us the discipline, require us to have the discipline that is necessary, because frankly if we do not do something in the area of addressing the \$5.5 trillion of debt, it is going to accumulate.

As the gentleman mentioned earlier, we continue to borrow from the Social Security trust fund, which is a significant problem. Another issue which his first piece of legislation addresses, that we ought to keep those funds separate. That the dollars that come in ought to pay for future benefits and we continue to borrow against that and add to this already growing national debt, which

means that every year as we go through the appropriations process, before we pay for anything else we have to write the check for interest, which is \$250 billion a year. I might add if we sat down and figured that out, that is every personal income tax dollar collected west of the Mississippi River and then some. This is a huge problem. What he has done in his legislation is I think taking a very systematic approach, not only to addressing the \$5.5 trillion of debt by saying that each year government cannot spend more than 99 percent of what it takes in, I think that is critical and based on current economic assumptions by 2026, we would have wiped out the debt, but also, secondly, to address the issue of Social Security and how are we going to, long term, deal with that important issue.

The other thing that I think is very attractive about his plan is it puts two-thirds aside for those purposes, but then after having said that, it also allows that any dollars that are left over ought to in fact go back to the taxpayers. Of course, I have some ideas about how best to do that. But I want to credit him for the work that he has done in fashioning an approach which in a very systematic, deliberate way addresses the long-term problems that this country faces, because I think far too often we here in Washington deal with the short term, which is politically expedient, to the detriment of our children's future.

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And frankly we just cannot afford to wait any longer, and so I think your approach is the correct one and one which I hope we can debate here in the Congress and continue to build support in favor of.

Mr. NEUMANN. Especially as it relates to Social Security. You know this is becoming a short-term problem as opposed to a long-term problem. We know that the numbers in social security, the dollars coming in versus the dollars going back out to seniors turn around by not later than the year 2012. So we know sometime between now and 2012 there is a cash shortfall in the Social Security Trust Fund, and I see all the people in this city, and it has got to be shocking to you, too, as a first-termer here like it was to me last time, these people run around the city beating their chests saying those IOUs are backed by the full faith and credit of the United States Government, and it is absolutely fascinating to me that when they say that, it like dumbfounds them when you ask the next question because the next question that Americans would ask is where is the United States Government going to get the money to make good on those IOUs when the shortfall occurs?

And there is no good answer for that question. The only answers that I can

see is one of three choices. One is they could raise taxes, and I do not know how you feel, but I know how I feel. Why do you not tell me how you feel about raising taxes?

Mr. THUNE. Well, again as you have noted, there are some solutions, none of which is very attractive and very palatable, and raising taxes is not going to be the solution to this because that is the solution that we have gone to in the past as a fall back, and what it has gotten us is bigger and bigger government here in Washington and less focus on the real problems that are out there. But we do. There is no question about the fact that actuarially this program just has to be dealt with because each year we start borrowing more and more from the trust fund. We fill it with IOUs and at some point the IOUs are going to have to come and, you know, have to be paid back, and the natural question for any average person is going to be, well, where do you get that? And the answer is we borrow more money from your future.

Mr. NEUMANN. That is a second possibility, but if we borrow more money, that just keeps making our debt bigger and bigger, and if the debt keeps getting bigger and bigger, the interest payment keeps going up higher and higher, and what we are passing on is a legacy to our children and our grandchildren that is more and more taxes that they have to send to Washington to do nothing but pay interest on the Federal debt.

So I sure do not like the idea of higher taxes, and I sure do not like the idea of borrowing more money, and the idea that somehow in Washington we are going to miraculously reduce spending elsewhere so that we do not have to raise taxes or borrow more money, that is just not going to happen.

So when the Social Security IOUs come due, if we have not taken the action, and again let me make it very clear that if we do enact the Social Security Preservation Act, the Social Security Preservation Act puts real dollars into the Social Security Trust Fund so when the shortfall occurs, you go to the Social Security Trust Fund much as you would go to a savings account and get the assets out. You cannot do that today because they are IOUs, they are nonnegotiable, non-marketable bonds.

So the Social Security Preservation Act puts real money there so that instead of raising taxes or borrowing more money, I cannot hardly get that out of my mouth, it is so scary and so detrimental to our children's future that instead we have a different alternative. We have a logical planned approach to put money away in a savings account so when this occurs, and we know it is going to occur, that we are prepared for the occurrence instead of dealing with crisis management where we have to either raise taxes or reduce

benefits to seniors, I guess, is another possibility. I will not do that either.

Mr. THUNE. And if the gentleman would yield, that is the traditional Washington solution. It is again a view to the short term rather than the long term.

Mr. NEUMANN. Right.

Mr. THUNE. And we just have, we do not have any alternative, I think, at this point in time other than to say that we are going to enact the type of discipline that is necessary to ensure that when, in fact, these liabilities, responsibilities that we have, come due that we are prepared to cope with that, and I think that, again, the notion of building the fire wall between the Social Security Trust Fund and getting away from the timeworn Washington practice of trying to conceal and emaculate the total size of the deficit and the debt and everything else that we are dealing with here is something that is long overdue and certainly something I want to be a part of, and of course, at some point, too, I believe that, and your plan calls for having done that to the extent that we realize additional revenues, that it should not go into more Washington spending.

And I think that is a false alternative that is being created by folks out there, including those at the White House that somehow this is about cutting taxes or saving Social Security. I think what we are saying is a matter of policy, that we agree that Social Security, the debt has to be paid back, but then to the extent that those additional revenues are generated because the economy is growing that we ought to give those back to the taxpayers, whose they are in the first place and who ought to have first claim to them, and I have already today been on the floor and talking about a proposal that I have that I think would do that in a fair, evenhanded way and one that is getting great interest back in my State of South Dakota.

The taxpayers are paying attention, and I think the opportunity to get out there and do something, these are a few things that ran in the newspapers back home, and the Investors Business Daily as well wrote something here talking about real tax relief, tax relief that is broad-based, not targeted, where Washington picks winners and losers and also leads us toward the goal of a new Tax Code for a new century, which should be our goal in a way that will simplify rather than complicate this enormous burden that we have placed on the taxpayers in this country, both individuals and families and businesses as well.

But I appreciate the hard work that you are doing and look forward to working with you toward that goal.

Mr. NEUMANN. You know we should, and I know we want to jump to my colleague from Michigan. I just want to wrap this part up by saying very spe-

cifically that the Social Security Preservation Act would require the Social Security dollars coming in this year be put into the Social Security Trust Fund. The National Debt Repayment Act, as it relates to Social Security, would look at the dollars that have been taken out of the Social Security Trust Fund over the past 15 years, and as we repay the Federal debt, it would also repay the dollars that have been taken out of the Social Security Trust Fund.

So there are two separate pieces of legislation here. They are both needed. The Social Security Preservation deals with this year's Social Security money. The National Debt Repayment Act pays off the entire debt so that we can pass this Nation on to our children debt free. In doing so, it puts the money back in Social Security that has been taken out over the last 15 years, and like you mentioned in the National Debt Repayment Act, we take two-thirds of the surplus and dedicate it to debt repayment, including Social Security as a priority. The other one-third is returned to the taxpayers.

Mr. THUNE. That is commonsense legislation, and that is probably the problem with it in this city. But in any case I hope that these bills move forward.

Mr. NEUMANN. I would like to yield to my friend and colleague from Michigan.

Mr. HOEKSTRA. I thank my colleague for yielding. I cannot tell you the excitement that I feel to see first term Member, a second term Member, and it is my third term, and just reflecting back on when I came to Washington in 1993, if we had projected in 1993 that we would be approaching the point where we would be talking about what to do with the surplus and that we would be there by 1998 or 1999 people would have said you are crazy, because if you remember back.

Mr. NEUMANN. I just need you to stop for just 1 minute. I would just like to point out for my other colleague that makes him a senior Member.

Mr. HOEKSTRA. That makes me senior, that is right.

But you know we came here in 1993, and within, I think, you know, the first 6, 8 months, the deficits were projected to be \$200-\$250 billion per year as far as the eye could see. The only way that we were going to stimulate the economy was by increasing Washington spending, and the only way to even try to get the surplus would not be by putting a discipline into Washington spending, but by increasing taxes because obviously Washington would know how to spend your money better than what you would. And now 5 years later, I mean, you know, Mr. NEUMANN came in and helped us take the majority.

You are helping us and setting us on a new agenda or implementing this

agenda where we are now close to being at surplus, and now what we need to do is we need to put the discipline in place and make it an institutional criteria that every year we will have a surplus and every year we will work on paying down our debt, reforming entitlements and reducing the scope and the influence of Washington government.

But we, you know, made a major step on a problem in 1993. We thought we could not solve, \$250 billion deficit, spending of about 1.6 trillion per year, and people said you cannot get there from here or you got to have a 10 or a 15-year plan.

Mr. NEUMANN. If the gentleman would yield for just a minute, you will recall that back in 1994, when we first got here, early 1995, and I know you worked with us on it, we did put a plan on the floor that said we can get there from here, and as a matter of fact, many of the things that were in that plan only got 89 votes that year, but many of the things in that plan have come to reality, and they are fact as of right now today.

Mr. HOEKSTRA. And I would propose that the same kind of focus and enthusiasm and energy that we have put behind the problem in 1995 of addressing this deficit and addressing the debt, we have come a long way and we got a long way to go, but we are on the right road, is the same kind of energy, enthusiasm and commitment that we need to put behind education.

In 1993, the early 1990's, the deficit was identified and the debt was identified as critical long-term problems that if we did not address them we were going to give our children an America that was not going to be as good as the one that we got from our parents.

Mr. NEUMANN. So does that mean we want more Washington programs or government run from Washington programs for education?

Mr. HOEKSTRA. Well, I do not think so. We, you know, what I have been involved in and almost all of 1997, I think we have had 22 different hearings around the country. We have been in 14 different States taking a look at what works and what does not work in education. We have also taken a look at how our children are scoring on international tests. A study came out again this week. I think out of 21 countries we are near or at the bottom in a number of different categories.

That is unacceptable. We cannot expect to compete on an international basis in a number of global industries if our kids are continuing to score at the lowest levels of any kids in the world.

Mr. NEUMANN. I have got a question for the gentleman. You may not know this answer; I did not talk to you about this ahead of time. I apologize if you do not. But when that study came out, you said we scored it near the bottom in many categories in this 21-country

study in education. Was there information regarding how much money is spent on education in America by comparison to the other countries?

Mr. HOEKSTRA. I do not know if that study identifies how much money is spent per student in each of these countries. That was a question that we had asked, and we are going to go back and try to get that information because the question that we asked, is it an issue of money? You know, that if America just spends an extra \$500 or \$1,000 per child, we will see better results.

I can tell you as we have gone around the country, it is not an issue of spending more money. We have gone, and the best example is taking a look at what is going on outside of this building in this city where we in Congress really have control over the school system. We spend on average about \$10,000 per student.

Now I come out of west Michigan. We spend about 56, \$5,700 per student. It varies throughout my district, but in that neighborhood. Here in Washington, D.C. we spend about \$10,000 per student. And you say, wow, we must have some of the best schools, the best technology, the best buildings, the best teachers, and we ought to be getting great results in this school system here in D.C.

It is not what is happening. We are getting terrible results. We are failing 60 to 80,000 children each and every year who are getting substandard education, and they are not going to be prepared to go out and compete. It is a huge problem.

Mr. NEUMANN. So you are telling me then that the system that the Congress has the most influence over is one of the most high priced in terms of dollars per student and is producing some of the worst results. Would the logical conclusion be that maybe Congress should not have as much influence and that maybe education should be returned to the parents and control of education returned to the parents and the community and the teachers and the school boards out there locally, take the control out of Washington and put it back in the hands of parents where it belongs?

Mr. HOEKSTRA. Well, let me give you another couple of statistics, and we can maybe reach a conclusion today. That was a question that we asked earlier in the process. We went out and we went to local schools and we talked to parents, we talked to teachers and we talked to administrators, and they said tell us what is working in your schools. And there are some phenomenal success stories around the country that schools are working well, teachers are doing a great job, classrooms are being effective.

So you ask them why is your school working, and they give us great rea-

sons: parental involvement, technology, and the answers vary from one school district to another because the needs in one school district and the students coming in are very different from one school district to the other.

The interesting thing was nobody ever said this Federal program, and you would think that when you have 760 different education programs coming out of Washington, and you know that is maybe one reason you and I would say, hallelujah, it is a good thing we have got an education department so that we have got one place that coordinates all 760 programs.

□ 1415

You take a look and say, whoa, no, that was the vision of the Education Department when it came out, that it would be the focal point of education in the Federal Government. But with 760 programs, they go through 39 different agencies, and they spend \$100 billion per year out of Washington.

This system also ensures that when your parents from Wisconsin send a dollar here to Washington, they would like to get it back. So to get it back, we develop all these programs and forums, and we send the programs back to Wisconsin. And guess what the people in Wisconsin have to do?

Mr. NEUMANN. Fill out some papers.

Mr. HOEKSTRA. They have to fill out some papers. So they send fill out papers, and send them where?

Mr. NEUMANN. Back to Washington.

Mr. HOEKSTRA. Back to Washington. We go through them and say whoa, you might have been lucky and got it all through the first time. We say, it looks like Wisconsin is qualified to get X amount of dollars, so we send the dollars back to you and you can do what you want with them, right?

Mr. NEUMANN. No, that is not right. Does it not cost money to have somebody fill out all these papers, first off, and to have Washington send them back to Wisconsin? Out of the tax dollar we are collecting and sending to Wisconsin, all you are describing so far is not doing anything to help the students back in Wisconsin.

Mr. HOEKSTRA. I do not think the gentleman needs to worry about that, because we are fairly efficient here in Washington, because when you send that dollar to Washington and we figure out how to send it back to you, remember, also when you get the money, we do not let you just spend it. You have to send back to us a report on how you spent it.

Mr. NEUMANN. Does that not cost money too?

Mr. HOEKSTRA. That costs money. We know you are probably not going to tell us the truth, so that means we have to send auditors into Wisconsin.

Mr. NEUMANN. Does that cost money?

Mr. HOEKSTRA. It costs money, but it is not that much. Really, we have

taken a look at it. When you send a dollar and we send it back, for every dollar you send us, we only take 30 to 40 cents, to make sure you spend the 60 cents left in the way we want you to spend it.

Mr. NEUMANN. In order to have a Washington-run education program, we are going to tax the people in Wisconsin one dollar, and, assuming they get a dollar back, they are only going to get 60 cents to help the kids in the classroom. The rest of that money is going to be spent on all of this paperwork that first applies for it, that gets reviewed by Washington, that gets corrected in the application. The money gets sent out, then they send a report verifying how they spent the money, Washington reviews that report and sends out some sort of administrator to enforce the report. That is costing 40 cents. It does not sound like this helps my kids at all. So the other 60 cents might get to the classroom.

Mr. HOEKSTRA. Does the gentleman have a problem with that? I will yield.

Mr. NEUMANN. I have a big problem with that. I know my colleague does too.

Mr. HOEKSTRA. Yes.

Mr. NEUMANN. It sure is frustrating to be in a system where we recognize that those tax dollars that are so important that they get to our kids to help them with the most advanced technology, to get the computers in the classrooms, to do what the President talked about doing, getting more teachers available in the classrooms, it is so important to get those dollars out there to help the kids. Why is Washington wasting them on all this bureaucracy? Why not leave the money in Wisconsin and let them decide how to handle it, so they get a dollar back for a dollar spent?

Mr. HOEKSTRA. If the gentleman will yield, the reason we do not is because we believe that bureaucrats here, and you and I had this discussion a couple of years ago when Wisconsin took the lead on reforming welfare, where in Wisconsin the legislature and the Governor said this is what we want to do, and people in Health and Human Services who had never seen a cheesehead said—

Mr. NEUMANN. Hey, be careful with that.

Mr. HOEKSTRA. I know, but the Lions are going to get you next year. But they said no, you cannot do that. And the people in Wisconsin are saying, wait a minute. If our Governor and State legislature want to do that, why are people in Health and Human Services saying no?

We have the same problem with education. You have things you are experimenting with, trying to help the kids in Milwaukee and in your district, trying to get money into the classroom, and, like I said, when we have gone around the country, that is where the

focal point is. That is where the rubber hits the road.

You have got to get the money into the classroom to help the teacher, to get the technology there, to get the textbooks there. But that is the critical link. All of this other stuff, of the paper flying back and forth, has not helped one child one bit, and that is why I think the gentleman is supporting this, and that is why we passed the resolution last year.

That is a step in the right direction. It does not get us where we need to be, but it was the Pitts Resolution that said we have to strive to get 90 of 95 cents of every Federal education dollar into the classroom, helping the teacher improve the skills of the child in that classroom.

Mr. NEUMANN. Does that mean there will have to be less paperwork and less bureaucracy and less forms and less time spent on those forms and the paperwork and bureaucracy?

Mr. HOEKSTRA. Absolutely. What we want is we want parents and teachers and local administrators deciding what they are going to do for their children and their school, based on their needs, and that is a very different vision than the vision that our President has of education. The President believes that the responsibilities for these types of programs need to be moved to Washington. This president wants to build our schools, and he wants to build them according to Federal regulations, which means we cannot really get competitive bidding, so the price of construction goes up by 10 to 15 percent. He wants to certify our teachers.

Mr. NEUMANN. Would the gentleman yield? We talked a little earlier in the hour about building schools. The price does go up by 10 to 15 percent. Remember, when Washington collects these dollars, 40 cents on the dollar is lost just on the bureaucracy.

That 10 to 15 percent is the cost of construction going up. So you not only have to collect extra dollars to pay the bureaucracy, you also have a higher cost in construction because of the Federal Government regulation red tape. We could be talking almost a 50 percent increase in cost before you are done.

Mr. HOEKSTRA. That is right. For education, we know that the Federal Government has to be defining the standards for our schools and our local districts, because we have never built a school before, right?

Mr. NEUMANN. Right.

Mr. HOEKSTRA. How crazy that we would do that, and we would do it here in Washington and set the standards from Washington, when we have been building schools for years at the local level, and that is what we need to do.

Mr. NEUMANN. What is also interesting in this school discussion, we have got school districts in our district that have just built new schools. So are

we going to go into the taxpayers' pockets in Janesville, that just built a new middle school, get those dollars out of the Janesville taxpayers', even though they just built their own school pockets, get them out here in Washington, and spend 40 cents on the dollar on the bureaucracy?

I can guarantee you Washington is not going to make the decision to return that money back to Janesville, because, after all, Janesville just built a new school.

So what we are really saying is in those communities that have already taken the responsibility for education very seriously, like my hometown of Janesville, Wisconsin, those communities are now going to be punished for making the decision they made, building the new school because that was right for education in their community. Because Washington is still going to collect tax dollars from those people, even in the communities where they built the new school, and then Washington is going to make its decision where to send the dollars. I guarantee you, it is not going to be back to them.

So they are paying for a new school because they know how important education is. We did in our town, and we believe in education. So we are already paying higher taxes to pay for that school.

Now, is it fair that we are also asked to send money to Washington, of which only 40 percent is going to bureaucracy and 60 percent to some other school district? That just does not seem reasonable to me, that we would be willing to do such a thing.

Mr. HOEKSTRA. That is why so often we are viewed as being controversial, that we cannot see the logic in this system. I drive through my district, and I have seen lots of new schools opening up. I am saying these people are taking the lead, and they will be punished for taking the lead. Next time they will be better off not solving the problem and waiting for Washington to come in.

Mr. NEUMANN. I know we are getting very near the end of the hour. If we started through a list of things that you and I think are wrong and we cannot understand the logic of, because we live out in the Midwest in Michigan and Wisconsin, and I know there are other states across the country with the same kind of common sense, but not here inside the Beltway, it seems, we could be here for the rest of the week, much less the rest of the hour.

Would the gentleman like to close?

Mr. HOEKSTRA. We do know what works in education. We do know that if we move responsibility back to parents, to the local level, the teachers and local administrators, we can make it work. Now we need to start implementing the steps to make that happen.

I thank the gentleman for sharing his time with me today.

Mr. NEUMANN. I appreciate the gentleman joining me for the hour.

Just to wrap-up what we have talked about this hour, we have talked about Social Security and how much more money is coming into the system today than we are paying back out to seniors in benefits; and we have talked about how that money is supposed to be in a savings account, but in fact today is being spent as parts of the overall budget process.

We talked about the Social Security Preservation Act, which would force our government to actually put the Social Security money aside in a separate fund, much like any pension plan in the United States of America.

We have also talked about the problems remaining after we reach a balanced budget, the problems of taxes being too high, the problems of Social Security being repaid; because even when we start putting the money aside today, there is still the \$700 billion that has been taken out over the last 15 years.

We talked about the problem of the \$5.5 trillion debt, and a second piece of legislation, H.R. 2191, called the National Debt Repayment Act, that literally repays our Federal debt, much like you repay a home loan.

That bill addresses all three of the problems. It takes two-thirds of any surpluses that develop, and dedicates it toward debt repayment, prioritizing the money that has come from the Social Security Trust Fund. By doing this, we can restore the Social Security Trust Fund, we can pay off the Federal debt, much like you may off a home mortgage, and give this country to our children debt free. It takes the other one-third of the surplus and dedicates it to tax reductions, hopefully across the board. Hopefully we end the marriage tax penalty.

But the bottom line in this thing is for our children, they get a debt-free Nation; for the workers, they get lower taxes; and for our seniors, they get the Social Security Trust Fund restored. That is bill number H.R. 2191, the National Debt Repayment Act.

I would like to close today just by encouraging my colleagues to join us on each one of these bills so we can get them passed out of here and do what I think is common sense for the future of this great country we live in.

UNITED STATES-PUERTO RICO POLITICAL STATUS ACT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from New York (Mr. SERRANO) is recognized for 60 minutes.

Mr. SERRANO. Mr. Speaker, next week the House will take up H.R. 856, the United States-Puerto Rico Polit-

ical Status Act, better known in Puerto Rico and throughout the states as the Young bill.

I think from the outset we should thank Mr. Young for the fact that the representative from Alaska has put forth a bill which, for the first time, provides for a congressionally sponsored plebiscite in Puerto Rico, asking the crucial questions, and the questions which are fair, not only to the people of Puerto Rico, but to all of the people in the United States that have been engaged in this relationship for all of these years.

For, you see, from November 19, 1493, to July of 1898, Puerto Rico was part of Spain. It was not an integral part of Spain; it belonged to Spain, it was a Spanish possession. It was not an independent Nation.

From July of 1898 to the present Puerto Rico, after the Spanish-American war, became again a possession of the United States. Now, under the current arrangement, Puerto Rico is known as a Commonwealth of the United States.

Now, what does that mean? Well, to people like myself who have studied these kinds of things for a while it means that Puerto Rico is, at best, a territory, but in reality a colony of the United States.

It is very simple to analyze that. Does Puerto Rico have the right to establish its own relationship with other countries, its trading agreements, its political relationships? The answer is no.

Does Puerto Rico share the same rights that the 50 States in the Union and their citizens share? The answer is no.

Puerto Ricans on the island, since 1917, have been American citizens, yet their citizenship is different than the citizenship of people who live within the 50 states.

If anyone in the House, anyone watching us on TV, was to move to Puerto Rico tomorrow, they would keep their American citizenship. They would be protected by the American Constitution. But by having legal residence in Puerto Rico, they could no longer vote for president. They could send one resident commissioner to the House, not a Congressman, not six Congressmen, but one resident commissioner, who in turn is not allowed to vote on the House floor.

So if you picture that, the fact that your citizenship which is in effect here, by simply moving to the island, your citizenship becomes a second or third rate citizenship, it can only lead you to the conclusion that this relationship is something other than what a statehood relationship provides, or an independent nation's relationship provides, or that of an associated republic with the U.S.

□ 1430

Now, the Young bill proposes to deal with this head on. It says that some-

time before the end of 1998 Puerto Rico will hold a plebiscite, with the options of separate sovereignty, independence, free association, of statehood, integration into the Union, or remaining a commonwealth. Those will be the three options.

The bill further says, and this is where I really think the bill is very strong, it says that whatever the people of Puerto Rico choose for themselves we will take up within 180 days. The President shall present to the Congress a bill which will take in the wishes that came out of that vote.

There are many people who feel that this bill therefore commits the Congress, and therefore all of the American citizens, to give the people of Puerto Rico what they wish. I wish that was the case. But I think the strength of the bill is that it commits to dealing with the results. Some may consider that a weakness, but it is the first time that the U.S. has said to Puerto Rico, give us your wishes and we will deal with them.

The statehood option is very well understood. It becomes the 51st State. Some genius will have to figure out how to put 51 stars on the flag, and I am sure people have done that already. People will pay Federal taxes, they would send six Members to Congress, two U.S. Senators, and they would enjoy the full right of every other American.

Independence is very clear. The United States would grant independence to Puerto Rico. Puerto Rico, I am sure, would become and continue to be a very close ally of the United States, and provision would be made for those individuals who were American citizens up to the date of independence, those who served in wars and are receiving benefits from war, people who have Federal pensions, all that would be taken into consideration.

Under separate sovereignty there is also the possibility of discussing an associated republic status, which is somewhat like independence with some very close ties, actual structural ties to the U.S.

Then there is the commonwealth status. Therein lies a lot of the opposition, if not most of the opposition, to the bill. In 1952, Congress set up something called, and I firsthand apologize to the stenographer, I will use Spanish every so often, and we will work on that later for the proper way to write down those words, it set up something called *estado libre asociado*, state, free and associated. But it was not any of the three.

In 1952, it was presented to the people of Puerto Rico. The choice was, become a commonwealth or stay the same way. Well, commonwealth clearly at that point, in the history of Puerto Rico, was something better than what they had had, so commonwealth was accepted. But there were no other options

presented at that time, such as independence or statehood.

Now, in 1993, the Puerto Rican people, on their own, held a plebiscite, "on their own," meaning that it was not sponsored by the U.S., with no commitment for the results to be dealt with. In that referendum statehood and independence were options, and then commonwealth, as it is envisioned by many people as a future alternative to the present commonwealth status.

We have to be clear on that, because a lot of what will be said here next week is that we are being unfair to the commonwealth status by not including it. What the Young bill has done, it has for the first time in the history of this Congress said, this is what commonwealth is.

That has upset a lot of people, because they were living under the impression that commonwealth was something else. In 1993 they proposed, in the referendum in Puerto Rico, what they envisioned commonwealth to be, and that won the plebiscite 48 percent to 46 percent for statehood. In all honesty, I am surprised it did not get 85 percent. What it was was a wish list of what folks wanted the commonwealth to be, so there is obviously a concern that whatever they wished for they could never get from Congress.

So what this bill does is it outlines, it breaks down for the first time, it admits for the first time, that commonwealth is a unique relationship which does not either have the strength or the attributes of statehood, or the independence of being a free republic.

Folks who support the commonwealth status will tell us next week that this is unfair. My suggestion has always been, why do you not then ask to bring commonwealth to the next step, which is an associated republic, free association with the U.S., and call it that. But there is a problem. There are some people who do not want to use the word "republic" in Puerto Rico because that would mean breaking off from the U.S., and therein lies a lot of problems.

This has been going on for a long time. As I said before, in July of 1898 the U.S. comes into Puerto Rico. From 1898 to 1917 nothing is said about who we are, who they are or who we are as a people. In 1917 a vote is taken here saying that everyone who resides and in the future will be born in Puerto Rico is a U.S. citizen, but again I repeat, with all of those provisions that made that citizenship in some cases unique, but in my opinion less than what a citizenship should be.

Now for the first time we have the opportunity to make a decision. This bill is supported by the statehood party in Puerto Rico, and supporters of statehood. What is interesting about it is that it is also supported by the independence movement in Puerto Rico.

If Members know anything about Puerto Rico politics, if they know any-

thing about world behavior in politics, they know that the people who want to integrate into the other nation are usually poles apart from the people who want to separate from the other nation. Yet, they agree on this bill.

Why do they agree on this bill? Well, in all honesty, I think the independence leaders are extremely courageous and are probably the heroes of this whole debate, because even though, whenever there is a vote in Puerto Rico, they have not gone past 6, 7, 8 percent of the vote, they are willing to roll some dice, so to speak. They are willing to find out, if statehood wins, if this Congress is willing to give statehood to Puerto Rico.

If it does not, then they feel they hold the upper hand, because they can go back to the island and say, you see, they are our friends, we have been together 100 years, but they really do not want us, so we must begin the process to separate; separate in a friendly way, but separate nevertheless.

Why is next week's vote important? Why should it be important to people who are not Puerto Rican? Why should it be important to Americans throughout this country? Is it in our best interests as Americans to continue to tell the world that democracy is the ultimate goal, that there have to be free elections everywhere, and continue to hold a colony in the Caribbean for 100 years? Is it in the best interests of the United States to go into the Caribbean and demand that some island nations hold "free elections" while next door we do not allow an election to take place?

How do we explain to some of the children in our country who, when faced in school with the issue of studying different parts of the world, have to ask questions as to what is Puerto Rico?

I have found out in my years of working in the school system of New York that one of the toughest questions for teachers to deal with was to explain to them the relationship between Puerto Rico and the U.S., because if we were not citizens, then it would be simple. They are just people over there that we have control over, period. But it is different when we are talking about citizens.

I told the Members what happened before, if we move from here to Puerto Rico. Well, it works in reverse. If the gentleman who represents Puerto Rico here, Mr. Barcelo, and who does not vote because he is not allowed to vote under our law, if he moves to any State of the Union, establishes residence within that State, he not only can vote for President and Congress, he can run for President and he can run for the Congress, and he can be elected to Congress.

I was born in Puerto Rico. Why is he different than I am in terms of my congressional powers, if you will? Because

I represent New York, where I grew up, and he represents Puerto Rico. Yet, we are American citizens. We went to serve in the military in the same way.

Therein lies also part of what this debate is all about. Since citizenship came to Puerto Rico, over 300,000 Puerto Ricans have been called at wartime. In World War I, World War II, Korea, Vietnam, the Persian Gulf, and all of the other conflicts we have been involved in Puerto Ricans served, not only Puerto Ricans from the 50 States but Puerto Ricans from Puerto Rico.

Now, picture this. You serve in the military, you go back, and for the next war you do not have a choice as to who your Commander in Chief will be because you cannot vote for him or her, but you also cannot stay out of the war as an independent nation, because you are told to be part of it. This is a question, more than anything else, of fairness.

Part of what we are trying to do here next week is to suggest to ourselves that we in Congress every so often in this country deal with issues in neat, round numbers. Is 100 years not kind of a neat number to deal with? Actually, I think it is a tragic number to keep a whole nation of people in a status other than a fair status. But if we want to deal with neat numbers, then July, 100 years to the date when the United States entered Puerto Rico. By then this Congress and the other body should have spoken out on the issue of letting the people vote.

Let me tell the Members how fair this bill is, and how it has set itself up so that there could be no controversy about the results. As I said before, a vote would be taken before the end of this year. That vote, the results would come back to the White House. The President would present to us in 6 months a bill to deal with the results. We would take a vote here. If they choose statehood or independence, we can reject it. If we approve what they request, then it goes back to the people of Puerto Rico for a yes or no vote. They can reject it.

When we look at that, we also make an argument against those people who support commonwealth who claim that this bill excludes them. Let me remind the Members again, the reason many of them feel that exclusion is because it does not allow to put in the bill what they wish commonwealth to be.

But it does not exclude the commonwealth status because, let us take it step-by-step, if the commonwealth status gets the majority, a majority of the votes, commonwealth wins. If none of the three options gets a majority of the votes, commonwealth stays. If statehood or independence wins and Congress rejects it, commonwealth stays. If independence or statehood wins, Congress accepts it, then it goes back to Puerto Rico, and if Puerto Rico rejects it the commonwealth stays. So commonwealth gets 5 shots at staying,

while statehood and independence get one shot each at reaching that goal.

Now, the problem is not with being fair to commonwealth, the problem is that commonwealth is unfair in itself. We cannot have, and I cannot over-emphasize this, and I will until next Wednesday say it as many times as I can, we cannot have differing kinds of citizenship.

We cannot have a citizenship that allows you all the rights under the Constitution and have another citizenship that does not allow you rights under the Constitution. We cannot. We cannot explain why my cousins in Puerto Rico, who chose, for whatever reason, not to migrate to New York or to the other 50 States, do not have the same protection under the Constitution that I have. It makes no sense that you would lose yours if you went to Puerto Rico and set up your life down there.

So the big question, and I would hope—I am surprised, in all honesty, that the national media has not picked up on this issue yet. One could say it is because we have had other things taking attention away from us, but this is an issue that certainly belongs to the people in this country as much as it belongs to the people in Puerto Rico.

A lot of Members have said to me, you know, "That is a Puerto Rican issue." No, it is not just a Puerto Rican issue; it is a United States issue.

□ 1415

It was not Puerto Rico that invaded the United States. It was the United States that invaded Puerto Rico. Therefore, it is our issue. It is not Puerto Rico's constitution that prevails over the U.S.; it is the opposite. It is not Puerto Rico's laws that prevail over the U.S., it is the opposite.

The gentleman from Puerto Rico (Mr. ROMERO-BARCELÓ), when he is here, he can be here as an observer. He can watch us pass laws that affect his constituents on a daily basis and he does not have anything to say about it.

We do not always get our way here. When we are in the minority party, as my party is, we do not get our way most of the time, but at least we have the ability to negotiate, to move here and there, to speak out and every so often we get our way. That is what is beautiful about a democracy.

But the whole fallacy, and I am not suggesting that the gentleman be removed but, the whole fallacy of having a person elected in Puerto Rico in a campaign to represent the island here and then saying, "Just sit there and we will ask for your opinion, but you do not have a vote," that cannot continue to be. I think the question we have to ask ourselves by next Wednesday, and thereafter, is where do we want to go as a Nation in terms of this issue? What is it that we want to tell the world?

Is it the statement that for 81 years we have had citizenship that is not

worthy of the rest of the Nation of our Constitution? Is it to say that for 100 years, 100 years Puerto Rico has been a territorial colony of the U.S. and that does not trouble us?

Now, I do not expect Americans, other than those who have a close relationship to Puerto Rico, as I said I do, to feel any great pain about the fact that before these 100 years we had 405 years with Spain. But I think if we look at the whole picture, we would say we add 100 years to the longest running colony in the history of mankind. We should try to do something about it.

Now, there are people who are saying, wait a minute. We cannot pass this bill because somehow they will become a State and then we are going to have a State where people speak Spanish and people look different and people sound different.

Well, first of all, we Americans on a daily basis are looking very different from each and other we are sounding very different from each other. In fact, the English we speak sounds different from each other in different places.

But there is nothing to fear, because if for 100 years it worked somewhat, then certainly in the future it will work. If my colleagues come to me and give me arguments against statehood saying that statehood is not good for this reason or another, I ask that they please give me arguments that do not undo the relationship. Give me arguments that do not insult people by the way they speak or what language they speak. Give me arguments that do not undo of the things that happened in the past. Because when people were drafted from Puerto Rico to go to different wars or when they were allowed to join, I assure my colleagues, and I checked with my father, he was never asked what kind of English he spoke. They were never asked this question, and so many dying, never speaking a word of English in defense of this country.

But that is another issue. Someone will bring to the House floor an amendment on this bill. It is an amendment that could create a major problem for this bill, and it is a friend of mine, a colleague of mine. So I hope to change his mind over the next few days. The amendment that this gentleman wants to present says that Puerto Rico shall have English as an official language if it becomes a State. There are a couple of problems with that.

First of all, we are not dealing with a bill next week that says Puerto Rico will become a State. It just says they shall have a vote. And, secondly, we do not have an official language law in the country, so why would we single out a prospective State and say they shall be the only one to have it? It does not work that way.

Now, we are who we are as a Nation. We are Hawaiians, we are Eskimos, we

are Mexican-Americans, we are Puerto Ricans, we are a lot of people who make up this Nation. At no moment does our integration into this Nation cause a problem.

Now that is one side of the coin. As far as independence goes, there are some people who may say we do not want to give independence to Puerto Rico because then it will be a problem and they will become a problem. What kind of a problem? If we have any faith in Puerto Ricans as a nation, if we have any faith in our involvement with them over 100 years, then we will know that that is okay, that they will be a very productive and free society taking their place in the world.

What they cannot be, and what we cannot suggest that they become, is more of the same. What they cannot be is this lie, this lie called "commonwealth," this lie called "estado libra y asociado," State, free and associated. They cannot be all three. So we have to move to solve this problem.

Now I will be introducing an amendment to the bill, just one, to allow those of us who were born on the island and who reside outside the island to vote this one time on this plebiscite. The first thing I have to say is, and I know this sounds terrible, if my colleagues are going to look at my amendment, do not look at it with everything they have learned in this country about voting, because the first thing they will say is wait a minute. A guy who lives in California cannot vote in Boston. That is not right. He has got to vote in one place.

But, Mr. Speaker, this is a different vote. This vote is not about a State, because Puerto Rico is not a State. This vote is about a people who were invaded in 1898 and who, even though they have become as Americanized as anyone can become, remain to a very large degree a Nation of people. That they can be integrated into the union. Hawaii was. That they can remain a separate Nation. That can happen.

But they are a distinct people. We feel, so many of us who live outside the island, that the reason so many of us migrated from the island was due to economic conditions caused by that very same relationship. And so when a vote comes to determine once and forever the relationship and the status question, then in our opinion, all the children of that territory, all the children of the colony should be allowed to vote.

I have to say that it is painful to me, and I know of all the things I mention around this bill, one that I get criticized the most for, is that it is painful to me to know that because the plebiscite would be conducted under American law, people who recently arrived in Puerto Rico and became American citizens, which is a contract with the Federal Government, not with the Island of Puerto Rico, would be allowed

to vote in that plebiscite on the political future of Puerto Rico. People who came from other countries. While those of us who were born there and reside outside would not be allowed to vote.

If we look at it, again, in terms of what American law says, of course my colleagues will never agree to my amendment. But if they look at it, as so many times we do in this House, some from here and some from here, you will realize that this vote is correct to allow all of us to vote.

But it is going to be tough next Wednesday or next week on the floor. There will be many amendments. Some trying to help the bill become stronger; many trying to weaken the bill or put such controversy into it to defeat it. I do not know how many of my colleagues have notices, but there have been dozens of ads placed in area and in House newspapers speaking about the bill in favor or against.

Let me tell my colleagues what worries me and troubles me about those ads. The ads against the bill are trying to instill fear in Americans and their representatives here in Congress as to what Puerto Rico as a State would mean. Again, I have to, until Wednesday, keep saying this: This bill is not about statehood; it is about finding out if they want to be a State.

But the ads in the paper have been saying we cannot have these people as a State. Well, did I ever see an ad saying oh, no, it is World War II, we should not draft those people because they are not really good Americans. Do not draft them now. In Vietnam, the era that I served in, so many of the people from Puerto Rico that served there, did we ever see an ad that said: Do not draft them into Vietnam? No, that was not the case.

All of a sudden these ads are flourishing all over. And I personally will try to get to the bottom of who paid for those ads. They have a right to put them, but I think we should have a right to know where they come from. And I suspect that some of the ads are paid for by groups who are working closely with folks who would like the status quo to remain.

When we find out, we are going to have to let the world know that they took the opportunity during this debate to demean the presence of the Puerto Rican community and to suggest that we did not fit within the mold.

Mr. Speaker, not that we ever pay much attention to the U.N., with all due respect to the latest Iraq situation, but we are not famous for paying too much attention to the U.N. That is a fact of life. We kind of set the tone and the U.N. sometimes follows. But the U.N. did suggest that by the year 2000, every country should do away with its colonies.

How tragic it would be if the country that professes to be the strongest sup-

porter of democracy refuses to step up to the plate next week and begin the process for ending the colonial status. Begin the process.

Why am I so supportive of this bill? Am I looking at the fine print to see if it is true that it favors one option or the other? Not necessarily, because what it does do, which I think is highly important to me, is it begins the process to reach a final conclusion. If they ask for statehood and it is rejected, that will have created, in my opinion, what I have coined, a term I have coined which is a "legislative confrontation" with the Congress of the United States. Not any other kind of confrontation; a legislative confrontation which will eventually lead to a final solution. Everyone should be in favor of that. Everyone.

We get a thousand letters a week here. Thousands, from groups throughout the Nation and citizens throughout the Nation writing their Members of Congress demanding action on legislation. Yet the letters are not coming in and the media is not reporting the fact that this is an issue that all Americans should be concerned about. Solve this issue and solve it now.

Mr. Speaker, I tell my colleagues if they say to me we do not want them anymore, go free, or, yes, we want them and we want to take them in, that is fine. But let me just say something very interesting here. In Puerto Rico, where they play very hard ball politics, politicians are always supposed to be for something. They are either for independence, for statehood, or for commonwealth.

I may have started a new movement in this country. I am not for anything; I am against something. I am against the colonial status that Puerto Rico has right now. If I wake up tomorrow and Puerto Rico is the 51st State, I will immediately greet those two Senators and six Members of Congress and begin to see how they can join me in bringing about the other things that I would like to see changed in this country.

And if tomorrow I wake up and Puerto Rico is an independent nation, I will immediately come to the House floor and remind my colleagues that after 100 years of an association, we should maintain close ties with that nation. It does not bother me.

Mr. Speaker, what bothers me every day is when I wake up and walk into this body and the pride that I feel, and I must say at the expense of getting a little dramatic, whenever I turn the corner and see the Capitol dome, I cannot believe that I, who grew up in a family where my father went to school for 2 years and my mother for 6, that I would be a Member of Congress. But I am immediately reminded, upon the minute I walk in here, that there are people in the place where I was born who, simply because all 4 million of them did not migrate to the United

States. They do not enjoy the same rights I do.

No matter how often I try to say to myself, I only represent the Bronx in Congress, I represent the Yankee Stadium area, I represent the Bronx Zoo, I represent that wonderful area of the Bronx. I cannot stop thinking at all that I, indeed, represent, indirectly, 4 million people on the island of Puerto Rico because their representative cannot vote.

□ 1500

And this whole issue of how we are going to continue to do this for, what, another 50 years if we miss the opportunity next week to vote on this issue. If we go through 1998 without letting the people of Puerto Rico speak to us about their political future, I am heartbroken at the thought that my grandchildren will be discussing with your grandchildren and my colleagues' grandchildren this issue of the status of Puerto Rico.

This comes at a dramatic time for me. We are almost in the month of March. In March, I came here in a special election, meaning that I replaced another Member of Congress not at election time.

I remember that day, as I stood right here, and I spoke to my colleagues after being sworn in by then Speaker Foley. I said that on March 28, 1950, my mother had arrived from Puerto Rico to join my father who had come here a year before and that on March 28, 1990, while their youngest son sat in the gallery, their oldest son was sworn in as a Member of Congress.

To the memory of my parents who are no longer with us and to a memory of all of those who were born on that island, how interesting it would be if, in March of this year, we in this House complete a process that will begin to give the people in Puerto Rico the opportunity to determine their political future.

I once again want to tell you that I have to really congratulate the gentleman from Alaska, Mr. YOUNG. What he has done has been courageous. What he has done has been an example for everyone to follow.

What he has done is to give us the opportunity for the first time, and I say "us", give the people in Puerto Rico the opportunity, but give the United States the opportunity to deal with a very serious problem because this hangs over our head. You may not pay attention to it, but this hangs over our head.

We cannot argue in some circles the way we used to, because France and England and everybody is getting rid of their colonies. The African nations can tell you that. The Asian nations can tell you that, Latin America, but not the United States.

I just want people to have these thoughts. There are concerns about

what the final status would be, but I really think that that is unfair at this juncture to be concerned about what Puerto Rico would mean as a state. That is what all people are concerned about.

We tried this once before. In 1991, this House passed a bill and the Senate rejected it or did not act on it. The reason was, instead of discussing the bill, they began to discuss the possibility of statehood.

It presents a problem for some people. But we should discuss that problem in terms of allowing them to speak to us.

What is the problem? Well, some people say, if Puerto Rico was a state, it would be the 50th smallest state in size and the 24th largest congressional delegation populationwise. Well, right. Well, so?

That was the same place where you took a percentage of people to go to war. That was the same place where you gave citizenship in 1917. So that should not be an issue.

So the Young bill speaks to this. It speaks to this well.

I will spend all weekend trying to gather support for this bill. I will spend all the beginning of next week trying to get support for this bill. I will be on the floor the day the vote comes up, and I will be lobbying. I will be doing what people in my profession do well, trying to convince people that my position is the correct one. But I think it really is.

I am not asking this Congress to commit itself to anything, just to allow the people of Puerto Rico to tell us what they want to do. It is the least that we can do.

So, in conclusion, my colleagues, my friends, I think you have to really try to put yourself in the position of the 3.8 million American citizens who live on the island of Puerto Rico, try to look at their situation, try to analyze their citizenship, try to walk in their shoes, try to understand how it must feel not to be part of a world of free nations and not to be part of a union of 50 sovereign states. Something has to give.

I think that, as we speak in this country about family values and about morality and about what we teach our children, I think we, as a country, as a government, have to be careful that what we try to preach at home is not in total contradiction from what we preach in Congress. You cannot tell a child to be fair if our government is not fair. You cannot teach a child in school about democracy while we are not exercising everybody's right to self-determination.

Next week, I hope that we get a resounding victory for this bill. Let the vote take place, let it come back to us, and then let us deal with the results.

But let us leave here next week knowing that we stood up for democ-

racy, that we stood up for self-determination, and that we honor those Puerto Ricans who lived their full lifetime as American citizens that were enjoying equality and, at the same time, at a point where we might be in the middle of averting military conflict with Iraq, let us honor the memory of all of those thousands of Puerto Ricans who died in American wars and who never got a chance to be equal citizens or free people in the world of free nations.

So I close with my belief that next week will be a historic moment. Let us give this bill and Mr. YOUNG the victory the bill and the gentleman deserve. More important, let us give the people of Puerto Rico the right to self-determination and the respect they deserve for having been loyal American citizens for all of these years.

OMISSION FROM THE CONGRESSIONAL RECORD OF WEDNESDAY, FEBRUARY 25, 1998

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1415.

Mr. COMBEST. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 1415.

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

There was no objection.

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. McNULTY) to revise and extend their remarks and include extraneous material:

Mr. GEPHARDT, for 5 minutes, today.
Mrs. MALONEY of New York, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.
Ms. CARSON, for 5 minutes, today.
Mr. HINOJOSA, for 5 minutes, today.
Mr. VISCLOSKEY, for 5 minutes, today.
Mr. REYES, for 5 minutes, today.
Mr. ENGEL, for 5 minutes, today.
Mr. BENTSEN, for 5 minutes, today.
Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

The following Members (at the request of Mr. LUCAS of Oklahoma) to revise and extend their remarks and include extraneous material:

Mr. LEWIS of Kentucky, for 5 minutes, today.

Mr. MICA, for 5 minutes, today.
Mr. KNOLLENBERG, for 5 minutes, today.

Mr. LUCAS of Oklahoma, for 5 minutes, today.

Mr. THUNE, for 5 minutes, today.

Mr. PETERSON of Pennsylvania, for 5 minutes, today.

The following Member (at his own request) to revise and extend his remarks and include extraneous material:

Mr. ROTHMAN for 5 minutes today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

The following Members (at the request of Mr. McNULTY) and to include extraneous matter:

Mr. STOKES.
Mr. KILDEE.
Mrs. LOWEY.
Mr. ROTHMAN.
Mr. EVANS.

The following Members (at the request of Mr. LUCAS of Oklahoma) and to include extraneous matter:

Mr. HOBSON.
Mr. RADANOVICH.
Mr. DUNCAN.
Mr. REDMOND.
Mr. MICA.

The following Members (at the request of Mr. SERRANO) and to include extraneous matter:

Mr. SMITH of Michigan.
Mr. FRANK of Massachusetts.
Mr. LIPINSKI.
Mr. HALL of Ohio.
Mr. PACKARD.
Mr. EDWARDS.
Mr. FRELINGHUYSEN.
Mr. RUSH.
Mrs. KENNELLY of Connecticut.
Mr. WEXLER.

Mr. BOB SCHAFFER of Colorado.
Mr. LANTOS.
Mr. DAVIS of Florida.
Mr. GILMAN.
Mrs. JOHNSON of Connecticut.
Mr. CLYBURN, in two instances.
Mrs. NORTHUP.
Ms. WOOLSEY.
Mr. MILLER of California.
Mr. GUTIERREZ.
Mr. BERMAN.
Mr. BARCIA.
Mr. DUNCAN.

ADJOURNMENT

Mr. SERRANO. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 8 minutes p.m.), under its previous order, the House adjourned until Monday, March 2, 1998, at 2 p.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

7574. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, transmitting the Service's final rule—Tuberculosis Testing of Livestock Other Than Cattle and Bison

[Docket No. 97-062-1] received February 24, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7575. A letter from the Manager, Federal Crop Insurance Corporation, Risk Management Agency, transmitting the Agency's final rule—Common Crop Insurance Regulations, Dry Bean Crop Insurance Provisions; and Dry Bean Crop Insurance Regulations (RIN: 0563-AB02) received February 20, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7576. A letter from the Manager, Federal Crop Insurance Corporation, Risk Management Agency, transmitting the Agency's final rule—Dry Bean Crop Insurance Regulations [7 CFR Part 433] received February 20, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7577. A letter from the Manager, Federal Crop Insurance Corporation, Risk Management Agency, transmitting the Agency's final rule—General Crop Insurance Regulations, Fresh Market Sweet Corn Endorsement; and Common Crop Insurance Regulations, Fresh Market Sweet Corn Crop Insurance Provisions [7 CFR Parts 401 and 457] received February 20, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7578. A letter from the Manager, Federal Crop Insurance Corporation, Risk Management Agency, transmitting the Agency's final rule—Common Crop Insurance Regulations; Florida Citrus Fruit Crop Insurance Provisions (RIN: 0563-AB03) received February 20, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7579. A letter from the Manager, Federal Crop Insurance Corporation, Risk Management Agency, transmitting the Agency's final rule—Pepper Crop Insurance Regulations; and Common Crop Insurance Regulations, Fresh Market Pepper Crop Insurance Provisions [7 CFR Parts 445 and 457] received February 20, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7580. A letter from the Manager, Federal Crop Insurance Corporation, Risk Management Agency, transmitting the Agency's final rule—Walnut Crop Insurance Regulations; and Common Crop Insurance Regulations, Walnut Crop Insurance Provisions [7 CFR Parts 446 and 457] received February 20, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7581. A letter from the Manager, Federal Crop Insurance Corporation, Risk Management Agency, transmitting the Agency's final rule—General Crop Insurance Regulations; Raisin Endorsement and Common Crop Insurance Regulations; Raisin Crop Insurance Provisions [7 CFR Parts 401 and 457] received February 20, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7582. A letter from the Manager, Federal Crop Insurance Corporation, Risk Management Agency, transmitting the Agency's final rule—General Crop Insurance Regulations; Forage Seeding Crop Insurance Regulations and Common Crop Insurance Regulations; Forage Seeding Crop Insurance Provisions [7 CFR Parts 414 and 457] received February 20, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7583. A letter from the Manager, Federal Crop Insurance Corporation, Risk Management Agency, transmitting the Agency's final rule—General Crop Insurance Regulations; Forage Production Crop Insurance

Regulations, and Common Crop Insurance Regulations; Forage Production Crop Insurance Provisions [7 CFR Parts 415 and 457] received February 20, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7584. A letter from the Manager, Federal Crop Insurance Corporation, Risk Management Agency, transmitting the Agency's final rule—General Crop Insurance Regulations, Fresh Market Tomato Minimum Value Option, and Fresh Market Tomato (Dollar Plan) Endorsement; and Common Crop Insurance Regulations, Fresh Market Tomato (Dollar Plan) Crop Insurance Provisions [7 CFR Parts 401 and 457] received February 20, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7585. A letter from the Manager, Federal Crop Insurance Corporation, Risk Management Agency, transmitting the Agency's final rule—Common Crop Insurance Regulations; Sugar Beet Crop Insurance Provisions (RIN: 0563-AB55) received February 20, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7586. A letter from the Manager, Federal Crop Insurance Corporation, Risk Management Agency, transmitting the Agency's final rule—Common Crop Insurance Regulations; ELS Cotton Crop Insurance Provisions (RIN: 0563-AB53) received February 20, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7587. A letter from the Manager, Federal Crop Insurance Corporation, Risk Management Agency, transmitting the Agency's final rule—General Crop Insurance Regulations; Cranberry Endorsement and Common Crop Insurance Provisions (RIN: 0563-AB54) received February 20, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7588. A letter from the Manager, Federal Crop Insurance Corporation, Risk Management Agency, transmitting the Agency's final rule—Common Crop Insurance Regulations, Texas Citrus Tree Crop Insurance Provisions; and Texas Citrus Tree Endorsement (RIN: 0563-AB50) received February 20, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7589. A letter from the Manager, Federal Crop Insurance Corporation, Risk Management Agency, transmitting the Agency's final rule—Common Crop Insurance Regulations; Cotton Crop Insurance Provisions (RIN: 0563-AB53) received February 20, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7590. A letter from the Manager, Federal Crop Insurance Corporation, Risk Management Agency, transmitting the Agency's final rule—General Administrative Regulations; Collection and Storage of Social Security Account Numbers and Employer Identification Numbers (RIN: 0563-AB26) received February 20, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7591. A letter from the Manager, Federal Crop Insurance Corporation, Risk Management Agency, transmitting the Agency's final rule—General Crop Insurance Regulations, Onion Endorsement; and Common Crop Insurance Regulations, Onion Crop Insurance Provisions [7 CFR Parts 401 and 457] received February 20, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7592. A letter from the Manager, Federal Crop Insurance Corporation, Risk Management Agency, transmitting the Agency's

final rule—General Crop Insurance Regulations; Grape Endorsement and Common Crop Insurance Regulations; Grape Crop Insurance Provisions [7 CFR Parts 401 and 457] received February 20, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7593. A letter from the Manager, Federal Crop Insurance Corporation, Risk Management Agency, transmitting the Agency's final rule—General Crop Insurance Regulations; Fresh Plum Endorsement, and Common Crop Insurance Regulations; Plum Crop Insurance Provisions [7 CFR Parts 401 and 457] received February 20, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7594. A letter from the Manager, Federal Crop Insurance Corporation, Risk Management Agency, transmitting the Agency's final rule—General Crop Insurance Regulations, Rice Endorsement; and Common Crop Insurance Regulations, Rice Crop Insurance Provisions [7 CFR Parts 401 and 457] received February 20, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7595. A letter from the Manager, Federal Crop Insurance Corporation, Risk Management Agency, transmitting the Agency's final rule—Fresh Tomato (Guaranteed Production Plan) Crop Insurance Regulations; Common Crop Insurance Regulations, Guaranteed Production Plan of Fresh Market Tomato Crop Insurance Provisions [7 CFR Parts 454 and 457] received February 20, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7596. A letter from the Director, Defense Procurement, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; Miscellaneous Amendments [Defense Acquisition Circular 91-13] received February 25, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on National Security.

7597. A letter from the Director, Office of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting the Corporation's final rule—Interest on Deposits (RIN: 3064-AC13) received February 25, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

7598. A letter from the Assistant Secretary for Mine Safety and Health, Department of Labor, transmitting the Department's final rule—the "Significant and Substantial" Phrase in Sections 104 (d) and (e) of the Federal Mine Safety and Health Act of 1977; Interpretive Bulletin—received February 25, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

7599. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—New Interim MBE/WBE Terms and Conditions for Clean Air Act Amendments of 1990 Assistance Agreements for State Recipients—received February 25, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7600. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; New Hampshire; Revised Regulations and Source-Specific Reasonably Available Control Technology Plans Controlling Volatile Organic Compound Emissions and Emission Statement Requirements [NH-9-1-5823a; A-1-FRL-5969-6] received February 25, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7601. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Replacement of Part 90 by Part 88 to Revise the Private Land Mobile Radio Services and Modify the Policies Governing Them and Examination of Exclusivity and Frequency Assignments Policies of the Private Land Mobile Services [PR Docket No. 92-235] received February 25, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7602. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment to the Fee Schedule for the Processing of Requests for Agency Records Pursuant to the Freedom of Information Act [DA 98-53] received February 25, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7603. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Yarnell, Arizona) [MM Docket No. 97-20, RM-8979] received February 25, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7604. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Wray and Otis, Colorado) [MM Docket No. 97-117, RM-9009] received February 25, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7605. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Westley, California) [MM Docket No. 97-47, RM-8992] received February 25, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7606. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Salome, Arizona) [MM Docket No. 97-27, RM-8901] received February 25, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7607. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Benavides, Bruni, and Rio Grande City, Texas) [MM Docket No. 95-74, RM-8579, RM-8690] received February 25, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7608. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Boonville, California) [MM Docket No. 97-46, RM-8990] received February 25, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7609. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amend-

ment of Section 73.606(b), Table of Allotments, TV Broadcast Stations (San Bernadino and Long Beach, California) [MM Docket No. 97-170; RM-8980] received February 25, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7610. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Fredonia, Kentucky) [MM Docket No. 97-66; RM-8997] received February 25, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7611. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

7612. A letter from the Chief Financial Officer, Department of Commerce, transmitting the FY 1999 Annual Performance Plan, pursuant to Public Law 103-62; to the Committee on Government Reform and Oversight.

7613. A letter from the Executive Director, Federal Retirement Thrift Investment Board, transmitting a report of activities under the Freedom of Information Act for 1997, pursuant to 5 U.S.C. 552(d); to the Committee on Government Reform and Oversight.

7614. A letter from the Acting Director, Office of Federal Housing Enterprise Oversight, transmitting a report of activities under the Freedom of Information Act for 1997, pursuant to 5 U.S.C. 552(d); to the Committee on Government Reform and Oversight.

7615. A letter from the the U.S. House of Representatives, the Chief Administrative Officer, transmitting the quarterly report of receipts and expenditures of appropriations and other funds for the period October 1, 1997, through December 31, 1997 as compiled by the Chief Administrative Officer, pursuant to 2 U.S.C. 104a; (H. Doc. No. 105-219); to the Committee on House Oversight and ordered to be printed.

7616. A letter from the Director, Office of Surface Mining Reclamation and Enforcement, transmitting the Office's final rule—Ohio Regulatory Program [OH-242-FOR, #75] received February 20, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7617. A letter from the Assistant Commissioner (Examination), Internal Revenue Service, transmitting the Service's final rule—Maquiladora Industry Coordinated Issue—received February 25, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7618. A letter from the Chief, Regulations Branch, U.S. Customs Service, transmitting the Service's final rule—Drawback [T.D. 98-16] (RIN: 1515-AB95) received February 23, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of Rule X and clause 4 of Rule XXII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. EVANS (for himself, Mr. MAS-CARA, Mr. GUTIERREZ, Mr. FILNER, Mr. BLAGOJEVICH, Mr. RODRIGUEZ, Mr. ABERCROMBIE, Mr. ORTIZ, Mr. PETER-

SON of Minnesota, Ms. BROWN of Florida, Mr. REYES, Mr. BISHOP, Mr. CLYBURN, Mr. UNDERWOOD, Ms. CARSON, and Mr. KENNEDY of Massachusetts):

H.R. 3279. A bill to provide a scientific basis for the Secretary of Veterans Affairs to determine whether service connection for veterans of service during the Persian Gulf War should be presumed for certain diseases and disabilities, and for other purposes; to the Committee on Veterans' Affairs, and in addition to the Committee on National Security, 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. GOODLATTE (for himself and Mr. LATHAM):

H.R. 3280. A bill to clarify and enhance the authorities of the Chief Information Officer, Department of Agriculture; to the Committee on Government Reform and Oversight, and in addition to the Committee on Agriculture, 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. BAESLER:

H.R. 3281. A bill to exempt disabled individuals from being required to enroll with a managed care entity under the Medicaid Program; to the Committee on Commerce.

By Mr. BASS (for himself, Mr. FILNER, Mr. MURTHA, Mr. PAUL, Mr. ANDREWS, Ms. LOFGREN, Mr. UPTON, Mr. KLUG, Mr. EHLERS, Mr. ENGLISH of Pennsylvania, and Mr. BOEHLERT):

H.R. 3282. A bill to allow a Hope Scholarship Credit for expenses paid in December 1997 for education furnished in academic periods beginning after 1997; to the Committee on Ways and Means.

By Mr. BENTSEN:

H.R. 3283. A bill to amend title XVIII of the Social Security Act to provide for Medicare reimbursement of routine patient care costs for individuals participating in Federally approved clinical trials and to require a report on costs of requiring coverage of these costs under group health plans and health insurance coverage; to the Committee on Ways and Means, and in addition to the Committee on 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 Mr. BERRY (for himself, Mr. PALLONE, Mr. CONDIT, Mr. GOODE, and Mr. DAVIS of Illinois):

H.R. 3284. A bill to amend title XVIII of the Social Security Act to exempt pharmacists licensed under State law from surety bond requirements under the Medicare Program; to the Committee on 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. DEUTSCH (for himself, Mr. DIAZ-BALART, Mr. HASTINGS of Florida, Mrs. MEEK of Florida, Ms. ROSLEHTINEN, and Mr. SHAW):

H.R. 3285. A bill to designate the Biscayne National Park visitor center as the Dante Passell Visitor Center at Biscayne National Park; to the Committee on Resources.

By Mr. DUNCAN:

H.R. 3286. A bill to amend the Internal Revenue Code of 1986 with respect to the treatment of certain bargain sales; to the Committee on Ways and Means.

By Mr. FRANK of Massachusetts (for himself, Mr. BONIOR, Ms. WATERS, Ms. PELOSI, and Mr. TORRES):

H.R. 3287. A bill to authorize United States participation in a quota increase and the New Arrangements to Borrow of the International Monetary Fund, and for other purposes; to the Committee on Banking and Financial Services.

By Mr. HOSTETTLER (for himself, Mr. LEWIS of Kentucky, Mr. COBURN, Mr. ADERHOLT, Mr. BARTLETT of Maryland, Mr. BURTON of Indiana, Mrs. CHENOWETH, Mr. JONES, Mr. LARGENT, Mr. MCINTOSH, and Mr. SOUDER):

H.R. 3288. A bill to amend the Revised Statutes of the United States to eliminate the chilling effect on the constitutionally protected expression of religion by State and local officials that results from the threat that potential litigants may seek damages and attorney's fees; to the Committee on the Judiciary.

By Mr. INGLIS of South Carolina:

H.R. 3289. A bill to suspend temporarily the duty on certain weaving machines; to the Committee on Ways and Means.

By Mrs. JOHNSON of Connecticut (for herself, Mr. METCALF, Mr. WELLER, and Mr. HOUGHTON):

H.R. 3290. A bill to amend the Internal Revenue Code of 1986 to modify the low-income housing credit; to the Committee on Ways and Means.

By Mr. KANJORSKI (for himself, Mr. GORDON, Mr. LATOURETTE, and Mr. BEREUTER):

H.R. 3291. A bill to repeal pending changes in the interest rates applicable to Federal Family Education Loans; to the Committee on Education and the Workforce.

By Mrs. KENNELLY of Connecticut:

H.R. 3292. A bill to amend the Internal Revenue Code of 1986 to increase the credit for dependent care services necessary for gainful employment and to provide an equivalent benefit for families where one parent stays at home to provide childcare for a child under the age of 4 and to amend the Social Security Act to provide grants to States to improve the quality and availability of child care, and for other purposes; to the Committee on Ways and Means, 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. KILDEE (for himself, Mrs. JOHNSON of Connecticut, Mrs. LOWEY, Mrs. MCCARTHY of New York, Mrs. MINK of Hawaii, Mrs. MORELLA, Ms. NORTON, Ms. SANCHEZ, Ms. WOOLSEY, and Mr. SCHUMER):

H.R. 3293. A bill to amend the Higher Education Act of 1965 to improve the access of women to higher education opportunities; to the Committee on Education and the Workforce.

By Mr. MATSUI (by request):

H.R. 3294. A bill to modify the marketing of certain silk products and containers; to the Committee on Ways and Means.

By Mr. MILLER of California (for himself, Mr. LEWIS of California, Ms. PELOSI, Ms. HARMAN, Ms. WOOLSEY, Mr. FARR of California, Mr. FILNER, Ms. MILLENDER-MCDONALD, Mr. CONDIT, Ms. WATERS, Ms. SANCHEZ, Ms. ROYBAL-ALLARD, Mr. BERMAN, Mr. BROWN of California, Mr. MATSUI, Mr. TORRES, Mr. MARTINEZ, Mr. LANTOS, Mr. BECERRA, Mr. DOOLEY of

California, Mr. WAXMAN, Ms. CHRISTIAN-GREEN, Mr. HASTINGS of Florida, Mr. DAVIS of Illinois, Mr. CUMMINGS, Ms. KILPATRICK, Ms. BROWN of Florida, Mr. FORD, Mr. STOKES, Mr. DIXON, Mr. WYNN, Mrs. MINK of Hawaii, Mr. KIM, Mr. PAYNE, Mrs. CLAYTON, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. CLAY, Ms. CARSON, Mr. JACKSON, Mr. STARK, Mr. BISHOP, Mr. FAZIO of California, Mr. HILLIARD, Ms. NORTON, Ms. LOFGREN, Mrs. TAUSCHER, Ms. ESHOO, Mr. SHERMAN, Mr. HUNTER, Mr. ROGAN, Mr. BILBRAY, Mr. MCKEON, Mr. OWENS, Mr. CUNNINGHAM, Mr. PACKARD, Mr. CONYERS, and Mr. RANGEL):

H.R. 3295. A bill to designate the Federal building located at 1301 Clay Street in Oakland, California, as the "Ronald V. Dellums Federal Building"; to the Committee on Transportation and Infrastructure.

By Mrs. MORELLA (for herself, Mrs. JOHNSON of Connecticut, Mr. KENNEDY of Massachusetts, Mr. GREEN, Mr. PRICE of North Carolina, Ms. JACKSON-LEE, and Ms. WOOLSEY):

H.R. 3296. A bill to amend subpart 8 of part A of title IV of the Higher Education Act of 1965 to support the participation of low-income parents in postsecondary education through the provision of campus-based child care; to the Committee on Education and the Workforce.

By Mr. PETERSON of Pennsylvania (for himself, Mr. OBERSTAR, Mr. YOUNG of Alaska, Mrs. CHENOWETH, Mr. HANSEN, Mr. RIGGS, Mr. HERGER, Mr. RADANOVICH, Mr. DOOLITTLE, Mr. BOB SCHAFFER, Mr. SKEEN, Mr. GIBBONS, Mr. STUMP, Mr. NETHERCUTT, Mr. HILL, Mr. PICKERING, Mr. TAYLOR of North Carolina, Mr. COX of California, Mr. SOLOMON, and Mrs. CUBIN):

H.R. 3297. A bill to suspend the continued development of a roadless area policy on public domain units and other units of the National Forest System pending adequate public participation and determinations that a roadless area policy will not adversely affect forest health; to the Committee on Agriculture, and in addition to the Committee on Resources, 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. ROTHMAN (for himself, Mr. HANSEN, Mr. EVANS, Mr. LUTHER, Mr. MARTINEZ, and Ms. MILLENDER-MCDONALD):

H.R. 3298. A bill to prohibit the use of vending machines to sell tobacco products in all locations other than in locations in which the presence of minors is not permitted; to the Committee on Commerce.

By Mrs. LINDA SMITH of Washington:

H.R. 3299. A bill to establish limitation with respect to the disclosure and use of genetic information in connection with group health plans and health insurance coverage, to provide for consistent standards applicable in connection with hospital care and medical services provided under title 38 of the United States Code, to prohibit employment discrimination on the basis of genetic information and genetic testing, and for other purposes; to the Committee on Commerce, and in addition to the Committees on Education and the Workforce, and Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall with-

in the jurisdiction of the committee concerned.

By Ms. STABENOW:

H.R. 3300. A bill to amend the Internal Revenue Code of 1986 to allow small employers a credit against income tax for costs incurred in establishing a qualified employer plan; to the Committee on Ways and Means.

By Mr. BARTON of Texas (for himself,

Mr. HALL of Texas, Mr. SHADEGG, Mr. ANDREWS, Mr. ADERHOLT, Mr. ARMEY, Mr. BACHUS, Mr. BAKER, Mr. BALLENGER, Mr. BARR of Georgia, Mr. BARTLETT of Maryland, Mr. BASS, Mr. BILBRAY, Mr. BILIRAKIS, Mr. BLILEY, Mr. BLUNT, Mr. BOEHNER, Mr. BONILLA, Mr. BUNNING of Kentucky, Mr. BURR of North Carolina, Mr. BRADY, Mr. BURTON of Indiana, Mr. BUYER, Mr. CALLAHAN, Mr. CALVERT, Mr. CAMP, Mr. CANNON, Mr. CASTLE, Mr. CHABOT, Mr. CHAMBLISS, Mrs. CHENOWETH, Mr. CHRISTENSEN, Mr. COBLE, Mr. COBURN, Mr. COLLINS, Mr. COMBEST, Mr. CONDIT, Mr. COOK, Mr. COOKSEY, Mr. COX of California, Mr. CRANE, Mr. CRAPO, Mrs. CUBIN, Mr. CUNNINGHAM, Ms. DANNER, Mr. DEAL of Georgia, Mr. DELAY, Mr. DICKEY, Mr. DOOLITTLE, Mr. DUNCAN, Ms. DUNN of Washington, Mrs. EMERSON, Mr. ENGLISH of Pennsylvania, Mr. ENSIGN, Mr. EVERETT, Mr. EWING, Mr. FOLEY, Mr. FORBES, Mr. FOSSELLA, Mr. FOX of Pennsylvania, Mrs. FOWLER, Mr. FRANKS of New Jersey, Mr. FRELINGHUYSEN, Mr. GALLEGLY, Mr. GANSKE, Mr. GIBBONS, Mr. GILMAN, Mr. GINGRICH, Mr. GOODE, Mr. GOODLATTE, Mr. GOODLING, Mr. GORDON, Mr. GRAHAM, Ms. GRANGER, Mr. GREENWOOD, Mr. HANSEN, Mr. HASTERT, Mr. HASTINGS of Washington, Mr. HAYWORTH, Mr. HEFLEY, Mr. HERGER, Mr. HILLEARY, Mr. HOEKSTRA, Mr. HULSHOF, Mr. HUNTER, Mr. HUTCHINSON, Mr. INGLIS of South Carolina, Mr. ISTOOK, Mr. JENKINS, Mr. JOHN, Mr. SAM JOHNSON, Mr. JONES, Mr. KASICH, Mrs. KELLY, Mr. KIM, Mr. KINGSTON, Mr. KOLBE, Mr. KLUG, Mr. KNOLLENBERG, Mr. LAHOOD, Mr. LARGENT, Mr. LATHAM, Mr. LEWIS of California, Mr. LEWIS of Kentucky, Mr. LINDER, Mr. LUCAS of Oklahoma, Mr. MANZULLO, Mr. METCALF, Mr. MCCOLLUM, Mr. MCCRERY, Mr. MCHUGH, Mr. MCINNIS, Mr. MCINTOSH, Mr. MCKEON, Mr. MICA, Mr. MILLER of Florida, Mrs. MYRICK, Mr. NETHERCUTT, Mr. NEUMANN, Mr. NEY, Mrs. NORTUP, Mr. NORWOOD, Mr. OXLEY, Mr. PACKARD, Mr. PAPPAS, Mr. PARKER, Mr. PAUL, Mr. PAXON, Mr. PETERSON of Pennsylvania, Mr. PICKERING, Mr. PITTS, Mr. POMBO, Mr. PORTER, Ms. PRYCE of Ohio, Mr. QUINN, Mr. RADANOVICH, Mr. RAMSTAD, Mr. RIGGS, Mr. RILEY, Mr. ROEMER, Mr. ROGAN, Mr. ROHRBACHER, Mr. ROYCE, Mr. RYUN, Mr. SALMON, Mr. SANFORD, Mr. SAXTON, Mr. SCARBOROUGH, Mr. BOB SCHAFFER, Mr. SCHIFF, Mr. SENSENBRENNER, Mr. SESSIONS, Mr. SHIMKUS, Mr. SHUSTER, Mr. SKEEN, Mr. SMITH of Michigan, Mr. SMITH of New Jersey, Mr. SMITH of Texas, Mrs. LINDA SMITH of Washington, Mr. SNOWBARGER, Mr. SOLOMON, Mr. SOUDER, Mr. SPENCE, Mr. STEARNS, Mr. STUMP, Mr. SUNUNU, Mr. TALENT, Mr. TAUZIN, Mr. TAYLOR of Mississippi, Mr. TAYLOR of North Carolina, Mr. THORNBERRY, Mr.

THUNE, Mr. TIAHRT, Mr. UPTON, Mr. WAMP, Mr. WATKINS, Mr. WATTS of Oklahoma, Mr. WELDON of Florida, Mr. WELDON of Pennsylvania, Mr. WELLER, Mr. WHITFIELD, Mr. WICKER, and Mr. YOUNG of Alaska):

H.J. Res. 111. A joint resolution proposing an amendment to the Constitution of the United States with respect to tax limitations; to the Committee on the Judiciary.

By Mr. KOLBE (for himself, Mr. STENHOLM, Mr. KLECZKA, Mr. MINGE, Mr. CRAMER, Mr. BOYD, Mr. TANNER, Mr. POMEROY, Mr. JOHN, Mr. DOOLEY of California, Mr. MEEHAN, Ms. RIVERS, Ms. DANNER, Mr. CONDIT, Mr. BERRY, Mr. PETERSON of Minnesota, Mr. SANDLIN, Mr. SAWYER, Mr. PORTER, Mr. GIBBONS, Mr. SANFORD, Mr. CASTLE, Mr. SHAYS, Mr. CAMPBELL, and Mr. GREENWOOD):

H.J. Res. 112. A joint resolution establishing the Joint Committee on Social Security Reform; to the Committee on Rules.

By Mr. KUCINICH:

H. Con. Res. 225. Concurrent resolution expressing the sense of Congress that the United States should be a signatory to the Guidelines for Drug Donations developed by the World Health Organization; to the Committee on International Relations.

By Mr. BARTLETT of Maryland (for himself, Mr. ROHRBACHER, Ms. WOOLSEY, Mr. ABERCROMBIE, Mr. SHAYS, Mr. DAVIS of Virginia, Mr. REGULA, Mr. METCALF, Mr. WELDON of Pennsylvania, Mrs. CHENOWETH, Mr. SMITH of New Jersey, Mr. RIGGS, Mr. BURTON of Indiana, Mr. HERGER, Mr. DOOLITTLE, Mr. LUCAS of Oklahoma, Mr. GILCHREST, Mr. HOSTETTLER, Mr. GOODLING, Mr. EHRlich, Mr. PAUL, Mr. DUNCAN, Mr. BARTON of Texas, Mr. SENSENBRENNER, Mr. CONYERS, Mr. SOLOMON, Mr. MCCOLLUM, Mr. NEUMANN, Mr. SAM JOHNSON, Mr. POMBO, Ms. DUNN of Washington, Ms. KAPTUR, Mr. WAXMAN, Mr. HALL of Texas, Ms. MCKINNEY, Ms. FURSE, Ms. WATERS, Mr. SKEEN, Mr. BROWN of California, Mr. PETRI, Mr. SPENCE, Mr. KILDEE, Ms. DELAURO, Mrs. MINK of Hawaii, Mr. TAYLOR of Mississippi, Mr. SCOTT, Mr. JACKSON, Mr. ROMERO-BARCELO, Mr. BLUNT, Mr. CAMPBELL, Mr. DICKEY, Mr. BARR of Georgia, Mr. YOUNG of Florida, Mr. DELAY, Mr. HOEKSTRA, Mr. MILLER of Florida, Mr. YOUNG of Alaska, Mr. BALLENGER, Mr. PITTS, Mr. NORWOOD, Mr. WATTS of Oklahoma, Mr. DREIER, Mr. PACKARD, Mr. BILBRAY, Mr. WAMP, Mr. TRAFICANT, Mr. PAXON, Mr. FOSSELLA, Mr. MICA, Mr. LEWIS of Kentucky, Mr. ROGAN, Mr. TALENT, Ms. SLAUGHTER, Mr. HINCHEY, and Mr. SHUSTER):

H. Con. Res. 226. Concurrent resolution expressing the sense of the Congress that the United States should not take military action against the Republic of Iraq unless that action is specifically authorized by law; to the Committee on International Relations.

By Mr. CAMPBELL:

H. Con. Res. 227. Concurrent resolution directing the President pursuant to section 5(c) of the War Powers Resolution to remove United States Armed Forces from the Republic of Bosnia and Herzegovina; to the Committee on International Relations.

By Mr. DAVIS of Florida:

H. Con. Res. 228. Concurrent resolution expressing the sense of the Congress regarding

the primary objectives of the process for preparing the Federal budget for fiscal year 1999; to the Committee on the Budget, 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. GEJDENSON (for himself, Mr. ABERCROMBIE, Mr. ALLEN, Mr. BATEMAN, Ms. DELAURO, Mr. FRANK of Massachusetts, Mr. HOLDEN, Mrs. JOHNSON of Connecticut, Mrs. KELLY, Mr. KENNEDY of Rhode Island, Mr. KENNEDY of Massachusetts, Mrs. KENNELLY of Connecticut, Mr. KING of New York, Mr. KLECZKA, Mr. LOBIONDO, Mr. MALONEY of Connecticut, Mr. SHAYS, Mr. SHERMAN, Mr. SKELTON, Mrs. LINDA SMITH of Washington, Mr. SOLOMON, Mr. SPENCE, Mr. STUMP, Mr. TIERNEY, and Mr. WOLF):

H. Con. Res. 229. Concurrent resolution expressing the sense of the Congress that a commemorative postage stamp should be issued honoring the United States Submarine Force on its 100th anniversary; to the Committee on Government Reform and Oversight.

By Mr. HEFLEY:

H. Con. Res. 230. Concurrent resolution honoring the Berlin Airlift; to the Committee on International Relations.

By Mr. BONIOR:

H. Res. 370. A resolution designating minority membership on certain standing committees of the House; considered and agreed to.

By Mr. ARMEY:

H. Res. 371. A resolution designating majority membership on certain standing committees of the House; considered and agreed to.

By Mr. MCCOLLUM (for himself, Mr. HASTERT, Mr. PORTMAN, Mr. COBLE, Mr. BUYER, Mr. CHABOT, Mr. BARR of Georgia, Mr. HUTCHINSON, and Mr. GEKAS):

H. Res. 372. A resolution expressing the sense of the House of Representatives that marijuana is a dangerous and addictive drug and should not be legalized for medicinal use; to the Committee on the Judiciary, and in addition to the Committee on 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 Mr. ROYCE (for himself, Mr. CHABOT, Mr. PAYNE, and Mr. MENENDEZ):

H. Res. 373. A resolution commending democracy in Botswana; to the Committee on International Relations.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 7: Mr. GOODE, Mr. COLLINS, Mr. BARTLETT of Maryland, Mr. REGULA, Mr. METCALF, and Mr. SESSIONS.

H.R. 27: Mr. REDMOND.

H.R. 145: Mr. UNDERWOOD and Mr. MCHUGH.

H.R. 164: Mr. BROWN of California.

H.R. 209: Mr. ROTHMAN and Mr. LAZIO of New York.

H.R. 218: Mr. PAPPAS, Mr. RIGGS, and Mr. ADAM SMITH of Washington.

H.R. 245: Mr. SOLOMON.

H.R. 371: Mr. BURTON of Indiana and Mr. DAVIS of Virginia.

H.R. 453: Mr. BLAGOJEVICH, Mrs. JOHNSON of Connecticut, Ms. KILPATRICK, Mr. HOBSON, Mr. NADLER, and Mr. TRAFICANT.

H.R. 610: Ms. RIVERS.

H.R. 619: Mr. MARKEY, Ms. KILPATRICK, and Mr. HOBSON.

H.R. 754: Mr. WATT of North Carolina and Mrs. ROUKEMA.

H.R. 864: Ms. DELAURO, Mr. COSTELLO, Mr. ROMERO-BARCELO, Mr. WOLF, Mr. WYNN, Mrs. KENNELLY of Connecticut, Mr. UNDERWOOD, Mr. WAXMAN, Mr. OLVER, and Mr. MEEHAN.

H.R. 979: Mr. BONIOR, Mr. LEWIS of Kentucky, Mr. STRICKLAND, Mr. MURTHA, Mrs. MINK of Hawaii, Mr. BASS, and Mr. BERRY.

H.R. 1013: Mr. HINCHEY.

H.R. 1032: Mr. ABERCROMBIE.

H.R. 1040: Mr. CALLAHAN and Mr. GOODLING.

H.R. 1111: Mr. LEWIS of California, Mr. STOKES, and Mr. WATT of North Carolina.

H.R. 1126: Mr. OWENS and Ms. KAPTUR.

H.R. 1151: Mr. McNULTY, Mr. ETHERIDGE, Mr. MEEHAN, Mr. LEWIS of Kentucky, Mr. WOLF, Mr. GREENWOOD, Mr. KIND of Wisconsin, Mr. PETERSON of Minnesota, Ms. PELOSI, and Mr. REYES.

H.R. 1189: Mr. WATT of North Carolina.

H.R. 1241: Ms. WOOLSEY.

H.R. 1354: Mr. NEY and Mr. STRICKLAND.

H.R. 1362: Mr. LAZIO of New York.

H.R. 1376: Mr. LUTHER.

H.R. 1401: Mr. PETERSON of Minnesota and Mr. KUCINICH.

H.R. 1571: Mr. DAVIS of Illinois, Mr. WATT of North Carolina, Mr. HOLDEN, and Mr. FROST.

H.R. 1607: Mr. PAUL.

H.R. 1689: Mr. GRAHAM, Mr. WELLER, Mr. MALONEY of Connecticut, and Ms. SANCHEZ.

H.R. 1704: Mr. WATTS of Oklahoma, Mr. SESSIONS, Mr. METCALF, Mr. GILMAN, Mrs. MYRICK, Mr. PAPPAS, Mr. MCCOLLUM, and Mr. LARGENT.

H.R. 1807: Mr. RUSH, Mr. FILNER, Ms. PELOSI, and Mr. HINCHEY.

H.R. 1864: Mr. GEJDENSON.

H.R. 1872: Mrs. CUBIN, Mr. BILIRAKIS, and Mr. WHITFIELD.

H.R. 1873: Mr. TORRES and Ms. DELAURO.

H.R. 1874: Ms. DELAURO.

H.R. 1995: Mr. MANTON, Mr. HOLDEN, Mr. MEEHAN, Mrs. MALONEY of New York, and Mr. BLUMENAUER.

H.R. 2052: Mr. FROST.

H.R. 2154: Mrs. MINK of Hawaii, Ms. RIVERS, Mr. BERMAN, Mr. BROWN of California, Mr. PALLONE, Mr. RANGEL, Mr. GUTIERREZ, Mr. MANTON, Mr. WAXMAN, Mr. WEXLER, Mr. ACKERMAN, Mr. TIERNEY, and Mr. ENGEL.

H.R. 2224: Mrs. MCCARTHY of New York and Mr. PETERSON of Minnesota.

H.R. 2228: Mr. DEFAZIO.

H.R. 2465: Mr. DELAY.

H.R. 2489: Mr. PORTER, Mr. BUNNING of Kentucky, and Mr. CLYBURN.

H.R. 2527: Mr. ADAM SMITH of Washington.

H.R. 2537: Mr. EHRlich.

H.R. 2586: Mr. EDWARDS.

H.R. 2699: Mr. NEAL of Massachusetts, Mr. WOLF, Mr. BONIOR, and Mr. YATES.

H.R. 2701: Ms. KAPTUR, Mr. BOYD, Mr. PASTOR, Mr. FATTAH, and Mr. QUINN.

H.R. 2718: Mr. SOLOMON.

H.R. 2807: Mr. MANTON, Mr. SKAGGS, Mrs. JOHNSON of Connecticut, Ms. RIVERS, Ms. FURSE, Mr. GREEN, Mr. PORTMAN, Mr. GUTIERREZ, Mr. FILNER, and Mr. COOK.

H.R. 2818: Mr. FILNER.

H.R. 2837: Mr. BARTLETT of Maryland.

H.R. 2870: Mr. MCHUGH.

H.R. 2908: Mr. BACHUS, Mr. FRANK of Massachusetts, Mr. NEAL of Massachusetts, and Mr. MCGOVERN.

H.R. 2921: Mr. COLLINS, Mr. LANTOS, Mr. ETHERIDGE, Mrs. FOWLER, Mr. TURNER, Mr.

SANDLIN, Mr. QUINN, Mr. NEY, Mr. HASTINGS of Washington, Mr. BATEMAN, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. RIVERS, Mr. ADERHOLT, and Mr. KILDEE.

H.R. 2963: Mr. MANTON, Mr. UNDERWOOD, Mr. CLEMENT, Ms. LOFGREN, Mr. OWENS, Mr. GREEN, Mr. LAFALCE, Mr. FROST, Mr. SCHUMER, Mr. DAVIS of Florida, Mrs. THURMAN, Mr. BONIOR, Mr. WEXLER, Mr. FORD, Ms. NORTON, Mr. FAZIO of California, Mr. FILNER, Mr. KENNEDY of Rhode Island, Ms. HARMAN, Mr. GUTIERREZ, Mr. EVANS, Mr. ENGEL, Mr. FALCOMAVAEGA, Mr. BARRETT of Wisconsin, Mr. OLVER, Ms. DEGETTE, Mr. WALSH, and Mr. KUCINICH.

H.R. 2968: Mr. CUNNINGHAM.

H.R. 2973: Mr. METCALF and Mr. MILLER of California.

H.R. 2991: Mr. FROST, Mr. KENNEDY of Rhode Island, Mr. PETERSON of Minnesota, Mrs. TAUSCHER, Mr. EVANS, Mr. ROMERO-BARCELO, and Mr. BOUCHER.

H.R. 3007: Mr. GUTKNECHT, Mrs. THURMAN, Mr. DAVIS of Virginia, and Mr. OBERSTAR.

H.R. 3033: Mr. EVANS, Mr. TORRES, and Mr. WAXMAN.

H.R. 3052: Mr. WYNN, Mr. CLEMENT, Mrs. MALONEY of New York, Mr. FROST, Ms. FURSE, Ms. RIVERS, Mr. KENNEDY of Massachusetts, Mr. LAMPSON, Ms. MILLENDER-MCDONALD, and Mr. MANTON.

H.R. 3086: Mr. HINOJOSA, Mrs. MORELLA, Mr. BACHUS, Mr. GEJDENSON, Ms. BROWN of Florida, Mr. BLUMENAUER, Mr. GREEN, Mr. POSHARD, Mr. MEEHAN, Mr. ALLEN, Mr. ADAM SMITH of Washington, Mr. McNULTY, Mr. STARK, and Mr. KUCINICH.

H.R. 3093: Mr. ENGLISH of Pennsylvania and Mr. FOX of Pennsylvania.

H.R. 3101: Mrs. KENNELLY of Connecticut.

H.R. 3102: Mrs. KENNELLY of Connecticut, Mr. KLECZKA, Mr. DOOLITTLE, Mr. TIERNEY, and Mr. EVANS.

H.R. 3121: Mr. FOX of Pennsylvania and Mr. BROWN of Ohio.

H.R. 3134: Mr. BALDACCI, Ms. DANNER, Mr. GREEN, Mr. FRANK of Massachusetts, Mr. BOSWELL, Mr. NEAL of Massachusetts, and Mr. COYNE.

H.R. 3137: Mr. BRYANT, Mr. HAMILTON, Mr. HUTCHINSON, Mr. GORDON, Mrs. MEEK of Florida, Mr. WATT of North Carolina, Ms. KAPTUR, Mr. MCDADE, and Mr. SANDERS.

H.R. 3139: Ms. FURSE and Ms. DANNER.

H.R. 3149: Mr. COOKSEY, Mr. FOX of Pennsylvania, Mr. NETHERCUTT, and Mr. RIGGS.

H.R. 3151: Mr. COOKSEY, Mr. FOX of Pennsylvania, Mr. NETHERCUTT, and Mr. RIGGS.

H.R. 3156: Mr. MCKEON, Mr. FOX of Pennsylvania, Mr. JACKSON, Mr. RUSH, Mr. FOLEY, Mr. BILBRAY, and Mr. METCALF.

H.R. 3206: Mr. LAZIO of New York, Mr. HORN, Mr. METCALF, Mr. DREIER, Mr. PACKARD, Mr. CUNNINGHAM, Mr. HUNTER, Mr. BAKER, Mr. WHITE, Mrs. LINDA SMITH of Washington, Mr. CALVERT, Mr. SNOWBARGER, Mr. RADANOVICH, and Mr. WICKER.

H.R. 3211: Mr. BACHUS, Mr. PASCRELL, Mr. OLVER, Mr. CAMPBELL, Mr. TIERNEY, and Mr. LOBIONDO.

H.R. 3213: Mr. CLYBURN.

H.R. 3216: Ms. JACKSON-LEE, Mr. YATES, Ms. KILPATRICK, Mr. FORD, Mr. REGULA, Mr. LEWIS of California, Ms. RIVERS, and Mr. GREEN.

H.R. 3217: Mr. ENSIGN, Mr. SANDLIN, and Mr. MCDADE.

H.R. 3218: Mr. SKEEN.

H.R. 3224: Mr. CONYERS.

H.R. 3236: Mr. LAZIO of New York, Mr. DELAY, Mr. REYES, Mr. OLVER, Mr. BLILEY, Ms. WOOLSEY, Mr. LINDER, and Mr. WELLER.

H.R. 3239: Mr. STARK.

H.R. 3242: Mrs. MYRICK.

H.R. 3243: Mr. MICA.

H.R. 3248: Mr. GINGRICH and Mr. SHADEGG.

H.R. 3262: Ms. ROYBAL-ALLARD and Ms. WOOLSEY.

H.R. 3265: Mr. HILLEARY, Mrs. CHENOWETH, Mr. BARTLETT of Maryland, Mr. RILEY, and Mr. BAKER.

H.J. Res. 17: Ms. RIVERS.

H.J. Res. 99: Mr. LOBIONDO, Mrs. THURMAN, and Mr. BILIRAKIS.

H. Con. Res. 55: Mr. KLECZKA.

H. Con. Res. 148: Mr. FOLEY, Mr. ROTHMAN, Mr. PASCRELL, and Ms. KAPTUR.

H. Con. Res. 154: Mr. MCGOVERN and Ms. FURSE.

H. Con. Res. 195: Ms. DEGETTE and Mr. SANDLIN.

H. Con. Res. 200: Mr. TIERNEY, Mr. STUPAK, Ms. SLAUGHTER, and Ms. WOOLSEY.

H. Con. Res. 210: Mr. MALONEY of Connecticut.

H. Con. Res. 216: Mr. DAN SCHAEFER of Colorado and Mrs. MYRICK.

H. Con. Res. 217: Mr. BARTON of Texas, Mr. COX of California, and Mr. UPTON.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 235: Mr. BARRETT of Nebraska.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 856

OFFERED BY: Mr. YOUNG OF ALASKA

Amendment in the Nature of a Substitute

AMENDMENT NO. 1: Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "United States-Puerto Rico Political Status Act".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title, table of contents.

Sec. 2. Findings.

Sec. 3. Policy.

Sec. 4. Process for Puerto Rican full self-government, including the initial decision stage, transition stage, and implementation stage.

Sec. 5. Requirements relating to referenda, including inconclusive referendum and applicable laws.

Sec. 6. Congressional procedures for consideration of legislation.

Sec. 7. Availability of funds for the referenda.

SEC. 2. FINDINGS.

The Congress finds the following:

(1) Puerto Rico was ceded to the United States and came under this Nation's sovereignty pursuant to the Treaty of Paris ending the Spanish-American War in 1898. Article IX of the Treaty of Paris recognized the authority of Congress to provide for the political status of the inhabitants of the territory.

(2) Consistent with establishment of United States nationality for inhabitants of Puerto Rico under the Treaty of Paris, Congress has exercised its powers under the Territorial Clause of the Constitution (article

IV, section 3, clause 2) to provide by several statutes beginning in 1917, for the United States citizenship status of persons born in Puerto Rico.

(3) Consistent with the Territorial Clause and rulings of the United States Supreme Court, partial application of the United States Constitution has been established in the unincorporated territories of the United States including Puerto Rico.

(4) In 1950, Congress prescribed a procedure for instituting internal self-government for Puerto Rico pursuant to statutory authorization for a local constitution. A local constitution was approved by the people of Puerto Rico, approved by Congress, subject to conforming amendment by Puerto Rico, and thereupon given effect in 1952 after acceptance of congressional conditions by the Puerto Rico Constitutional Convention and an appropriate proclamation by the Governor. The approved constitution established the structure for constitutional government in respect of internal affairs without altering Puerto Rico's fundamental political, social, and economic relationship with the United States and without restricting the authority of Congress under the Territorial Clause to determine the application of Federal law to Puerto Rico, resulting in the present "Commonwealth" structure for local self-government. The Commonwealth remains an unincorporated territory and does not have the status of "free association" with the United States as that status is defined under United States law or international practice.

(5) In 1953, the United States transmitted to the Secretary-General of the United Nations for circulation to its Members a formal notification that the United States no longer would transmit information regarding Puerto Rico to the United Nations pursuant to Article 73(e) of its Charter. The formal United States notification document informed the United Nations that the cessation of information on Puerto Rico was based on the "new constitutional arrangements" in the territory, and the United States expressly defined the scope of the "full measure" of local self-government in Puerto Rico as extending to matters of "internal government and administration, subject only to compliance with applicable provisions of the Federal Constitution, the Puerto Rico Federal Relations Act and the acts of Congress authorizing and approving the Constitution, as may be interpreted by judicial decision.". Thereafter, the General Assembly of the United Nations, based upon consent of the inhabitants of the territory and the United States explanation of the new status as approved by Congress, adopted Resolution 748 (VIII) by a vote of 22 to 18 with 19 abstentions, thereby accepting the United States determination to cease reporting to the United Nations on the status of Puerto Rico.

(6) In 1960, the United Nations General Assembly approved Resolution 1541 (XV), clarifying that under United Nations standards regarding the political status options available to the people of territories yet to complete the process for achieving full self-government, the three established forms of full self-government are national independence, free association based on separate sovereignty, or full integration with another nation on the basis of equality.

(7) The ruling of the United States Supreme Court in the 1980 case *Harris v. Rosario* (446 U.S. 651) confirmed that Congress continues to exercise authority over Puerto Rico pursuant to the Territorial Clause found at Article IV, section 3, clause

2 of the United States Constitution; and in the 1982 case of *Rodriguez v. Popular Democratic Party* (457 U.S. 1), the Court confirmed that the Congress delegated powers of administration to the Commonwealth of Puerto Rico sufficient for it to function "like a State" and as "an autonomous political entity" in respect of internal affairs and administration, "sovereign over matters not ruled by the Constitution" of the United States. These rulings constitute judicial interpretation of Puerto Rico's status which is in accordance with the clear intent of Congress that establishment of local constitutional government in 1952 did not alter Puerto Rico's fundamental status.

(8) In a joint letter dated January 17, 1989, signed by the Governor of Puerto Rico in his capacity as president of one of Puerto Rico's principal political parties and the presidents of the two other principal political parties of Puerto Rico, the United States was formally advised that "... the People of Puerto Rico wish to be consulted as to their preference with regards to their ultimate political status", and the joint letter stated "... that since Puerto Rico came under the sovereignty of the United States of America through the Treaty of Paris in 1898, the People of Puerto Rico have not been formally consulted by the United States of America as to their choice of their ultimate political status".

(9) In the 1989 State of the Union Message, President George Bush urged the Congress to take the necessary steps to authorize a federally recognized process allowing the people of Puerto Rico, for the first time since the Treaty of Paris entered into force, to freely express their wishes regarding their future political status in a congressionally recognized referendum, a step in the process of self-determination which the Congress has yet to authorize.

(10) On November 14, 1993, the Government of Puerto Rico conducted a plebiscite initiated under local law on Puerto Rico's political status. In that vote none of the three status propositions received a majority of the votes cast. The results of that vote were: 48.6 percent for a commonwealth option, 46.3 percent statehood, and 4.4 percent independence.

(11) In a letter dated December 2, 1994, President William Jefferson Clinton informed leaders in Congress that an Executive Branch Interagency Working Group on Puerto Rico had been organized to coordinate the review, development, and implementation of executive branch policy concerning issues affecting Puerto Rico, including the November 1993 plebiscite.

(12) Under the Territorial Clause of the Constitution, Congress has the authority and responsibility to determine Federal policy and clarify status issues in order to resolve the issue of Puerto Rico's final status.

(13) On January 23, 1997, the Puerto Rico Legislature enacted Concurrent Resolution 2, which requested the 105th Congress "... to respond to the democratic aspirations of the American citizens of Puerto Rico" by approving legislation authorizing "... a plebiscite sponsored by the Federal Government, to be held no later than 1998".

(14) Nearly 4,000,000 United States citizens live in the islands of Puerto Rico, which have been under United States sovereignty and within the United States customs territory for almost 100 years, making Puerto Rico the oldest, largest, and most populous United States island territory at the southeastern-most boundary of our Nation, lo-

ated astride the strategic shipping lanes of the Atlantic Ocean and Caribbean Sea.

(15) Full self-government is attainable only through establishment of a political status which is based on either separate sovereignty and nationality or full and equal United States nationality and citizenship through membership in the Union.

SEC. 3. POLICY.

(a) CONGRESSIONAL COMMITMENT.—In recognition of the significant level of local self-government which has been attained by Puerto Rico, and the responsibility of the Federal Government to enable the people of the territory to freely express their wishes regarding political status and achieve full self-government, this Act is adopted with a commitment to encourage the development and implementation of procedures through which the permanent political status of the people of Puerto Rico can be determined.

(b) LANGUAGE.—English is the common language of mutual understanding in the United States, and in all of the States duly and freely admitted to the Union. The Congress recognizes that at the present time, Spanish and English are the joint official languages of Puerto Rico, and have been for nearly 100 years; that English is the official language of Federal courts in Puerto Rico; that the ability to speak English is a requirement for Federal jury services; yet Spanish rather than English is currently the predominant language used by the majority of the people of Puerto Rico; and that Congress has the authority to expand existing English language requirements in the Commonwealth of Puerto Rico. In the event that the referendum held under this Act result in approval of sovereignty leading to Statehood, it is anticipated that upon accession to Statehood, English language requirements of the Federal Government shall apply in Puerto Rico to the same extent as Federal law requires throughout the United States. Congress also recognizes the significant advantage that proficiency in Spanish as well as English has bestowed on the people of Puerto Rico, and further that this will serve the best interests of both Puerto Rico and the rest of the United States in our mutual dealings in the Caribbean, Latin America, and throughout the Spanish-speaking world.

SEC. 4. PROCESS FOR PUERTO RICAN FULL SELF-GOVERNMENT, INCLUDING THE INITIAL DECISION STAGE, TRANSITION STAGE, AND IMPLEMENTATION STAGE.

(a) INITIAL DECISION STAGE.—A referendum on Puerto Rico's political status is authorized to be held not later than December 31, 1998. The referendum shall be held pursuant to this Act and in accordance with the applicable provisions of Puerto Rico's electoral law and other relevant statutes consistent with this Act. Approval of a status option must be by a majority of the valid votes cast. The referendum shall be on the approval of 1 of the 3 options presented on the ballot as follows:

"Instructions: Mark the status option you choose as each is defined below. Ballot with more than 1 option marked will not be counted.

"A. COMMONWEALTH.—If you agree, mark here

"Puerto Rico should retain Commonwealth, in which—

"(1) Puerto Rico is joined in a relationship with and under the national sovereignty of the United States. It is the policy of the Congress that this relationship should only be dissolved by mutual consent.

"(2) Under this political relationship, Puerto Rico like a State is an autonomous polit-

ical entity, sovereign over matters not ruled by the Constitution of the United States. In the exercise of this sovereignty, the laws of the Commonwealth shall govern in Puerto Rico to the extent that they are consistent with the Constitution, treaties, and laws of the United States. Congress retains its constitutional authority to enact laws it deems necessary relating to Puerto Rico.

"(3) Persons born in Puerto Rico have United States citizenship by statute as secured by the Constitution. It is the policy of the United States that citizenship will continue to be granted to persons born in Puerto Rico. The rights, privileges, and immunities provided for by the United States Constitution apply in Puerto Rico, except where limited by the Constitution to citizens residing in a State.

"(4) Puerto Rico will continue to participate in Federal programs and may be enabled to participate equally with the States in the programs where it is not now participating equally contingent on the payment of contributions, which may include payment of taxes, as provided by Federal law.

"B. SEPARATE SOVEREIGNTY.—If you agree, mark here

"The people of Puerto Rico should become fully self-governing through separate sovereignty in the form of independence or free association, in which—

"(1) Puerto Rico is a sovereign Republic which has full authority and responsibility over its territory and population under a constitution which is the supreme law, providing for a republican form of government and the protection of human rights;

"(2) The Republic of Puerto Rico is a member of the community of nations vested with full powers and responsibilities for its own fiscal and monetary policy, immigration, trade, and the conduct in its own name and right of relations with other nations and international organizations, including the rights and responsibilities that devolve upon a sovereign nation under the general principles of international law;

"(3) the residents of Puerto Rico owe allegiance to and have the nationality and citizenship of the Republic of Puerto Rico;

"(4) The Constitution and laws of the United States no longer apply in Puerto Rico, and United States sovereignty in Puerto Rico is ended; thereupon birth in Puerto Rico or relationship to persons with statutory United States citizenship by birth in the former territory shall cease to be a basis for United States nationality or citizenship, except that persons who had such United States citizenship have a statutory right to retain United States nationality and citizenship for life, by entitlement or election as provided by the United States Congress, based on continued allegiance to the United States: *Provided*, That such persons will not have this statutory United States nationality and citizenship status upon having or maintaining allegiance, nationality, and citizenship rights in any sovereign nation, including the Republic of Puerto Rico, other than the United States;

"(5) The previously vested rights of individuals in Puerto Rico to benefits based upon past services rendered or contributions made to the United States shall be honored by the United States as provided by Federal law;

"(6) Puerto Rico and the United States seek to develop friendly and cooperative relations in matters of mutual interest as agreed in treaties approved pursuant to their respective constitutional processes, and laws including economic and programmatic assistance at levels and for a reasonable period

as provided on a government-to-government basis, trade between customs territories, transit of citizens in accordance with immigration laws, and status of United States military forces; and

"(7) a free association relationship may be established based on separate sovereign republic status as defined above, but with such delegations of government functions and other cooperative arrangements as may be agreed to by both parties under a bilateral pact terminable at will by either the United States or Puerto Rico.

"C. STATEHOOD.—If you agree, mark here

"Puerto Rico should become fully self governing through Statehood, in which—

"(1) the people of Puerto Rico are fully self-governing with their rights secured under the United States Constitution, which shall be fully applicable in Puerto Rico and which, with the laws and treaties of the United States, is the supreme law and has the same force and effect as in the other States of the Union;

"(2) the State of Puerto Rico becomes a part of the permanent union of the United States of America, subject to the United States Constitution, with powers not prohibited by the Constitution to the States, reserved to the State of Puerto Rico in its sovereignty or to the people;

"(3) United States citizenship of those born in Puerto Rico is recognized, protected and secured in the same way it is for all United States citizens born in the other States;

"(4) rights, freedoms, and benefits as well as duties and responsibilities of citizenship, including payment of Federal taxes, apply in the same manner as in the several States;

"(5) Puerto Rico is represented by two members in the United States Senate and is represented in the House of Representatives proportionate to the population;

"(6) United States citizens in Puerto Rico are enfranchised to vote in elections for the President and Vice President of the United States; and

"(7) English is the official language of business and communication in Federal courts and Federal agencies as made applicable by Federal law to every other State, and Puerto Rico is enabled to expand and build upon existing law establishing English as an official language of the State government, courts, and agencies."

(b) TRANSITION STAGE.—

(1) PLAN.—(A) Within 180 days of the receipt of the results of the referendum from the Government of Puerto Rico certifying approval of a ballot choice of full self-government in a referendum held pursuant to subsection (a), the President shall develop and submit to Congress legislation for a transition plan of not more than 10 years which leads to full self-government for Puerto Rico consistent with the terms of this Act and the results of the referendum and in consultation with officials of the three branches of the Government of Puerto Rico, the principal political parties of Puerto Rico, and other interested persons as may be appropriate.

(B) Additionally, in the event of a vote in favor of separate sovereignty, the Legislature of Puerto Rico, if deemed appropriate, may provide by law for the calling of a constituent convention to formulate, in accordance with procedures prescribed by law, Puerto Rico's proposals and recommendations to implement the referendum results. If a convention is called for this purpose, any proposals and recommendations formally adopted by such convention within time lim-

its of this Act shall be transmitted to Congress by the President with the transition plan required by this section, along with the views of the President regarding the compatibility of such proposals and recommendations with the United States Constitution and this Act, and identifying which, if any, of such proposals and recommendations have been addressed in the President's proposed transition plan.

(C) Additionally, in the event of a vote in favor of United States sovereignty leading to Statehood, the President shall include in the transition plan provided for in this Act—

(i) proposals and incentives to increase the opportunities of the people of Puerto Rico to learn to speak, read, write, and understand English fully, including but not limited to, the teaching of English in public schools, fellowships, and scholarships. The transition plan should promote the usage of English by the United States citizens of Puerto Rico, in order to best allow for—

(I) the enhancement of the century old practice of English as an official language of Puerto Rico, consistent with the preservation of our Nation's unity in diversity and the prevention of divisions along linguistic lines;

(II) the use of language skills necessary to contribute most effectively to the Nation in all aspects, including but not limited to Hemispheric trade;

(III) the promotion of efficiency to all people in the conduct of the Federal and State government's official business; and

(IV) the ability of all citizens to take full advantage of the economical, educational, and occupational opportunities through full integration with the United States; and

(i) the effective date of incorporation, thereby permitting the greatest degree of flexibility for the phase-in of Federal programs and the development of the economy through fiscal incentives, alternative tax arrangements, and other measures.

(D) In the event of a vote in favor of Commonwealth, the Government of Puerto Rico may call a Special Convention to develop proposals for submission to the President and the Congress for changes in Federal policy on matters of economic and social concern to the people of Puerto Rico. The President and the Congress, as appropriate, shall expeditiously consider any such proposals. The Commonwealth would assume any expenses related to increased responsibilities resulting from such proposals.

(2) CONGRESSIONAL CONSIDERATION.—The plan shall be considered by the Congress in accordance with section 6.

(3) PUERTO RICAN APPROVAL.—

(A) Not later than 180 days after enactment of an Act pursuant to paragraph (1) providing for the transition to full self-government for Puerto Rico as approved in the initial decision referendum held under subsection (a), a referendum shall be held under the applicable provisions of Puerto Rico's electoral law on the question of approval of the transition plan.

(B) Approval must be by a majority of the valid votes cast. The results of the referendum shall be certified to the President of the United States.

(c) IMPLEMENTATION STAGE.—

(1) PRESIDENTIAL RECOMMENDATION.—Not less than two years prior to the end of the period of the transition provided for in the transition plan approved under subsection (b), the President shall submit to Congress a joint resolution with a recommendation for the date of termination of the transition and the date of implementation of full self-gov-

ernment for Puerto Rico within the transition period consistent with the ballot choice approved under subsection (a).

(2) CONGRESSIONAL CONSIDERATION.—The joint resolution shall be considered by the Congress in accordance with section 6.

(3) PUERTO RICAN APPROVAL.—

(A) Within 180 days after enactment of the terms of implementation for full self-government for Puerto Rico, a referendum shall be held under the applicable provisions of Puerto Rico's electoral laws on the question of the approval of the terms of implementation for full self-government for Puerto Rico.

(B) Approval must be by a majority of the valid votes cast. The results of the referendum shall be certified to the President of the United States.

SEC. 5. REQUIREMENTS RELATING TO REFERENDA, INCLUDING INCONCLUSIVE REFERENDUM AND APPLICABLE LAWS.

(a) APPLICABLE LAWS.—

(1) REFERENDA UNDER PUERTO RICAN LAWS.—The referenda held under this Act shall be conducted in accordance with the applicable laws of Puerto Rico, including laws of Puerto Rico under which voter eligibility is determined and which require United States citizenship and establish other statutory requirements for voter eligibility of residents and nonresidents.

(2) FEDERAL LAWS.—The Federal laws applicable to the election of the Resident Commissioner of Puerto Rico shall, as appropriate and consistent with this Act, also apply to the referenda. Any reference in such Federal laws to elections shall be considered, as appropriate, to be a reference to the referenda, unless it would frustrate the purposes of this Act.

(b) CERTIFICATION OF REFERENDA RESULTS.—The results of each referendum held under this Act shall be certified to the President of the United States and the Senate and House of Representatives of the United States by the Government of Puerto Rico.

(c) CONSULTATION AND RECOMMENDATIONS FOR INCONCLUSIVE REFERENDUM.—

(1) IN GENERAL.—If a referendum provided in section 4(b) or (c) of this Act does not result in approval of a fully self-governing status, the President, in consultation with officials of the three branches of the Government of Puerto Rico, the principal political parties of Puerto Rico, and other interested persons as may be appropriate, shall make recommendations to the Congress within 180 days of receipt of the results of the referendum regarding completion of the self-determination process for Puerto Rico under the authority of Congress.

(2) ADDITIONAL REFERENDA.—To ensure that the Congress is able on a continuing basis to exercise its Territorial Clause powers with due regard for the wishes of the people of Puerto Rico respecting resolution of Puerto Rico's permanent future political status, in the event that a referendum conducted under section 4(a) does not result in a majority vote for separate sovereignty or statehood, there is authorized to be further referenda in accordance with this Act, but not less than once every 10 years.

SEC. 6. CONGRESSIONAL PROCEDURES FOR CONSIDERATION OF LEGISLATION.

(a) IN GENERAL.—The majority leader of the House of Representatives (or his designee) and the majority leader of the Senate (or his designee) shall each introduce legislation (by request) providing for the transition plan under section 4(b) and the implementation recommendation under section 4(c) not later than 5 legislative days after the date of

receipt by Congress of the submission by the President under that section, as the case may be.

(b) REFERRAL.—The legislation shall be referred on the date of introduction to the appropriate committee or committees in accordance with rules of the respective Houses. The legislation shall be reported not later than the 120th calendar day after the date of its introduction. If any such committee fails to report the bill within that period, that committee shall be automatically discharged from consideration of the legislation, and the legislation shall be placed on the appropriate calendar.

(c) CONSIDERATION.—

(1) After the 14th legislative day after the date on which the last committee of the House of Representatives or the Senate, as the case may be, has reported or been discharged from further consideration of such legislation, it is in order after the legislation has been on the calendar for 14 legislative days for any Member of that House in favor of the legislation to move to proceed to the consideration of the legislation (after consultation with the presiding officer of that House as to scheduling) to move to proceed to its consideration at any time after the third legislative day on which the Member announces to the respective House concerned the Member's intention to do so. All points of order against the motion to proceed and against consideration of that motion are waived. The motion is highly privileged in the House of Representatives and is privileged in the Senate and is not debatable. The motion is not subject to amendment, or to a motion to postpone, or to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the legislation is agreed to, the respective House shall immediately proceed to consideration of the legislation without intervening motion (exception one motion to adjourn), order, or other business.

(2)(A) In the House of Representatives, during consideration of the legislation in the Committee of the Whole, the first reading of the legislation shall be dispensed with. General debate shall be confined to the legislation, and shall not exceed 4 hours equally divided and controlled by a proponent and an opponent of the legislation. After general debate, the legislation shall be considered as read for amendment under the five-minute rule. Consideration of the legislation for amendment shall not exceed 4 hours excluding time for recorded votes and quorum calls. At the conclusion of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the legislation and amendments thereto to final passage without intervening motion, except one motion to recommit with or without instructions. A motion to reconsider the vote on passage of the legislation shall not be in order.

(B) In the Senate, debate on the legislation, and all amendments thereto and debatable motions and appeals in connection therewith, shall be limited to not more than 25 hours. The time shall be equally divided between, and controlled by, the majority leader and the minority leader or their designees. No amendment that is not germane to the provisions of such legislation shall be received. A motion to further limit debate is not debatable.

(3) Appeals from the decisions of the Chair relating to the application of the rules of the

Senate or the House of Representatives, as the case may be, to the procedure relating to the legislation described in subsection (a) shall be decided without debate.

(d) CONSIDERATION BY OTHER HOUSE.—(1) If, before the passage by one House of the legislation described in subsection (a) that was introduced in that House, that House receives from the other House the legislation described in subsection (a)—

(A) the legislation of the other House shall not be referred to a committee and may not be considered in the House that receives it otherwise than on final passage under subparagraph (B)(ii) or (iii); and

(B)(i) the procedure in the House that receives such legislation with respect to such legislation that was introduced in that House shall be the same as if no legislation had been received from the other House; but

(ii) in the case of legislation received from the other House that is identical to the legislation as engrossed by the receiving House, the vote on final passage shall be on the legislation of the other House; or

(iii) after passage of the legislation, the legislation of the other House shall be considered as amended with the text of the legislation just passed and shall be considered as passed, and that House shall be considered to have insisted on its amendment and requested a conference with the other House.

(2) Upon disposition of the legislation described in subsection (a) that is received by one House from the other House, it shall no longer be in order to consider such legislation that was introduced in the receiving House.

(e) Upon receiving from the other House a message in which that House insists upon its amendment to the legislation and requests a conference with the House of Representatives or the Senate, as the case may be, on the disagreeing votes thereon, the House receiving the request shall be considered to have disagreed to the amendment of the other House and agreed to the conference requested by that House.

(f) DEFINITION.—For the purposes of this section, the term "legislative day" means a day on which the House of Representatives or the Senate, as appropriate, is in session.

(g) EXERCISE OF RULEMAKING POWER.—The provisions of this section are enacted by the Congress—

(1) as an exercise of the rulemaking power of the Senate and the House of Representatives and, as such, shall be considered as part of the rules of each House and shall supersede other rules only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of either House to change the rules (so far as they relate to the procedures of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

SEC. 7. AVAILABILITY OF FUNDS FOR THE REFERENDA.

(a) IN GENERAL.—

(1) AVAILABILITY OF AMOUNTS DERIVED FROM TAX ON FOREIGN RUM.—During the period beginning October 1, 1997, and ending on the date the President determines that all referenda required by this Act have been held, from the amounts covered into the treasury of Puerto Rico under section 7652(e)(1) of the Internal Revenue Code of 1986, the Secretary of the Treasury—

(A) upon request and in the amounts identified from time to time by the President, shall make the amounts so identified available to the treasury of Puerto Rico for the purposes specified in subsection (b); and

(B) shall transfer all remaining amounts to the treasury of Puerto Rico, as under current law.

(2) REPORT OF REFERENDA EXPENDITURES.—Within 180 days after each referendum required by this Act, and after the end of the period specified in paragraph (1), the President, in consultation with the Government of Puerto Rico, shall submit a report to the United States Senate and United States House of Representatives on the amounts made available under paragraph (1)(A) and all other amounts expended by the State Elections Commission of Puerto Rico for referenda pursuant to this Act.

(b) GRANTS FOR CONDUCTING REFERENDA AND VOTER EDUCATION.—From amounts made available under subsection (a)(1), the Government of Puerto Rico shall make grants to the State Elections Commission of Puerto Rico for referenda held pursuant to the terms of this Act, as follows:

(1) 50 percent shall be available only for costs of conducting the referenda.

(2) 50 percent shall be available only for voter education funds for the central ruling body of the political party, parties, or other qualifying entities advocating a particular ballot choice. The amount allocated for advocating a ballot choice under this paragraph shall be apportioned equally among the parties advocating that choice.

(c) ADDITIONAL RESOURCES.—In addition to amounts made available by this Act, the Puerto Rico Legislature may allocate additional resources for administrative and voter education costs to each party so long as the distribution of funds is consistent with the apportionment requirements of subsection (b).

H.R. 3130

OFFERED BY MR. CARDIN

AMENDMENT NO. 1: In the table of contents of the bill, add at the end the following:

TITLE IV—IMMIGRATION PROVISIONS

Sec. 401. Aliens ineligible to receive visas and excluded from admission for nonpayment of child support.

Sec. 402. Effect of nonpayment of child support on establishment of good moral character.

Sec. 403. Authorization to serve legal process in child support cases on certain arriving aliens.

Sec. 404. Authorization to obtain information on child support payments by aliens.

At the end of the bill, add the following:

TITLE IV—IMMIGRATION PROVISIONS

SEC. 401. ALIENS INELIGIBLE TO RECEIVE VISAS AND EXCLUDED FROM ADMISSION FOR NONPAYMENT OF CHILD SUPPORT.

(a) IN GENERAL.—Section 212(a)(10) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(10)) is amended by adding at the end the following:

"(F) NONPAYMENT OF CHILD SUPPORT.—

"(i) IN GENERAL.—Any alien is inadmissible who is legally obligated under a judgment, decree, or order to pay child support (as defined in section 459(l) of the Social Security Act), and whose failure to pay such child support has resulted in an arrearage exceeding \$5,000, until child support payments under the judgment, decree, or order are satisfied or the alien is in compliance with an approved payment agreement.

"(ii) APPLICATION TO PERMANENT RESIDENTS.—Notwithstanding section 101(a)(13)(C), an alien lawfully admitted for permanent residence in the United States

who has been absent from the United States for any period of time shall be regarded as seeking an admission into the United States for purposes of this subparagraph.

“(iii) **WAIVER AUTHORIZED.**—The Attorney General may waive the application of clause (i) in the case of an alien, if the Attorney General—

“(I) has received a request for the waiver from the court or administrative agency having jurisdiction over the judgment, decree, or order obligating the alien to pay child support that is referred to in such clause; and

“(II) determines that the likelihood of the arrearage being eliminated, and all subsequent child support payments timely being made by the alien, would increase substantially if the waiver were granted.”

(b) **EFFECTIVE DATE.**—The amendment by this section shall take effect 180 days after the date of the enactment of this Act.

SEC. 402. EFFECT OF NONPAYMENT OF CHILD SUPPORT ON ESTABLISHMENT OF GOOD MORAL CHARACTER.

(a) **IN GENERAL.**—Section 101(f) of the Immigration and Nationality Act (8 U.S.C. 1101(f)) is amended—

(1) in paragraph (8), by striking the period at the end and inserting “; or”; and

(2) by inserting after paragraph (8) the following:

“(9) one who is legally obligated under a judgment, decree, or order to pay child support (as defined in section 459(1) of the Social Security Act), and whose failure to pay such

child support has resulted in any arrearage, unless child support payments under the judgment, decree, or order are satisfied or the alien is in compliance with an approved payment agreement.”

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to aliens applying for a benefit under the Immigration and Nationality Act on or after 180 days after the date of the enactment of this Act.

SEC. 403. AUTHORIZATION TO SERVE LEGAL PROCESS IN CHILD SUPPORT CASES ON CERTAIN ARRIVING ALIENS.

(a) **IN GENERAL.**—Section 235(d) of the Immigration and Nationality Act (8 U.S.C. 1225(d)) is amended by adding at the end the following:

“(5) **AUTHORITY TO SERVE PROCESS IN CHILD SUPPORT CASES.**—

“(A) **IN GENERAL.**—To the extent consistent with State law, immigration officers are authorized to serve on any alien who is an applicant for admission to the United States legal process with respect to any action to enforce or establish a legal obligation of an individual to pay child support (as defined in section 459(1) of the Social Security Act).

“(B) **DEFINITION.**—For purposes of subparagraph (A), the term ‘legal process’ means any writ, order, summons or other similar process, which is issued by—

“(i) a court or an administrative agency of competent jurisdiction in any State, territory, or possession of the United States; or

“(ii) an authorized official pursuant to an order of such a court or agency or pursuant to State or local law.”

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to aliens applying for admission to the United States on or after 180 days after the date of the enactment of this Act.

SEC. 404. AUTHORIZATION TO OBTAIN INFORMATION ON CHILD SUPPORT PAYMENTS BY ALIENS.

Section 453(h) of the Social Security Act (42 U.S.C. 653(h)) is amended by adding at the end the following:

“(3) **PROVISION TO ATTORNEY GENERAL AND SECRETARY OF STATE OF INFORMATION ON PERSONS DELINQUENT IN CHILD SUPPORT PAYMENTS.**—On request by the Attorney General or the Secretary of State, the Secretary of Health and Human Services shall provide the requestor with such information as the Secretary of Health and Human Services determines may aid them in determining whether an alien is delinquent in the payment of child support.”

Amend the title so as to read: “A bill to provide for an alternative penalty procedure for States that fail to meet Federal child support data processing requirements, to reform Federal incentive payments for effective child support performance, to provide for a more flexible penalty procedure for States that violate interjurisdictional adoption requirements, to amend the Immigration and Nationality Act to make certain aliens determined to be delinquent in the payment of child support inadmissible and ineligible for naturalization, and for other purposes.”