SENATE—*Wednesday, March 4, 1998*

The Senate met at 9:30 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

It was 161 years ago today that President Andrew Jackson gave a clarion call to prayer in his farewell address. Jackson's words challenge us: "You have the highest of human trusts committed to your care. Providence has showered on this favored land blessings without number, and has chosen you as the guardians of freedom to preserve it for the benefit of the human race. May He who holds in His hands the destinies of nations, make you worthy of the favors He has bestowed and enable you, with pure hearts and hands and sleepless vigilance, to guard and defend, to the end of time, the great charge He has committed to your keeping."

Let us pray.

Almighty God, as the sword of these piercing words hangs over this Senate chamber today, provide the Senators with a renewed sense of awe and wonder over the awesome challenge You have entrusted to them. Thank You for the abundant courage You provide leaders who seek first and foremost to know and do Your will. Through our Lord and Saviour. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER. The able majority leader, Senator LOTT of Mississippi, is recognized.

SCHEDULE

Mr. LOTT. Mr. President, the Senate will resume consideration now of S. 1173, the ISTEA surface transportation reauthorization legislation. As under the consent agreement, the Senate will conclude 1 hour of debate on the DeWine-Lautenberg amendment regarding alcohol levels, with a vote occurring on or in relation to the DeWine-Lautenberg amendment at approximately 10:30 this morning. Following that vote, it's hoped that the Senate will be able to debate an amendment dealing with funding levels. In addition, this afternoon the Senate will hopefully debate an amendment to be offered by Senator McConnell. Therefore, Members should be prepared for votes throughout today's session.

As a reminder to all Senators, the first rollcall vote today will occur at 10:30 a.m.

I urge the Senate to work hard to make progress today. If we can have this debate and vote at 10:30 and go to the funding level resolution and hopefully find a way to complete that today and move on to the McConnell amendment and hopefully get to a vote on that, a great deal can be accomplished today and we can move the bill along considerably.

Mr. President, I would like to yield myself leader time so that I may comment on the Lautenberg amendment briefly.

The PRESIDING OFFICER. The majority leader is recognized.

THE LAUTENBERG-DEWINE AMENDMENT REGARDING BLOOD-ALCOHOL LEVELS

Mr. LOTT. Mr. President, as I understand the amendment, it would require States to enact the .08 alcohol content legislation instead of the present, I think, .10 level of alcohol to be considered drunk. That has to be done by September 30, 2000. Noncompliant States would lose 5 percent of highway funding on October 1, 2000, and then 10 percent thereafter. Currently, 15 States already have the .08 level of alcohol content to be considered drunk in drunk driving cases.

Mr. President, I think we should encourage people not to drink. We should encourage all people not to drink excessively. We should do all that we can to get the States to pass the lower level of .08. I support that. We need to combat the problem of drunken driving.

I understand the tragedy and the ravages of people that drink and drive. My father was killed in just such an accident. So this is not an issue that I take lightly. But I will oppose this amendment. This is a typical Federal Government attitude—not to encourage you to do right, not to say if you do the right thing, there will be incentives in it for you; no; you do it our way, or we will punish you; you will lose funds if you don't do it the way we say. Some people say President Reagan did the same thing. Yes, and I opposed it then, too.

I am very much opposed to alcoholism and drinking and driving. But for us to stand here and pontificate about how you must do it our way, that this is the solution, or we are going to take your funds away, what about poor States like mine where people are killed every week because of bad roads, potholes in the roads, dangerous bridges? What about safety? If a State, for whatever reason, by mistake or obviously for the wrong reasons, doesn't do it, we take a big chunk of money away from them. Is that going to save lives? No. As a matter of fact, it may lead to more lives being lost.

So while I know this is well-intentioned, and while I support the intent or the goals of this legislation, the idea that we are going to punish States because you don't do it our way I think is the wrong thing to be doing. I hope my colleagues will think about this very, very seriously before they cast a vote in favor of this amendment.

Mr. THURMOND. Will the able Senator yield?

Mr. LOTT. Mr. President, I yield to the Senator from South Carolina.

Mr. THURMOND. Mr. President, I commend our able majority leader on his statement and the position he has taken in this matter. I am sick and tired of the Federal Government trying to dictate to the States and threaten to withhold funds if the States don't do what the Federal Government wants. Let us take a stand here today to show that the States have their rights and will not be invaded by the Federal Government.

Mr. LOTT. I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota——

Mr. CHAFEE. Mr. President, when we go back on the bill, we will have an hour, equally divided, and the distinguished Senator from New Jersey isn't here, who controls that time, but let's get started here.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, leadership time is reserved.

EXPLANATION OF ABSENCE

Mr. CHAFEE. Mr. President, I wish to announce that Senator JEFFORDS will necessarily be absent from today's Senate session due to an illness in the family.

INTERMODAL SURFACE TRANSPORTATION EFFICIENCY ACT OF 1997

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S. 1173, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1173) to authorize funds for construction of highways, for highway safety

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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programs, and for mass transit programs, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Lautenberg amendment No. 1682 (to amendment No. 1676), to provide for a national standard to prohibit the operation of motor vehicles by intoxicated individuals.

AMENDMENT NO. 1682

Mr. CHAFEE. How much time will the Senator from Minnesota need?

Mr. WELLSTONE. I will take 3 minutes.

Mr. CHAFEE. I will yield 3 minutes to the Senator from Minnesota, and the Senator from Rhode Island wants 5 minutes, and the Senator from Illinois wants 5 minutes.

The PRESIDING OFFICER. The time until 10:30 is now evenly divided.

The Senator from Minnesota is recognized.

Mr. WELLSTONE. Mr. President, I am pleased to come to the floor today to add my voice to those of my colleagues, Senators LAUTENBERG and DEWINE, in support of this amendment to require states to pass .08 blood alcohol content (BAC) laws.

People who drive while they are impaired are placing all of us in harm's way. The real issue is whether or not a person should be driving after consuming alcohol. There is no good reason that this should be accepted as a standard practice in our society.

Opponents to this amendment will argue such things as "this means that a 120-pound woman could not drive after drinking two glasses of wine". I believe they are missing the point. The point is that if a person is impaired by alcohol, he or she should not be driving—period. The point is that someone's BAC might reach .08 after consumption of a certain amount of alcohol, and that BAC level might just be indicative of physical impairment that would affect driving ability. We are not talking about someone being fallen-down drunk, but perhaps a young woman whose reaction time might be slowed, so that as a young child darts out into the street in front of her car, she is unable to react quickly, enough to hit the brakes in time to stop the car from hitting the child. Was this woman "drunk"? No, but the alcohol in her body slowed her reaction time.

Here are some facts from the National Institute on Alcohol and Alcohol Abuse at NIH that help to explain the issue:

The brain's control of eye movements is highly vulnerable to alcohol. In driving, the eye must focus briefly on important objects and track them as they and the vehicle being driven move. BAC's of .03 to .05 can interfere with these eye movements.

Steering is a complex task in which the effects of alcohol on eye-to-hand reaction time are super-imposed upon the effects on vision, studies have shown that significant impairment in steering ability may begin at a BAC as low as .04.

Alcohol impairs nearly every aspect of information processing by the brain. Alcohol-impaired drivers require more time to read a street sign or to respond to a traffic signal than unimpaired drivers. Research on the effects of alcohol on performance by both automobile and aircraft operators shows a narrowing of the attention field starting at a BAC of approximately .04.

The National Public Services Research Institute reports the following:

Approximately 10 percent of miles driven at BAC's of .08 and above are at BAC's between .08 and .10. Every year, crashes that involve drivers at BAC's of .08 to .99 kill 660 people and injure 28,000.

Driving with a BAC of .08 is very risky. They estimate that crash costs average $5.80 per mile driven with a BAC of .10 or higher, $2.50 a mile for a BAC between .08 and .99, and only 11 cents a mile for each mile driven while sober.

The preliminary evaluation of the .08 legislation by the National Highway Traffic Safety Administration indicates that this law will reduce alcohol-related fatalities by 5 to 8 percent. This is at least comparable to the impact of other laws such as zero tolerance for youth, administrative license revocation or graduated licensing.

The evidence is clear. There is no good argument against the .08 legislation. In fact, responsible alcohol distributors and manufacturers should favor it. There is no excuse not to implement a law that could decrease traffic fatalities by 600 each year, and decrease traffic-related injuries by many thousands. We need to be responsible and encourage the implementation of .08 legislation in all states, and to provide incentive for doing so.

Mr. President, again, I want to add my voice to my colleagues, Senator LAUTENBERG and Senator DEWINE, and support this amendment to require States to pass the .08 blood alcohol content law.

Mr. President, people who drive while they are impaired are placing all of us in harm's way. That is really the issue. Now, opponents of this amendment have argued that this is going to mean such a thing as, "A 120-pound woman could not drive after drinking two glasses of wine." I believe they miss the point. The point is, if a person is impaired by alcohol, he or she should not be driving, period.

There are some important facts laid out by the National Institute on Alcohol Abuse. It lays out clearly why this amendment is so important. The evidence is really clear. There is no good reason and no good argument to be against this .08 legislation. In fact, responsible alcohol distributors and manufacturers should favor it.

There is no excuse not to implement a law that could decrease fatalities by 600 each year and decrease traffic-related injuries by many thousands. We need to be responsible, and we need to encourage the implementation of the .08 legislation in all States and to provide those States incentives for doing so. I urge my colleagues to support this amendment.

Mr. President, on a personal note, I want to thank Minnesota Mothers Against Drunk Driving for all that they have done to educate all of us in my State, including me as a Senator. I have been at their gatherings, and I say to my colleague, Senator LOTT, I absolutely accept what he says in the best of faith. I know he is committed to the general concept. But I believe, after spending time with these families who have lost so many loved ones in these accidents, that we ought to be as tough as possible. This is a matter of public health. We ought to make sure that we have as few people driving who are impaired from alcohol as possible around our country. This is an issue for our national community. This is a matter of public health. This is protection for families in our country. This is the right thing to do. I hope we get a strong majority vote for this amendment.

I yield the floor.

Mr. REED addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Mr. President, I rise today in support of the Lautenberg-DeWine amendment, and I commend both Senators for this excellent amendment. It would, as previous speakers have discussed, establish a .08 blood alcohol concentration level, or BAC level, as a threshold for driving under the influence throughout the United States.

As we all know, drunk driving is a scourge on the highways of the United States of America. It is something that we are all against. This legislation would take a very positive step to ensure that all States provide for a very rigorous .08 blood alcohol content standard as their measure of driving under the influence of alcohol.

This law builds on previous success. Since 1986, alcohol-related fatalities on our roads have decreased by 28 percent. That is a result of the efforts of many, many people. It is the result of tougher laws, increased enforcement, public education, and particularly the work of Mothers Against Drunk Driving, who have done so much to illustrate this problem and reach policymakers throughout the United States. Although we are proud of this success, we can and must do more.

In 1996, more than 17,000 people were killed because of drunk driving. Now, these deaths are not accidents because these are tragedies that could have been avoided—many of them—if we had

tougher laws and better enforcement. That is what we are about today. We are trying to declare throughout this country that we have a tough standard for those who would drink and drive, a standard that would save lives throughout this country in every community.

I don't think any of my colleagues would like to say to a family who lost a loved one and tell them, "Well, the standard of .10 was OK," because in that situation it's not OK. We can do better. We know these laws work, and we want to make them work much, much better.

In essence, the .08 blood alcohol concentration standard means fewer deaths on the roads of America, fewer driving fatalities, fewer young people cut down in the prime of their lives, and it means a safer America. That is what we should stand for today.

Currently, 15 States already have adopted a .08 blood alcohol concentration standard. A recent study by Boston University showed that these States experienced a 16 percent decline in fatal driver crashes where the driver's BAC was .08 or greater. Already these States have shown that this standard saves lives. And we can do better.

It is estimated that nationally, if we adopt the .08 standard, we can save between 500 and 600 lives a year. Those are impressive statistics. But lives alone are not at stake. Each year drunk driving accidents cost this country $45 billion. That is six times more than we spend on Pell grants. We can do better. We can save lives. We can save resources. We can make our world much, much safer.

There are those who argue that this would put a huge constraint on law-abiding Americans who occasionally will have a drink and then drive. That is something I don't think is true at all because under this standard a 170-pound man must consume more than four drinks in an hour on an empty stomach to reach this BAC. A woman of 135 pounds would have to consume three drinks. That is not social drinking. That is drinking irresponsibly, and then getting into an automobile.

This law will not affect the reasonable, rational, careful, deliberate person who may have one social drink or two and then drive. In fact, the American Medical Association said that really the beginning of impairment is not .08, it is .05 blood alcohol content. So this standard is far from what medical experts would argue is the beginning of deterioration of motor skills when one drives an automobile. We can do better. We have to recognize today that we must do better.

There are those of my colleagues who have suggested that this proposal is an improper infringement on the prerogatives of the States. First of all, we have taken positive steps before in this land. For example, just a few years ago we adopted through congressional action a zero-tolerance policy that would say for young people driving that the blood alcohol content was basically zero, that they should have no drinks if they are driving an automobile, and we have seen success already.

Mr. President, we have already seen the success of our zero-tolerance policy throughout the United States, a policy that was promulgated through Congress and adopted by many States, where fatalities at night by younger drivers have dropped 16 percent in States that are following the zero-tolerance policy.

So this law and this approach is not an impermissible imposition on the States. It is a rational, reasonable way to encourage what is the right thing to do. It is small comfort that if one State, such as my State of Rhode Island, adopts this standard but it is not adopted next door in Massachusetts or Connecticut, and someone in Massachusetts comes speeding into my State. That is not a States' rights issue. That is an issue of interstate commerce, of national economy, of national highways that reach every corner of this country regardless of State lines. We don't stop the national highways at the State lines. We shouldn't stop good, sensible bills that will control drunk driving in this country at the State lines.

I urge passage of this legislation, and again commend Senators LAUTENBERG and DEWINE for their excellent effort.

I yield my time.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, I would like to yield 5 minutes against the amendment to the senior Senator from Oklahoma.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. NICKLES. Mr. President, regretfully I rise in opposition to this amendment. I say regretfully because if I were in the State Senate of Oklahoma, I would vote in favor of this amendment. Presently, there is no Federal standard or Federal law for blood alcohol level—none. So we have an effort now to federalize a national problem. I don't think we should do that.

I led the effort years ago that would allow the States to set speed limits. I thought the States should set the speed limits, not the Federal Government. I didn't say that I thought every State should increase their speed limits. I thought States should set the speed limit.

What about the alcohol level? Again, if I were a State legislator, I would support the lower level. Fifteen States have this level—.08. Maybe it should be lower. Let the States make that decision. I hate to federalize problems, and I hate to tell the States that if they don't do such and such we are going to withhold 10 percent of their money, or 5 percent of their money the first few years and 10 percent thereafter.

Whose money is it? Is that Federal money? No. That money is paid for by our constituents, by our consumers, and by our people who are on the road. They pay that money. It comes to Washington, DC, and now we start putting strings on it. We basically tell the States if you do not pass a law that we have determined is best—and I don't know anything about blood alcohol limits. I have heard three beers, I have heard four beers. I don't know. I have not done the homework. I will take their word for it. But really, should we be dictating or mandating that on the States? I don't think so. And tell the States if they don't pass such and such, we are going to withhold 5 percent of their funds.

We are talking about millions and millions—hundreds of millions—of dollars. In a few years, it will be 10 percent. So it is a real heavy penalty if they don't subscribe to our Federal dictate. I just disagree with that. That money came from the States. It came from individuals. This is not Federal money. For us to put on these strings, I think is a mistake.

I am very sympathetic to the goal of the authors of the amendment, and I compliment them for trying to say we want to reduce drunken drivers on the streets. I want to do the same thing. I just do not agree with their tactics.

The Commerce Committee amendment has some incentives to encourage States to lower levels, and if the States lower those levels, they can get more money. In other words, a little bit of a carrot. This is a heavy stick. As a matter of fact, this is more than a heavy stick. This is a dagger. This says you have to do it. I think we should encourage it.

Again, I go back to the Constitution. Sometimes we ignore the Constitution. But the 10th amendment to the Constitution says:

> The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

Time and time again we come to this body and we find a problem. And drunk driving is a real serious problem. But we want to have a Federal solution: The Federal Government knows best. I think the framers of the Constitution were right when they said we should reserve those powers to the States and to the people, and encourage the States—maybe even give them a little bonus—if they make some moves that we think would be positive. But to federalize it and now, for the first time in history, have a blood alcohol content which has always been the prerogative of the States, in my opinion, is wrong.

I can count the votes. My guess is that the proponents probably have the votes.

But I think, again, we are trampling on States' rights. We are also trampling on this idea or encouraging this idea that if there is a problem, we need a Federal solution, and we will not give back your money. I resented that when I was a State legislator. I resented the fact that when we sent our highway moneys to Washington, DC, from our State, we only got about 80 cents back. That bothered me. We would only get about 80 cents on the dollar back. Then, not only that, when we got the 80 cents back, we got all the strings attached: You have to have the Federal highway speed limit; you have to have all of these other Federal requirements; you have to have the Davis-Bacon standard. You have to pass all of these rules. By the time we complied with those rules, that dollar would only buy about 60 some cents' worth of road. It wasn't a very good deal for our State.

So I would like to not put more punitive actions on the States if they don't comply with what we think—Government knows best.

Again, I want to compliment the authors. But I think this is an intrusion into States and I urge my colleagues to vote no on the amendment.

Mr. DURBIN addressed the Chair.

Mr. BAUCUS. Mr. President, I yield 5 minutes to the Senator from Illinois.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. DURBIN. I thank the Chair. Mr. President, I thank the Senator from Montana.

Let me at the outset salute my colleagues, Senator FRANK LAUTENBERG of New Jersey and Senator MIKE DEWINE of Ohio, who are, on a bipartisan basis, offering an amendment today which is critically important to the safety of American families.

America has learned the dangers of drunk driving. Americans understand that we lose one of our neighbors, or one of our children, or one of our friends, or one of the people we work with every 30 minutes to a drunk driver—every 30 minutes. America understands that this law which we are debating will save 500 to 600 lives each year. It will spare countless parents, spouses, and friends from the senseless tragedy of drunk driving deaths.

America understands. Does the U.S. Senate understand? The vote will answer the question in just a few moments.

Let me address the issue of States rights. I don't believe this debate is about States rights. I think it is time, in this particular situation, to reject this well-worn argument when it comes to saving lives.

I can remember this argument about States rights a few years ago when I served in the House because there was a hodgepodge of standards around the United States. In some States you could drink at the age of 18, some at the age of 21, and we decided to make it uniform. The States said this is a mistake, that the Federal Government shouldn't to it, that it is the heavy hand of Central Government trying to impose its will on States. Of course, it made no sense.

In my home State of Illinois, where the kids at night would drive across the border to Wisconsin and drink legally and then drive home drunk, killing themselves and innocent people, it made no sense. We rejected it. We said it will be a national uniform standard drinking age of 21. What we are saying here is that we will have a national uniform standard when it comes to drunk driving.

This debate is not about protecting States rights. This debate is about protecting families that live in every State. It is about protecting families who go on vacation from State to State and worry about their safety. It is about people who go to the store and think it is just a casual trip in the car and find, because of a drunk driver, that a fatal accident or a serious accident resulting. That is what this debate is really about. Families that cross State lines shouldn't fear that there is more danger in one State or the other to drunk drivers.

I think we have to react to the reality of the number of Americans who are losing their lives each year because of drunk driving.

The New York Times probably said it best in the title to its editorial: "One Nation, Drunk or Sober." Should it be a different standard in each State because of the issue of States rights? Can you imagine going to the funeral home, can you imagine meeting with the grieving parents, or the students when someone has lost a classmate, and saying, "I am sorry we cannot do more on drunk driving because it is an issue of States rights?" How empty that argument sounds when we are talking about saving lives.

When you look at the groups that are supporting this, listen to what the Wall Street Journal has to say. This is no liberal organization. It is pretty conservative. And they say:

> Safe alcohol levels should be set by health experts, not the lobby for Hooters and Harrah's. The Lautenberg-DeWine-Lowey amendment isn't a drive toward prohibition but an uphill push toward health consensus.

Then go to the experts—not only the health experts—who will tell you that the impairment of drivers at .08 is a serious matter. They estimate that some 40 percent of all of the alcohol-related accidents occur with people who have been drinking and have imbibed at a level that doesn't quite reach .10 but is at .08, and still is very serious.

Then, of course, go beyond the health experts. Talk to the law enforcement people—the people who respond to these accidents, the people who have to see the tragedy when someone makes a terrible decision to drink and drive and, as a consequence, lives are lost and people are injured. They stand shoulder to shoulder begging us to pass this Lautenberg-DeWine amendment, as does the organization, Mothers Against Drunk Driving.

I want to salute them especially. This is the type of political movement in America which is really, I guess, unique to our country; people who have been touched by tragedy come together and say, "Let's make a difference; let's spare other lives that might be lost." Mothers Against Drunk Drivers, Students Against Drunk Driving in Illinois and around the Nation have really led this debate.

I am happy to stand in support of the Lautenberg-DeWine amendment. I think doing this will not only save lives, but it will put to rest once and for all this empty argument that this is really about States rights. This is about much more. It is about the rights of every family in every State to get on the highway and to realize that they can be safe.

I thank the Chair.

Mr. CHAFEE. Mr. President, I, in control of the opponents' time, yield 5 minutes to the Senator from Wyoming.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. THOMAS. Thank you, Mr. President. I thank the chairman for the time.

Mr. President, we are here again talking about an issue that seems to come up every time there are highway bills and highway funds to be distributed. We always come up with this question of process, of who has the responsibility to make the kinds of laws that would be there.

I am disappointed that some of the speakers just previous have indicated they don't think the States have the ability to make the decisions, that they don't think the State legislatures feel as passionately about drunken driving as we do. I think they do. I have been there. To say, "Well, this is something the States simply can't do, or aren't capable of doing, or don't care about," it seems to me is not fair or balanced.

I think we ought to talk about the process here. And the process is, how do we best deal with States as a Federal entity, in this case, with highway funding? This isn't the first kind of mandate that has been applied. Every time this comes up we have mandates, whether it be highways, helmets, whether it be speed limits—which, by the way, were put on in a similar kind of process and were changed later because it didn't work very well.

There is no one in this place or no one that I know of in the whole country who doesn't want to do more about

preserving safety in driving. There is no one here who cares more about the losses that we have. That is not the issue here. The issue is process, procedure, and what is the proper role in doing it. I think we ought to consider incentives, and we have done that; $25 million of incentives here for the States to do this. But instead we move towards penalties.

We have been through this a number of times, and we are back at it again. I think we ought to give the leadership. And the President wants to give leadership on this issue. Why doesn't he do that as President? We can do that. If this is the proper level, and I do not disagree with it, I would support it in my State, my State legislature. But the process is what we are talking about. Should this body say to the States, "Look, if you want the money that your people pay into the fund, if you want it back, then you have to do what the Congress prescribes"? It is not as if the money came from somewhere else. This money came from the States.

So it is a difficult one and I, frankly, have misgivings about even rising to talk about it, but I do think the system is important. The process is important here, and we ought to really consider it over a period of time, as to how much of this sort of thing we do. We do it each time this arises.

So I think we ought to put on all the pressure that we can. I think we ought to have all the incentives that are possible to move towards safer driving, to move toward doing something about drunk driving losses. But I think we also ought to ask ourselves about where do we stop in this idea of penalizing the States if they do not properly adhere to what this body proclaims they ought to do.

So I appreciate very much the opportunity for us to debate this. I am, of course, a great supporter of this bill, and hope we can move forward with it. I, frankly, hope we can do it without encumbering it with mandates of any kind. I thought we were going to be able to do that this year. The fact is the committee, I think it is fair to say, probably wasn't in support of doing it and therefore it did not come out of the committee that way. But now, of course, we are continuing to work on it. So I hope we can find additional ways, other ways, incentives to move towards .08. I have no objection to that. On the contrary, I support it.

On the other hand, I do think it is necessary for us, over time, to take a strong look at the kinds of processes and procedures that we impose on the States. I am sorry I cannot make as light of States rights as has been made on the floor this morning, as if it does not pertain. It does, in fact, pertain. And we have different kinds of conditions.

Mr. President, I appreciate the time, I thank the chairman for his time, and I look forward to the debate.

The PRESIDING OFFICER. Who yields time? The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, I urge opponents, please come to the floor. We have something like 25 minutes left on the opponents' time. Here is the opportunity that they have to speak. So I urge any opponents who wish to speak to come quickly to the floor. Now is the chance to voice their opposition to the amendment.

Mr. LAUTENBERG addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. I know the Senator from Ohio has been looking for some time. I ask the Senator how much time he needs.

Mr. DEWINE. Let me inquire, if I could, how much time the proponents have left?

The PRESIDING OFFICER. The proponents have a little over 10 minutes. The opponents have a little over 15 minutes.

Mr. LAUTENBERG. I ask the chairman of the committee, the Senator from Rhode Island, whether or not, if he does not have any opposition speakers, he might help us out with a few minutes?

Mr. CHAFEE. Yes; I will be glad to. If there is nobody here who wishes to speak against, and we have time left, I am certainly glad to yield.

Mr. LAUTENBERG. I yield to the Senator from Ohio, 5 minutes.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. DEWINE. Mr. President, I appreciate some of the very eloquent comments that have been made this morning on the Senate floor. I appreciate the comments about States rights. Let me say, though, that there are very few times when we, as Members of the Senate, can come to the floor and cast our votes when we will know that the vote we cast will save lives. That is true in this case. There is absolutely no doubt about it. Lives will be saved and families will be spared the heartache of losing a child or mother or father.

There are other things I think we clearly know and that are not in dispute. That is one. The second is that no one has come to the floor suggesting that a person who tests .08 has any business being behind the wheel of a car. That is not really in dispute at all. No doctor who has looked at this, no emergency room doctor who has looked at it, no police officer who is involved in testing people, pulling them over and seeing what they test and looking at their reflexes, looking at how they act —everyone who has had that experience agrees—at .08, no one should be behind the wheel. If anyone has a doubt about it, think of it this way: If you were at a party and someone had four beers in an hour and you watched him drink those four beers in an hour, and you observed he didn't have anything to eat, four beers in 1 hour, and he looked over after that time and said, "Let me take your little 5-year-old daughter"—my daughter, a 5-year-old, is named Anna—"Let me take her up to the Tastee-Freez and buy her an ice cream cone; I'll drive her up." How many of us would put her in that car? We would not do that. There is no doubt about it. So it is absolutely a reasonable standard.

Does it include social drinkers? We are not talking about one or two beers and a pizza. We are talking about people who have absolutely no business behind the wheel of a car.

I think Ronald Reagan did say it best. I think he had it right in 1984. He supported a similar type concept, and that concept was that there should be a minimum standard across the country for the drinking age, and it should be 21 no matter where you were in the country. He supported that. The great champion of States rights said in this case a national uniform standard will save lives and makes common sense. This is what Ronald Reagan said in 1984 when he signed the bill:

> This problem is much more than just a State problem. It's a national tragedy. There are some special cases in which overwhelming need can be dealt with by prudent and limited Federal influence. In a case like this I have no misgivings about a judicious use of Federal inducements to save precious lives.

It is a minimum standard. It is a rational standard. Doesn't it make sense that when you get in your car and put your family in the car and go on a trip—many of us cross two or three State lines every week; every day, some of us—doesn't it make sense there should be some assurance that there is a minimum standard that exists, no matter where you drive your car in this country? Doesn't that make sense? I think it does.

So, I think it is a question—yes, it is a question of rights. The rights of families, the right to live, the right to have a fair chance on the highway not to have someone come at you who has been drinking and driving. That is what this is all about.

So I urge my colleagues to vote "yes" on this amendment in the vote that will take place in 20 or 25 minutes. It is a rare opportunity among all the things we debate, all the rhetoric—

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. LAUTENBERG. Mr. President, I yield another minute to the Senator from Ohio.

Mr. DEWINE. It is a rare opportunity to save lives. I urge my colleagues to take this rare opportunity and spare a family, spare hundreds of families, life's greatest tragedy, and that is the loss of a loved one.

I yield the floor.

Mrs. FEINSTEIN. Mr. President, I rise today in strong support of the

amendment offered by Senator LAUTENBERG and Senator DEWINE to implement a nationwide .08 blood alcohol level requirement for DUI offenses.

Let me begin by saying that I agree with those who say alcohol consumption—and how much is enough—should be a matter of personal responsibility. Adults should have the common sense to know when enough is enough and when not to get behind the wheel.

Tragically, however, the statistics show common sense is not that common.

In California, we already have the .08 standard and still the accident rates are staggering. According the California Highway Patrol, there were 91,654 DUI arrests and 37,622 DUI accidents in 1996. Also in that year, there were 1,254 fatalities and 35,654 injuries due to DUI-related accidents. Let me remind you this is with the standard we are pushing for in this bill.

To put these statistics in perspective, in California there were 3,555 total traffic fatalities in 1996. Nearly 40 percent of the traffic fatalities in California in 1996 were alcohol related. I understand this is consistent with the national average which show that 41 percent of all traffic fatalities are alcohol related.

According to a MADD survey, 68.8 Americans support lowering the legal blood alcohol limit to .08. That same survey showed that 53 percent of Americans consider drunk drivers to be the nation's number one highway safety problem.

However, when you cut through the numbers, this is really an issue about saving lives and about personal safety. Every American—no matter where they live—has a right to feel safe on our highways. I believe tough DUI laws, including strict blood alcohol limits, do reduce drunk driving and do make our roads safer.

I urge my colleagues to support this amendment.

Mr. LEAHY. Mr. President, drunk drivers are a menace to all of us. Last September, a car driven by an alcohol-impaired teenager went off the road near Montpelier, Vermont, killing teenagers Brian Redmond and Ryan Kitchen. This was a rare enough tragedy in Vermont that it sent the entire state into mourning. Nationwide, however, the story is far different. More than 40 percent of all traffic fatalities are alcohol-related—more than 17,000 in 1996 alone.

I am proud that Vermont is one of only 15 states that already has a .08 blood alcohol standard. Vermonters have a longstanding awareness of the dangers of drunk driving, and I advocated adoption of the toughest state drunk driving laws in the nation while serving as State's Attorney in Chittenden County. Today, Vermont has a state law which lowers the threshold for drivers under the age of 21 to .02 percent, one of the toughest laws in the nation.

The amendment which we are considering will establish a .08 standard in all 50 states. If enacted, states will have three years to enact .08 laws, or they will have a portion of their highway construction funds withheld. With all due respect to the cosponsors of this amendment, I have reservations about this approach. I have always been a senator who believes that, whenever possible, Congress should respect each state's right to govern itself. I am uncomfortable when we in Washington say that we will penalize states financially when they do not behave as we see fit. I think we in Congress use that threat too often. Instead of punishments, we should offer incentives for states to adopt tougher drinking and driving laws. It would be better to offer supplemental transportation resources to those states that meet a higher standard. The rest of the states would follow soon enough once they see their neighbors benefitting from doing the right thing.

Nevertheless, I am convinced that Senator LAUTENBERG's amendment will save lives, just as the .08 standard has saved lives in Vermont. Although this amendment will not directly affect Vermont, I will vote for it. I am convinced that we can send a strong signal to all Americans that there should be one standard for drinking and driving. This nation has made some progress in the war on drinking and driving, and with this legislation we can save still more lives.

Mr. CRAIG. Mr. President, I share the concern of my colleagues from New Jersey and Ohio, and all the cosponsors of this amendment.

I am in complete agreement with the view that there should be a no tolerance policy for drinking and driving. That kind of irresponsibility is inexcusable; the senseless human tragedy it produces is unpardonable. Our laws should be severe enough to deter anyone who thinks he or she can abuse alcohol and drive without impairment. Our law enforcement officials should have the tools they need to locate and stop these accidents waiting to happen.

My state of Idaho is one of the states that has already adopted a blood alcohol content standard of .08 percent. They believed this was a reasonable standard, based on sound data, that would help save lives. Other states have come to the same conclusion and made the same choice.

And that brings me to my point.

While I would support a strong resolution from this Senate denouncing drunk driving or even recommending the adoption of this particular blood alcohol content standard, I cannot endorse this amendment. The federal government should leave this decision to the states, where it constitutionally belongs in the first place.

I am confident if the facts truly support it, this standard will be adopted voluntarily by every state. However, I am not willing to say today that this is the one and only way to solve the terrible problem of drunk driving, nor that it is the best way. We've heard a lot on this floor and from the administration about how our states are "laboratories of ideas." Instead of burdening them with new federal mandates, we should be ensuring they have the maximum freedom and flexibility to work out effective solutions for local problems, especially problems of this magnitude.

In short, transportation dollars that are critical to public safety should not be threatened in order to force states into compliance with the "solution of the day"—no matter how well intended.

While I strongly agree with the goal of stopping drunk driving in America, I strongly disagree with the path this amendment would take to achieve that goal. For all of these reasons, I have no alternative but to vote against this amendment.

Mr. LIEBERMAN. Mr. President, I rise in support of the bi-partisan amendment introduced by Mr. LAUTENBERG and Mr. DEWINE to set a national illegal blood alcohol content (BAC) limit of .08 for drivers over age 21. I am proud to be an original co-sponsor of the bill upon which this amendment is based.

Mr. President, the drunk driving problem is a national disgrace. Its severe emotional and financial costs to society are staggering. In 1996, more than 17,000 Americans died in alcohol-related crashes. That means someone in America loses a loved one every 30 seconds to a driver who is drunk. In 1996, more than 321,000 persons were injured in crashes where police report that alcohol was present.

When you count up the health care costs, lost work, and other economic impacts, alcohol-related crashes also add up to a monetary loss to society of more than $44 billion every year. It's not surprising that a recent survey by Allstate identified drunk driving as the #1 highway safety problem in the eyes of a majority of Americans.

We know that the physical and mental abilities of virtually all drivers are impaired at .08. This impairment includes critical driving tasks such as vision, balance, reaction time and hearing, judgement, and the ability to concentrate. The heightened risk of a crash starts with the first drink, but rises rapidly when BAC is as high as .08. For example, the National Highway Traffic Safety Administration has concluded that, in single-vehicle crashes, the relative risk for drivers with a BAC between .05 and .09 is more than 11 times greater than for drivers with no alcohol in their systems.

Although setting a minimum BAC isn't the only answer to our national drunk driving problem, it's a necessary

part of the solution. Studies show that .08 actually has saved lives where it is law by deterring unsafe drinking behavior. In fact, figures show that even heavy drinkers, who account for a large number of drunk driving arrests, are less likely to get behind the wheel because of .08 laws. We also should remember that .08 makes it easier for police and courts to do their jobs—they are less likely accept excuses when faced with offenders who have BAC levels at or around .10.

A national strategy to require driver safety measures like this one has worked before. We have seen, for example, how earlier national laws that require seat belts and mandate zero tolerance for drinking and driving under age 21 dramatically have reduced driving fatalities. More than an estimated 16,000 lives have been saved since 1975 by the 21 drink age law. It also is very important to remember that the concept of .08 is not new or radical. 15 States already have adopted .08. Many industrialized nations have even lower legal limits ranging from .02 to .08.

Don't be misled by those who may argue that .08 laws prohibit reasonable alcohol consumption. Such is not the experience of States that have adopted this law. To be legally drunk under a .08 standard, a 170-pound male must consume four and a half drinks in an hour and on an empty stomach. That's not what I consider social drinking and that's just not the kind of behavior that most of us who drive would consider safe.

Mr. President, we need .08 BAC as a national limit. Having one mandatory national standard doesn't permit confusion about what's safe and what's reasonable. Pedestrians, passengers, and safe drivers all need protection from drunk drivers no matter where they live.

The PRESIDING OFFICER. Who yields time?

Mr. LAUTENBERG. Mr. President, how much time do we have on our side?

The PRESIDING OFFICER. The proponents of the Lautenberg amendment have about 4½ minutes. Those opposed have about 15 minutes.

Mr. LAUTENBERG. Thank you, Mr. President. I yield myself such time as we have available, with the hope that when the Senator from Rhode Island returns we will be able to—will the Senator from Rhode Island allow 5 minutes to me at this juncture if there is no one else?

Mr. CHAFEE. Yes. I think the Senator has a little time left. Why doesn't he consume that and go into our time for the remainder?

Mr. LAUTENBERG. OK.

Mr. CHAFEE. I think we will have plenty of time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LAUTENBERG. I yield myself as much time as I have available.

First, I ask unanimous consent we add Senator HOLLINGS as a cosponsor of this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LAUTENBERG. Mr. President, we are getting to the point where we are going to wrap up this debate. I thank my friend and colleague from Ohio, Senator MIKE DEWINE, for his support, his commitment, and his work on this issue. He has fought tenaciously to reduce drunk driving. I hope he and I at the end of this debate will be able to shake hands on behalf of the American people and say we have done something good this morning.

I remind our colleagues, as I listen to the debate, about the issues that I hear being discussed. Frankly, it bewilders me, because I stand next to the picture of a child who was 9 when a drunk driver took her life. I hear discussions of process, that the process is the issue. The process is not the issue. The issue is whether or not we want to say to every American parent, "We have done something more to save, perhaps, your child or your grandchild or your sister or your brother." That is the issue, and that is, I hope, what the American people are going to say when they look at the vote count and say, "My Senator stood up for life."

"My Senator," on the other hand, they can brag, "proudly, stood up for process."

Can you imagine in the homes across America, all the people who are going to be applauding because someone stood up for process? It is outrageous. It cannot be that way.

In the balcony sit people I have come to know, people I have come to know very well: Brenda, Randy and Stephanie Frazier—mother, father and sister of Ashley.

I wish I could ask them to speak about their view of process, whether or not they think that process is the thing that we ought to be talking about. Or should we be talking about the loss that they had, that they do not want anyone else to experience.

Before Senators vote on this amendment, I ask them to think about their children and think about the pain that could come from the loss of a child they know and love. Today we can spare parents across this country, in all 50 States, the grief experienced by the Frazier family.

Mr. President, I hope that the happy hour is over for drunk drivers. Every year in this country more people are killed in alcohol-related crashes than were killed in our worst year of fighting in Vietnam. And the country stood in national mourning at that time. By lowering to .08 the blood alcohol level at which a person is considered legally drunk, we can save more than 500 lives each year.

Mr. President, drunk driving is a crime, a crime like assault, like shooting at someone, like murder; and it should be treated with the same severity as other crimes that bring harm or death to another person. We can prevent many injuries and deaths that result from drunk driving by making .08 the national alcohol limit, just like 21 is the drinking age limit across the country. And if we do that, we could save lots of lives, like other westernized countries—like Canada, like Ireland, like Great Britain, Germany and Switzerland. Poland has a .03 BAC, and Sweden .02.

We can make .08 work in America, if we pass this amendment and declare our opposition to violence on our highways. Because it is at .08 that a person's capacity to function is impaired. Their vision, balance, reaction time, judgment, self-control—this is the level at which they are medically drunk. And if they are deemed medically drunk, we ought to deem them legally drunk, in every State, no matter where they live.

Mr. President, the alcohol lobby is trying to bottle up this bill. We are not targeting social drinkers. We are targeting drunk drivers. And when you get drunk, it is your business. But when you get drunk and drive, it is our business. We are not asking people to stop drinking. We are not running a temperance society here. We are asking them not to drive if they are drunk.

The PRESIDING OFFICER. The Senator has consumed all of the proponents' time.

Mr. LAUTENBERG. About 3 more minutes?

Mr. CHAFEE. Yes, 3 more minutes from the opponents' side.

Mr. LAUTENBERG. I thank the Senator from Rhode Island.

By enacting this law, we can stand with our Nation's families and prevent the loss of life that tears a family apart. We can stand with the public interest against the narrow opposition of special interests.

Mr. President, we should do the right thing and pass this amendment. The Washington Post said it this morning in its editorial: The vote is a vote to create "a single, clear certified and effective standard across the country as to what constitutes drunk driving."

Let us vote to protect our children, our families—not drunk drivers. And I ask everybody to take one final look at this beautiful child's face before they cast a vote.

I will yield the floor, but before doing that, Mr. President, I say thank you to my friend and colleague from Rhode Island for his support for this amendment, and also to the Senator from Montana who has been forthright and supportive of this amendment as well.

Mr. President, have the yeas and nays been asked for?

The PRESIDING OFFICER. The yeas and nays have not been.

Mr. LAUTENBERG. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. LAUTENBERG. I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. CHAFEE. Mr. President, I am deeply concerned over the high incidence of highway fatalities in our country that involve alcohol.

In 1996, more than 17,000 lives were lost as a result of alcohol-related collisions out of the 40,000 deaths overall in our country. So that is about nearly half. I believe that this measure will help reduce that.

I understand the views of the opponents who think that it should be left to the States. But when you have a small State such as mine where there are people who are constantly going into the neighboring States, back and forth, it seems to me that in order to make our highways safer, and which obviously involves out-of-Staters, a law such as this is necessary. So I support it, Mr. President.

Mr. President, I am pleased to join with my colleagues from New Jersey, Senator LAUTENBERG, and from Ohio, Senator DEWINE, in support of the amendment to strengthen drunk driving laws throughout the Nation.

I am very concerned about the safety of our nation's highways. I am particularly troubled by the high incidence of highway motor vehicle injuries and fatalities involving alcohol. The statistics are truly alarming. In 1996, more than 17,000 lives were lost on our nation's highways as a result of alcohol-related collisions. This represents nearly half of the 40,000 fatalities that occur on U.S. highways every year. The real tragedy, however, is that drunk driving accidents are completely avoidable.

This amendment would strengthen drunk driving laws across the country and dramatically reduce the number of fatalities attributable to driving while intoxicated. The amendment specifically targets those states that have not enacted a .08 blood alcohol content (BAC) drunk driving law.

In 1997, the National Highway Transportation Safety Administration (NHTSA) issued a report entitled "Setting Limits, Saving lives: The Case for .08 BAC Laws." The report cited studies which indicate that virtually all drivers, regardless of skill, are significantly impaired at the .08 BAC level. At that level, basic driving skills such as braking, steering and speed control, as well as judgment, reaction time, and focused attention are adversely affected.

Contrary to the claims of those who oppose this amendment, the .08 standard does not punish social drinking. To exceed the .08 limit, one would need to consume an excessive amount of alcohol. The NHTSA report includes an example. In order to exceed the .08 BAC level, a 170 pound male would need to consume more than four drinks in an hour, while a 137-pound woman would need to consume three drinks, the report indicates.

Despite these statistics, 35 states still maintain the higher .10 standard before someone is considered legally drunk—and that puts many lives at risk. Drunk drivers not only risk their own lives, but the lives of every other motorist on the road. The .08 level is a sensible approach to preventing senseless tragedies on our nation's roadways. I urge my colleagues to support this amendment. Thank you.

Mr. President, I know the Senator from Oklahoma would like some time. And the opponents have 10 minutes?

The PRESIDING OFFICER. The opponents have 10 minutes remaining.

Who yields time?

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, parliamentary inquiry. Is the situation such that we are going to vote either up or down on the amendment or a motion to table the amendment?

The PRESIDING OFFICER. A motion to table could be made.

Mr. NICKLES. I understand. Is the amendment amendable?

The PRESIDING OFFICER. If the motion to table fails, it will then be subject to amendment.

Mr. NICKLES. Is it subject to amendment prior to a motion to table?

The PRESIDING OFFICER. The unanimous consent agreement prohibits that at the present time.

Mr. NICKLES. I understand.

Mr. President, one of the reasons why I rise in opposition to the amendment is, the penalty is too hard. I care just as much about the child that Senator LAUTENBERG alluded to as anybody else. I care just as much about wanting to eliminate drunk driving as anybody in this Chamber.

The penalty under this bill is too harsh. And 10 percent of the highway funds is—looking at any State—the State of Texas is $1 billion over 6 years. That is a pretty big penalty. The penalty in my State of Oklahoma is $200 million. That is a pretty big penalty.

The reason why I was asking or inquiring about is it amendable is that maybe we should change the penalty from 5 percent and 10 percent to half a percent and 1 percent. You are still talking about real money that would be a real incentive, but 10 percent is too high. In other words, we want to encourage States.

I mention the Commerce Committee amendment has an incentive program. It is not a lot. I think we found out from staff—I did not know when I made my earlier comments—$25 million, not much of a carrot, a little bit of a carrot. So we encourage States to do it. Maybe that should be enhanced a little bit.

But I look at the draconian penalties in this thing. This thing is really a dagger at the highway program to take 10 percent of the funds. In the State of Michigan you are talking about $477 million. That is a lot of money. I mean, so the penalties, in my opinion, are too high.

The reason why I was inquiring about a second-degree amendment is maybe we should change the penalty and make it 1 percent or 2 percent instead of 10 percent. I think it is too much of a gun at the head of the States and saying, "You have to do this or you're going to lose hundreds of millions of dollars."

The State of Texas would lose $1 billion over 6 years. The State of California over $1 billion. For the State of California it would be $1.3 billion over a 6-year period of time. That is a lot of money.

So I understand the desire that some people want to Federalize alcohol-content crimes. That, I believe, should be left in the State's jurisdiction. I kind of wonder, if you have States that are not complying—maybe the States are going to change their law but do not really enforce it. Are we going to have the Federal Government come in and say, "Wait a minute. Now you're going to have to monitor the amount of enforcement"?

We cannot have the State of Rhode Island say, well, they are going to change the law but not really enforce it until you get over the .1. I do not know that that would happen, but I question the wisdom of Federalizing blood alcohol content.

It has not been a Federal crime. It has not been a Federal incidence. Now we are saying the Federal Government is telling the States, you have to do this or you will lose hundreds of millions of dollars—in some States billions of dollars. I think it is overkill. I think it is too punitive. I think we should consider—and maybe we will not do it now; I know the bill has a little ways to go; it still has the conference—but if this provision is going to be in, I think we should reduce the penalties.

I think it is far too harsh. It is too much of a dictate, too much of a mandate, too much trampling on, I believe, of the Federal Government saying, "Before you get your money back, you must do the following: Before you get your highway money back, we're going to put an additional string on it, an additional penalty, up to 10 percent, which is hundreds of millions of dollars." I think it goes too far.

So, Mr. President, one other comment. My colleagues alluded to the fact that in 1984 we did something comparable, and we had a national drinking age of 21. Now, it might surprise

some of my colleagues on the other side. I supported that. And the reason is, I live very close to the border in Oklahoma. And Oklahoma had a 21; Kansas had an 18. And we had people running back and forth across the State line to take advantage of that situation. Not a very safe situation. So I supported it.

I saw some differences in that provision, although the penalty was still very high. It was too high then, in my opinion. This, I think, is a little bit different. Now we are Federalizing blood alcohol content, and I seriously doubt the wisdom of doing that. And we are putting far too heavy of a burden on the States for noncompliance.

Again, for those of us that read the Constitution and say all of the rights and powers are reserved to States and the people, I think some of our colleagues and proponents, who have very good intentions, in the bill are saying, there is a problem and, therefore, we have to have a Federal solution. We are going to use the heavy hand of the Federal Government and withhold funds that come from the States, come from the people, and say, you cannot have that money back unless you do as we determine what is proper. I think that is a mistake.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. CHAFEE. Mr. President, we have additional time for opponents. How much time is there for the opponents?

The PRESIDING OFFICER. Four and a half minutes.

Mr. CHAFEE. Four and a half minutes. So now is the time. Again, I urge any opponents to please come to the floor and use that time.

Mr. DORGAN. I wonder if the Senator from Rhode Island would yield for a question?

Mr. CHAFEE. Yes.

Mr. DORGAN. I am a supporter of the amendment, but I am wondering if I might use one minute if no one else is seeking recognition.

Mr. CHAFEE. Yes. Let us leave it this way: The Senator from South Dakota can proceed. If somebody comes in on this side and wants to speak in opposition, then I would appreciate it if the Senator would then yield.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. DORGAN. I thank the Senator from Rhode Island.

The Senator from Oklahoma was discussing the 21-year-old drinking age. That was established in legislation by Congress some long while ago. In fact, I believe the provisions in that bill, with respect to penalties for those States that would not comply, are identical to the provisions of the penalties in this bill.

We have decided, as a country, there are certain things that are national in scope. Our road program is a national program, a program of priorities. And I think this amendment simply says, let us determine what represents drunk driving so that you are not driving in one State versus another, and come up to an intersection, when you cross the State line, and find someone driving down the road that is drunk but in fact is not legally drunk because that State has a different set of rules.

In fact, you can now—and I hope to change this—you can now drive and drink in five States. In five States you can put a whiskey bottle in one hand and a driver's wheel in the other and drive down the road and you are legal. In over 20 States someone else in the car can have a party while the driver drives as long as the driver does not drink.

I also will propose, following this amendment at some point, that in every State in this country we have a prohibition on open containers of alcohol in vehicles. So the point I wanted to make with respect to the comments by the previous speaker was, we have tried incentive programs.

For example, a number of years ago we had an incentive program. Incentive grants were established, since the early 1990s, with respect to trying to persuade the States to pass legislation prohibiting open containers in vehicles. We have said, we want incentives to be available to prevent open containers in vehicles and pass legislation to prevent open containers in vehicles. Despite that, in 1998, 22 States still prohibit open containers in vehicles. Incentives do not work. I do not think we ought to talk about incentives on this issue. And alcohol and vehicles do not mix.

No one in America should be able to drive and drink at the same time. Yet in five States you can. Nowhere in America should a car be driven down the road to meet anyone here, their families or anyone in America, and then at the next intersection have, if not the driver drinking, the rest of the people in the car with open containers of alcohol. If we don't decide to have the will to at least require that in this country, then we will not stop the carnage on American roads.

I appreciate the Senator offering the amendment. I intend to support it and I hope my colleagues will support it, as well.

Mr. CHAFEE. How much time remains?

The PRESIDING OFFICER. There is 1 minute remaining.

Mr. CHAFEE. One minute for the opponents. I see no one prepared to take that time. If somebody from the proponents wishes to use it, with the understanding that as soon as an opponent appears they will yield——

Mr. LAUTENBERG. By the time we finish with the 1 minute—we could yield back all 37 seconds that remain.

Mr. CHAFEE. Do you want to speak now?

Mr. LAUTENBERG. I thank the Senator from Rhode Island.

The arguments have been made abundantly clear. We are talking about something that will save lives. We are talking, on the other hand, about whether or not the process is appropriate or whether or not the penalties are too high.

I submit to Members that there is no penalty too high to permit a child like this to live a full life. No penalty too severe. I think when Senators vote here, that is what they ought to be thinking about—thinking about the people back home and how they will react to a vote they are making here.

The PRESIDING OFFICER (Mr. SMITH of Oregon). All time has expired. The question is on agreeing to the amendment. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCAIN (when his name was called). Present.

Mr. BAUCUS. Mr. President, on this vote I have a pair with the Senator from Hawaii, Mr. INOUYE. If he were present and voting, he would vote "yea." If I were permitted to vote, I would vote "nay." Therefore, I withhold my vote.

Mr. NICKLES. I announce that the Senator from Kansas (Mr. ROBERTS) and the Senator from Vermont (Mr. JEFFORDS) are necessarily absent.

Mr. FORD. I announce that the Senator from Ohio (Mr. GLENN) is necessarily absent.

On this vote, the Senator from Montana (Mr. BAUCUS) is paired with the Senator from Hawaii (Mr. INOUYE).

If present and voting, the Senator from Hawaii would vote "yea" and the Senator from Montana would vote "nay."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 62, nays 32, as follows:

[Rollcall Vote No. 20 Leg.]

YEAS—62

Abraham	Durbin	McConnell
Akaka	Faircloth	Mikulski
Biden	Feinstein	Moseley-Braun
Bingaman	Frist	Moynihan
Bond	Gorton	Murkowski
Boxer	Gramm	Murray
Breaux	Harkin	Reed
Bumpers	Hatch	Robb
Byrd	Helms	Rockefeller
Chafee	Hollings	Roth
Cleland	Hutchison	Sarbanes
Coats	Johnson	Shelby
Collins	Kennedy	Smith (OR)
Conrad	Kerrey	Snowe
Coverdell	Kerry	Specter
D'Amato	Kohl	Stevens
Daschle	Lautenberg	Torricelli
DeWine	Leahy	Warner
Dodd	Levin	Wellstone
Domenici	Lieberman	Wyden
Dorgan	Lugar	

NAYS—32

Allard	Bennett	Bryan
Ashcroft	Brownback	Burns

Campbell	Gregg	Nickles
Cochran	Hagel	Reid
Craig	Hutchinson	Santorum
Enzi	Inhofe	Sessions
Feingold	Kempthorne	Smith (NH)
Ford	Kyl	Thomas
Graham	Landrieu	Thompson
Grams	Lott	Thurmond
Grassley	Mack	

ANSWERED "PRESENT"—1

McCain

PRESENT AND GIVING A LIVE PAIR—1

Baucus, against

NOT VOTING—4

Glenn	Jeffords
Inouye	Roberts

The amendment (No. 1682) was agreed to.

Mr. CHAFEE. Mr. President, I move to reconsider the vote.

Mr. BAUCUS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. CHAFEE. Mr. President, I just want to point out to the Members what the next order of business will be. We now will take up the funding amendment that provided a good deal of additional money for a whole series of States, every State, and we would like, obviously, to get a time agreement on that, but we are having some trouble doing it. We are going to get started nonetheless.

AMENDMENT NO. 1684 TO AMENDMENT NO. 1676

(Purpose: To provide for the distribution of additional funds for the Federal-aid highway program.)

Mr. CHAFEE. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Rhode Island [Mr. CHAFEE], for himself, Mr. LOTT, Mr. DASCHLE, Mr. BYRD, Mr. GRAMM, Mr. BAUCUS, Mr. WARNER, Mr. SMITH of New Hampshire, Mr. KEMPTHORNE, Mr. THOMAS, Mr. BOND, Mr. HUTCHINSON, Mr. MOYNIHAN, Mr. LAUTENBERG, Mr. REID, and Mr. LIEBERMAN, proposes an amendment numbered 1684 to Amendment No. 1676.

Mr. CHAFEE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. CHAFEE. Mr. President, yesterday, the Committee on Environment and Public Works held an important meeting on the pending business before the Senate; namely, the underlying legislation, S. 1173, the Intermodal Surface Transportation Efficiency Act of 1997. During yesterday's business meeting, the committee agreed unanimously, the 18 members of the committee voted 18–0, to adopt an amendment to S. 1173, which will provide an additional $25.9 billion for the Nation's highway programs over the next 5 years. The additional funds will bring the total authorization for highways in the bill to $171 billion.

As I mentioned last Thursday in my opening statement on ISTEA II, which is how we will refer to the underlying legislation, the majority leader, Senator LOTT, and Senators DOMENICI, D'AMATO, BYRD, GRAMM, WARNER, BAUCUS, and I have been working to try to resolve the difficult issue of how much additional funding should be directed to transportation. We have participated in a challenging but ultimately productive set of meetings. Although I am not an advocate of spending the 4.3 cents gasoline tax on highways, I believe that the agreement we reached is a fair one that will allow the Senate to complete its work on ISTEA in a timely fashion.

The principal question on everyone's mind is how this additional funding will be allocated among the 50 States and various ISTEA programs. I am pleased that the amendment before us distributes the new money in a manner that is responsible to all States and to all regions of the country. Moreover, the committee amendment does not affect the allocations or program structure in the underlying ISTEA II bill. The lion's share of the additional funds, $18.9 billion, goes to all 50 States in the same proportion as the formulas under S. 1173.

Before we proceed, I want to outline the package adopted by the committee yesterday. To make the bill fairer, the committee amendment provides additional funds for those States that did not fare as well as the majority of the States in S. 1173.

First of all, this amendment does address the inequities of the so-called donor States, those States that contribute more money to the highway trust fund than they receive from the Federal aid highway program. The underlying bill, S. 1173, as reported, guaranteed that each State would receive at least 90 cents in return for every dollar allocated to the States from the trust fund. The amendment before us includes an additional $1.9 billion over the life of the bill to ensure that each State receives at least 91 cents in return.

Now, the States that will benefit from this donor State bonus are the following: Alabama, Arizona, California, Florida, Georgia, Illinois, Indiana, Kentucky, Maryland, Michigan, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, and Wisconsin. These States have complete flexibility to use the additional funds for any purpose authorized under title 23, which is the Federal aid highway title of the U.S. Code. That is the first thing we did.

Second, there are a number of densely populated States, such as California, Illinois, and New Jersey, where high volumes of traffic clog the roads and high repair costs impede routine maintenance. The committee amendment provides an additional $1.8 billion over the next 5 years for these high-density States. The additional funds may be spent for any purpose authorized under title 23 to relieve the terrible congestion problems and address tremendous infrastructure needs.

Those States which are neither donor States nor high-density States also may spend a percentage, 22 percent, of the additional funds they receive pursuant to this amendment for any purpose authorized under title 23.

The committee amendment also provides additional funds for those ISTEA programs directed to regions of the country with unique needs. For instance, the Appalachian Development Highway System was first authorized in law in 1965, but is not yet completed. The committee amendment provides an additional $1.89 billion for the Appalachian Highway Program for fiscal years 1999 through 2003 to help complete the 3,025 mile system.

Second, as a result of the implementation of the North American Free Trade Agreement (NAFTA) and other key trade agreements, states along the Mexican and Canadian borders have experienced a substantial increase in truck traffic. The increased traffic and congestion along these routes has put a heavy burden on the corridors that connect border locations and other ports of entry. The committee amendment provides $450 million over the next five years in contract authority for the nation's border infrastructure and trade corridors.

Third, the roads that run through the nation's parks, Indian reservations, and other public lands are in great need of maintenance and repair. The committee amendment provides an additional $850 million over 5 years for the Federal Lands Highway Program.

This is in addition to the money that was included in the bill originally as we submitted it.

Of the $850 million total, the committee amendment provides $50 million per year for fiscal years 1999 through 2003 to help address the mounting needs of the nation's 49,000 miles of Indian reservation roads. An additional $50 million per year for the next 5 years, is provided for the Public Lands Highway Program, which funds Forest Service roads and other public roads that run through federal lands.

The remaining $350 million in the Federal Lands portion of the committee amendment is directed to the Park Roads and Park Ways Program. An integral part of our National Parks System is the 8,000 miles of park roads and parkways that make the splendor of these national treasures accessible to all Americans. Fifty million dollars of the $70 million annually for the Park

Roads and Parkways Program is directed to these roads that run through our national park system.

The remaining $20 million per year is set-aside to address the backlog of needs for the roads in our National Wildlife Refuge System. I am delighted that the committee has agreed to include this additional funding for the 4,250 miles of refuge roads within the system. Indeed, the National Wildlife Refuge System, which is administered by the Fish and Wildlife Service, plays a pivotal role in the conservation of fish and wildlife resources throughout the country. The additional funds provided in the committee amendment will allow the Service to better focus its appropriations on the core mission of protecting fish and wildlife and their habitats.

Mr. President, before closing, I want to thank all of the members of the committee for their diligence and cooperation in adopting the amendment before us.

I see Senator WARNER here, who has been a very valuable ally and originator, actually, of much that is in this legislation.

I thank them all for their diligence and cooperation in adopting the amendment before us. I thank the majority leader, Senator LOTT, who presided over the negotiations in which we arrived at this compromise; Senator BYRD, Senator WARNER, whom I previously mentioned, Senator BAUCUS, the ranking member of the full committee, who has been so helpful, Senator GRAMM, and particularly Senator DOMENICI. All I thank for their determination and resolve during our discussions.

I urge my colleagues in the Senate to support the amendment before us so we can proceed to the business at hand and enact an ISTEA II bill which will bring the Nation's transportation system into the next century.

I thank the Chair.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER (Mr. HUTCHINSON). The Senator from Virginia.

Mr. WARNER. Mr. President, I want to defer to the distinguishing ranking member. Then I shall follow dutifully the seniority of our committee.

First, I thank the chairman, and I will include those remarks.

But we have on the floor here the distinguished senior Senator from South Carolina, the President pro tempore, who has counseled with me, and other members of the committee, on a regular basis concerning this. The distinguished Senator represents South Carolina, which is in the category of a donor State, as is the State of Virginia. I wish to assure the senior Senator from South Carolina—and perhaps the chairman can join me—that his State will receive an allocation of 91 percent under the formulation that I and others have worked out. We, in the course of the recalculation, specifically asked the chairman and the distinguished ranking member, as, over the weekend, we reworked the formula. It was my desire to raise the level from 90 to 91 percent with respect to as many donor States as we could achieve. But according to my calculations, I represent to the distinguished Senator from South Carolina that his State has achieved a 91 percent mark.

Mr. BAUCUS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, may I say, as chairman of the Transportation Subcommittee, that the answer is yes. In fact, currently there are a good number of States—so-called "donor" States—which contribute more to the highway trust fund than they receive in terms of highway allocations. They receive actually less than 90 percent. There are some States down around the 80s. One, I think, is 76 percent. I am not sure about South Carolina. But the bill that passed the committee made sure that there is a floor of 90 percent—that donor States get at least 90 percent. Through the able efforts of the Senator from Virginia, and others—Virginia is often a donor State—that was then raised to 91 percent.

This was one of the areas of concern that we on the committee had when we considered additional money under the Byrd-Gramm-Warner-Baucus amendment; that is, there are some States that felt they needed additional money because of high density, and others because they are donor States. There are some Western States that felt because they are public land States they should get some, too. And then the Appalachian Regional Commission felt that there was not enough money in the underlying bill. So the amendment would give a little more to Appalachia.

But the long and short of it is that South Carolina, and all donor States, will, under the amendment now pending, combined with the underlying bill, receive at least 91 percent. Technically, it is 91 percent of the percentage of their contribution of the funds that are allocated, but for all intents and purposes, it is raised from 90 percent to 91 percent.

Mr. President, while I have the floor, I would like to follow on the points made by the very distinguished and able chairman of the committee, Senator CHAFEE, very generally. Several of us—Senator CHAFEE, myself, Senator BYRD, Senator GRAMM, Senator WARNER, Senator DOMENICI, and, most particularly, the majority leader, Senator TRENT LOTT, met many, many times over the last several weeks to find a fair way to distribute dollars that would be raised in the act transferring 4.3 cents of the gasoline tax to the trust fund, and then back to the States.

Essentially, we came up with a program dealing first with States that had legitimate concerns as a consequence of the committee bill and then distributing the rest back to the States according to the percentage share that they were receiving under the bill so as not to give any favoritism to anyone in place.

That is what we did. It is an agreement that was agreed to by all the main parties. We, at the same time, talked with many other Senators who were not part of this conversation in order to have a result that reflected fairness to regions in all parts of the country.

It is also an agreement agreed to by Senator DOMENICI, the very, very able chairman of the Senate Budget Committee. He said he would find a way with these increases to come up with a balanced budget resolution that does not exceed the caps in the budget resolution so that those who are concerned that this additional money might "bust the budget" may rest much more assured that is not the case. If anybody can find a way to not balance the budget and not bust the caps and get the rest of the additional money because of this amendment, certainly Senator DOMENICI can do that.

I might add, Mr. President, that these issues are never easy. Every State feels that it should have a few more highway dollars, and every State feels that its share is not quite as fair as the share of other States. There is no magic in this. It is just a matter of looking at all the claims, all the equities, and all the differences in different parts of the country. Some States are donor States and some States are donee States. Others have completed their interstate highways later, rather than earlier. Some States have real bridge problems that need to be addressed. Some States, like in ours, in the West, next to public lands, count on a lot of tourists who visit our States. For example, in the State of Montana, there is tourism with tourists going to visit Yellowstone or Glacier Parks. Some tourists pay a little bit of Montana tax to the degree that they travel in our State. But we in Montana have to pay a lot to maintain those highways. So it is adding all of those equities together as best we possibly can.

On the numbers again, just so everyone is clear, the underlying bill spends about $145 billion in contract authority over 6 years on the highway program. The amendment that we are now addressing, that is before the body, adds $6 billion for a total $171 billion in contract authority that would be spent allocated among the States.

I do not want to get too technical about this, but contract authority is not exactly the same as obligation limitations or outlays, which is to say that the Budget Committee will determine what those obligation limitations

are. The Appropriations Committee will then decide how much of the total it can spend. The Appropriations Committee will not be bound to spend the full $171 billion unless it wants to. The Appropriations Committee can spend a little less, if it decides in its determination that it is more appropriate because it will have to find some offsets to spend this additional money. Obviously, there will be some compelling needs with the Budget Committee with other ideas and other programs, but still with the contract authority set at $171 billion over 6 years, there is a tremendous incentive for the Budget Committee and the Appropriations Committee to spend—allocate outlays—the actual dollars going to the States to build highways at a level very close to $171 billion—not entirely, but very, very close.

This underlying bill, Mr. President, I remind Senators, is much, much more flexible than the current highway program. The current highway program has 11 separate categories that are pretty rigid; somewhat inflexible. They give State highway departments gray hairs sometimes, because one State's needs—say that were Arkansas—is a little bit different from another State's needs—let's say Montana or Rhode Island or Virginia or South Carolina.

So we collapsed those 11 categories into 6. And the six are now much more flexible, very flexible. For example, one of the main categories is called "surface transportation account." You can take money out of that for Amtrak, if you want. You can take money out of that for mass transit, if you want. You can spend more on enhancements, if you wish. There is a lot of flexibility here, flexibility that the States have, much more flexibility given to States than is the case under the current highway bill. The departments of transportation commissioners wanted this. It makes sense to the committee that much more delegation of flexibility be given to the States.

For those who are concerned about the Congestion Mitigation Air Quality Program, CMAQ, actually there are more dollars in this bill than the current CMAQ program. CMAQ is important because we want to make sure that building more highways is consistent with improving air quality. We passed the Clean Air Act in 1991, telling States and cities that are not in attainment to undertake certain actions to bring their air quality standards into compliance. Obviously, if you build a lot more lanes, have a lot more traffic in the city, more cars, more auto emissions, sometimes it is inconsistent with the goals of air quality improvement. So, basically, the CMAQ money is there to help deal with that problem.

And, I might say, in the first category, called "interstate maintenance," called "national highway system money," there is a restriction: You cannot build additional lanes for single occupancy. You can for HOV lanes, again to address congestion and air quality problems, but you cannot build lanes just for single-occupancy cars. Again, we are trying to merge two competing programs together.

I might say, this is particularly important, this amendment, to my State of Montana. We are a big State. We don't have a lot of people. In fact, we have more miles per capita of highways than any other State in the Nation. Our State gasoline tax is the third highest in the Nation. We are paying for our highways as best as we possibly can. We are not a big industrial State. In fact, we are a relatively poor State. I am embarrassed to say this, but Montana, today, ranks 46th in the Nation for per capita income. We were 35th, 36th, not too many years ago. We are now down to 46th.

It is tough. We don't have the money in Montana to pay for our roads, and this is going to go a long way. Mr. President, 90 percent of the households in Montana make multiple trips of over 100 miles each year, and that is compared with a national average of 80 percent. As I say, tourists come to Montana—actually it's 8 million visitors who come to visit our State. It is beautiful. Glacier National Park in the summertime—a lot of people come to fish and camp out and bring their families from all over the country. In the winter, of course, there is skiing, whether it's downhill, cross-country, or snowmobiling, which is very popular in our State.

I will just sum up by saying, as much as it sounds like we spend a lot of money on highways, in the larger context this really is not enough. Today, the United States spends, State, local and Federal combined, about $34 billion a year on our highways. The Department of Transportation did a needs study, what is needed to be spent just to maintain the current condition of our highways, recognizing winter and summer things get beat up and so on and so forth. They concluded that about $54 billion a year should be spent just to maintain the current level of maintenance of America's highway system. So if we want to do better, we should spend, according to the Department of Transportation, maybe $70 billion a year, so as to improve our highway system, to keep up with the highway system in Germany, for example, and some other countries that spend a lot of money on their highways.

Of course, their gasoline taxes are much higher than they are in the United States, but those dollars go to improve their highways. That is a decision that those countries have made. We are spending $171 billion over 6 years. That is a far cry from $60, $70 billion over 1 year. It is just an example of what other countries are doing compared with what our needs are, to explain that the current bill, as important as it is, is probably not enough if we wanted to improve upon our current system.

I am going to yield the floor to whoever wants to speak here. Again, I thank all those who worked very hard on this and hope we can conclude this bill very quickly, because we have to go to conference on the House-passed bill whenever they pass their bill. By May 1, the bill has to be signed by the President. By May 1, that's when the current program expires. We were a bit derelict last year in the Senate when we did not pass the highway bill even though the program expired June 30 of last year. We got tied up on campaign finance reform, and we agreed to move the transportation bill up to one of the first orders of business in 1998. That slipped a little, but fortunately here we are.

It is very important that we move expeditiously to meet our Nation's needs and satisfy Americans who want to be assured that we have the highway program in place, a solid 6-year program, so contractors can plan and State departments of transportation can plan ahead and we do not have to worry about this on-again/off again problem that we are currently facing with our program. So I hope we do move very expeditiously to pass not only this amendment but the full bill so we can get on to work with the House in the conference and pass the bill.

I yield the floor.

Mr. WARNER. Mr. President, I wonder if the Senator will engage in a colloquy? As subcommittee chairman—fortunately, I have had as my ranking member the distinguished Senator from Montana from the very first day of the consideration of this bill in the Environment Committee, and of course we initiated the work in the subcommittee. The Senator from Montana and I decided that we were not going to seek retribution for some of the inequities in the 1991 ISTEA, but we were going to try to establish a formula and other provisions in the bill which brought about the greatest equity achievable, in a bipartisan way, in this piece of legislation. I feel that we have remained true to that fundamental principle that the Senator from Montana and I laid down on day 1.

Do you share that view?

Mr. BAUCUS. I answer the point of the very distinguished Senator from Virginia that I very much do. I might remind the Senator of several facts which substantiate his point.

No. 1, the current highway program is based on very dated data. It is based on the 1980 census. We even have in here the 1916 postal road formula—that is in the current law. Of course, the bill we are passing today brings it up to date.

Mr. WARNER. Mr. President, I have even used the example, the pony express was still in here someplace.

Mr. BAUCUS. Once we get this legislation passed, we are out of the pony express era because we will have current data, data reflecting how many miles people travel in their State, lane miles, vehicle miles, et cetera. That is a formula based on the actual usage and needs in the State, which is critical.

In addition to that, I might add to my distinguished friend that there were earlier separate competing bills. There was a STEP 21 bill sponsored by the Senator from Virginia; there was a STARS 2000 bill, which had a little Western influence; there was ISTEA-Plus, I think the name of it was, or the ISTEA bill which was sponsored by the northeastern Members of the Senate.

With the leadership of Senator WARNER we were able to bring the three bills together. We didn't favor one region over another. On a very bipartisan basis, you on your side and I on my side, along with Senator CHAFEE, had to come up with a bill which is fair to America, fairest to the country.

We passed our bill out of committee. Even though we did the very best we could, there were still some Senators who had some concerns. Some of them were off the committee. We dealt with those concerns with this amendment on a very bipartisan basis.

Mr. WARNER. I thank my colleague, because I felt as a trustee of these funds—and when you and I, for example, joined on the first amendment to try to add additional funding, we were going to win that when, obviously, leadership was able to persuade one or two colleagues and we came within one vote, to my recollection.

Then along came the distinguished senior Senator from Texas and our distinguished former majority leader, the distinguished Senator from West Virginia, and you and I joined in that effort, even though we were at odds with our distinguished chairman and other members of the committee. We felt it was imperative to add these funds. With the add-on, I want to make clear, we left the basic formula intact, 90 percent intact, and simply superimposed this amendment on top.

Again, under the guidance of the distinguished chairman of the committee and yourself—and I had a voice in it, of course—we again tried to achieve equity. I specifically asked the chairman to make certain that in the recalculation, over the weekend, we get as many States as possible above the 90 to 91 percent. I think we have done that. There may be some 90.8, some fraction. But in order to achieve the fundamental equity, we did our very best in superimposing this add-on, on the undisturbed basic bill, as the allocations were made up in that bill.

Mr. BAUCUS. That is exactly right. In fact, in a nutshell, we believe it is only fair to the American people that a portion of the gasoline tax that goes to the trust fund be allocated to the States. We took that amount, 3.45 cents, and essentially allocated it according to the provisions of the underlying bill without changing the formulas, making a couple of minor changes to accommodate some legitimate concerns of Senators. That is basically what we have done. Frankly, I cannot think of a fairer way to do it.

I am also reminded there is sort of a feeling in the room, and also the feeling in the committee when we acted on this in the room where we put this together—you can tell when it's fair or not fair. Everybody was happy and felt good. It felt good. Also, in the committee, when the committee reported out this amendment, you could tell, too, it passed unanimously with Senators all around, as the Senator well knows.

Mr. WARNER. That's owing to the leadership of Senator CHAFEE, in the first bill, and you—Senator CHAFEE and you as ranking. When we brought, shall we say, the subcommittee bill, before the full committee, I was astonished we got a unanimous vote.

Mr. BAUCUS. I was, too.

Mr. WARNER. Now with Senator CHAFEE's leadership, we got another unanimous vote in our committee. But I have felt the will of the entire Senate was represented in various groups on our committee. We listened carefully, took things into consideration, and did the best we could. I am urging Senators to support this amendment. But I caution those who want to come and perhaps give their own proposal, be careful, because once you take one part of this formula and move it, you will be surprised how all the States begin to go up and down in other areas of the calculations.

So, I think the Senate will have to repose a lot of trust in our committee. But that trust is predicated on the principle of fairness that we started with when the first word of this bill was placed down by the subcommittee, and it has transcended—that concept of fairness is throughout our work.

I thank my distinguished colleague.

Mr. BAUCUS. I thank the Senator.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, I rise in support of the amendment. I thank my colleagues, each of those who are on the floor, and my dear colleague from West Virginia, Senator BYRD, who is not here, for their leadership in bringing us to the point at which we find ourselves today.

What I would like to do is to explain the problem we sought to deal with, say a little bit about how we came to be at this point, and then try to explain why every Member of the Senate should rejoice that we have reached a point where we are going to take a very dramatic step in terms of improving the quality of America's highways and, in doing so, improve their safety, their efficiency, and not only save the lives of thousands of our fellow citizens, but improve the lives of tens of millions of Americans who use our highways.

I entered this debate over one simple issue, and I have always viewed it as an issue that has to do with honesty in Government and equity. The issue that I entered the debate on, along with Senator BYRD and joined by Senator BAUCUS and Senator WARNER, was an issue that boils down to basic trust. And that is, people go to the filling station and, in a lot of States in the Union, that little clip that you used to put on the nozzle where you could pump the gas and go on about your business and do something else, many States have taken that clip off. So you often find yourself standing there holding this nozzle, and every once in a while, in desperation, somebody reads the gasoline pump.

When you read the gasoline pump, it sort of gives the good news and the bad news story. The bad news is a third of the cost of buying a gallon of gasoline in America is taxes. The good news is, at least, as it says it on the pump, that the gasoline tax is a user fee and that user fee is used to build roads. So while you should be unhappy that a third of the cost of a gallon of gasoline is going to pay taxes, you should be happy with the fact that at least those taxes are going to build the very roads that you are going to ride on in burning up that gasoline that you are buying.

I entered this debate because the bad news is true, a third of the cost of a gallon of gasoline is, in fact, taxes, but today it is not true that all those taxes go to build roads. In fact, beginning in the 1990s, the Federal Government started diverting highway trust funds to other use. So we collected gasoline taxes, those moneys were put into the trust fund, but by not spending those moneys on highways, we were able to spend those moneys on other things.

Then, in 1993, the Congress adopted the first permanent gasoline tax in American history since we had the highway trust fund where the money went to general revenues, and so the money was spent and none of it was spent on highways.

That produced a situation by this year where roughly 25 to 30 cents out of every dollar paid by every American in gasoline taxes goes not to build roads but to fund other expenditures of the Federal Government.

Senator BYRD and I started this debate because we believed that that was dishonest. We believed that the Government was deceiving the American people, and we thought it was wrong. We thought it was wrong to take a dedicated tax and spend it on general Government rather than spending it

for the purpose to which Americans had been led to believe that they were paying the tax.

Our first victory in this roughly 2-year effort was on the tax bill last year where we were able to take that 4.3-cent-a-gallon tax on gasoline away from general revenue and put it back into the highway trust fund where it belonged. It was a big issue, because 4.3 cents per gallon collects roughly $7 billion a year in revenues.

We were successful in that effort. Then, last year, we started the effort to guarantee that the money was actually spent on highways. That effort, by Senator BYRD and myself, produced a coalition with Senator BAUCUS and Senator WARNER, the chairman and ranking member of the subcommittee with jurisdiction over the highway bill. That started a negotiation which reached a successful conclusion the day before yesterday in a new highway bill, for all practical purposes, very different than the bill that the President proposed, very different from the bill that came out of the committee, and I think different in being better.

The bill before us guarantees that over the next 6 years, we will move from a situation where almost 30 cents out of every dollar of gasoline taxes today is diverted to some use other than building highways and for transportation purposes to spend on general programs. We will move from that situation today to a situation 6 years from now when this bill is fully in effect so that every penny of the 4.3-cents-per-gallon tax on gasoline, which is now diverted to other uses, will be used for the purpose of improving the transportation system of America and building roads.

That will mean that this bill will, over the next 6 years, spend $173 billion on highways. The difference in the number that Senator BAUCUS used and this number is that about $2 billion of the expenditure is under another title in the Commerce Committee, and I do not want people to be confused to think we have taken away $2 billion from the agreement that we announced the other day. The total is $173 billion.

What does that mean relative to the highway bill that has just ended? What it means nationwide is that by the economic growth we have experienced, by the growth in the collection of gasoline taxes and by dedicating every penny of gasoline taxes to build roads, nationwide we are going to increase the amount of money for highway construction over the next 6 years, as compared to the last 6 years, by 45 percent. That is a dramatic change. As a result of this bill, Americans who would have died on roads in West Virginia and Texas and all over America will not die. As a result of this bill, people who would have waited in congestion, taking time away from their work or their family, will find that that congestion has been abated.

So we are not just talking about spending another $26 billion of money on highways, the purpose for which the money was collected. But we are talking about improving the lives of Americans by the tens of millions and saving the lives of thousands of our fellow citizens.

Secondly, by getting out of this absurd situation we were in under the previous bill where we were using the 1980 census for no other purpose than to discriminate in favor of States that were losing population and against those that were gaining population, by going to the current census, a State like my State, which has been growing very rapidly, will not only benefit from the fact that we are not allowing 30 cents out of every dollar of money collected in gasoline taxes to be siphoned off to pay for something else, but by using the current census and through other factors, the State of Texas will have an increase in highway funding over the previous bill of 60 percent. Obviously, that is a big deal for my State. It is a big deal for every State in the Union.

Some people will say, "Well, but if you're spending the money on highways, you're not spending the money on other things." When we debated this bill for the first time at the end of the last session, our opposition came from people who basically said, "Well, spending money on highways is great, but if you spend this money on highways, we can't spend it on other things."

Let me respond to that in two ways. First of all, we do have a great need in highways, but the real argument is not one of relative need. The real argument is we collected the money for the purpose of building highways. This is a dedicated tax. So those who find today a sad occasion because for the first time since the mid-eighties we are actually going to spend gasoline taxes on highways and they are unhappy because we are not going to spend the money on other things, let me say, as I have said in the past, that they remind me of rustlers who have been stealing our cattle. We finally catch them, we call the sheriff out, we don't hang them, we don't even make them give our old cattle back they stole. All we say to them is, "You have to quit stealing our cattle." We will hear from a few of them today, and their basic response will be, "Well, that's great, but where do I get my beef? If I can't rob the highway trust fund, where do I get this money to do all this good I want to do?"

I have two responses. One, that is not my problem. Two, we should have never been spending highway trust fund money for other purposes. We should have never let the Federal Government collect money in gasoline taxes and turn around and spend it for something other than the purpose for which those taxes were collected.

So I believe this is a happy day. Is everybody satisfied? I have great appreciation of the situation of Senator CHAFEE and Senator BAUCUS and Senator WARNER. You can't satisfy everybody. We have a highway system that is a national system and, obviously, I have been unhappy about the fact that my State was getting 77 cents for every dollar we sent to Washington. I have complained vigorously, and partly as a result of that complaint, we have changed the bill. We have gotten rid of the 1980 census, and we are going to have a dramatic increase in funding going to States like mine.

You can always say, "We want more," but I think it is important, and Senator CHAFEE has made the point and I agree with it, we have a National Highway System. When we were building roads across Texas in the 1950s and 1960s, the Interstate Highway System, we were more of a beneficiary State. But what good is it to have an Interstate Highway System that when it gets to Western States, you don't have the highway? If it is an east-west or north-south system and you have a State that has a low population and a low formula and, as a result, can't build its system, do you have a national system?

There are always going to be years, because of the ongoing building of the interstate system, where some States are going to get more than a dollar back, some are going to get less. But thanks to Senator WARNER—and I congratulate him and thank him personally—under this bill, for all practical purposes, no State will ever again get less than 91 cents out of every dollar in formula money back that they send to Washington in terms of highway taxes.

What that means is, no matter what we are doing in terms of a national system, at least that minimum will be available to every State. I think that is a dramatic improvement, and I think it is something of which people can be proud.

I think this is a major step forward. I thank everyone who has worked on the bill. I have enjoyed having the opportunity to work with the sponsors, with Senator CHAFEE. I thank Senator LOTT for his ability to bring everybody together. I think it has been a classic case of democracy at work. Someone once said that there are two things you don't want to watch people do. One is making sausage and the other is making laws.

But I have to say that I think any civics class at any high school in America that sat through the whole process on writing this highway bill, that sat in every meeting and every negotiation, and that watched the give-and-take, that listened to the intellectual content of the debate, both public and private debate, that watched the consensus form, would go away convinced that, while our system is not

perfect, it is clearly the best system that has ever been devised by the mind of man.

So I am proud of this bill. I am happy for my State. I am happy for the country. I believe that this is a dramatic improvement. And while I do not agree with or support every single provision of the bill, you reach a point where you have to say, this is the best we are going to do given that we have 100 Members of the Senate. There will be those who will be offering amendments to try to tear this consensus apart. I do not intend to support any of those amendments. I think we have put together a good bill. And I think it is time to get on with improving our highway system, with saving lives, with improving the quality of life for hundreds of millions of people all over the country.

So I am for this amendment. I am for this bill. And I congratulate those who have been the leaders of that effort.

I yield the floor.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I thank the distinguished senior Senator from Texas for his remarks, personal and otherwise, directed at those who put together this amendment.

But now I say to all colleagues, we are entering into that phase which I have called in previous iterations of the highway bill, the "battle of the charts." And the charts are coming over the transom, under the transom, and from all directions. And it comes down to whether or not someone can put up a matrix which benefits their State a little bit more. But I assure you, it is at the detriment of someone else. And you have to at some point, when the votes come, decide: Did the committee or did not the committee try and do an equitable distribution of the funds?

The basic bill reported out by the subcommittee, then by the full committee, is unchanged. But in working out the most equitable distribution we could under the add-on, as a consequence of the Byrd-Gramm-Baucus-Warner amendment, you could figure it several different ways. And therein I presume the debate will focus in just such time as we proceed to vote on this amendment. And there are means by which you could calculate it in a different way.

I think Senators are perfectly entitled to fight. And they should. But it all comes back to, will their formula be viewed as an equitable distribution of the funds?

And I say that when the final vote is taken it is my hope and it is my expectation that the Senate will express its confidence in the ability of the committee—under the guidance of the distinguished majority leader, and, indeed, with the valued input of Senator BYRD, Senator GRAMM of Texas—that we did the best we could to make equitable distribution of the apple.

So let us now engage in the "battle of the charts." I hope Senators will come to the floor and express their views with respect to their individual States and their own view as to whether or not equity was achieved.

Mr. President, I yield the floor.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, first, let me thank our friends on the committee for their effort here. And we are trying to get information to help us decide exactly how we should respond to the committee amendment. That information was requested as soon as the amendment was adopted. We are still awaiting for that information.

I think it is only fair to those States, States that have been particularly put in a donor position decade after decade after decade, which is the case with many of our States, that we get the information that we sought. We very well—I am speaking just for myself—we very well may end up supporting this amendment. But it would seem to me, as a matter of fundamental fairness, that when an amendment this complex and this important to our States is brought to the floor, that where information is sought from the Department of Transportation, that information be forthcoming before we are expected to vote on this amendment.

Mr. WARNER. Mr. President, if the Senator would yield, I know of no reason why the chairman, who is momentarily absent from the floor, or the ranking member or myself is trying to push this to a conclusion prior to those who desire to have additional information get all that information and have free discussion on it.

So please do not send out the alarm that, in my judgment, we are trying to roll this thing through before all States have an opportunity to examine the complexity of this and get such information and charts as they so desire.

Mr. LEVIN. I very much appreciate it.

Mr. BAUCUS. If the Senator would yield for me to further make the point of the Senator from Virginia, the Senator knows my office is also calling the DOT to light a fire under them to get the information back so that the Senator from Michigan has all the information he wants in order to make an informed decision.

He is absolutely right. I mean, he represents his State and wants to represent it to the fullest. And he believes, correctly, that he would like to have more information. And so we are doing our best to get the information for the Senator. Once he does have it, I am quite confident things will work out. But it is more important, first, to get that information.

Mr. LEVIN. I thank my friends from Montana and Virginia for their support in our effort to get this information and, indeed, for their long, hard efforts to try to bring a conclusion to this effort to come up with a fair highway bill.

The problem is, as the Chair and others know, there are some States that have not been treated equitably and fairly, at least in our eyes, over the decades.

First, the Senator from Texas correctly says we have a National Highway System. And that is true. I do not think it would be possible to build an interstate across Montana if Montana only got back the amount of money in gas tax for the building of that interstate that was sent to Washington by folks buying gas in Montana. I have no doubt of the truth of that comment.

I have been to Montana. I have been on those interstates. I understand that. I appreciate that. Indeed, I would support that if this were coming up for funding in the 1950s. But that does not explain why a whole bunch of other States that are not in that situation get back a $1.20, $1.40, $1.60, $1.80, $2 for every dollar they send.

We can explain some of this to our constituents. And I have. I get up and use Montana as the example. And I say, it is only right, if you are going to have an Interstate System, that more money go to build an interstate in Montana than is coming from Montana. That is the point the Senator from Texas made.

But, again, let me emphasize, there are a whole bunch of States that that is not applicable to, who have for decades gotten back a heck of a lot more than they have sent into this system and put into that trust fund. And those of us that have been in a donor position for decades, because of these formulas which were put in here many years ago, cannot possibly justify the huge amounts which many donee States have received which do not relate to the fact that they are sparsely populated and have large distances to cross.

And while my friend from Texas may be correct in the case of some States falling into the donor or donee situation, depending upon what year you may be looking at, there are other States which have been in the donor situation constantly throughout where you cannot justify this. And there has been some effort in this bill to correct the unfairness. And I want to thank my friends from Rhode Island, Montana, Virginia, and to others, Texas, who participated in this effort to get a little more fairness for the so-called donor States. I want to thank them for that effort.

Does it come close to repairing the unfairness? I do not know. And we are not going to know until we get this data. There are a lot of complications in these formulas. My dear friend from

Virginia is right, you get all kinds of charts coming in. I mean, one chart which we already have shows that two-thirds of the States actually get a smaller percentage under the committee amendment than they did under the underlying bill.

If that is true—and some of those being donor States—if that is true, how do donor States then get a guarantee of 91 cents back instead of 90 cents, if some of those two-thirds of the States that get a smaller percentage under the committee amendment are donor States?

My State gets a smaller percentage under the committee amendment than it does under the underlying bill. You can add all the money you want, which is what the committee did, but the problem still is going to remain in terms of the percentage of the contribution unless something else happens here. We should be in a worse percentage situation under the committee amendment than we were under the underlying bill. But that is what we want to look at in terms of charts.

I have questions about the density group. How is that defined? I have highly dense, congestive places in the State of Michigan, but I am not one of those 10 States. How is it defined? And why? And why is it that 10 States all get the same amount of money for density no matter where they may fall on some density chart? No matter where they fall, they all get the same amount of money year after year, but States that do not quite reach the level of density get nothing. I would like to at least know why and how, how that is arrived at.

I have a number of questions which I would like to have answered. Are those special categories—for instance, density. When you get a density bonus or a density amount in this bill, does that count in terms of the donor State guarantee of 91 percent? Does that count towards that? We do not know. Perhaps some of the sponsors of the amendment could answer that question.

And to my friend from Texas, my understanding is it is not 91 cents back on the dollar; it is 91 percent of contribution. And that, as a matter of fact, is not 91 percent of your contributions, because there is something taken off the top here. So it is 91 percent of the contributions of the amount which is distributed to the States which is less than 100 percent.

I wish it were 91 cents on the dollar, I tell my good friend from Texas. I wish it were that every buck we are going to send to Washington, from here on in, we are assured we are going to get 91 cents back. That is not my understanding of what this bill does.

So I think here that there is an underlying feeling on the part of many States two things: One, that we need a fairer treatment; and, two, that we want to see some data. And, three, speaking now for myself, when we receive that data, it may answer a whole lot of these questions so that indeed someone like me may end up voting for an amendment such as this, as being an improvement over the status quo.

Now, there is another problem which none of us are going to solve here. And that is that there are offsets for this increase. And we do not know where those offsets are coming from. Because the budget is going to be adopted after we adopt this bill. And the Budget Committee is going to have to find, as I understand it for this upcoming year, $1 billion-plus. We do not know where that $1 billion-plus is coming from.

Now, we are all in that boat. But it is a problem that we all ought to be concerned about. Is that $1 billion going to come from education? Is that $1 billion coming from veterans? It is going to come from domestic discretionary spending. And even those who vote for this amendment, it seems to me, have to be concerned with what lies down the road in terms of paying for this committee add-on.

Again, that is nothing which data from the highway department is going to be able to answer. That is something which we are going to have to fight out or debate in the weeks and months ahead. But it is a real concern. It is an unanswered question. In this case it is a question which cannot be answered prior to the time when we will be voting on this amendment. But, nonetheless, it should be raised as a flag, I think, for all of us. Even those of us who intensely support this amendment, it seems to me, would have some concern about, how are we going to pay for the offset, to pay for the amount of money which has been added?

Mr. WARNER. Mr. President, if I could interject. I thank the Senator. I rose for the purpose of a clarifying statement. You do not pose that in any way as a delay of a judgment by the Senate on the pending amendment? It is just a realization that at some point in time the Senate, as a body, will have to consider where the offsets came from, but not in the context of getting a definitive answer for the purposes of addressing a yea or nay on this amendment; am I not correct?

Mr. LEVIN. The Senator is correct.

Mr. WARNER. I thank the Senator.

Mr. LEVIN. As I said, that is a concern that I hope all of us have regardless of how we end up voting on this amendment as to how that money is going to be paid for, how that offset is going to be achieved.

Second is something I am very much concerned about. We keep hearing thoughts, rumors as to where this is coming from, but that will not be resolvable. I do believe the good chairman of the Budget Committee has indicated there will be no undue impact on any domestic discretionary program as a result, but I haven't seen those exact words—I have heard that secondhand—that the Senator from New Mexico, the chairman of the Budget Committee, has said something like no undue impact on any discretionary program. But I'm not going to quote him because I didn't actually see the quote itself.

So what it comes down to is that we have an amendment that is pending. We have a request for information relative to a complicated amendment, made yesterday to the highway department. We don't have that information.

If the managers of the bill and the sponsors of this amendment are willing to get that information forthcoming before our vote, it seems to me we either ought to have a quorum, as I understand they are on their way, or we ought to set aside this amendment for an hour or two so those of us who are not decided on how to vote on this amendment could be in a position where we could vote on it.

PRIVILEGE OF THE FLOOR

Mr. WARNER. On behalf of the distinguished Senator from Oklahoma, Mr. INHOFE, for purposes of this debate, I ask unanimous consent that Mr. Andrew Wheeler be granted floor privileges.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, I ran a calculation for the Senator from Michigan and I will send it over to my good friend. He and I came to the Senate together and sit on the Armed Services Committee together. We have had many debates. The records are full. If the Senator would, take a look at that and see whether or not my analysis of your State is correct. But as I listened carefully, the Senator made the representation to the Senate in his remarks that there are some States that will get less money than they would under the underlying bill.

Mr. LEVIN. That is not correct. The Senator is not correct. I said about two-thirds of the States get a smaller percentage under the amendment than they do under the underlying bill. I will give the Senator some examples and have them printed in the RECORD.

I believe this chart comes from the Federal Highway Administration. I think every State gets more money because there is a significant amount of money that is added to the pot. My statement is that about 38 States get a smaller percentage of a larger pot than they did.

Mr. WARNER. Let's talk about the pot. You are addressing the amendment that is pending before the Senate which we refer to as an add-on to the underlying bill.

Mr. LEVIN. That is correct. The pot I refer to is the total pot after the add-on. I am saying under this chart of the highway administration, this came in yesterday.

Mr. WARNER. I have a copy.

Mr. LEVIN. If you look at the right-hand column, at the minuses, looking

at the 6-year percentages with the so-called "option," which is the committee amendment, 38 of the States have a little minus in front of them, meaning they usually get a slightly smaller percentage of the larger pot, which is represented by the amount of money totally there after the committee amendment is adopted. That is the reference I made.

Every State gets more money and every State—to put it very bluntly, say that Michigan contributes an additional $110 million to the highway fund in this larger pot. That $110 million of the delta, the extra money going into this pot, to enlarge it, comes from Michigan, and we get back $100 million. These are hypothetical numbers. That means we are getting back more money, right? But we have put in, actually, a larger share of money towards the amount that is going out.

My good friend from Texas, I am sure, would agree it is about time that the money that goes to the highway fund is distributed to the States. It is long overdue. We shouldn't be having surpluses built up from gas tax dollars which our people pay in order to build and maintain highways. That is long overdue.

My point here, however, is that of the extra amount of that $26 billion that the committee adds, say Michigan's share of that $26 billion is $110 million—I am making up numbers here—and if we get back from that extra amount $100 million, the answer is, yes, we are getting back more than we did under the underlying bill, but it still could be a smaller percentage of the total than we would have gotten under the underlying bill.

Mr. WARNER. Mr. President, I will yield momentarily.

Let's see if we can narrow the Senator's concern. The Senator's concern is not with the underlying bill; it is the manner in which the funds were allocated, roughly $6.9 billion to five programs, and that $6.9 billion coming off of the total $25.8 billion, is that correct?

Mr. LEVIN. The answer is correct. The questions that I have are relative to the amendment that we don't have the information on.

Mr. WARNER. The Senator expresses at the moment some disagreement as to how the committee took the total of $25.8 billion, then took a sum of $6.9 billion and allocated it to five programs; basically, is that the area in which the Senator has disagreement?

Mr. LEVIN. No, I have questions in that area. I don't have a disagreement until I get the information, and then I may or may not have a disagreement.

Mr. WARNER. And that hopefully is forthcoming.

I yield the floor.

Mr. GRAMM. Mr. President, our dear colleague from Michigan reminds me of the drowning man that is on the verge of going down for the third time and we have thrown him an inner tube and he is complaining that he has to swim a little to get to it.

Mr. LEVIN. Will my friend yield for a quick comment?

Mr. GRAMM. I never stop in the middle of an analogy.

The PRESIDING OFFICER (Mr. BURNS). The Senator from Texas has the floor.

Mr. LEVIN. If the Senator might yield.

The PRESIDING OFFICER. I remind Senators to address each other through the third party. The Senator from Texas has the floor.

Mr. GRAMM. I will get to the point because I'm basically trying to answer questions the Senator raised.

Let me go back to his made-up example. Currently, every taxpayer in America who pays gasoline taxes is basically being cheated out of 25 cents on the dollar on average of what they pay in because it says right on the pump the money is going for highways and it's not. This amendment, over a 6-year period, eliminates that problem.

The Senator from Michigan is saying if Michigan taxpayers now paying 4.3 cents per gallon are currently paying $110 million in gasoline taxes in that tax, what if this amendment only gives Michigan $100 million to build roads from this 4.3 cents per gallon. It seems to me you don't have to have studied high mathematics to understand that Michigan is a lot better off getting $100 million of the $110 million than they were getting zero from the $110 million.

When you look at the formula, because of the makeup of the National Highway System, there are many States that will not get every penny of it back to their State but they are going to be substantially better off than they are now and a tremendous amount of the underlying inequity will be fixed. That is the first point I wanted to make.

The second point I want to make is in terms of offsets, where we are going to cut other programs to pay for this, that we are going to decide those offsets in the budget. Every Member of the Senate will have an opportunity to vote on that.

Before we weep too much about the offsets, I go back to my example of the rustler who has been stealing our cattle by taking 25 cents out of every $1 in gasoline tax and spending it on something else. It may be that in the process someone discovers that this rustler actually gave money to the First Baptist Church, but are we going to argue that we don't want to stop rustling because a rustler contributed money when the plate was passed at the First Baptist Church? The point is, we have to take the money away. That money should never have been there in the first place. This money should have been spent on roads from the beginning.

Finally, before I yield to the Senator, and I will be happy to do it or yield the floor and let him have the floor, what I will try to do not just for the Senator from Michigan but for all of our colleagues, I will try to explain some of the logic of the underlying bill. I'm not on the committee but I have studied the thing and understand it so that Senator BYRD and I could write our amendment with Senator BAUCUS and Senator WARNER, so, in fact, I find myself in possession of information that I never wanted to have to begin with but I think it is relevant to this whole debate. I don't think people really understand how the highway program works. Maybe as one who is a new possessor of this knowledge, I find it really reflects on this whole problem we are dealing with.

Let me try to very briefly deviate from my background as a schoolteacher, and be brief. Let me try to run through it and then explain the games that people can play if they chose to. Since the beginning of our highway program, we have had a general rule of thumb, and that has been a division of money from the highway trust fund. That portion that goes to highways has gone into two pots. One pot is money that is available nationally under an account that is overseen by the Secretary of Transportation and the National Highway Administration, and that has normally been roughly 10 or 11 percent, total. That has focused on individual priorities and a series of concerns that have not generally been dealt with by the allocation to the States. The other 90 percent has gone to the States. This is not a new invention with this bill. It has been true in every highway bill that we have had. It is true in this bill.

Now, I could personally go through this bill and take the 10 percent of items that will be funded under the national account and say there are a lot of these programs that I am not for. I don't want to create sadness by talking about what they are, but the point is, since they deal with concerns for a big country, and Texas is one piece of it—the most important piece, the largest piece—and shares more interest in common with the country because we have more diversity than anybody else, it is true that we have money for building roads on public lands. We are blessed in Texas in that we were a country first so we have virtually no public lands. We never thought it made sense when we came into the Union to have the United States own our State. So we will get virtually no money out of the account that is available for building highways on public lands. It is a little over $1 billion, if my memory serves me right.

Now, I could stand up here and say, "Look, Texas has got no public lands to speak of. We are not going to get a penny out of that $1 billion." The point

being, like the distinguished Presiding Officer who is from a Western State, he didn't choose to have the Federal Government own a huge chunk of his State. Probably over half the land in his State is owned by the Federal Government. I feel sorry for him. I don't think it is right. I would like to see some of that land back in private hands, I say to the Presiding Officer. The point is that is part of a national system. The Presiding Officer can't help it that the Federal Government owns over half of his State.

So, to adjust, in the 10 percent of the bill, we have a whooping $1 billion that his State will benefit from, and my State won't benefit. We won't get any of the money. Now, I could do a chart that says you eliminate that program for funds to be spent on public lands and I could show Texas gets more money. I can show that Virginia gets more money. We have money in here for roads on Indian reservations. We had the most bitter part of the Indian wars in my State. We had Apaches and Comanches raiding our capital in the 1870s. We have only a couple of tiny, little Indian reservations in Texas. Oklahoma has vast quantities, as does Arizona.

Now, I could stand up here and say, well, look, by building roads on Indian reservations, you are not doing anything for Texas. I could take that billion dollars for roads on Indian reservations in the 10 percent national account in the bill—I could strip it out and say, look, you distribute it to all the States, and every State will gain. In fact, you would probably get 40 of the 50 States in the Union that would gain if you did that. But is that how you write a national highway bill?

So the point I am making is that to single out parts of the 10 percent and say that if we eliminated them, we could have more to give the States, look, if I were writing the highway bill by myself, I would not even have the 10 percent. I would give all of it to the States. But I am not writing the highway bill by myself. What I am trying to explain to people is that when you are singling out programs like the Appalachian Regional Highway Program, you are singling out a program that has been in every highway bill since 1965. The money that is being provided is actually a smaller percentage of the overall bill than President Clinton requested. The amount of money being provided is a smaller percent than was spent under the last highway bill, when you add up all the expenditures.

This is a program that became the law of the land in 1965. The program is on the verge of moving toward completion. You can single it out if you want to, but how is it less meritorious than building roads on public lands? How is it less meritorious than building roads on Indian reservations? It's part of a series of national priorities.

Now, in case you don't know much about geography, Texas is not part of Appalachia. My State doesn't benefit one bit from that provision. But the point is, it has been part of every program since 1965, and it is part of this 10 percent overhead to deal with specific programs. So if we could go back and reinvent the world, change the whole highway system, this logic would make sense. But I think singling out a couple of programs when there are many others that are more vulnerable—and we can all play this game—in the end you don't have a highway bill.

Let me say, in terms of density, that I don't have to read very well to see that Texas, which has 3 of the 10 largest cities in the country, does not benefit a nickel—not a penny—from this density thing. Where did this density thing come from? First of all, I am not accepting any responsibility. I am not on the committee. I would love to take it out. But what is it trying to do?

Well, the old highway bill was written under the 1980 census, which was outrageous. It happened because the House has been, until the last reapportionment, dominated by the East and Midwest. All of our formulas are rigged to take money away from the South and the West and give it to the East and the Midwest. We all know it. We are beginning to fix it with this highway bill. But as a result of getting rid of the 1980 census, which is only 18 years old, by doing that we are going to have some States that are substantial losers, and our colleagues are going to have to go back to their States and say that in the highway bill we really got a dramatic change relative to the old bill, basically because people voted with their feet to move off to California, Texas, Virginia and Georgia.

What this whole density provision is about is trying to cushion the blow to those States. So I could offer an amendment—as apparently is being contemplated by others—to say, strike this density provision. Let me look here before I say that. Virginia gets nothing out of the density provision. I will mention one more. Rhode Island gets nothing from the density provision. So we could offer an amendment to strike the density provision and give that money to other States, and we could show that 40 States of the Union benefit and only 10 or 15 lose. But the purpose was to write a bill that every State in the Union can live with, and where people, in good conscience, can go home and say that given where we are, given the growth pattern of the country, we did as well as we could expect to have done, given what has happened to the population in the country and the movement of population.

So I want to urge my colleagues to understand that we have always had a division of roughly 90–10 in the funds for national priorities and to the States. I wish we had no 10 percent, but we do, and we always have. Singling out specific programs is simply not fair when we look at the other programs, whether it's building roads on Indian lands or public lands, simply because we have no Indian lands in our State, or we have no public lands to speak of in our State. We need to understand what a national highway bill is about is dealing with those things.

I want to conclude by going back to ARC. I know more about ARC than I ever started out wanting to know, given that I am not from there. But I have had the privilege, in the last year, of working with a man who is very much committed to Appalachia. When Senator BYRD was born in Appalachia, it was a big red letter banner day for Appalachia and for West Virginia. He cares about this program intensely. So people look at this and say that is a good and ready target. There are only 13 States in Appalachia, and that means there are 26 Senators. Again, when you take 100 and subtract 26, you get more than a majority.

I want to be sure that everybody understands the following points:

No. 1. Appalachia has been part of the national section of this bill, in one form or another, since 1965. I guess Senator BYRD was the only person who was here in 1965 and who voted for it, but it passed and it's the law of the land.

No. 2. We have a smaller percentage of the amount of money we are spending in this bill going to Appalachia than the President asked for. We have a smaller percentage of this bill going to Appalachia than was actually funded over the last 6 years as a result of the appropriations process and the old bill, and so anybody who thinks that this is some new program that has been put into this bill, that is providing money that was not there over the last 30 years, or that somehow it is providing more money as a percentage of the bill than we had in the past, is simply wrong.

I urge my colleagues, if you are going to single out one little program, remember that everybody can play this game, whether it's Indian land roadbuilding or public land roadbuilding, or 25 other categories; we can each pick some part of the bill that does not benefit our State and we can try to take that part away to add money to the formula. But the truth is that this roughly 90–10 formula has been in place throughout the whole history of the highway bill, and, in fact, if you knocked out this program and didn't change the makeup of the highway bill, the Secretary of Transportation would decide where the money is spent and would probably spend it on exactly the same thing.

So I wanted our colleagues to understand how the bill is made up, and I think that, other than the handful of

people on the committee, people don't know. So it looks like some giant conspiracy against them when, in fact, if you look at the totality of it, it makes sense. Since we all resent deals we are not part of—I certainly do—these deals they put together in committee look mysterious. But I think if you understand how the bill has evolved over the last 30 years and how it is made up, it is pretty reasonable, again, for the kind of work we are doing.

I wasn't trying to get into a debate with the Senator from Michigan. I am from a big-time donor State. My State, under the old highway bill, got back 77 cents out of every dollar. We are going to get back 91 cents out of every dollar in this bill, and I rejoice. It is progress. In the future, when we build a vast North-South interstate system to go with our East-West system, maybe in the next highway bill, people will be standing here saying that Texas is getting back $2.12 for every dollar, because now you are building these interstates from Lubbock to Texarkana.

The point is, that is what a National Highway System is about. When it works in our favor, we are all quiet about it, hoping nobody notices. When it works against us, we scream to the heavens. That is how the system works.

I would be happy to yield the floor and let the Senator from Michigan speak, or answer a question. I didn't want to stop in the middle of my analogy, knowing how clever the Senator from Michigan was, knowing he would destroy it outright.

Mr. WARNER. Mr. President, I thank the Senator from Texas. It has been interesting. I may have made a mistake. Perhaps I should have taken the block of money that was to correct the inequity of the donor States and put it up there above the line as one of those programs. But it was a program. While not clearly identified above, it was a program. Let me give you some examples.

In the 1991 ISTEA I bill—I was a conferee and I was in the second row and was told to be quiet while the dominating chairmen, predominantly from the Northeast, controlled it. That bill came out, and Massachusetts got $2.45; Connecticut, $1.92; New York, $1.25; Maine, $1.23; New Jersey, $1.09; Pennsylvania, $1.16. The donor States: South Carolina got 72 cents; Missouri, 85 cents; Michigan, 80 cents; Mississippi, 83 cents; Virginia, 79 cents; Florida, 82 cents.

You bet I took a block of money and I straightened it out, together with the support of my distinguished ranking member, the senior Senator from Montana. We straightened it out. We took a chunk of money and balanced that thing out so that now, with the underlying bill, they get 90 cents—not these egregious disproportionate sums, but 90 cents.

With the amendment before us, we tried to allocate the dollars so the donor States came up—as many as we could—to 91 cents. Maybe one or two were a fraction under, about 90.8 cents. But that's what we tried to do under this bill. There it is.

I am going to put into the RECORD at this point a chart, in the battle of the charts now, to show all of the States and how they fared under the 1991 bill compared to the underlying bill at 90 percent.

I ask unanimous consent that the chart be printed in the RECORD.

There being no objection, the chart was ordered to be printed in the RECORD, as follows:

COMPARISON OF AVERAGE ANNUAL APPORTIONMENTS FOR VARIOUS SURFACE TRANSPORTATION REAUTHORIZATION PROPOSALS*

[In thousands of dollars]

State	ISTEA P.L. 102–240			Intermodal Surface Transportation Efficiency Act II S. 1173		
	$	%	% HTF	$	%	% HTF
Alabama	332,076	1.815	0.8181	440,984	1.997	0.9000
Alaska	212,284	1,160	4,5339	273,823	1.240	4.8445
Arizona	256,005	1.399	0.8110	342,955	1.553	0.9000
Arkansas	262,823	1.437	0.9944	293,697	1.330	0.9205
California	1,670,616	9.133	0.9046	2,020,441	9.150	0.9063
Colorado	200,876	1.098	0.8602	281,614	1.275	0.9989
Connecticut	352,884	1.929	1.9283	379,110	1.717	1.7161
Delaware	72,760	0.398	1.3807	103,788	0.470	1.6315
Dist. of Col.	92,104	0.504	3.9887	99,792	0.452	3.5799
Florida	768,405	4.201	0.8210	1,016,800	4.605	0.9000
Georgia	544,262	2.975	0.7638	774,165	3.506	0.9000
Hawaii	126,495	0.692	2.6738	131,960	0.598	2.3106
Idaho	125,018	0.683	1,2451	181,076	0.820	1.4939
Illinois	683,258	3.735	1.0105	734,596	3.327	0.9000
Indiana	408,059	2.231	0.8254	537,118	2.432	0.9000
Iowa	220,676	1.206	1.0352	291,408	1.320	1.1324
Kansas	210,018	1.148	0.9936	289,137	1.309	1.1331
Kentucky	285.474	1.561	0.8097	383,071	1.735	0.9000
Louisiana	264,040	1.443	0.8187	391,813	1.774	1.0064
Maine	117,708	0.643	1.2310	126,672	0.574	1.0974
Maryland	305,888	1.678	1.0020	332,751	1.507	0.9000
Massachusetts	830,024	4.537	2.4582	392,393	1.777	0.9627
Michigan	514,446	2.812	3.8023	696,628	3.155	0.9000
Minnesota	280,668	1.534	1.0733	330,117	1.495	1.0458
Mississippi	202,329	1.106	0.8345	278,518	1.261	0.9516
Missouri	404,387	2.211	0.8553	525,443	2.379	0.9206
Montana	161,661	0.884	1.8457	234,074	1.060	2.2139
Nebraska	142,252	0.778	0.9603	185,431	0.840	1.0369
Nevada	117,301	0.641	1.0027	161,202	0.730	1.1415
New Hampshire	88,413	0.483	1.1842	114,829	0.520	1.2741
New Jersey	521,026	2.848	1.0925	532,188	2.410	0.9244
New Mexico	178,413	0.975	1.1226	231,866	1.050	1.2085
New York	1,001,465	5.475	1.2562	1,126,672	5.102	1.1707
North Carolina	478,873	2.618	0.8336	624,113	2.826	0.9000
North Dakota	116,258	0.636	1.7645	161,202	0.730	2.0267
Ohio	655,612	3.584	0.9369	760,300	3.443	0.9000
Oklahoma	259,702	1.420	0.8421	347,988	1.576	0.9347
Oregon	212,793	1.163	0.8934	284,368	1.288	0.9890
Pennsylvania	889,978	4.865	1.1697	836,244	3.787	0.9104
Rhode Island	106,052	0.580	2.1089	128,078	0.580	2.1098
South Carolina	234,009	1.279	0.7246	350,872	1.589	0.9000
South Dakota	119,442	0.653	1,8165	172,243	0.780	2.1699
Tennessee	365,565	1.998	0.7947	499,764	2.263	0.9000
Texas	1,174,846	6.423	0.8396	1,520,201	6.884	0.9000
Utah	130,046	0.711	0.8311	190,431	0.862	1.0082
Vermont	79,486	0.435	1.4840	103,788	0.470	1.6052
Virginia	414,607	2.267	0.7970	565,171	2.559	0.9000
Washington	341,090	1.865	0.9506	405,928	1.838	0.9371
West Virginia	209,819	1.147	1.4239	225,365	1.021	1.2669
Wisconsin	352,373	1.926	0.9544	401,139	1.817	0.9000
Wyoming	115,092	0.629	1.3513	167,827	0.760	1.6323
Puerto Rico	81,874	0.448	N/A	101,332	0.459	N/A

COMPARISON OF AVERAGE ANNUAL APPORTIONMENTS FOR VARIOUS SURFACE TRANSPORTATION REAUTHORIZATION PROPOSALS*—Continued

[In thousands of dollars]

State	ISTEA P.L. 102–240			Intermodal Surface Transportation Efficiency Act II S. 1173		
	$	%	% HTF	$	%	% HTF
Total	18,292,630	100.0		22,082,486	100.0	

*Federal Lands Highway Program funds are excluded from this comparison.

Mr. GRAMM. Will the distinguished Senator yield?

Mr. WARNER. Yes.

Mr. GRAMM. Listening to the Senator talk about eliminating the tremendous inequity in the 1991 bill, I think it would behoove every Member of the Senate, when they are looking at how well off they are under your bill with our amendment, to look at how they did in 1991 and see that each of the inequities that we chafe under are far diminished under your bill and, of course, knowing you represent Virginia, and listening to the fact that on the old highway bill you were sitting in the back room in obscurity and silence, and now you speak with such great clarity, it reminds me of the old saying in the part of the country we are from, which is, "Save your Confederate money, boys, the South will rise again."

Mr. WARNER. Before we invoke too much history here, it wasn't just the South; it was Michigan and some other States that were in the donor category. But I am going to put this on the table. So, when the call up yonder is taken here shortly on this amendment, you can see exactly where you fared under the 1991 bill compared to where you fare under this bill. And it is absolutely striking.

Again, I am back to try to be helpful among the several States. There stands 90 like a stone wall. We tried to get above 90 as best we could for as many donor States. And I think when the final charts come out, I can show you exactly where the donor States went under the recalculations that we get under the amendment.

But I thank the Senator from Texas. It was very interesting to listen to his rendition, which was accurate, or I would have interjected. It was accurate as to how these bills have been put through, through the years. And you can fault the ARC. My State happens to be a beneficiary. Therefore, when I speak in support of ARC, I do so think that Virginia is a beneficiary. It is proudly in the Appalachian corridor. But that program has been there since 1965. It was enacted by the U.S. Senate in conjunction with the House. As a matter of fact, I think it was William Jennings Randolph who was then chairman of the committee on which I am proudly serving, and now under the leadership of Senator CHAFEE and Senator BAUCUS. But that was at that time. And it is a program that is unfinished, as Senator BYRD pointed out, and hopefully this will take it almost to completion under this bill.

So I thank the Senator from Texas.

Mr. President, if there are other Senators desiring to speak, I will yield the floor.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. I thank the Chair.

First, let me assure my good friend from Texas that I agree with most of what he said, including the reference to Senator BYRD, as not only a red letter day for West Virginia when Senator BYRD came to the Senate, but it was a red letter day for the Nation and for the Senate when Senator BYRD came to the Senate. And his effort on behalf of the Appalachian Regional Commission is one that I think is a justified effort.

This is a national bill. I happen to agree with that. The Senator from Texas made reference to the fact that this is a national bill. This is also a complicated amendment. Those of us who have been in the donor status for decades want to understand. There are other Senators who would like to get the data that hopefully now the Transportation Department is providing us. But for those of us who have given tens of millions, totaling hundreds of millions of dollars, as donor States, based on formulas which cannot be justified in our eyes, we surely want to understand what these new formulas provide, and why.

I asked a question about the new density program. It is a new program. This is not one that has been in the law for some time like the ARC or the public lands. This is a new program based on density. How are those rules divided? For those of us who have dense areas in our States, why is it that we are not on the list while some others States are on the list? It may be a very good formula. It may be a fair formula, taken in context. But it is a new formula and one I surely want to understand since we have some dense areas in my State.

We have asked for some information. I think it is only fair that we get this information. It is going to affect how at least some of us may vote on this amendment. Speaking for myself, it is going to affect how I vote on this amendment. In some sense, we are better off. There is a 91 percent assurance, we are told, that is built into the law. That is an improvement over the past.

However, there are some disadvantages to the approach as well. One of the disadvantages is that we now are creating a very large uncertainty as to how these added funds are going to be paid for with other programs. We cannot solve that here. But we all have to understand that we are taking that risk. For those of us who are still in a significant donor position, even though it has improved over the last ISTEA, we have to weigh the risk of losing important discretionary programs against the improvements that we seek.

My good friend from Texas talked about throwing a lifeline to somebody who is drowning. Is this a 10-foot lifeline to somebody who is drowning 20 feet offshore? That is the question we have to analyze. Does someone in the position of representing a donor State vote for this because it is an improvement, with all the risks that are there? Or do we vote no on this because it still embodies for 6 more years an unfairness that we perceive?

All I am urging upon my colleagues is this: that surely fairness dictates, if not the outcome of formulas, we be given information upon which we wish to rely in voting on an amendment in a bill. As I said, I may vote for this amendment, I may vote for the bill, but we want information to help us make that judgment. For those of us who have been in a donor State position for decades, it seems to me that this is a fair thing for us to ask and a fair thing for us to expect.

I have no need to talk longer on this. I do have a need to get the information which will permit me to make that assessment, which I have referred to.

I will suggest the absence of a quorum, unless there is somebody else who wishes to speak, in order that we can now visit with the transportation people and obtain that information that we have been waiting for.

Mr. President, unless there is somebody else who wishes to address the body at this point, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Mr. President, I ask unanimous consent that the chart that I referred to of the Federal Highway Administration be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

1998–2003—ISTEA II ADDED FUNDS APPORTIONED BY NET ISTEA II PERCENTAGE

[Dollars in thousands]

State	Average annual apportionments allocations for ARC & Density, and bonus payments		Dollars, Delta	Six-year percentages		
	S.1173, 6-yr	Option, 6-yr		S.1173, 6-yr	Option, 6-yr	Delta
Alabama	140,999	543,453	102,454	1.9970	2.0819	0.0850
Alaska	273,832	312,932	39,099	1.2400	1.1988	−0.0412
Arizona	342,967	404,698	61,731	1.5531	1.5504	−0.0027
Arkansas	293,707	335,644	41,937	1.3300	1.2858	−0.0442
California	2,020,393	2,372,013	351,621	9.1490	9.0871	−0.0619
Colorado	281,603	321,812	40,209	1.2752	1.2329	−0.0423
Connecticut	379,110	433,131	53,021	1.7167	1.6593	−0.0574
Delaware	103,791	118,611	14,820	0.4700	0.4544	−0.0156
Dist. of Col.	99,792	114,042	14,250	0.4519	0.4369	−0.0150
Florida	1,016,835	1,214,381	197,546	4.6046	4.6523	0.0477
Georgia	774,191	914,267	140,076	3.5058	3.5025	−0.0033
Hawaii	131,987	150,818	18,831	0.5977	0.5778	−0.0199
Idaho	181,083	206,939	25,856	0.8200	0.7928	−0.0272
Illinois	734,622	884,279	149,658	3.3266	3.3876	0.0610
Indiana	537,137	633,817	96,680	2.4323	2.4281	−0.0042
Iowa	291,411	333,019	41,608	1.3196	1.2758	−0.0438
Kansas	289,146	330,434	41,288	1.3093	1.2659	−0.0435
Kentucky	383,084	473,511	90,427	1.7347	1.8140	0.0793
Louisiana	391,895	447,919	56,023	1.7746	1.7160	−0.0587
Maine	126,698	144,810	18,112	0.5737	0.5548	−0.0190
Maryland	332,762	414,089	81,327	1.5069	1.5864	0.0795
Massachusetts	392,383	478,422	86,039	1.7768	1.8328	0.0560
Michigan	696,652	822,044	125,391	3.1547	3.1492	−0.0054
Minnesota	330,122	377,264	47,142	1.4949	1.4453	−0.0496
Mississippi	278,522	322,152	43,630	1.2612	1.2342	−0.0271
Missouri	525,467	600,512	75,045	2.3795	2.3005	−0.0789
Montana	234,082	267,506	33,424	1.0600	1.0248	−0.0352
Nebraska	185,430	211,902	26,472	0.8397	0.8118	−0.0279
Nevada	161,208	184,226	23,018	0.7300	0.7058	−0.0242
New Hampshire	114,833	131,229	16,396	0.5200	0.5027	−0.0173
New Jersey	532,206	638,198	105,991	2.4100	2.4449	0.0349
New Mexico	231,874	264,982	33,108	1.0500	1.0151	−0.0349
New York	1,126,664	1,324,725	198,061	5.1019	5.0750	−0.0269
North Carolina	624,134	744,883	120,748	2.8263	2.8536	0.0273
North Dakota	161,208	184,226	23,018	0.7300	0.7058	−0.0242
Ohio	760,326	916,776	156,450	3.4430	3.5121	0.0691
Oklahoma	348,008	397,705	49,697	1.5759	1.5236	−0.0523
Oregon	284,363	324,966	40,603	1.2877	1.2449	−0.0428
Pennsylvania	836,421	1,054,347	217,926	3.7876	4.0392	0.2516
Rhode Island	128,083	146,371	18,288	0.5800	0.5607	−0.0193
South Carolina	350,884	413,990	63,107	1.5889	1.5860	−0.0029
South Dakota	172,249	196,844	24,595	0.7800	0.7541	−0.0259
Tennessee	499,781	615,535	115,754	2.2632	2.3581	0.0949
Texas	1,520,253	1,793,886	273,632	6.8842	6.8723	−0.0119
Utah	190,417	217,615	27,198	0.8623	0.8337	−0.0286
Vermont	103,791	118,611	14,820	0.4700	0.4544	−0.0156
Virginia	565,190	699,238	134,048	2.5594	2.6788	0.1194
Washington	405,917	463,879	57,962	1.8381	1.7771	−0.0610
West Virginia	225,413	305,472	80,059	1.0207	1.1703	0.1495
Wisconsin	401,153	473,357	72,204	1.8165	1.8134	−0.0031
Wyoming	167,833	191,797	23,964	0.7600	0.7348	−0.0252
Puerto Rico	101,332	115,802	14,470	0.4589	0.4436	−0.0152
Total Apportioned	22,083,248	26,103,083	4,019,835	100.0000	100.0000	

Mr. LEVIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I take the floor because we are presently in a quorum call and I thought it might be a good time for me not to overly impose on the Senate, since the Senate is not having any debate at the moment anyway.

Mr. President, Sir Francis Bacon, who was the Lord Chancellor and who ultimately went to the Tower—he wasn't executed, but he went to the Tower. In 1621, he was impeached and he was sent to the Tower for accepting bribes, which he admitted. He said there are three things that make a nation great and prosperous: a fertile soil, busy workshops, and easy conveyance for men and goods from place to place.

The Persians knew the importance of good roads, and had a network of roads that connected Susa and Ecbatana and Sardis and Babylon and Ninevah and Carchemish. Cyrus the Great was the king of Anshan in 559 B.C., and he became the king of all Persia when he defeated the Medes in 550. From 550 B.C. until 529 B.C. Cyrus ruled. Cyrus was killed in a battle with the Massagetai, whose ruling queen was named Tomyris—Tomyris. It's a very interesting story.

Herodotus, the author of history, tells us about it. I won't repeat that part today. Cyrus was killed in 529 B.C. and Cambyses, his son—Cambyses II—ruled from 529 to 522 B.C. Then Darius the Great ruled from 522 B.C. to 485 B.C.

Darius the Great—and Herodotus tells us this—Darius became king upon the neigh of a horse. He and some others joined in a conspiracy and assassinated an imposter to the throne. Upon the death of the imposter, these seven conspirators, of which Darius was one, decided they had to make a decision as to who would rule. They had a very interesting discussion about democracy and aristocracy and monarchy. Herodotus tells us all about it. It would be interesting for Senators to read that, or to reread it in the event they have already done so.

In any event, they decided at sunrise they would go out into the suburbs, these several conspirators, and that the first horse that neighed, the rider of that horse would be king of Persia. Darius subsequently told his groom, Oebares, about this and said, "This is what we have agreed upon. Do you have any ideas?" Oebares said, "Yes, don't you be concerned about it. Your horse will be the first to neigh."

That evening, Oebares took the favorite mare of Darius' horse into the suburbs and tied her to a tree. He then took Darius' horse to where the mare was tethered, and, after a little while,

returned with Darius's horse into the city for the night. The next morning, Darius and the other conspirators rode out into the suburbs with their horses. As they came near to the area where the mare was still tethered, Darius' horse neighed. The other conspirators immediately fell down upon the ground and proclaimed Darius to be the new king of all Persia. This is according to Herodotus.

Darius the Great built great roads. The Egyptians knew how to build good roads, the Etruscans, the Carthaginians, but the Romans were the truly great roadbuilders. Some of the roads and bridges that the Romans built hundreds of years ago are still in use. Many Senators who have visited Rome and have gone out to Tivoli—a few hours drive—have traveled the Old Appian Way, which was built by Appius Claudius Caecus, beginning in 312 B.C. and extending from Rome to Capua and on to Brundisium. The Romans knew how to build roads. They understood that in the center of the road there had to be a crown so that the water would drain off on each side and that on each side there had to be a ditch for the runoff water. These roads enabled the Roman legions to reach any part of the vast Roman empire. The Romans were great roadbuilders. And they built bridges, some of which are still in use today.

Now, roads in our time are very important and we have heard the expression that America is a country on wheels. People are on wheels. They are going hither, thither and yon at all times.

The Department of Transportation has indicated that the highways in all of the national system have deteriorated and that only 39 percent of the highways in the national system are in "good" condition.

We now have this highway bill that has come to the floor and we have already discussed the amendment, how it came about, and the meetings that took place in the majority leader's office. I said before and I say again, the majority leader performed a tremendous service in inviting those who were participants in the discussions, inviting them to his office and sitting with us each day, assisting us in reaching an agreement which now takes the form of an amendment to the ISTEA II bill, the Intermodal Surface Transportation Efficiency Act.

I came into these meetings, in a way, as someone out of the highways and hedges. I am not on the Environment and Public Works Committee. I am not on the Budget Committee. The Environment and Public Works Committee has jurisdiction over this legislation. I am not on that committee. Mr. BAUCUS is the ranking member of that committee. Mr. CHAFEE is the chairman. Mr. WARNER is a member of that committee and is chairman of the Transportation Subcommittee of that committee. Mr. DOMENICI is chairman of the Budget Committee, and Mr. GRAMM of Texas is a member of the Budget Committee. Those were the participants. I believe Mr. D'AMATO sat in on one or two meetings. He is chairman of the Banking Committee, which has jurisdiction over the mass transit moneys. That was not part of our amendment.

So, as I say, I was a stranger, in effect, to these meetings, not being a member of the committees that were directly involved. But I got into this thing because of Appalachia and because the moneys that were being deposited into the highway trust fund were not being spent for highways. And I talked with various Senators, upon one occasion with the Senator from Montana, Mr. BAUCUS. I said, "We need help on Appalachian highways." He said, "Well, we need more money, we need more money." I said, "OK, let's spend the money that is going into the highway trust fund. That is what the people think it is being collected for; let's spend it."

Mr. GRAMM of Texas had offered an amendment last year in the Finance Committee to transfer the 4.3-cent gas tax, of which 3.45 cents is for highways and 0.85 cent, or a little less than 1 penny per gallon, is for mass transit.

Mr. GRAMM had taken the bull by the horns and had, in the Finance Committee, offered an amendment, which was adopted, to transfer the 4.3 cents gas tax into the trust fund.

Senator GRAMM's amendment was later adopted by the Congress in the Taxpayer Relief Act. Congress adopted that proposal, and that money has been going into the highway trust fund but not being spent.

For those two reasons, I invited myself to the "party." I came up with this fine team of GRAMM, BAUCUS, and WARNER, and we all said, "Let's spend that money on highways and bridges," and we accordingly joined in sponsoring the amendment to do so.

That is how the Romans would have spent it. That is how the Etruscans would have spent it. I think that if Darius and the Persians were here today, they would say spend it on roads.

The four of us worked hard over a period of several weeks and months to get other cosponsors on the amendment. In the final analysis, we got 54 cosponsors in all. The day we reached an agreement on the amendment, may I say to the Senator from Montana, Mr. BAUCUS, I received a call from a 55th Senator saying, "I want to get on that amendment."

So it is never too late—never too late, never too late—to go to the altar, never too late to get religion, never too late to join in a good cause.

There were several Senators who said they did not want to cosponsor the amendment for various reasons, but if it came to a vote, they would support the amendment. I hope that will be the case.

This bill does not please everybody. I have not talked about Appalachia because I sense that there is a tendency for some people to think that I am only interested in Appalachia. However, I listened to Senator GRAMM just a little while ago make an excellent case for Appalachia.

Many times I have read Daniel Webster's reply to Senator Hayne of South Carolina on Tuesday and Wednesday, January 26 and 27, 1830. It was on January 26 and 27 that Webster took the floor in the old Chamber just down the hall and made his magnificent reply to Senator Hayne of South Carolina.

Many of the schoolboys in this country years ago memorized those speeches by Webster. We used to do those things. Webster spoke from about 12 pages of notes, one of the great, great speeches of all time, perhaps not the greatest. Demosthenes in his oration on the Crown probably delivered the greatest oration of all time. Cicero was once asked which of Demosthenes' speeches he liked best, and he said, "The longest."

Webster, in his debate with Hayne, made my case concerning "a road over the Alleghanies." I have quoted him a number of times over the years. I will not do that today. The record has been made.

But I could not have said it better than did Senator GRAMM earlier today.

So much for Appalachia at this point. I came here today to speak on the overall amendment. The adoption of this amendment signals a critical milestone in restoring integrity to our highway trust fund and the trust of the traveling public—the trust of the traveling public in their Federal Government. You drive up to the gas tank and you buy gasoline; you pay 18.3 cents on every gallon of gasoline in Federal tax—18.3 cents.

The ranking member of the Environment and Public Works Committee, who knows a lot about these things—I am not supposed to know a lot about this subject; don't know a lot about anything probably, not as much as I used to know on many subjects.

The Senator from Montana will correct me if I make a misstep here. The American people when they drive up to that gas pump see the little cylinder running round and round and round, and they know that the gas is flowing out of that nozzle into the tank of their car. As that cylinder rolls, the gas is pouring out of the nozzle. In their mind's eye, they should also see that as that cylinder rolls and the gas flows into the tank, there is also money flowing from their purchase into the highway trust fund. Just as the cylinder rolls, that money is flowing right into the highway trust fund.

So, there is 18.3 cents on the gallon that they pay in Federal tax. As Senator GRAMM has put it a number of times—the only part we are talking about here is the last 4.3 cents permanent gas tax that was added by the Congress—we are not talking about the cattle that were rustled before the 4.3 cents tax was enacted, we just want you to stop rustling the cattle.

In any event, we are talking about the 4.3 cents. Actually, in our amendment, we are talking about the 3.45 cents of that 4.3 cents, and we say that the people believe that that money is going into the construction and repair and maintenance of the highway system.

That trust fund was created in 1956. I am probably the only Member of the Senate who was in Congress at the time that trust fund was created. That was during the Eisenhower administration, when the interstate system of highways was created, all of which has been completed. That trust fund is what we are talking about. The 4.3 cents gas tax is going into the trust fund, and it should be spent on highways.

My colleagues and I who cosponsor this amendment are simply saying let's keep faith with the American people.

Senators GRAMM, BAUCUS, WARNER and I have toiled mightily over these last several months to boost the resources available over the next 6 years to better meet the needs of our Nation's transportation infrastructure and better spend the resources that are collected from the public and deposited in the highway trust fund.

Over the last several years, spending on our Nation's highways has been restricted so severely that the highway account of the highway trust fund now shows an unspent balance of more than $12 billion, money that sits idle in the trust fund, serving only the purpose of offsetting the Federal deficit at a time when our roadways and bridges are deteriorating at a rapid rate and our constituents are required to sit in ever-worsening traffic jams.

This past summer, the Senate adopted the Taxpayer Relief Act of 1997 which, through the efforts of my colleague Senator GRAMM, took the 4.3 cents gas tax initially levied for deficit reduction and moved that revenue into the Highway Trust Fund. As I indicated earlier, of that 4.3 cents, 3.45 cents was newly-deposited into the highway account of the highway trust fund. However, the ISTEA II bill reported by the Environment and Public Works Committee, S. 1173, did not authorize one penny—one penny—of that additional revenue to be spent on our Nation's highways and bridges. It was at this time—part of this is a repetition of what I have said earlier—it was at this time that Senator GRAMM and I joined forces to mount a campaign to amend the committee bill so as to allow the spending of the resources of the 4.3 cents—spend it.

We were very pleased to be joined in our efforts by Senators BAUCUS and WARNER, respectively, the ranking member and chairman of the Surface Transportation Subcommittee.

It has been a vigorous battle that we have waged here over the past several weeks trying to gain the minds and the hearts of other Senators. Up to one week ago we had 54 cosponsors, and then we got a 55th one. But we were faced with very able adversaries in these meetings in Senator LOTT's office—very able adversaries in Senator DOMENICI and Senator CHAFEE.

One week ago, the majority leader, Mr. LOTT, invited us to his chambers in an effort to negotiate a compromise on this issue. And I have commended and will commend again the fair-minded manner in which the majority leader presided over those negotiations.

Senators BAUCUS and GRAMM and WARNER and I were not inclined to negotiate a solution that in any way abandoned our principle of authorizing the spending of the revenue in the highway account of the highway trust fund. And we made that point very clear. Even so, there were other factors that appropriately were brought into the discussion and merited the attention of all participants.

Specifically, the Congressional Budget Office has reestimated the revenue stream of the 4.3 cents coming into the trust fund, as well as the overall cost of the committee-reported ISTEA bill. It also reestimated the total amount of new revenue coming into the trust fund over the life of the next highway bill, 1998–2003. The changes reflected in this amendment, in comparison to the original Byrd-Gramm-Baucus-Warner amendment, largely reflect the appropriate differences in CBO's estimates.

The original Byrd-Gramm-Baucus-Warner amendment authorized $30.9 billion, an amount equivalent to CBO's original estimate of the revenue to the highway account of the trust fund for the period, fiscal years 1999–2003. CBO reestimated this revenue stream to be a level of $27.4 billion. This amendment that we are cosponsoring, that we are presently considering today, totals $25.9 billion of the $27.4 billion that we had asked for. So we came down from $27.4 billion to $25.9 billion. And, as such, this amendment covers 94 percent of our initial goal.

Now, Mr. President, I have been in several high-level negotiations in my public career of 52 years. It is rare that I am offered 94 percent of my original position and, as such, I, along with Senators GRAMM, BAUCUS and WARNER, embraced this final compromise. And as was true under the Byrd-Gramm-Baucus-Warner amendment, every State—every State; every State; every State—will see substantially increased highway funding authorized in this bill.

Now, we brought money to the table. And I can understand how everybody now wants a chunk of that money that we brought to the table. And they should have a chunk. I came to the Senate from the House of Representatives when there were 48 States in the Union. And when I was sworn in on January 3, 1959, the two Alaska Senators were sworn in with me. There were 96 Senators, and those two Alaska Senators that were sworn in with me made 98 Senators. Later that year, the two new Hawaii Senators came in to make a total of 100 Senators.

Well, 50 States in the United States are benefiting under this amendment. I wanted to see the tide rise for every State—the tide would rise and lift the boats for all the States. I wanted to see that money taken out of the trust fund and spent for highways and bridges in all 50 States.

And I wanted the people of Appalachia, who have waited 32 years, to see their boats rise. I wanted to see a consistent, secure source of funding for those Appalachian highways. Appalachia consists of 13 States, 200,000 square miles, 22 million people in Appalachia. We are all concerned about helping the disadvantaged and minorities.

Well, here is a whole region of people, stretching from southwest New York down the spine of the Appalachians into northern Mississippi and Alabama, people who have been disadvantaged. Yes. We are also a minority in some ways, a minority of people for whom the general prosperity of the Nation has not been fully enjoyed.

I was here when Congress passed the legislation authorizing the Appalachian Development highway system in 1965. For the entire Appalachian region, 78 percent of the highways have been completed—78 percent. In West Virginia, only 74 percent of the Appalachian highways have been completed. West Virginia is the only State among the 13 States that is wholly within Appalachia.

The people of Appalachia have been promised this a long time. It, too, is a part of the Nation.

So, out of the roughly $26 billion in our amendment, yes, $2.5 billion is for Appalachia. Not just for West Virginia, but the 13 States of Appalachia. I am proud of Appalachia, proud to be a West Virginian. I asked for only a small portion, $2.5 billion, for the 13 Appalachian States, and all the rest of the money that I helped to bring to the table can be spread throughout the 50 States.

Every State—every State—will see substantially increased dollars as a result of this amendment. Moreover, Senator DOMENICI's participation in these negotiations has given rise to an understanding that additional outlays will be found through the budget resolution to enable the Appropriations

Committee to fund these additional authorizations.

I thank Senator DOMENICI, who brought his considerable expertise on budgetary matters to the negotiating table. Here is a little bit more about Appalachia. I have already spoken about Appalachia, but I will read it. It won't take long.

Regarding the Appalachian Development Highway System (ADHS), I have worked long and hard to secure contract authority authorizations for the program in the new highway bill.

Let the States in Appalachia draw down contract authority from a reliable source of funds and complete their system, and in doing so, they, too, will lift all the books of the Nation.

In January of 1997, over a year ago, I visited the President in the Oval Office and urged him to include contract authority authorizations for the Appalachian Highway System in his ISTEA II proposal. He expressed his support for my position and, subsequently, did include $2.19 billion in contract authority in his ISTEA II proposal.

Under the agreement that has been reached, authorizations of contract authority for the Appalachian Highway System will result in a total of $2.19 billion in authorized contract authority over the six years, 1998–2003. This is the same amount as requested by the President, a compromise which I am willing to accept.

Let me emphasize that these funds will not be earmarked in any way. They will be allocated to the states on the basis of the mileage yet to be completed and on the cost to complete that mileage.

At markup the day before yesterday, the Environment and Public Works Committee utilized the new resources that were agreed to in the negotiations to satisfy the concerns of several other members from several other regions of the country. The amendment includes additional authorizations for the donor states, for parks and refuge roads, and for a new "density" program.

As I say, each of us would like to have more in this bill. I don't watch TV very much. I am very selective about what I watch on that magnificent medium, but I do watch these presentations that come along from time to time that show us what is happening out in animal country. I see a group of animals chasing another animal. I see the powerful lion, a herd of lions, and they are stalking, stalking, stalking a poor gazelle, a zebra, or some other animal. Finally the lion—ah, the king of beasts!

I remember the old fable in which a fox and a lion were having a discussion, and the fox said, "Look, I have many whelps, and you have only one." The lion answered and said, "Yes I have only one, but that is a lion."

The lion closes in for the kill. The lion attacks the victim, and then all the other lions rush in and seize a share of the kill. They want in on the kill. That is like it is sometimes in politics.

I hope that with the adoption of this amendment the Senate will move rapidly to debate the remaining amendments to the bill so we can ensure the earliest possible opportunity to send a comprehensive 6-year transportation bill to the President. I remind my colleagues that, including today, there are 33 sessions remaining through May 1. Come the stroke of that clock, 12 o'clock midnight on May 1, no State can obligate an additional dollar for highways. We have to move rapidly to adopt a highway program. We must remember that our colleagues in the other body have yet to act on a 6-year highway bill. With the breaking of this logjam, I hope our colleagues in the other body will move expeditiously to pass a robust multiyear highway bill that meets or exceeds the levels authorized here today so that the authorizing committees can get to conference and send a bill to the President prior to May 1.

Before I yield the floor, I want to thank sincerely our minority leader, Senator DASCHLE, who carefully monitored our progress and supported our efforts. Again, I thank my principal cosponsors, Senators GRAMM, BAUCUS and WARNER. We did not allow ourselves to be divided in this effort, and the level of funding in this amendment reflects the success we enjoy by remaining united.

Finally, let me thank Senators DOMENICI and CHAFEE, two fine committee chairmen, who are equally able today as allies as they were as adversaries at an earlier time. This is an important bill to you who are listening and watching via television and radio. This is for you and it is for your children—your children.

An old man traveling a lone highway
Came at evening, cold and gray
To a chasm vast and wide and steep,
With waters rolling cold and deep.
The old man crossed in the twilight dim;
The sullen stream held no fears for him.
But he turned, when he reached the other side,
And he built a bridge to span the tide.
"Old man," said a fellow pilgrim standing near,
"You are wasting your strength in building here.
Your journey will end with the passing day,
And you never again will travel this way.
You have crossed the chasm deep and wide;
Why build you a bridge at eventide?"
The builder lifted his old gray head.
"Good friend, in the path I have come," he said,
"There followeth after me today
A youth whose feet must pass this way.
This chasm, which was but naught to me,
To that fair youth might a pitfall be.
He, too, must cross in the twilight dim.
Good friend, I am building this bridge for him."

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. COATS). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. GREGG). Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, I know the time is running out on the debate on this major amendment, the amendment that is in the nature of a substitute. But I wanted to take about 5 minutes and express my views about it.

Frankly, it is common knowledge around here that I was not in favor of moving quickly with the ISTEA bill. But clearly, we are ready now. We have had ample opportunity to discuss how much money is coming into the trust fund from the 4.3 cents, how much contract authority ought to be obligated to use it up during the next 5 years. Part of that would be in 1998. So it is a 6-year cycle. We arrived at a conclusion that is pretty clear and pretty close to fair, in my opinion. In fact, I think it is about as well as we can do.

America needs highways. The U.S. Government has a lot of programs it is involved in that are not its responsibility. But there is no question that it is the responsibility of the Federal Government to appropriately handle the gasoline tax money and to let our States build roads with it. So, in a very real sense, it is a very high priority, because for many things that we spend money on, we are not, in a sense, as trustees, obligated to spend money for those things. And there are scores of them.

So I have come to the conclusion that the dollar number of $173 billion as the total expenditure over the next 5 years is a right number, consisting of the gasoline tax of 4.3 cents which used to be in the general fund and is now in the trust fund. I believe it is going to help our States in many ways, and I think in many parts of the United States it is going to provide some very, very healthy employment where it is needed.

In addition, it seems to me that the chairman of the Committee on Environment and Public Works, with the able assistance of Senator BAUCUS as its ranking member, and the entire committee, all of whom have voted in favor of this amendment, have put together a very good cross section of the kinds of things we need in these changing times to carry out our responsibility with reference to this gasoline money and get some national programs that are necessary and put as much of it as we can—91 percent minimum—to every State, as I understand it, in return for their dollars so that they can begin this process of gearing up to build more roads. And they will take a

little while for that. This is a very big increase. They are not going to be able to start next month with a maximum effort in this program. It will take the rest of this year and part of next year before it is actually built up to the maximum.

But I think the American people, probably on more than anything else we are going to be voting on around here—a broad cross section, not a little special interest or a sliver of our society, but a very broad cross section—want more roads, if we have gasoline tax money to pay for them. And many States have put their own gasoline tax on it and are even doing more.

There is nothing more frustrating for the people in my home State in a growing city to find out—already when we are not even 1 million in population—that their roads are clogged, the freeways are not working, and nothing causes them to wonder more what is going on in terms of planning and appropriate expenditure of resources. We are about to say to them that I think this is about as good as we can do, with all of the competing interests. This is about as fair a program for all of the sovereign States and for the kind of special highway research and the like that is necessary.

So from my standpoint, I am on the amendment. I wasn't on the original Byrd-Gramm amendment. We had some very lengthy debates trying to arrive at the right dollar number—we did—that permit me in good conscience to say that we have a good bill. There are some very legitimate questions. And, if there were Senators here, they could probably ask me, with some degree of difficulty—and I would have some degree of difficulty answering them—that is, since every year we put in an appropriated amount for these highways that comes within the annual cap that we must live with, the annual total domestic program spending, how are we going to add this to the entourage of American programs that exist and still meet that cap when we didn't contemplate this program?

Let me repeat, I see no difficulty doing that for the next year. We have to find just a little over $1 billion to accomplish that purpose in the first year. It grows a little bit, because contract authority is slow to spend, and it will get bigger. In the fourth and fifth year, it will be bigger, and then well beyond the caps that will be spent. But caps won't be around in the last year of this expenditure. Nonetheless, I believe that since this is so vitally important, that we will find the wherewithal to meet our caps—that is, meet our total domestic expenditures—and, yet, be able to fund this program.

If some Senator, insisting on knowing precisely what program would be constrained, cut back or eliminated in order to pay for it, I wouldn't be prepared to tell you that. But I am prepared to tell you that the Budget Committee will have to do that. It will make some recommendations on how we pay for this program and maintain the authenticity and variety of our caps where we believe that our balanced budget will be a balanced budget. I think we can get there.

I thank everybody who participated, and all who have joined today in this amendment can say they were part of the original amendment which pushed this forward. And I have no quibble with them. There were a lot of Senators on that—not quite as many as the proponents would have liked. I had a little bit to do with that. I asked some not to go on so that we could make an agreement. I hope they are not feeling put upon, having waited and now to be able to vote for this bill and be on it. I don't like to do that, but I sort of thought it would be better for everyone if we slowed up a little bit. And it turned out well.

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CHAFEE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHAFEE. Mr. President, we spent a good deal of time this afternoon without any action on the floor, in quorum calls. We want very much to get on with this bill. People ought to bring over their amendments. If they have problems—as you know, we are just dealing solely with the so-called Chafee amendment, which is the major amendment dealing with the increased financing for a whole series of programs. I see no reason why we should not go to a vote. No one has brought over any amendments. Nobody is proposing anything here on the floor. We have worked out the ones who have. We have worked them out. Others say they are going to get together. They may be along. It is all very indefinite. I see no reason why at a quarter of 3 we should not have a vote.

So, Mr. President, that is the tilt I have, because I want to get on with this bill. There are other lengthy amendments after this. This is not the last amendment by a long shot. There are other amendments that we have to consider. We have one involving disadvantaged business enterprises and a whole series of others. There are some 100-plus amendments out there. Clearly, hopefully, they are not all going to be brought up, but we ought to get on with this. If people have problems, come on over here.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I chime in with the remarks of the distinguished Senator, chairman of our committee, Senator CHAFEE, and encourage Senators who do have amendments on this underlying amendment to come on over. I am going to encourage the chairman to go to a final vote on this amendment in the next 25 minutes, by a quarter of 3. Senators have had more than ample notice all day long, certainly this afternoon, and having heard from the chairman and from myself, all the offices around, they have about 25 minutes to get here. That is more than fair. I think it is, frankly, in fairness to other Senators who want to get on with this bill, move on with it—it's in fairness to them that we vote by a quarter to 3 on this final amendment. Unless Senators come to the floor with their amendments where we can work out some kind of time agreement in some expeditious manner, I really strongly encourage the chairman to vote at quarter to 3 if there are no pending amendments.

Mr. INHOFE. Will the Senator yield?

Mr. CHAFEE. Yes, to the Senator from Oklahoma.

Mr. INHOFE. I share the frustration of the chairman and ranking member. I advise them I have an amendment which is at the desk. Everything has been worked out with the minority, majority, EPA. In a very few minutes I would like to set aside any business to take that up. It should be a very short amendment and should be voice voted.

Mr. CHAFEE. I agree with the Senator from Oklahoma. He has worked with us, starting last night. I just finished a conversation with the Administrator of EPA. The Senator and the Administrator have worked out their problems. Certainly it is something I can accept, and I will have an opportunity to discuss it with the ranking member, and I am confident he will find it acceptable, too. That's what we want to do. Let's get on with these things. The Senator from Oklahoma has been over here.

I just want to say to the Senator from Oklahoma, as soon as we get his worked out then we will move to set aside this and see if we can't dispose of his amendment quickly.

The Senator from Florida?

Mr. MACK. I just want to address myself to comments that were made by Senator LEVIN a little earlier with respect to, frankly, those of us who are considered donor States. We are still looking for more information. I understand from your point of view we have all the information that there is to have, and we ought to have sufficient data to make decisions about where we are on this amendment.

I would say to the distinguished Senator that last evening several of us met with our staffs, going over, asking questions about what the impact of the amendment would be to our individual

States. There was no clarity last night. We called and asked for a meeting this morning with individuals from the highway department, to come down and go over the data with us. They did so this morning. We asked for additional information. They are working on getting that information back to us. We hope sometime this afternoon that information would be available to us. We will then be in a better position to evaluate just exactly where we are.

I must say, maybe it is because I am dealing from a position of real extreme frustration, representing a State that we believe under the old proposal had about 77 cents back for what we had contributed in the past, in the last year. I remember the debates and the discussions that we had 5 years ago, kind of saying, "This is never going to happen to us again," that is being a donor State to the extent that we have been.

So we are concerned and we do not feel that we have enough data to make a decision. We think it is unfair to say, let's just go ahead and move this amendment at this time. We do not have, and have not had, the time that you all have had over these last several months to be working on this bill. We have this opportunity now to try to evaluate what the amendment does. We are making a reasonable request. We are not trying to delay the bill. So, I ask the amendment be set aside until we have an opportunity to get this information and we can then discuss how we proceed.

Mr. CHAFEE. I say to the distinguished Senator from Florida, I would be very reluctant to set this aside. It has been my experience in this place, once you set it aside, if we had 10 problems now, we will have 30 problems by tomorrow as everybody's staff gins up more problems in response to the legislation before us.

I don't know——

Mr. BAUCUS. Will the chairman yield?

Mr. CHAFEE. Yes.

Mr. BAUCUS. Maybe one solution here—there is no perfect solution. Maybe one solution might be to vote on this amendment, and Senators who have concerns about this amendment can state them, that is, they are voting for it kind of on reservation or something like that, pending information that they get, and reserve the opportunity to offer amendments at a later time. I say that because this amendment, I suspect, is going to pass. Therefore, that will have passed and we will be done with it. Then we can still address the concerns that the Senator from Florida may or may not have, and having passed this amendment doesn't put him in a disadvantageous position.

Mr. WARNER. I think in our discussions you intended a voice vote.

Mr. BAUCUS. A voice vote would be more helpful to the Senators who do not know.

Mr. WARNER. I think the senior managers of the bill would be willing to accept that.

Mr. CHAFEE. You guessed it right.

Mr. WARNER. Then the bill is open for amendments throughout the course of further deliberations.

Mr. MACK. Again, I appreciate the response. I understand. Each of us has had the opportunity to manage a bill. We know how we want to keep that bill moving. The longer it lays out there, the more difficulties it attracts. So I understand the concerns of the managers.

Give us a few moments, those of us who are the donor States, an opportunity to take a look at this and see how we might proceed.

Mr. CHAFEE. If the distinguished Senator from Florida is talking about a few moments, he is stirring my heart.

Mr. MACK. We might have a several-hour debate on what the definition of "moment" is.

Mr. CHAFEE. We all know what "moment" means. If you want several moments, you go to it. As of now, I'm saying everybody come on over here with their amendments, all individuals come with their amendments, and hopefully we would like to have a vote by a quarter of 3. But because of the urging of the Senator from Florida, a few moments will get us along for a while.

Please, all I would say to the Senator from Florida, a few moments really doesn't mean a meeting at 6 o'clock tonight.

Mr. MACK. I understand.

Mr. LEVIN. Will the Senator from Rhode Island yield for a moment?

Mr. CHAFEE. Yes.

Mr. LEVIN. I think what the Senator from Florida is saying—I concur—is we would be able in a few moments to know whether the suggestion of the Senator from Montana would be acceptable to us, and that could literally be in a few moments, and then we could have a voice vote promptly, and then, with the understanding set forth and the suggestions set forth by the Senator from Montana, be able to consider the data which we expect later on today at a later time.

Mr. CHAFEE. You have a few moments. Come on back and see us in a few moments. Let's all agree that a few moments isn't very long.

Mr. BAUCUS. I would like to, if I could, quantify a little bit what a few moments means. Can the Senators tell us that a few moments means no more than 15 minutes?

Mr. MACK. We might debate this issue for an hour or two——

Mr. BAUCUS. At least let us know in 15 minutes whether you can accept.

Mr. MACK. It was indicated a little earlier that there would be maybe 25 minutes. I think our definition of "moment" would fit within that range.

Mr. BAUCUS. We have used up about 10 minutes of it.

Mr. CHAFEE. All right.

Mr. BAUCUS. OK; 25. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CHAFEE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHAFEE. Mr. President, as I previously announced, we want to get on with this legislation. It is my intention that at 3 o'clock, I will ask unanimous consent that amendment No. 1684 be agreed to, the motion to reconsider be laid upon the table, and the amendment be considered as original text for the purpose of further amendment.

I ask unanimous consent that Senators WYDEN and SESSIONS be added as cosponsors of this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, it is the intention to seek a voice vote; we want to make that clear.

Mr. CHAFEE. Yes, it will be my intention, as I say, at 3 o'clock to proceed with a voice vote on the amendment.

Mr. LEVIN. Will the Senator from Rhode Island yield?

Mr. CHAFEE. In the interim, if Senators wish to talk on this subject or others, I will reserve the time at 3 o'clock to proceed with this unanimous consent request.

Mr. LEVIN. Will the Senator from Rhode Island yield?

Mr. CHAFEE. Yes.

Mr. LEVIN. I want to say to the Senator that this is acceptable to this Senator as a way of proceeding, so we can preserve our rights after we get the material we have been waiting for to determine whether or not we wish at that time to offer amendments relating to the subject we discussed this morning. I thank my good friend from Rhode Island.

Mr. CHAFEE. We, obviously, hope the Senator will not have an amendment, but should he have one, we shall be delighted to receive it.

Mr. WARNER. Mr. President, if I might, Senator MACK wishes to associate himself with the remarks of the Senator from Michigan. He was very active in the discussions on this, as was the Senator from Michigan. So we thank them as a group speaking on behalf of the donor States. I have been one of the major spokesmen for donor States, and I am glad to have the assistance of my colleagues.

Mr. BAUCUS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I thank the Senators on the floor who are concerned about protecting their rights, and I thank them for being so accommodating. We have worked out an arrangement where we can move forward

with this bill and, yet, they can still protect their rights and offer amendments if they so choose. I thank them.

It is my understanding, Mr. President, the Senator from Michigan would like to have a colloquy.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I would like to have a colloquy, if my good friend from Montana is able to do it at this time.

Is it the intent of this bill, assuming this amendment is adopted, to return to the States 91 percent of their share of contributions to the trust fund or 91 cents of each gas tax dollar sent to the highway trust fund?

Mr. BAUCUS. I say to my friend, of the amounts apportioned to the States, the goal is to give States 91 percent of their percent share of contributions to the highway trust fund.

Mr. LEVIN. So, it is not true, then, because of various administrative, research and special funds set aside and not distributed to all the States, that the total dollars returned to each State would be less than 91 percent of its contributions to the highway trust fund highway account?

Mr. BAUCUS. The Senator is correct. However, let me make an important point. In the underlying bill, 10 percent of the money is used for things such as research, emergency relief for natural disasters and administrative costs. That 10 percent is not counted in the calculation of the State's share. But this is not a new concept. These are national programs. It is the approach that has been taken in the previous ISTEA program as well. It is not new. In the amendment, I say to the Senator, we have given Michigan actually a better deal.

In this amendment, we calculate the dollars needed to give you a 91-percent share. This calculation, for the first time, includes other programs. Included in the calculation under the amendment are the additional amounts apportioned to the States, that is $18.9 billion, plus the $1.8 billion in the new density program and the $1.89 billion in the Appalachian highway program. The result is that 91 percent is now calculated on a larger universe of funds than in the underlying bill.

Mr. LEVIN. I thank my friend. Just to be clear, the 91-percent share does not assure a minimum 91 cents back on each dollar sent to the trust fund; in terms of cents on the dollar guaranteed, a 91-percent share is going to be less for each State, as it always has been, than 91 cents on the dollar.

Mr. BAUCUS. The Senator is correct.

Mr. LEVIN. I thank my good friend and yield the floor.

Mr. BAUCUS. I suggest the absence of a quorum.

The PRESIDING OFFICER (Ms. COLLINS). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CHAFEE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHAFEE. Madam President, I ask unanimous consent that the amendment No. 1684 be laid aside until 4:10, at which time it would then come up under the prior arrangement that we had.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHAFEE. Madam President, the Senator from Oklahoma has an amendment.

Mr. INHOFE addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

AMENDMENT NO. 1687

(Purpose: To ensure that the States have the necessary flexibility to implement the new standards for ozone and particulate matter)

Mr. INHOFE. Madam President, I have an amendment at the desk, and I ask for its consideration.

The assistant legislative clerk read as follows:

The Senator from Oklahoma (Mr. INHOFE), for himself and Mr. BREAUX, proposes an amendment numbered 1687.

Mr. INHOFE. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the bill, add the following:

TITLE .—OZONE AND PARTICULATE MATTER STANDARDS

FINDINGS AND PURPOSES

SECTION 1. (a) The Congress finds that—

(1) There is a lack of air quality monitoring data for fine particle levels, measured as $PM_{2.5}$, in the United States and the States should receive full funding for the monitoring efforts;

(2) Such data would provide a basis for designating areas as attainment or nonattainment for any $PM_{2.5}$ national ambient air quality standards pursuant to the standards promulgated in July 1997;

(3) The President of the United States directed the Administrator in a memorandum dated July 16, 1997, to complete the next periodic review of the particulate matter national ambient air quality standards by July 2002 in order to determine "whether to revise or maintain the standards";

(4) The Administrator has stated that three years of air quality monitoring data for fine particle levels, measured as $PM_{2.5}$ and performed in accordance with any applicable federal reference methods, is appropriate for designating areas as attainment or nonattainment pursuant to the July 1997 promulgated standards; and

(5) The Administrator has acknowledged that in drawing boundaries for attainment and nonattainment areas for the July 1997 ozone national air quality standards, Governors would benefit from considering implementation guidance from EPA on drawing area boundaries;

(b) The purposes of this title are—

(1) To ensure that three years of air quality monitoring data regarding fine particle levels are gathered for use in the determination of area attainment or nonattainment designations respecting any $PM_{2.5}$ national ambient air quality standards;

(2) To ensure that the Governors have adequate time to consider implementation guidance from EPA on drawing area boundaries prior to submitting area designations respecting the July 1997 ozone national ambient air quality standards;

(3) To ensure that implementation of the July 1997 revisions of the ambient air quality standards are consistent with the purposes of the President's Implementation Memorandum dated July 16, 1997.

PARTICULATE MATTER MONITORING PROGRAM

SEC. 2. (a) Through grants under section 103 of the Clean Air Act the Administrator of the Environmental Protection Agency shall use appropriated funds no later than fiscal 2000 to fund one hundred percent of the cost of the establishment, purchase, operation and maintenance of a $PM_{2.5}$ monitoring network necessary to implement the national ambient air quality standards for $PM_{2.5}$ under section 109 of the Clean Air Act. This implementation shall not result in a diversion or reprogramming of funds from other Federal, State or local Clean Air Act activities. Any funds previously diverted or reprogrammed from section 105 Clean Air Act grants for $PM_{2.5}$ monitors must be restored to State or local air programs in fiscal year 1999.

(b) EPA and the States shall ensure that the national network (designated in section 2(a)) which consists of the $PM_{2.5}$ monitors necessary to implement the national ambient air quality standards is established by December 31, 1999.

(c) The Governors shall be required to submit designations for each area following promulgation of the July 1997 $PM_{2.5}$ national ambient air quality standard within one year after receipt of three years of air quality monitoring data performed in accordance with any applicable federal reference methods for the relevant areas. Only data from the monitoring network designated in section 2(a) and other federal reference method $PM_{2.5}$ monitors shall be considered for such designations. In reviewing the State Implementation Plans the Administrator shall consider all relevant monitoring data regarding transport of $PM_{2.5}$.

(d) The Administrator shall promulgate designations of nonattainment areas no later than one year after the initial designations required under paragraph 2(c) are required to be submitted. Notwithstanding the previous sentence, the Administrator shall promulgate such designations not later than Dec. 31, 2005.

(e) The Administrator shall conduct a field study of the ability of the $PM_{2.5}$ Federal Reference Method to differentiate those particles that are larger than 2.5 micrograms in diameter. This study shall be completed and provided to Congress no later than two years from the date of enactment of this legislation.

OZONE DESIGNATION REQUIREMENTS

SEC. 3. (a) the Governors shall be required to submit designations of nonattainment areas within two years following the promulgation of the July 1997 ozone national ambient air quality standards.

(b) The Administrator shall promulgate final designations no later than one year after the designations required under paragraph 3(a) are required to be submitted.

ADDITIONAL PROVISIONS

SEC. 4. Nothing in sections 1–3 above shall be construed by the Administrator of Environmental Protection Agency or any court,

State, or person to affect any pending litigation or to be a ratification of the ozone or $PM_{2.5}$ standards.

Mr. INHOFE. Madam President, we have had an amendment and actually have had a bill to address a problem that many of us are concerned with having to do with a change that was proposed by the Administrator of the EPA in November 2 years ago. This made dramatic changes in the standards for particulate matter and for ozone.

We held extensive hearings. As chairman of the Clean Air Subcommittee, we had seven hearings on this bill. It has become very controversial. The Administrator of the EPA has set the standards. After having gone through the process of the hearings and the process of the comment periods, it is now set. However, in the memorandum of implementation by the President, we have a time guideline for the implementation of these standards. Let me repeat that. The standards are set in both particulate matter and in ozone but not yet implemented. The implementation period provides for certain periods of time for establishing a PM monitoring network for collecting data for Governors to recommend areas of designation for the EPA to designate new nonattainment areas, and then for the States to submit State implementation plans. That would be true on both ozone and particulate matter.

What we are attempting to do with this bill is to take these guidelines to make sure that they are in order and that everyone has ample time to carry out what has to be done in order to implement these standards. That would require a period of time.

So what I have done with this amendment is take the memorandum of implementation from President Clinton and put that down into periods of time as he recommends, and we are adding that as an amendment. Obviously, this is germane to this bill because if we are to find ourselves out of attainment, it would dramatically affect the ability of the States to be able to have their transportation funds.

So with the following three exceptions, this amendment only puts into the bill the time guidelines that we have all agreed to. It has been signed off on by the minority and the majority and the EPA.

The first one is an area that does not affect time lines. It has to do with fully funding. This is a conscientious concern. However, the States have talked to us through the Governors associations, U.S. Conference of Mayors, the counties, and the rest of them saying that what they don't want to have is an unfunded mandate whereby they would have all of these obligations to monitor the PM and go through all of this and not have it funded. This portion of the amendment, section (2)(a), requires that the EPA absorb all of these costs.

The next area is one that meets a problem that mostly concerns the agricultural community throughout America; that is, their concern with how they will be treated. Section 2(e) says that this study would take place that would address the concerns of farmers who believe that they will be targeted for PM 2.5. And we talked about PM 2.5. We are talking about 2.5 micrograms as opposed to the current 10 and emissions larger than 2.5.

This is their concern. Everyone has agreed that this is a legitimate concern that the farmers of America have, and we are accommodating them.

The last section that does not affect just the timeline is section 4 where it says:

Nothing in section 1–3 above shall be construed by the Administrator of the Environmental Protection Agency or any court, State, or person to affect any pending legislation.

There is some pending legislation.

I would like to add that I had a conversation with Administrator Browner, and we have had many nice conversations. While we have occasionally disagreed philosophically on some things, I did agree with her that if this amendment passes and survives the conference, passes and then is signed into law, I have no intention of bringing up any other legislation or amendments affecting the national ambient air quality standards; that is, barring anything totally unforeseen. I can't imagine what that would be.

Mr. President, my amendment today addresses the EPA's revised Particulate Matter and Ozone National Ambient Air Quality Standards. As you know, I have been a vocal critic of the EPA's revised Particulate Matter and Ozone National Ambient Air Quality Standards. My subcommittee has held extensive hearings on both standards, and I am convinced, based on the record developed in those hearings, that those standards are not needed to protect the health of our citizens, or our environment, and that the implementation of these standards will impose huge costs on the country, that are completely unjustified. For these reasons, I have sponsored legislation that would require EPA to reconsider these standards, before they are implemented.

I rise today to pursue a narrower objective. The administration has announced an implementation plan for both standards. However, a number of concerns have been raised about EPA's ability to implement this plan under the Clean Air Act. One key concern has been whether EPA can hold off on designation areas as not meeting the new standards—i.e., as nonattainment areas.

With regard to PM 2.5 (the new Particulate Matter standard), three years of federal reference method monitoring data are necessary to designate areas, and a monitoring network—funded by EPA, not the states—needs to be put in place to generate these data.

With regard to the ozone standard, EPA needs to develop guidance on nonattainment boundaries, before the designation process can even begin. EPA says that this guidance will be available in 1999, but, the states still must submit their recommended designations to EPA this July unless something is done.

The amendment I have offered is designed to address these concerns by giving the Agency clear authority to proceed with the schedule announced by the President last July. I am offering it because I believe it would be unacceptable for the Congress to allow a situation to develop where uncertainty about EPA's legal authority could result in confusion and chaos.

I caution, however, that this legislation does not affirm the standards. Whether those standards are lawful, appropriate, and necessary is still an open question that is being considered by the Courts. We can't realistically expect this question to be answered in a year or more. This legislation is designed to assure that the agency has clear authority to proceed with its implementation schedule, while the very important questions about the legitimacy of these standards are still debated.

This legislation addresses only the timing of attainment designation under the President's implementation plan for these standards. EPA recently proposed to order the states to develop plans, that, among other things, would require reductions in inter-state emissions that might be contributing to exceedances of the 8-hour ozone standard. A number of legal and factual objections to this proposal have been raised by states, industry, and others. Since this is only a proposal, I have not addressed in this legislation EPA's authority under the Act to require any reductions before state plans are developed after areas have been designated.

I thank very much Senator BAUCUS, Senator CHAFEE, and Administrator Browner, as well as some of the staff: Chris Hessler, Jimmie Powell, with whom I worked closely, Barbara Roberts, and Tom Sliter. They have been very cooperative and very helpful in bringing this to the point where we are today.

At this point I yield for questions.

Mr. CHAFEE. Madam President, I rise in support of the amendment which has been offered by my colleague who is the chairman of the Clean Air Subcommittee of the Environment Committee. He has identified some important concerns about the implementation of the recently revised so-called National Ambient Air Quality Standards.

This is a very complicated area. The Senator from Oklahoma has invested a

good deal of time and energy studying this and educating our committee about it. His subcommittee, as he mentioned, held seven hearings on the subject here in Washington and another in Oklahoma. He and his staff led the sometimes difficult negotiations on this amendment to, as he noted, a successful conclusion.

I want to applaud the Senator from Oklahoma for his efforts both on this amendment and on the larger issue of the NAAQs rule. He has invested a great deal of energy and time in studying this complicated matter and educating the Environment and Public Works Committee about it. His subcommittee held seven hearings on the issue here in Washington, and another in Oklahoma. He and his staff led the sometimes difficult negotiations on this amendment to a successful conclusion. His efforts and patience have served us all well because the amendment before us will improve the implementation of the NAAQs.

This amendment seeks to ensure that commitments made last year about how the standards would be implemented are upheld. The Environmental Protection Agency said it would cover 100 percent of the costs associated with installing and operating the new monitors needed to measure fine particulate matter. Having made the promise, the federal government must ensure that it is kept. This amendment would do that.

The amendment would also require three years of data collection before planning starts for additional pollution controls. The EPA has decided that it needs three years of data to ensure that chronic sources of particulate matter are accurately identified. Complete data will enable states to develop appropriate control strategies. Reducing PM 2.5 is important to the public health but we must be sure that new controls are used where they are needed. Without sufficient monitoring data, we will not be certain the right sources are targeted for controls, and we may not achieve the improved air quality or the health benefits that we are seeking.

Along the same lines, we need to be sure we can chemically distinguish one type of particulate from another. That is the only way State air officials will know if they need to reduce pollution from wood stoves or power plants. This amendment requires a field study of the monitors to ensure that they are serving this purpose effectively.

The EPA promised the States that they would have both the resources and the information necessary to implement the NAAQs rule. Through this amendment, the Senator from Oklahoma is attempting to enforce those commitments.

All of the goals of this amendment are worthy and reasonable and I urge everyone to support it.

Essentially what the amendment does is the following: There have to be monitors set up to measure particulate matter and ozone levels and other matter. The question is, Who is going to pay for these monitors? Is it going to be the Federal Government? The Administrator indicated it would be the Federal Government, but there seems to be some backing off from that.

The amendment of the Senator from Oklahoma says that the Environmental Protection Agency would cover 100 percent of the costs of installation. You have to install these things and operate them. You have to go out and check these new monitors to measure the fine particulate matter.

That is the first thing the Senator has accomplished in this amendment. That is a very welcome provision because the State budgets are having trouble keeping up with the requirements of the Clean Air Act.

The other part of his amendment would codify the requirement under the National Ambient Air Quality Standards. That calls for 3 years of data collection before there can be a designation of nonattainment for this particular part of so-called particulate matter. So, the EPA has decided that 3 years of data are necessary to ensure that chronic sources of particulate matter are accurately identified. As I understand the amendment of the Senator, it requires 3 years. Am I correct?

Mr. INHOFE. That is correct.

Mr. CHAFEE. So, this is a difficult area. The assurance that the Senator from Oklahoma has put in, dealing with both the period and also who is going to pay for these monitors, is a good one. We are glad to accept it on this side.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BAUCUS. Madam President, this is a happy day, because it was not too long ago here that, after the EPA announced new standards for ozone and small particulates, there was going to be a huge uproar in the Senate and there would be a big battle over whether or not the EPA should be allowed to go ahead with these new standards.

Frankly, however, as Senators have looked at this issue—and I take my hat off to the Senator from Oklahoma, Senator INHOFE, who has come up with this amendment—the effect of this amendment is not to delay those standards and not to in any way impede those standards, but rather set up a procedure which helps, frankly, assure the process will continue on a fair basis; namely, that the monitoring costs—and they will be quite extensive; that is monitoring the air in various parts of the country, particularly nonattainment areas—will be paid for by the Environmental Protection Agency. That is not by States. The States will be fully reimbursed for their monitoring costs. So that helps establish a solid program because we know where the money is going to come from and it will be fully paid for.

A second major change here, at least a clarification, is that States will not be faced with new nonattainment designations under the Clean Air Act for PM 2.5—that is the small particulates—without 3 years of monitoring data. That at least makes sense, that we have 3 years of monitoring data. In fact, the EPA-proposed standard was based on a 3-year average anyway. So as a practical matter, this is a measure which will help assure that the standards will be addressed fairly, comprehensively, and also in a timely manner. So this version of this amendment, unlike earlier versions that had been filed, does not delay implementation of the new air quality standards.

This version also has no language in it which revokes the standards. There was some concern that these standards might be revoked. That is not in here. Also, there is no provision that proposes a moratorium on EPA.

In short, the new standards will go forward as envisioned. I might say to Senators, this is a long, involved process. It could take 10, 12 years before some of these standards actually ever go into effect, if they ever do. If they do go into effect, they are at the behest of and designation of States. That is, States, under what is called State implementation plans, would designate what actions various entities, whether they are powerplants or automobiles or what not, would have to do in order to qualify. And that would take a long time.

So I finish where I began. This is a happy day. This is a resolution. It is a compromise. And I think it is going to help people be more assured, on a more solid, fair basis, that our air will be cleaner in those parts of the country where it needs to be cleaned up. I think it is a good amendment, and I thank the Senator very much for his amendment.

The PRESIDING OFFICER. Is there further debate? The Senator from Rhode Island.

Mr. CHAFEE. I would like to extend the thanks of all of us to the Senator from Oklahoma, Senator INHOFE, because he was willing to compromise. He talked with the Administrator of EPA, Ms. Browner, several times. I did, too. He was willing to give. He did not demand it only be his way. It was a successful compromise. I congratulate the Senator.

Mr. INHOFE. I thank the Senator from Rhode Island. I further ask unanimous consent that Senator JEFF SESSIONS be added as an original cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SANTORUM. Mr. President, if I may, I would like to briefly inquire with my colleague how his amendment will affect areas of my state.

It is my understanding that this amendment will not in any way interfere with or delay efforts currently underway by EPA and various states to address the issue of pollution transported across state lines. Is that correct?

Mr. INHOFE. Yes, that is correct. The amendment is simply designed to provide greater certainty for states, small businesses and consumers regarding control strategies for the new ozone and particulate matter standards.

Mr. SANTORUM. Mr. President, this amendment codifies a time line for the Administrator to promulgate final designations under the new ozone and PM standards. Is it the Senator's intention that areas in violation because they are heavily impacted by dirty air from other states should be "held harmless" in the interim period or not be penalized with more air-pollution controls by being "bumped up" to a higher nonattainment status?

Mr. INHOFE. That is my intention. Should this not be the case, we would have to revisit this issue legislatively.

Mr. SANTORUM. Mr. President, I rise in support of the amendment offered by my colleague from Oklahoma, Senator INHOFE.

The Senator's amendment will ensure that federal funding is available to construct and operate a nationwide monitoring system for fine particles, and it will allow future designation decisions to be based on three complete years of monitoring data. The amendment would also provide Governors with two years to consider regional transport issues prior to submitting new ozone redesignations.

This amendment will not, as some opponents may contend, roll back or delay the new standards. On the contrary, the amendment does not change the new standards and adheres to the President's own time table for achieving them. In fact, this amendment may actually strengthen the new standards by establishing a legally certain schedule for putting them into place. Moreover, this amendment is critically important because it will make sure that future Clean Air Act designations will be based on actual air quality data rather than guesswork and extrapolation. In view of the anticipated costs associated with meeting the new standards, we must take this very simple step.

Last summer, when the President announced new air quality standards for soot and smog, he also promised that the Federal Government would work closely with states and local communities to implement these standards in a fair, flexible and cost-effective manner. For many communities in Pennsylvania, the imposition of new standards has been a very bitter pill to swallow, but the promised implementation plan has offered a spoonful of sugar to help the medicine go down. While the President's pledge has been appreciated, it is my view that this amendment is necessary in order to give states and communities reassurance that the promised implementation plan will be followed. Thank you, and I urge the adoption of this amendment.

Mr. BYRD. Mr. President, I am pleased to be a cosponsor of this amendment, and I wish to thank my colleague from Oklahoma, Mr. INHOFE, for his efforts in this regard. These new rules, which modify the ambient air quality standards for ozone and particulate matter, would severely impact West Virginia. Up to ten counties in my home state might be thrown into nonattainment under these rules, and a large number of industries might be adversely affected, including chemicals, construction, steel production, glass manufacturing, coal-fired utility power plants, pulp and paper mills, and commercial trucking.

On a national level, the impact of these rules is even greater, with early estimates from the President's Council of Economic Advisors that these rules might cost $60 billion annually. Many major urban areas have not yet complied with the current ozone standard, and are not even close to being able to do so. These urban areas have not even completed their plans on how they will comply with the current standard. Basic logic would dictate that these states should first finish these plans, and enforce the current standard, before moving on to even more ambitious proposals. Instead, these states must constantly revise their air plans, even while never completing those plans. As I stated in an earlier letter to the Environmental Protection Agency (EPA), these states are trapped in the clean air version of the perpetual motion regulatory machine, where replanning becomes as important as actual implementation and enforcement.

In the area of particulates, there is almost no national monitoring data, and there is weak scientific and technical support for the rule. The EPA and the environmental community refer to a small number of studies that support the rule, but there is room for serious debate about whether a clear connection between PM 2.5 and health-related problems has been established.

The amendment before us is actually quite modest in its goals, and unfortunately does not address many of these broader problems with this air rule. The amendment codifies promises made by the Administration with regard to the time schedule to implement the new rules, and also codifies provisions for funding a nationwide network of monitoring stations for particulate matter. The Administration's proposed time schedule is not legally binding, and this amendment will ensure that the EPA cannot later alter the terms of the implementation package that it has offered to state governments.

Despite these modest goals, this amendment holds the EPA's feet to the fire, and will ensure that promises made to the states will be honored. I am pleased to cosponsor the amendment offered by Senator INHOFE, and ensure that promises made to West Virginia are promises kept by the EPA.

Mr. CHAFEE. We are prepared to vote.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. If I might beg the indulgence of the chairman of the committee, I understand the Senator from California, Senator BOXER, might want to speak on this amendment. She is looking at it at the moment. I suggest if procedurally we can do that, we ask consent this be temporarily laid aside so Senator REID can speak. He may have an amendment here, too. I do not expect a problem, but I, in good faith, must tell the Senator I am informed Senator BOXER would like to have the opportunity to perhaps speak on this amendment.

Mr. CHAFEE. That is her privilege.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. INHOFE. Will the Senator yield? Would it be a good idea to go ahead, rather than set it aside, and recognize the Senator from Nevada? It may be ready at that time.

Mr. BAUCUS. That's probably a better alternative, that we keep talking on the amendment and Senator REID can keep talking, too.

The PRESIDING OFFICER (Mr. FAIRCLOTH). The Senator from Nevada is recognized.

Mr. REID. I say to the two managers of the bill, I do have an amendment. I understand it has been reviewed thoroughly over the last several days by the staff and it is acceptable. If there is adequate time, I would be happy to speak on the bill also now.

Mr. BAUCUS. I might suggest you speak on the bill and/or your amendment. Once this amendment is disposed of, then we can vote on your amendment. Either way.

Mr. REID. Mr. President, I have an amendment. I will send it to the desk. Is there an amendment pending that needs to be set aside?

The PRESIDING OFFICER. There is an amendment pending.

Mr. REID. I ask unanimous consent that that be the case.

Mr. BAUCUS. I ask consent the Senator speak on his amendment. The Senator from Oklahoma—speak on your own amendment. We will dispose of the Inhofe amendment, and then——

Mr. REID. If we set aside the amendment of the Senator from Oklahoma my statement on my amendment will only take a minute.

Mr. INHOFE. Will the Senator from Nevada yield? Is it the Senator's intention to have an amendment on my

amendment or speak on my amendment?

Mr. REID. I want to speak on my amendment. Your amendment is acceptable. I have nothing to say about your very fine amendment.

The PRESIDING OFFICER. The pending business is the amendment offered by the Senator from Oklahoma.

Mr. REID. I ask unanimous consent that it be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Nevada.

AMENDMENT NO. 1688 TO AMENDMENT NO. 1676

(Purpose: To provide support for Federal, State, and local efforts to carry out transportation planning for the Tahoe National Forest, the Toiyabe National Forest, the Eldorado National Forest, and the areas owned by States and local governments that surround Lake Tahoe and protect the environment and serve transportation)

Mr. REID. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for himself, Mr. BRYAN, Mrs. BOXER, and Mrs. FEINSTEIN, proposes an amendment numbered 1688 to amendment No. 1676.

Mr. REID. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 253, between lines 15 and 16, insert the following:

"(3) LAKE TAHOE REGION.—

"(A) IN GENERAL.—The Secretary shall—

"(i) establish with the Federal land management agencies that have jurisdiction over land in the Lake Tahoe region (as defined in the Lake Tahoe Regional Planning Compact) a transportation planning process for the region; and

"(ii) coordinate the transportation planning process with the planning process required of State and local governments under this section, section 135, and chapter 53 of title 49.

"(B) INTERSTATE COMPACT.—

"(i) IN GENERAL.—Subject to clause (ii), notwithstanding subsection (b), to carry out the transportation planning process required by this section, the consent of Congress is granted to the States of California and Nevada to designate a metropolitan planning organization for the Lake Tahoe region, by agreement between the Governors of the States of California and Nevada and units of general purpose local government that together represent at least 75 percent of the affected population (including the central city or cities (as defined by the Bureau of the Census)), or in accordance with procedures established by applicable State or local law.

"(ii) INVOLVEMENT OF FEDERAL LAND MANAGEMENT AGENCIES.—

"(I) REPRESENTATION.—The policy board of a metropolitan planning organization designated under subparagraph (A) shall include a representative of each Federal land management agency that has jurisdiction over land in the Lake Tahoe region.

"(II) FUNDING.—In addition to funds made available to the metropolitan planning organization under other provisions of this title and under chapter 53 of title 49, not more than 1 percent of the funds allocated under section 202 may be used to carry out the transportation planning process for the Lake Tahoe region under this subparagraph.

"(C) ACTIVITIES.—

"(i) HIGHWAY PROJECTS.—Highway projects included in transportation plans developed under this paragraph—

"(I) shall be selected for funding in a manner that facilitates the participation of the Federal land management agencies that have jurisdiction over land in the Lake Tahoe region; and

"(II) may, in accordance with chapter 2, be funded using funds allocated under section 202.

"(ii) TRANSIT PROJECTS.—Transit projects included in transportation plans developed under this paragraph may, in accordance with chapter 53 of title 49, be funded using amounts apportioned under that title for—

"(I) capital project funding, in order to accelerate completion of the transit projects; and

"(II) operating assistance, in order to pay the operating costs of the transit projects, including operating costs associated with unique circumstances in the Lake Tahoe region, such as seasonal fluctuations in passenger loadings, adverse weather conditions, and increasing intermodal needs.

Mr. REID. Mr. President, this amendment is offered on my behalf and that of Senators BRYAN, BOXER and FEINSTEIN. It has the support of the State governments of both California and Nevada, and it is an amendment that is very simple. It grants Metropolitan Planning Organization status for the Lake Tahoe basin on the border between California and Nevada.

Not only is Lake Tahoe the most beautiful place on the Earth, and it has been deemed to be such since the time Mark Twain first looked at it and said it was the "fairest place on all the Earth," locals within the basin, the Washoe Indian Tribe, and the State governments of Nevada and California, have long recognized the unique status of Lake Tahoe. But, in addition to its beauty, it is certainly one of the most fragile environments anyplace in the world. For many years the competing interests in the basin have found ways to work together to protect the famed water quality of the lake. These partnerships have been developed and are unique and have proved the notion that it is not necessary to harm the economy to improve the environment.

Mr. President, last summer President Clinton convened a Summit. He and Vice President GORE AND five Cabinet officers came to Lake Tahoe and spent 2 days. They addressed the related transportation, forest health and water quality concerns that face the Basin. Transportation was identified as one of the key areas where improvements in infrastructure could also yield key environmental benefits. MPO status recognizes the unique bi-State nature of the Tahoe basin and enhances the ability of local residents to compete for transportation planning funding.

I appreciate very much the consideration of both sides and would ask that this amendment be accepted.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. CHAFEE. Mr. President, this amendment is satisfactory to this side. It is my understanding—I have talked with the distinguished ranking member—the amendment is acceptable to the minority side likewise.

We are prepared to accept it, and I congratulate the Senator from Nevada for his amendment.

THE PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 1688) to amendment No. 1676 was agreed to.

Mr. REID. Mr. President, I move to reconsider the vote.

Mr. CHAFEE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. REID. Mr. President, with the permission of the manager of the bill—if the manager of the bill would rather I speak at a later time, I will be happy to do that. I just wanted to speak on the bill if there is nothing going on in here on the floor.

Mr. CHAFEE. Well, we are waiting for the Senator from California.

Mr. REID. As soon as she shows——

Mr. CHAFEE. We want to be sure she is going to show. The Senator from Oklahoma has been very patient.

Mr. REID. Whenever you learn she is not going to come or she does come, I will be happy, with a wave of the hand, to sit down.

Mr. CHAFEE. Why don't we say you go ahead for 10 minutes and let's see what happens, with the understanding you will yield if she comes over so she can say her piece.

Mr. REID. Or if for any other reason the manager of the bill wants to speak.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I rise as an original cosponsor and very strong supporter of S. 1173, the Intermodal Surface Transportation Efficiency Act. Both S. 1173 and the amendment adding an additional $26 billion to the bill passed unanimously out of the Committee on Environment and Public Works, a committee I have served on very proudly for my years in the U.S. Senate.

I want to also say, and spread across the Record of this Senate, what a tremendously fine job has been done by the chairman of this committee and the ranking member of this committee to allow this bill to be where it is today. It has been very hard work. Frankly, it would have been nice if we had done it last year, but we didn't. The reason we are where we are today is because of the work of the chairman of the full committee and the work of the ranking member of the committee.

The States of Rhode Island and Montana have many reasons to be proud of the two Senators who are managing this bill, but for no reason should they be more proud of their Senators than the work they have done on this bill. Their committee work has been outstanding and is certainly something that everybody in this country, not only the people from the States of Rhode Island and Montana, should feel very good about, what is happening on this floor.

Every person who is a Member of the U.S. Senate or the House of Representatives has a stake in a national transportation system that is second to none, one that meets the present and future needs of the American people. This bill is not perfect, but it is a tremendously strong bill. Moving people and goods quickly and efficiently throughout the Nation is one of the most important things we can do to maintain a strong economy. Far too much time and productivity is lost waiting in traffic.

I give an example to all. People in southern California are connected with the people of southern Nevada by I–15. I–15 is a tremendously burdened road. The chairman of the committee came to Nevada and heard testimony regarding the importance of this legislation. He heard firsthand about the tremendous difficulty we have moving people to and from southern Nevada and southern California.

Mr. President, it is no longer a question of having people come to Las Vegas for purposes of tourism. The problem is that the road is clogging interstate commerce. Vehicles, trucks moving produce, cannot move on this road. It is too crowded. This is only an example of what is happening in other parts of the country, although the problem of I–15 is magnified because of how old it is and how much repair needs to be done on it.

The original ISTEA legislation in 1991 was really the brain child of the committee chair at that time, Senator PAT MOYNIHAN from the State of New York. He did very good work. He was visionary in this bill. It changed the thrust of legislation dealing with surface transportation that had been in effect since the Second World War. The legislation in 1991 was one of the most far-reaching and innovative pieces of legislation ever produced by Congress. It laid out a road map for transportation for the entire 21st century.

Rather than focusing upon the completion of the Interstate System, ISTEA focused on connecting different modes of transportation to meet the needs of the future. I enjoyed very much working on that legislation as a Member of this committee, and I think it is some of the most rewarding work that I have done since I have been a Member of Congress.

With the exception of the Department of Defense authorization bill, ISTEA is going to be the largest money bill that Congress will take up this year. I also say, although I do not see him on the floor of the Senate today, the subcommittee chair of the Transportation Subcommittee, Senator JOHN WARNER, is a fine Senator.

I had the pleasure of serving with him when I was chairman of a subcommittee and he was ranking member. Coincidentally, I was talking with someone this morning who is a friend of Senator WARNER. We talked with some affection about the work that the Senator from Virginia does generally, but especially in this committee and this subcommittee. I commend and applaud the work of Senator WARNER in this legislation.

We have to recognize, with the exception of the defense authorization bill this year, ISTEA II is going to be the largest money bill Congress will take up this year. As such, we have a tremendous responsibility to get it right. Our economy is utterly dependent upon having a strong and vital system of transportation. The creation of this intermodal system will require all the innovative and creative thinking we can muster at the Federal, State, regional and, yes, local levels. The State of Nevada has a tremendous need for adequate highways, I say second to none.

The State of Nevada is the most mountainous State in the Union, except for the State of Alaska. We have 314 mountain ranges. We have 32 mountains that are over 11,000 feet high. We have tremendous growth in the State of Nevada. Just to give you one illustration, in Clark County, where Las Vegas is located, we need to build more than one elementary school each month to keep up with the growth of students in that area. So we have real problems.

Also, we have a State that is extremely large. Within its borders, you could place the States of New Jersey, Connecticut, Massachusetts, Rhode Island, Vermont, New Hampshire and Delaware, and then still have some left over. None of these States would touch one another, and there would still be, as I have indicated, plenty of room to cut up Virginia and use it to fill in the gaps joining all these States.

We have the additional problem that 87 percent of the State of Nevada is owned by the Federal Government. We lead the Nation in Federal ownership of land.

Nevada is also a bridge State. Hundreds of thousands of tons of goods travel across Nevada through Utah, Arizona, and to and from California. The CANAMEX route, one of the NAFTA corridors, traverses Nevada, crossing over the top of the Hoover Dam bridge. When I say the Hoover Dam bridge, that is really a misnomer. You cross right over Hoover Dam. One of the greatest bottlenecks in the country is over Hoover Dam. Traffic is lined up sometimes 5 to 10 miles trying to get over that dam, and to think of the safety involved in not having adequate transportation moving over that dam—it is unsafe. If there were an accident of some kind, it would really do extreme damage to the water supplies of southern California and the small areas below Hoover Dam. We have to do something about that also.

In southern Nevada, thousands and thousands of new people move in each month. In fact, almost 300 people a day move into Las Vegas alone. So we have rapid growth. In 1970, there were fewer than 500,000 residents in the whole State of Nevada. By the year 2000, there will be 2 million. That is the growth that is taking place in Nevada.

In 1970, there were 2.2 billion vehicle miles traveled in Nevada. By the year 2000, there will be over 12.5 billion vehicle miles traveled in Nevada. Accommodation of such growth requires innovative thinking and creative planning on the part of the State and local transportation people.

Again, talking about the State of Nevada and all that growth, I have indicated that it takes a lot of innovative thinking on the part of the State to make sure that this all works out well. It also necessitates imposing one of the stiffest State and local taxes in the Nation. We have done that. We have done it willingly, because we recognize that if we are going to meet the demands of the traffic problems in Nevada, we cannot depend only on the Federal Government. We have done our share and more.

In spite of that, Nevada needs a strong, effective Federal level of effort, and that is what this bill does. As written, ISTEA II provides a total of $173 billion for highways, highway safety, and other surface transportation programs over the next 5 1/2 years.

I hope that as soon as this bill passes out of this Chamber, the House of Representatives will take it up and get a bill back to us, so we can go to conference and get this very important bill worked out so that the departments of transportation in the 50 States know what is ahead of them. They can do their bidding, they can let their contracts prior to the bad weather happening, and go ahead and have a smooth transition. We badly need to do that.

Overall, this bill represents a 40-percent increase in funding over the original ISTEA bill some 6 years ago. With the completion of the Interstate Highway System, it is vital we turn our attention to developing multimodal transportation policies that will allow us to not only maintain the excellent infrastructure we have, but also to move forward to meet the demands of a new century.

In many ways, transportation issues of the future will be vastly more difficult than the ones of yesterday. We

live in an increasingly diverse Nation, one that is no longer able to be solely dependent upon the automobile. Even in a State as vast as Nevada, a bridge State, where we desperately need more roads, we are also seriously looking at the role monorails, magnetic levitation, and other high-speed rail systems can play in our future transportation infrastructure.

I think one of the finest parts of this bill is something that Senator MOYNIHAN and I have worked on, and that is the part of the bill that deals with magnetic levitation. Yesterday, Senator MOYNIHAN brought a box that contained a model of a maglev train to the committee. In his statement, he made a plea for funding to design and implement a magnetic levitation system. We need to do that.

Mr. President, our airports are clogged all over the country; our highways are clogged all over the country. We need a way of moving people for relatively short distances, up to 300 miles. The only way we can do that rapidly and efficiently with the technology we now have is with magnetic levitation.

In the 1960s, two scientists were stuck in traffic in New York. They were MIT professors. They said, "This is ridiculous that we are stuck in traffic; let's do something about it." They went back to the laboratories and invented magnetic levitation.

We, as a country, helped at the Federal level. We provided moneys for research and development of this very unique mode of transportation. We did it for a few years and dropped it. As soon as we dropped it, Germany and Japan picked it up, and they are now way ahead of us with this. It is too bad. We are the ones who should be in the forefront of developing this mode of transportation. We need to get on board.

This bill contains an authorization of $1 billion for magnetic levitation, and it actually provides funds, up to $30 million, for some grants that will get this program going. This is very, very important, and I express my appreciation to Senator MOYNIHAN for his good work in this area.

The money that is in the bill is a modest amount to move this project forward, but it is an amount; it is more than we have ever done. There is tremendous funding in the bill for all our individual States and other areas, and I am happy we do have some for magnetic levitation. As I indicated before, this bill is not perfect. But I am proud of the progress we have made. The bill is good for all States. It is tremendously important. It is a great product for the country.

The bill before us does a fine job of balancing many of our Nation's competing priorities for transportation while giving the States the flexibility they need to expend dollars in ways that make sense, given the many regional differences we have in our country. I am supportive of the congestion mitigation and air quality improvement program and the transportation enhancement program. The additional money and increased flexibility are very positive developments. A national transportation system that does not address environmental issues is one that would not be living up to the expectations of the American people.

Other important programs, such as the intelligent transportation system program, have both a positive impact on the environment and also improve the efficiency of the highways. It is a dual track. I held, as I indicated earlier, a field hearing in Las Vegas last year focused on intelligent transportation systems, and the response was tremendous. Local governments around Las Vegas and Reno have all begun to put innovative high-tech transportation programs into place, and they are very pleased with the initial results.

I am also supportive of a strong Federal Lands Highway Program. As a Senator from a Western State—and remember, I said earlier 87 percent of the State of Nevada is owned by the Federal Government—so as a Senator from a Western State with a huge amount of public land, it is impossible to overstate how important is the vital lifeline that these road and highway funds provide to rural Americans.

I want to say a few words on safety. I support the efforts of my friend, Senator MCCAIN from Arizona, to develop a safety title for inclusion in the overall authorization. I have a strong record on safety, and in this legislation, I am very happy to support this title.

I want to spend a couple minutes discussing a safety issue that we are not addressing in nearly enough detail in this reauthorization. As the chairman and ranking member know, I have opposed triple-trailer trucks. I believe they are both intimidating and unsafe. I have, since offering my amendment on this issue—talking about moving forward on this—I have received scores and scores of letters from all over the country from people who are afraid of these trucks. I believe they are incompatible with our obligation to provide a safe network of roads and highways.

I do appreciate the input that I have received from the trucking industry. But my fear of these triple-trailer trucks is not something that I bear alone. I recognize that for a variety of reasons, though, this is not a majority view. I have been in the Congress long enough, I have served in legislative bodies long enough, to know when I have enough votes. I do not have enough votes to have my amendment adopted. I am not going to go forward with my amendment because, I repeat, I do not have the votes to pass it.

Many of my colleagues argue there is just not enough accurate data available to make an educated decision on this issue. Although I would counter that mere common sense should dictate that triple-trailer trucks do not belong on the same roads as a passenger car, I agree that there is an appalling lack of data available on this subject. Information given out by the trucking industry is unreliable and people cannot underscore the validity of it because it is put out by the trucking industry. What we need is the Department of Transportation to do some work on this and get some real facts to determine the accident rate and what these big trucks do to our roads and make a decision as to: Is the length of the truck an important element or is it how much these trucks weigh? We have to get more information on this. There is a lack of data available on this subject.

Mr. President, in an attempt to remedy this deficiency, I have been working with many, including the American Trucking Association, for months to try to forge an agreement that would allow us to better study the safety, environmental, and infrastructure impacts of all classes of longer-combination vehicles. I have been doing this since last fall when we first introduced this legislation.

Obviously, the American Trucking Association disagrees with me that triples and others of these long vehicles are unsafe, but they acknowledge that there is a public perception problem, and they have been willing to work with me, which I appreciate. Unfortunately, though, I found that there is little common ground between the safety community and the American Trucking Association on what are the acceptable bounds for a comprehensive study of size, weight, and other trucking issues. No matter what model we came up with, various parties certainly would not agree with what we should do. As a result, I am unable to come up with a compromise on this subject right now. I would ask the Secretary of Transportation to take a look at this issue. It is a very important issue in the 16 States where we have these triple-trailer trucks.

It is extremely frustrating to me and is a situation we, as a body, should not allow to continue. There is an overwhelming lack of useful data available to the U.S. Senate concerning longer-combination vehicles. So I call upon the trucking industry, all of the safety groups, and the U.S. Department of Transportation, to work it out, not in a combative fashion, but to sit down and work together to come up with valid information, which we do not have. It is not acceptable for the mistrust that exists between these groups to continue to stand in the way of a comprehensive, complete, and objective study of these longer-combination vehicles. As I have indicated, I am not offering my amendment today, but the

Senate dialogue on the subject is just beginning.

I want to also say, as I see in the Chamber today the ranking member of the Appropriations Committee, the former majority and minority leader of the Senate, that we are to the point on this bill where we are as a result of the work done by the Senator from West Virginia. Others of us joined in the original amendment, but I think everyone recognizes it has been the tenacious nature of the Senator from West Virginia to move forward on this legislation that has us at a point where we are today with a bill with $26 billion more actual real dollars in it than we would have had. We have a bill that we are going to get out of this Senate within the next week or 10 days, and it is all, I believe, as a result of the work done by the Senator from West Virginia, which the Senator from Nevada very much appreciates.

Mr. BYRD. Mr. President, I thank the distinguished Senator.

Mr. REID. Finally, although we are not yet discussing the transit title, let me say a few words about public transportation.

Las Vegas is the fastest growing city in the Nation. There is some debate as to whether it is Las Vegas or the suburb of Henderson, where I graduated from high school. But that area of the country is growing extremely rapidly, as I have already explained. Yet before 1992, it had, at best, a very weak mass transit system. In 1992, the Citizens Area Transit—we call it CAT—owned by the Regional Transportation Commission, and operated on a contract basis, began a fixed-route bus system for Las Vegas.

The response has been tremendous. The Las Vegas community has truly embraced CAT. In less than 5 years, ridership on CAT has grown from 14.9 million annual riders to over 35 million in 1996, a total ridership growth of 134 percent, and going up each day.

The fare box recovery ratio is high. Most of the system's costs are recovered without requiring a huge subsidy. The bus fleet is 100-percent compliant with the Americans With Disabilities Act.

So impressive has been CAT's ability to grow efficiently and effectively, that the American Public Transit Association last year awarded its Outstanding Achievement Award to CAT in the hardest-to-win midsized system category. This is a tremendous feat for such a young system. After all, Mr. President, this system does not rely on much in the way of Federal funds. The dollars that the Federal Transit Administration has provided has been very timely and useful to this bus system. For that reason, I would oppose efforts to change transit formulas to provide a minimum allocation to States without or with only minimal transportation systems.

Let me conclude today, Mr. President, by saying that I join with my colleagues on both sides of the aisle in saying that the fuels taxes paid into the highway trust fund each year will support significantly higher spending on transportation, and I am very happy that Congress is now moving in that direction.

These are trust fund moneys. Every time you go buy a tank of gas at the service station, the money that is collected there, a portion of it, goes into the highway trust fund. Those moneys should be used for that purpose, and that purpose only. To do otherwise would be a violation of the enormous trust the American people have sent us to Washington to uphold.

Our Nation's infrastructure represents the lifeline that fuels our economy. When we neglect to adequately provide for the health of this lifeline, all of us suffer. Whether it is unsafe and degraded roads or pollution caused from overcongestion, all of us are affected. The price is not only the inconvenience of traversing a dilapidated infrastructure. Indeed, the real price is the increased costs all of us pay for goods and services because of the burdens placed on a steady flow of the stream of commerce. It is similar to a cholesterol buildup, I guess, in the arteries, Mr. President. Eventually there is a steep price to pay.

Again, I congratulate my colleagues, Senators CHAFEE, BAUCUS, WARNER, and BYRD, on a job well done. I look forward to working with all my fellow Senators in passing this strong, vital 6-year bill as quickly as possible, and then urging the House to move forward just as quickly so we can get the bill to the President for his signature.

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, I thank the distinguished Senator from Nevada for his kind comments. He has been a very valuable member of the Environment and Public Works Committee, I guess, ever since he came here to the Senate. We have worked closely together on a whole series of matters. He has particularly been involved with the Endangered Species Act, revisions of which I hope we can bring to a conclusion pretty soon. So I thank the Senator for all his very constructive work in our committee and on this legislation likewise.

AMENDMENT NO. 1687

Mr. CHAFEE. Mr. President, the Senator from California has no objection. So let us proceed with the approval on a voice vote.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 1687.

The amendment (No. 1687) was agreed to.

Mr. INHOFE. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. CHAFEE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. INHOFE. Mr. President, I ask unanimous consent to have printed in the RECORD letters of support from the National Governors Association, the U.S. Chamber of Commerce, and two other letters.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

NATIONAL GOVERNORS ASSOCIATION,
Washington, DC, March 3, 1998.

Senator JAMES INHOFE,
SROB, Washington, DC

DEAR SENATOR INHOFE: On behalf of the nation's Governors we are writing in support of a requirement that EPA pay one hundred percent of the cost of monitoring for the new fine particle air quality standard. We also urge Congress to codify the time frames in the President's directive for implementing the new federal standards for ozone and particulate matter.

As you realize, state face a heavy burden of performance under the federal air quality standards. The costs of new monitoring networks will be substantial. Moreover, while many states regard the EPA's implementing timeframe as unrealistic, we are concerned that we may be given even less time than promised to monitor and submit data to the EPA. It would be self-defeating if states were shortchanged on the resources for monitoring and the time allowed for implementation of the new air quality standards. If states were not provided with adequate time and resources to carry out their responsibilities, the underlying purpose and objective of the federal requirements might not be realized. For that reason, it is important to codify the President's schedule for implementing the new air quality standards, and to ensure that EPA pays for all costs associated with the new monitoring requirements.

If you have any questions, please don't hesitate to contact us or Mr. Tom Curtis of NGA at 624-5389.

Sincerely,

GEORGE V. VOINOVICH,
Chairman.
TOM CARPER,
Vice Chairman.

NFIB,
Washington, DC, March 3, 1998.

JAMES INHOFE,
U.S. Senate,
Washington, DC

DEAR SENATOR INHOFE: On behalf of the 600,000 small business members of the National Federation of Independent Business (NFIB), I am writing to urge you to support the Inhofe Amendment to the Senate Highway bill (ISTEA).

Members of the Administration have stated that a nationwide monitoring system for PM2.5 is necessary to classify nonattainment areas under the new clean air standards. As states seek ways to comply with the new standards, it is critical that these decisions be based on sound data provided by this type of monitoring network.

By ensuring the construction and operation of a new nationwide PM2.5 monitoring system, the Inhofe Amendment provides a framework of reliable data and sound science to assist states with control strategies.

In a recent NFIB survey, a strong majority of small business owners favored requiring agencies to use sound science and valid evidence before issuing new rules.

The new stringent standards for ozone and particulate matter will undoubtedly result in expanded emissions controls on small businesses in areas of the country that have not been subject to prior regulation. Designation of nonattainment areas will bear heavily on those least able to shoulder the burden—small businesses. It is imperative that designations for the new standards be supported by sound, accurate data.

Thank you for your consideration of our request and your support for small business.

DAN DANNER,
Vice President,
Federal Government Relations.

CHAMBER OF COMMERCE OF THE UNITED STATES OF AMERICA,
Washington, DC, March 3, 1998.

To Members of the United States Senate:

The U.S. Chamber of Commerce urges your support for the amendment to be offered by Senator Inhofe to S. 1173, the Intermodal Surface Transportation Efficiency Act. The U.S. Chamber of Commerce is the world's largest business federation, representing more than three million businesses and organizations of every size, sector, and region.

From an economic standpoint, immediate implementation of the new standards would triple the number of communities out of compliance, at a time when continuing improvements are being made to the nation's air quality. The amendment will provide states, businesses and consumers greater certainty that control strategies for attaining compliance with both the new ozone and fine particulate matter standards are based on reliable data. The amendment will provide the necessary funding to the Environmental Protection Agency (EPA) for establishing a nationwide monitoring network for $PM_{2.5}$ and allows for the collection of three full years of monitoring data before EPA decides which areas of the country do not meet the new standard. The amendment is consistent with the timelines set froth in President Clinton's Memorandum on Implementation of the new National Ambient Air Quality Standards (NAAQS) for ozone and $PM_{2.5}$.

Accordingly, we urge your support for the Inhofe amendment to ensure that the new NAAQS are based on the best data possible. The U.S. Chamber will consider including the vote on this amendment to S. 1173 in its annual How They Voted ratings.

Sincerely,

R. BRUCE JOSTEN,
Executive Vice President,
Government Affairs.

AMERICAN LEGISLATIVE EXCHANGE COUNCIL,
Washington, DC, March 2, 1998.

Senator JAMES INHOFE,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR INHOFE: It has come to my attention that you are considering an amendment to the Senate Highway bill, known as ISTEA, dealing with the Environmental Protection Agency's revised National Ambient Air Quality Standards for particulate matter. I commend you on addressing this important issue.

ALEC's members comprise over 3,000 state legislators in all fifty states. These new standards will seriously impact our state economies and divert scarce funds from other health and environment priorities. Thus, it is crucial that these standards not be imposed prematurely.

ALEC has adopted the Resolution on Ozone and particulate Matter NAAQS Revisions, (enclosed), a model resolution opposing the rapid implementation of these changes. In the resolution, ALEC notes that little monitoring information has been developed as to the beneficial health effects of new standards. ALEC believes more study is needed to ascertain if a casual link exists between particles of 2.5 microns and possible adverse health effects. Also, ALEC supports further study to determine the actual benefits and costs involved.

ALEC's model legislation has been considered by many state legislatures, and has already passed in seven states. I hope this information is helpful as you continue your deliberations on this issue. If you have any questions, I encourage you to call Scott Spendlove, Acting Director of ALEC's Energy, Environment, Natural Resources and Agriculture Task Force, at (202) 466-3800.

Sincerely.

DUANE PARDE,
Executive Director.

Mr. BAUCUS. Mr. President, I ask unanimous consent that Senator BYRD be added as a cosponsor to the Inhofe amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHAFEE. I suggest the absence of a quorum, Mr. President.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. MOSELEY-BRAUN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. MOSELEY-BRAUN. Mr. President, I thank the Chair.

(The remarks of Ms. MOSELEY-BRAUN pertaining to the introduction of S. 1705 are located in today's RECORD under "Introduction of Bills and Joint Resolutions.")

Ms. MOSELEY-BRAUN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. ABRAHAM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ABRAHAM. Mr. President, I also would like to thank the Presiding Officer. This is actually my time to be in the Chair, and I appreciate his giving me the opportunity to speak on the ISTEA legislation before us. I will try to be brief in light of his willingness to stay a little extra today.

I just thought I would take a few minutes to review as I see it the progress that has been made really going all the way back to last year in the effort to try to address the problems of infrastructure and transportation in our country. Let me do that though, first, from my perspective as a Senator from the State of Michigan.

For quite a long time—in fact, longer than anybody around seems to be able to remember—our State has been one of the States which was referred to as a donor State. That means that when gas tax moneys are sent to Washington, more moneys get sent from Michigan than ever come back in the form of support for the highway system. We understand and I think have shown over the years a great deal of patience with the formulas that have been used and the return on investment that has taken place.

We understood, for example, when the Interstate Highway System was being built that a lot of States needed to have additional dollars beyond that which they could generate from their own gas tax revenues in order to build the system so that we could transport Michigan cars to the South or to the West and to the east coast, or Michigan agriculture products and take advantage of receiving in exchange the goods and services that other States were exporting. However, because we are sending more dollars to Washington than we have received back, it has meant that our State has not been able to do all that we would like to in order to prepare our own infrastructure for the 21st century.

We are especially beset by specific problems in Michigan. One is the fact that the weather in our State tends to be quite a bit colder than the average for the entire country. Particularly in the northern parts of Michigan we encounter winters that are very severe. And that has an effect on the road system.

We also, of course, confront problems that relate to the age of our system. The Interstate System in our State of Michigan on average is approximately 7 years older than the national average, which means that some of our roads are more in need of service and repair than might be the case in other parts of the country.

For this variety of reasons, it has been my view from the beginning of the discussion of transportation legislation, which really was initiated last year, that it is indispensable that Michigan receive more money back, more dollars back, than we have been receiving in previous years. To that end, our State legislature and our Governor addressed this issue very clearly in 1997. The Governor came forth with a very bold plan aimed at trying to provide adequate revenues and resources to put Michigan's roads on a path to being in good shape for the next century. Half of the plan essentially was a plan that basically relied on Michigan to assume a greater responsibility.

So the State legislature and the Governor signed into law legislation which increased our States' gas tax by a little over 4 cents to generate approximately $200 million more per year to be available for our State department of transportation. The Governor also charged

all of us who are Federal legislators with the job of bringing back more dollars to Michigan as part of the reauthorization of the ISTEA legislation. The target he set for us was $200 million as well, and it was his view that, if the State could increase by $200 million what it invested in roads and if the Federal Government's share could be increased by $200 million, that $400 million amount would give Michigan an excellent chance to address its repair needs, new roads needs, and a variety of other transportation needs.

We have been working on this, obviously, now for quite a long time. I think the progress to date has been good. The strategy that I have taken or tried to work on here as a Member of the Senate has really been a three-part strategy. Earlier this week, on Monday, we learned that the second of the three parts had been successfully completed. The first part was successfully completed in 1997, and we will soon work on the balance. But let me talk about that strategy briefly and why, at least from Michigan's point of view, things are much more positive today than they were just a few days ago.

The first part of the strategy was simple. It was to shift into the national highway transportation trust fund all the gas tax revenues being sent to Washington from Michigan and other States. As you know, in 1993, when we increased the Federal gas taxes by 4.3 cents, it was the first time those dollars didn't go into the highway trust fund; they went into the general fund. For a lot of us that didn't make sense. Several of us tried to have that 4.3 cents repealed. We didn't have enough votes to get that job done. But what we did have was support this past year during the deliberations on the tax bill in the summer of 1997 to shift those tax dollars from the general fund to the transportation fund, to make those dollars now available, if we authorized it, to be spent on transportation. That was step one. It was a big victory for donor States.

Step two took place earlier this week. After a lengthy behind-the-scenes and public set of discussions and debates and negotiations, the decision was made to spend a considerably greater amount of money on transportation over the pendency of the ISTEA legislation than had been expected to be spent when the legislation was first brought to the Senate last year. Essentially, that amount will be approximately $25 billion additional over this timeframe. This is good news. It means that the 4.3 cents we are transferring into to the trust fund will not be allowed to increase the trust fund surplus but instead be available to be spent on transportation so the donor States will have the opportunity to see more of their gas tax moneys coming back.

It has been estimated that the combination of the underlying legislation which was introduced here and the new dollars that are going to be made available will for Michigan put us at least at the $200 million mark and perhaps considerably beyond that. That, of course, is the final step in the process.

What I wanted to do in my brief remarks today was to thank the chairman of the Environment and Public Works Committee and the ranking member and others who have been here working and will continue, I am sure, for the next several days to be working for the progress that has been made; to also thank those who were involved in these budget discussions, particularly Senator DOMENICI, with whom I had numerous meetings and discussions on this over the course of the last several months, for his willingness to work on the new budget resolution in such a way as to accommodate the additional spending on transportation. I think we are making progress in the right direction.

The final step, obviously, is to determine how the new dollars and all the money will be allocated. As a donor State, I have made it very clear to the ranking member, to the chairman, and others that we in Michigan would like to see donor States get as much equity as possible. We recognize in this Chamber that we are not the majority of States. We also recognize that there are unique needs in various regions of the country, which we will try to address.

For my part, I want to be as helpful to the process as possible, and at the same time I want to make it clear that as a Senator from Michigan I am going to do everything I can to try to make sure that our voice is heard and that we address to the degree we possibly can in this Chamber the need for States that are donor States to get their fair share. I hope we can finish this process in a way, as I said, that allows us to not only hit but exceed the $200 million per year increase that the Governor has set for us. I am more definitely on course for doing that, and I appreciate the progress that has taken place so far.

I look forward to working with everybody. I will keep my constituents apprised as further developments occur. But to those from Michigan who are tuned in or who will be following this debate, I do want to make it clear that we have succeeded, first, in shifting the gas tax revenues into the trust fund; second, we have now succeeded in making sure that those revenues coming into the trust fund will be spent. When you add those together you definitely see Michigan on the road to receiving a much greater number of dollars back from Washington than has been the case. That is the kind of direction I hope we can continue right through to the end of this legislation both here in the Senate and ultimately when we work with the House to finish this up later this year.

Mr. President, thank you.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CHAFEE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ABRAHAM). Without objection, it is so ordered.

Mr. CHAFEE. Mr. President, I ask unanimous consent to set aside the pending amendment, which is the Chafee amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHAFEE. Mr. President, we have a series of amendments that have been agreed to by both sides.

The PRESIDING OFFICER. The Senator from Rhode Island.

AMENDMENT NO. 1690 TO AMENDMENT NO. 1676

(Purpose: To modify State infrastructure bank matching requirements)

Mr. CHAFEE. Mr. President, I send to the desk an amendment on behalf of Senator MURKOWSKI and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Rhode Island [Mr. CHAFEE], for Mr. MURKOWSKI, proposes an amendment numbered 1690 to amendment No. 1676.

Mr. CHAFEE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 191, line 12, strike the semicolon at the end and insert ", except that if the State has a higher Federal share payable under section 120(b) of title 23, United States Code, the State shall be required to contribute only an amount commensurate with the higher Federal share;".

Mr. CHAFEE. This amendment by the junior Senator from Alaska is in connection with State infrastructure banks. This amendment restores the so-called sliding scale matching rate for States having large amounts of federally owned land. Under the current State Infrastructure Bank Pilot Program, such States may provide a smaller non-Federal match for Federal contributions of capitalizing grants.

THE PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 1690) was agreed to.

Mr. CHAFEE. Mr. President, I move to reconsider the vote.

Mr. BAUCUS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1691 TO AMENDMENT NO. 1676

(Purpose: To include as a goal of the innovative bridge research and construction program the development of new nondestructive bridge evaluation technologies and techniques)

Mr. CHAFEE. Mr. President, the second amendment which I have is by the senior Senator from New Mexico, Senator DOMENICI. I send it to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Rhode Island [Mr. CHAFEE], for Mr. DOMENICI, proposes an amendment numbered 1691 to amendment No. 1676.

Mr. CHAFEE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 371, line 6, strike "and" after the semicolon.

On page 371, line 10, strike the period and insert "; and".

On page 371, between lines 10 and 11, insert the following:

"(6) the development of new nondestructive bridge evaluation technologies and techniques."

Mr. CHAFEE. Mr. President, what this amendment does is deal with innovative bridge research and construction. There is such a program. This would include the development of nondestructive bridge evaluation technologies and techniques. This is an important part of bridge safety research.

THE PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 1691) was agreed to.

Mr. CHAFEE. Mr. President, I move to reconsider the vote.

Mr. BAUCUS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1692 TO AMENDMENT NO. 1676

(Purpose: To refine the criteria of selection for Federal assistance for Trade Corridor and Border Infrastructure, Safety, and Congestion Relief projects)

Mr. BAUCUS. On behalf of Senator MOYNIHAN, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Montana [Mr. BAUCUS], for Mr. MOYNIHAN, proposes an amendment numbered 1692 to amendment No. 1676.

Mr. BAUCUS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 98, line 7, amend subparagraph 1116(d)(2)(A) by striking "of commercial vehicle traffic" each place it appears and substituting "and value of commercial traffic".

Mr. BAUCUS. This amendment, as I mentioned, I am offering on behalf of Senator MOYNIHAN from New York. It clarifies that the Secretary shall consider the value of commodities traveling through a State in addition to the volume of the commodities when selecting proposals in the border infrastructure and trade corridor program.

We have examined this amendment. I think it has also been cleared by the other side. I urge the adoption of the amendment.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 1692) was agreed to.

Mr. BAUCUS. Mr. President, I move to reconsider the vote.

Mr. CHAFEE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1693 TO AMENDMENT NO. 1676

(Purpose: To clarify the planning provisions of the bill)

Mr. BAUCUS. Mr. President, I send an amendment to the desk on behalf of Senators MOSELEY-BRAUN and DURBIN, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Montana [Mr. BAUCUS], for Ms. MOSELEY-BRAUN, for herself and Mr. DURBIN, proposes an amendment numbered 1693 to amendment No. 1676.

Mr. BAUCUS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 249, strike lines 5 through 11 and insert the following:

"(2) REDESIGNATION.—

"(A) PROCEDURES.—A metropolitan planning organization may be redesignated by agreement between the Governor and units of general purpose local government that together represent at least 75 percent of the affected population (including the central city or cities as defined by the Bureau of the Census) as appropriate to carry out this section.

"(B) CERTAIN REQUESTS TO REDESIGNATE.—A metropolitan planning organization shall be redesignated upon request of a unit or units of general purpose local government representing at last 25 percent of the affected population (including the central city or cities as defined by the Bureau of the Census) in any urbanized area—

"(I) whose population is more than 5,000,000 but less than 10,000,000, or

"(ii) which is an extreme nonattainment area for ozone or carbon monoxide as defined under the Clean Air Act.

Such redesignation shall be accomplished using procedures established by subparagraph (A).

Mr. BAUCUS. On behalf of Senator MOSELEY-BRAUN, this is an amendment to, frankly, correct an error that was made in the drafting of the Environment and Public Works Committee bill before us today. The effect of this amendment, therefore, would be to return to current law.

When the committee drafted the bill before us, that is ISTEA II, we did not make any major changes to the current ISTEA planning provisions. The language the Senator from Illinois is reinserting should not have been deleted from the bill.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 1693) was agreed to.

Mr. BAUCUS. Mr. President, I move to reconsider the vote.

Mr. CHAFEE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1694 TO AMENDMENT NO. 1676

(Purpose: To provide for research into the interactions between information technology and future travel demand)

Mr. BAUCUS. Mr. President, I have another amendment. This is on behalf of Senator Barbara BOXER.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Montana [Mr. BAUCUS], for Mrs. BOXER, proposes an amendment numbered 1694 to amendment No. 1676.

Mr. BAUCUS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 345, line 6, strike "and".

On page 345, line 9, strike the period and insert "; and".

On page 345, between lines 9 and 10, insert the following:

"(H) research on telecommuting, research on the linkages between transportation, information technology, and community development, and research on the impacts of technological change and economic restructuring on travel demand.

Mr. BAUCUS. This amendment on behalf of the Senator from California, Mrs. BOXER would expand the current research programs to include how telecommuting and other technological and economic changes can affect travel. I believe this is a good amendment and will help fill the gap in our research programs. California certainly is a State with telecommuting and other technologies, and travel, and I urge the adoption of the amendment.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 1694) was agreed to.

Mr. BAUCUS. Mr. President, I move to reconsider the vote.

Mr. CHAFEE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAUCUS. Mr. President, we are working to try to get another amendment up.

Mr. CHAFEE. Mr. President, I think perhaps this might be a time when we might do the best we could to alert our colleagues as to what is taking place.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. The major amendment we have been on since 10:30 this morning, what you might call the so-called Chafee amendment, has been tied up with some difficulties. We have not been able to move to a vote on that. We have set it aside to take up other matters. At this time, I would like very much if we could take up the Dorgan amendment, if that is possible. If that is not possible, and that will take an hour, we would soon be able to alert people whether we will be able to do that or not.

Absent that, and even in addition to that, there would be an amendment of about a half an hour by the junior Senator from New Mexico, Senator BINGAMAN. If the Dorgan amendment is not available to take up, then it would be my suggestion we go directly to the Bingaman amendment, which would take a half hour.

So it is possible that we would have some votes—a vote at somewhere around 6 o'clock. As you can note from my statement here, there are some "ifs" involved in all this. I am doing the best I can to keep our fellow Senators alerted to what the situation is.

Mr. BAUCUS. We are making every effort to locate both those Senators and we are urging them to come to the floor as quickly as possible. I am unable to report at this time whether they will be able to come to the floor, but we will certainly try.

Mr. CHAFEE. I say further, what we would like to do is to dispose of the underlying amendment, that is the amendment before us, the so-called Chafee amendment. If we cannot do it tonight—and I see problems with that—certainly do it the first thing in the morning. Then we would go to the McConnell amendment on disadvantaged business enterprises. He has indicated he would be ready. Actually, I told him we were going to do that this afternoon, so my predictions are not totally accurate on what we are taking up and what we might take up.

But we are doing the best we can. That is a major amendment and will take some time. We would certainly like to get to that amendment as soon as we can. The key thing is to dispose of the so-called Chafee amendment as soon as we can.

Mr. BAUCUS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I fully concur with the agenda laid out by the distinguished chairman, and hope we accomplish it. Meanwhile, I ask unanimous consent Senator CAROL MOSELEY-BRAUN be added as a cosponsor of the underlying amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHAFEE. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CHAFEE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. COLLINS). Without objection, it is so ordered.

Mr. CHAFEE. Madam President, I am authorized to announce on behalf of the majority leader there will be no more votes this evening. We will announce shortly the schedule for tomorrow, what time we will be coming in, what votes will be coming up and when they will be coming up. We will be ready to announce that very, very shortly.

I ask unanimous consent that Senator DOMENICI be added as a cosponsor to the Chafee amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHAFEE. Madam President, we are waiting for the final arrangements for the schedule for early tomorrow, and pending that, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CHAFEE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHAFEE. Madam President, before we start, I once again say to anybody who hasn't yet got the message, I have been authorized by the majority leader to announce that there will be no further rollcall votes this evening.

Madam President, I ask unanimous consent that at 9 a.m. on Thursday, immediately following the resumption of the highway bill, Senator BINGAMAN be recognized in order to offer an amendment regarding liquor drive-throughs. I further ask unanimous consent that there be 30 minutes for debate, equally divided in the usual form, on that amendment. I further ask consent that immediately following that debate, the amendment be set aside and Senator DORGAN be recognized to offer an amendment regarding open containers. I ask consent that there be 60 minutes for debate, equally divided in the usual form, on that amendment. Finally, I ask consent that at the expiration of that time, at approximately 10:30 a.m. on Thursday, the Senate proceed to a vote on or in relation, first, to the Dorgan amendment, to be followed by a vote on or in relation to the Bingaman amendment. I also ask unanimous consent that no amendments be in order to the above-mentioned amendments.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

MORNING BUSINESS

Mr. CHAFEE. Madam President, I ask unanimous consent that there now be a period for morning business, with Senators permitted to speak therein for up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE BUDGET

Mr. DOMENICI. Madam President, shortly, the Congressional Budget Office—that is the official professional staff that has been in existence for many years that helps the Congress with budgeting—is going to issue—it is already prepared, it is ready for a formal issuance—an analysis of the President's budgetary proposals for the year 1999.

Before I tell the Senate what they are going to conclude, let me hearken back to when the President issued his budget. There were many Senators who asked me, "How can the President have so many new domestic programs when we have an agreed-upon limit for the year 1999 and the year 2000 and the year 2001, all the way to the year 2003, that doesn't permit any growth in the Federal domestic program?" As a matter of fact, to be accurate, it permits .5 percent growth, which the Congressional Budget Office has said, doing the arithmetic, it is even high; you cannot grow that much.

So I was being asked: Where can the President find money for his education initiative—whether you are for it or against it—for his child care proposal—whether you are for it or against it—and a long shopping list of programs? And I believe I said then, and said on the floor of the Senate, I do not believe he can. I believe he has tried to find a way to spend more than the agreement says we can spend, but says he isn't by transferring revenues and receipts to the Appropriations Committee so they can spend the money and take credit for the revenues and receipts and other matters like that.

Well, as a matter of fact, the Congressional Budget Office says that the President is $68 billion in excess of the agreed-upon amounts we can spend for each of these 5 years—$68 billion over the budget agreement caps on the domestic discretionary programs, on the domestic program part of the appropriations process.

Now, that is very important, because to the extent that that is correct, then obviously, unless Senators want to go back and restrain and cut and eliminate domestic programs, they are clearly not going to be able to fund very much of the President's new domestic initiative list that was forthcoming and stated in his State of the Union address.

Now, frankly, I did not believe, as one who has worked on this for some time, that the President could exchange matters in that way, and what I said has now been vindicated by the professionals who do the work for the Congress. If you could do it that way, then obviously these agreed-upon caps would be meaningless, for all you would have to do is find revenues and receipts, and the Government could grow and grow in terms of the amount that we spend and still say that we are within the agreed-upon caps because you offset the receipts against the expenditures.

Apparently, the Congressional Budget Office said that is not possible and then found that some of the expenditures are going to spend out more than the President says. Now, that is interesting, because if you wonder where we are on surpluses, you know the President said we had a $220 billion surplus over 5 years. The Congressional Budget Office, in its report, says the surplus for the 5 years, Mr. President, will be less than half of that, it will be $108 billion—slightly less than one-half of what he predicted.

In addition to that fact, which should sober us up a bit, this professional evaluation done for us by an independent entity—not the economists who work for the President, and not the President's Office of Management and Budget, but an independent group—they also say that the budget, the way the President is spending it, goes out of kilter and that in the year 2000 we are in deficit again. In other words, we come out, have a little surplus—a little surplus—and then in 2000 we are in deficit again. We come out of it shortly afterwards. But it does put us in a very awkward position, as we speak of the accumulation of surpluses over time, to find that the numbers we are going to be forced to use are going to say there is no surplus in the year 2000.

Now, I wish that the President was right in his $220 billion surplus over 5 years. I wondered about it, especially with all the new spending. But I was today to some extent—some sober language enters our discussions now, a little sobering-up with reference to where we are. And, I will insert in the RECORD the Congressional Budget Office's analysis in toto for everyone to read.

One last comment. The Congressional Budget Office has modified the annual surpluses also substantially so that there are no significant surpluses in the early years—maybe 4, 5, 6, 7 billion dollars, but nothing significant.

Now, that means that our job around here is a lot more difficult, because whenever anybody thinks it does not matter whether we overspend, we are going to be confronted with the sobering fact that we had better not be looking to the President's budget for guidance or advice because it will just make matters worse.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Madam President, at the close of business yesterday, Wednesday, March 3, 1998, the federal debt stood at $5,528,586,832,076.70 (Five trillion, five hundred twenty-eight billion, five hundred eighty-six million, eight hundred thirty-two thousand, seventy-six dollars and seventy cents).

One year ago, March 3, 1997, the federal debt stood at $5,358,957,000,000 (Five trillion, three hundred fifty-eight billion, nine hundred fifty-seven million).

Five years ago, March 3, 1993, the federal debt stood at $4,197,838,000,000 (Four trillion, one hundred ninety-seven billion, eight hundred thirty-eight million).

Ten years ago, March 3, 1988, the federal debt stood at $2,492,076,000,000 (Two trillion, four hundred ninety-two billion, seventy-six million).

Fifteen years ago, March 3, 1983, the federal debt stood at $1,219,388,000,000 (One trillion, two hundred nineteen billion, three hundred eighty-eight million) which reflects a debt increase of more than $4 trillion—$4,309,198,832,076.70 (Four trillion, three hundred nine billion, one hundred ninety-eight million, eight hundred thirty-two thousand, seventy-six dollars and seventy cents) during the past 15 years.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT CONCERNING NATIONAL SECURITY INTERESTS WITH RESPECT TO BOSNIA AND HERZEGOVINA—MESSAGE FROM THE PRESIDENT—PM 105

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Armed Services.

To the Congress of the United States:

I hereby certify that the continued presence of U.S. armed forces, after June 30, 1998, in Bosnia and Herzegovina is required in order to meet the national security interests of the United States, and that it is the policy of the United States that U.S. armed forces will not serve as, or be used as, civil police in Bosnia and Herzegovina.

This certification is presented pursuant to section 1203 of the National Defense Authorization Act for Fiscal Year 1998, Public Law 105–85, and section 8132 of the National Defense Appropriations Act for Fiscal Year 1998, Public Law 105–56. The information required under these sections is in the report that accompanies this certification. The supplemental appropriations request required under these sections is being forwarded under separate cover.

America has major national interests in peace in Bosnia. We have learned from hard experience in this turbulent century that America's security and Europe's stability are intimately linked. The Bosnian war saw the worst fighting—and the most profound humanitarian disaster—on that continent since the end of the Second World War. The conflict could easily have spread through the region, endangering old Allies and new democracies alike. A larger conflict would have cast doubt on the viability of the NATO alliance itself and crippled prospects for our larger goal of a democratic, undivided, and peaceful Europe.

The Dayton framework is the key to changing the conditions that made Bosnia a fuse in a regional powder keg. It is decisively in American interests to see Dayton implemented as rapidly as feasible, so that peace becomes self-sustaining. U.S. leadership is as essential to sustaining progress as it has been to ending the war and laying the foundation for peace.

I expect the size of the overall NATO force in Bosnia and Herzegovina will remain similar to that of the current SFOR. However, the U.S. contribution would decline by about 20 percent, as our Allies and partners continue to shoulder an increasing share of the burden.

Although I do not propose a fixed end-date for this presence, it is by no means open-ended. Instead, the goal of the military presence is to establish the conditions under which Dayton implementation can continue without the support of a major NATO-led military force. To achieve this goal, we have established concrete and achievable benchmarks, such as the reform of police and media, the elimination of illegal pre-Dayton institutions, the conduct of elections according to democratic norms, elimination of cross-entity barriers to commerce, and a framework for the phased and orderly return of refugees. NATO and U.S. forces will be reduced progressively as achievement of these benchmarks improves conditions, enabling the international community to rely largely on traditional diplomacy, international civil personnel, economic incentives and disincentives, confidence-building measures, and negotiation to continue implementing the Dayton Accords over the longer term.

In fact, great strides already have been made towards fulfilling these

aims, especially in the last ten months since the United States re-energized the Dayton process. Since Dayton, a stable military environment has been created; over 300,000 troops returned to civilian life and 6,600 heavy weapons have been destroyed. Public security is improving through the restructuring, retraining, and reintegration of local police. Democratic elections have been held at all levels of government and hard-line nationalists—especially the Republika Srpska—are increasingly marginalized. Independent media and political pluralism are expanding. Over 400,000 refugees and displaced persons have returned home—110,000 in 1997. One third of the publicly-indicted war criminals have been taken into custody.

Progress has been particularly dramatic since the installation of a pro-Dayton, pro-democracy Government in Republika Srpska in December. Already, the capital of Republika Srpska has been moved from Pale to Banja Luka; media are being restructured along democratic lines; civil police are generally cooperating with the reform process; war criminals are surrendering; and Republika Srpska is working directly with counterparts in the Federation to prepare key cities in both entities for major returns of refugees and displaced persons.

At the same time, long-standing obstacles to inter-entity cooperation also are being broken down: a common flag now flies over Bosnian institutions, a common currency is being printed, a common automobile license plate is being manufactured, and mail is being delivered and trains are running across the inter-entity boundary line.

Although progress has been tangible, many of these achievements still are reversible and a robust international military presence still is required at the present time to sustain the progress. I am convinced that the NATO-led force—and U.S. participation in it—can be progressively reduced as conditions continue to improve, until the implementation process is capable of sustaining itself without a major international military presence.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *March 3, 1998.*

REPORT ON TELECOMMUNICATIONS PAYMENTS TO THE GOVERNMENT OF CUBA FROM U.S. PERSONS—MESSAGE FROM THE PRESIDENT—PM 106

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Foreign Relations.

To the Congress of the United States:

This report is submitted pursuant to 1705(e)(6) of the Cuban Democracy Act of 1992, 22 U.S.C. 6004(e)(6) (the "CDA"), as amended by section 102(g) of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996, Public Law 104-114 (March 12, 1996), 110 Stat. 785, 22 U.S.C. 6021-91 (the "LIBERTAD Act"), which requires that I report to the Congress on a semiannual basis detailing payments made to Cuba by any United States person as a result of the provision of telecommunications services authorized by this subsection.

The CDA, which provides that telecommunications services are permitted between the United States and Cuba, specifically authorizes the President to provide for payments to Cuba by license. The CDA states that licenses may be issued for full or partial settlement of telecommunications services with Cuba, but may not require any withdrawal from a blocked account. Following enactment of the CDA on October 23, 1992, a number of U.S. telecommunications companies successfully negotiated agreements to provide telecommunications services between the United States and Cuba consistent with policy guidelines developed by the Department of State and the Federal Communications Commission.

Subsequent to enactment of the CDA, the Department of the Treasury's Office of Foreign Assets Control (OFAC) amended the Cuban Assets Control Regulations, 31 C.F.R. Part 515 (the "CACR"), to provide for specific licensing on a case-by-case basis for certain transactions incident to the receipt or transmission of telecommunications between the United States and Cuba, 31 C.F.R. 515.542(c), including settlement of charges under traffic agreements.

The OFAC has issued eight licenses authorizing transactions incident to the receipt or transmission of telecommunications between the United States and Cuba since the enactment of the CDA. None of these licenses permits payments to the Government of Cuba from a blocked account. For the period July 1 through December 31, 1997, OFAC-licensed U.S. carriers reported payments to the Government of Cuba in settlement of charges under telecommunications traffic agreements as follows:

	Amount
AT&T Corporation (formally, American Telephone and Telegraph Company)	$11,991,715
AT&T de Puerto Rico	298,916
Global One (formerly, Sprint Incorporated)	3,180,886
IDB WorldCom Services, Inc. (formerly, IDB Communications, Inc.)	4,128,371
MCI International, Inc. (formerly, MCI Communications Corporation)	4,893,699
Telefonica Larga Distancia de Puerto Rico, Inc.	105,848
WilTel, Inc. (formerly, WilTel Underseas Cable, Inc.)	5,608,751
WorldCom, Inc. (formerly, LDDS Communications, Inc.)	2,887,684
	33,095,870

I shall continue to report semiannually on telecommunications payments to the Government of Cuba from United States persons.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *March 4, 1998.*

REPORT OF THE NOTICE OF THE CONTINUATION OF THE IRAN EMERGENCY—MESSAGE FROM THE PRESIDENT—PM 107

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs.

To The Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice, stating that the national emergency declared with respect to Iran on March 15, 1995, pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701-1706) is to continue in effect beyond March 15, 1998, to the *Federal Register* for publication. This emergency is separate from that declared on November 14, 1979, in connection with the Iranian hostage crisis and therefore requires separate renewal of emergency authorities.

The factors that led me to declare a national emergency with respect to Iran on March 15, 1995, have not been resolved. The actions and policies of the Government of Iran, including support for international terrorism, its efforts to undermine the Middle East peace process, and its acquisition of weapons of mass destruction and the means to deliver them, continue to threaten the national security, foreign policy, and economy of the United States. Accordingly, I have determined that it is necessary to maintain in force the broad programs I have authorized pursuant to the March 15, 1995, declaration of emergency.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *March 4, 1998.*

MESSAGES FROM THE HOUSE

At 11:33 a.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the

following bill, with amendments, in which it requests the concurrence of the Senate:

S. 347. An act to designate the Federal building located at 100 Alabama Street, N.W., in Atlanta, Georgia, as the "Sam Nunn Federal Center."

The message also announced that pursuant to the provisions of section 114(b) of Public Law 100-458 (2 U.S.C. 1103), the Chair announces the Speaker's appointment of the following Member of the House to the Board of Trustees for the John C. Stennis Center for Public Service Training and Development to fill the existing vacancy thereon, the term to expire on September 27, 1999; Mr. PICKERING of Mississippi.

The message further announced that House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 217. An act to amend title IV of the Stewart B. McKinney Homeless Assistance Act to consolidate the Federal programs for housing assistance for the homeless into a block grant program that ensures that States and communities are provided sufficient flexibility to use assistance amounts effectively.

The message also announced that pursuant to the provisions of section 517(e)(3) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1131), the Chair announces the Speaker's appointment of the following participants on the part of the House to the National Summit on Retirement Savings: Ms. Meredith Bagby of New York, Mr. James E. Bayne of Texas, Mr. Carroll A. Campbell, Jr. of South Carolina, Ms. Joyce Campbell of Washington, D.C., Ms. Hilda Cannon of Georgia, Mr. Christopher W. Clement of Arizona, Mr. Benjamin Tanner Domenech of Virginia, Mr. Clinton A. Demetriou of Georgia, Mr. Pete du Pont of Delaware, Mr. Adam Dubitsky of Washington, D.C., Ms. Lynn D. Dudley of Washington, D.C., Mr. Ric Edelman of Virginia, Mr. John N. Erlenborn of Maryland, Ms. Shannon Evans of Nevada, Mr. Harris W. Fawell of Illinois, Mr. Peter J. Ferrara of Virginia, Mr. Ray Gaydos of Washington, D.C., Mr. Craig Ghloston of Texas, Mr. Arthur Glatfelter of Pennsylvania, Mr. Dylan Glenn of Georgia, Mr. James T. Gordon of Georgia, Mr. Brian H. Graff of Virginia, Mr. Matthew Greenwald of Washington, D.C., Mr. Brent R. Harris of California, Mr. Donald K. Hill of Georgia, Ms. Amy M. Holmes of Washington, D.C., Ms. Karen A. Jordan of Arkansas, Mr. John Kimpel of Massachusetts, Mrs. Beth Kobliner of New York, Mr. Gerald Letendre of New Hampshire, Mr. Ronald Lyons of Ohio, Mrs. Patricia De L. Marvil of Virginia, Mr. Philip Matthews of Connecticut, Mr. Thomas J. McInerney of Connecticut, Mr. Kevin M. McRaith of New Mexico, Ms. Rita D. Metras of New York, Ms. Lena Moore of Washington, D.C., Ms. Dana Muir of Michigan, Ms. Heather Nauert of Washington, D.C., Mr. Jeffrey M. Pollock of New Hampshire, Ms. Pati Robinson of Washington, Ms. Andrea Batista Schlesinger of New York, Mr. Eugene Schweikert of South Carolina, Mr. Charles Schwab of California, Ms. Victoria L. Swaja of Arizona, Mr. Richard Thau of New York, Ms. Sandra R. Turner of Florida, Mrs. Sunny Warren of Georgia, Mr. Albert Zapanta of Virginia, and Mr. Roger Zion of Indiana.

MEASURES REFERRED

The following bill was read the first and second times by unanimous consent and referred as indicated:

H.R. 217. An act to amend title IV of the Stewart B. McKinney Homeless Assistance Act to consolidate the Federal programs for housing assistance for the homeless into a block grant program that ensures that States and communities are provided sufficient flexibility to use assistance amounts effectively; to the Committee on Banking, Housing, and Urban Affairs.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-4119. A communication from the President of the United States, transmitting, pursuant to law, the report of 24 proposed rescissions of budgetary resources; referred jointly, pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986, to the Committee on Appropriations, to the Committee on the Budget, to the Committee on Agriculture, Nutrition, and Forestry, to the Committee on Energy and Natural Resources, and to the Committee on Commerce, Science, and Transportation.

EC-4120. A communication from the Secretary of Defense, transmitting, pursuant to law, a report concerning the Cooperative Threat Reduction Program; to the Committee on Armed Services.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. BREAUX:

S. 1704. A bill for the relief of Renee Merhej and Wadih Merhej; to the Committee on the Judiciary.

By Ms. MOSELEY-BRAUN (for herself, Mr. MOYNIHAN, Mrs. MURRAY, Mr. KENNEDY, Mr. GRAHAM, Mr. DASCHLE, Mr. REID, Mr. GLENN, Mr. LAUTENBERG, Mr. LEVIN, Mr. KERRY, and Mr. REED):

S. 1705. A bill to amend the Internal Revenue Code of 1986 to expand the incentives for the construction and renovation of public schools; to the Committee on Finance.

By Mr. BINGAMAN:

S. 1706. A bill to amend title 23, United States Code, to encourage States to enact laws that ban the sale of alcohol through a drive-up or drive-through sales window; to the Committee on Environment and Public Works.

By Ms. MIKULSKI (for herself, Mr. KENNEDY, Mr. DURBIN, Mr. BUMPERS, and Mr. BYRD):

S. 1707. A bill to amend the Federal Food, Drug, and Cosmetic Act to provide for improved safety of imported foods; to the Committee on Labor and Human Resources.

By Mr. DASCHLE (for himself, Mrs. MURRAY, Ms. MOSELEY-BRAUN, Mr. KENNEDY, Mr. DODD, Mrs. BOXER, Mr. BREAUX, Mr. ROBB, Mr. LEVIN, Mr. LAUTENBERG, Mr. GLENN, Mr. KERRY, Mrs. FEINSTEIN, Mr. REID, Mr. REED, and Mr. BRYAN):

S. 1708. A bill to improve education; to the Committee on Labor and Human Resources.

By Mr. SPECTER:

S. 1709. A bill to authorize the Secretary of Labor to provide assistance to States for the implementation of enhanced pre-vocational training programs, in order to improve the likelihood of enabling welfare recipients to make transitions from public assistance to employment, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. COCHRAN (for himself, Mr. LEVIN, Mr. LEAHY, Mr. STEVENS, Mr. ROBB, Mr. WARNER, Mr. SARBANES, and Ms. MIKULSKI) (by request):

S. 1710. A bill to provide for the correction of retirement coverage errors under chapters 83 and 84 of title 5, United States Code; to the Committee on Governmental Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. CHAFEE (for Mr. LOTT):

S. Res. 191. A resolution making Majority party appointments for the Committee on Governmental Affairs for the 105th Congress; considered and agreed to.

By Mrs. FEINSTEIN (for herself, Mrs. BOXER, Mrs. HUTCHISON, Mr. DURBIN, and Mr. SANTORUM):

S. Con. Res. 79. A concurrent resolution to commend the bravery and honor of the citizens of Remy, France, for their actions with respect to Lieutenant Houston Braly and to recognize the efforts of the 364th Fighter Group to raise funds to restore the stained glass windows of a church in Remy; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. MOSELEY-BRAUN (for herself, Mr. MOYNIHAN, Mrs. MURRAY, Mr. KENNEDY, Mr. GRAHAM, Mr. DASCHLE, Mr. REID, Mr. GLENN, Mr. LAUTENBERG, Mr. LEVIN, Mr. KERRY, and Mr. REED):

S. 1705. A bill to amend the Internal Revenue Code of 1986 to expand the incentives for the construction and renovation of public schools; to the Committee on Finance.

THE PUBLIC SCHOOL MODERNIZATION ACT OF 1998

Ms. MOSELEY-BRAUN. Mr. President, I send to the desk a bill and ask for its appropriate referral.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

Ms. MOSELEY-BRAUN. Mr. President, today I am pleased to introduce, along with a number of my colleagues, the Public School Modernization Act of 1998. This legislation addresses one of the most fundamental problems with public education in America, and that is that many of our elementary and secondary schools are literally falling down around our children.

The Public School Modernization Act of 1998 will help States and school districts finance their school improvement priorities. It will help them modernize classrooms so that no child misses out on the information age. It will help them ease overcrowding so that no child is forced to learn the principles of geometry in a gymnasium. It will help them patch leaky roofs, fix broken plumbing, and strengthen the facilities that provide the foundation for our children's education. Without this support, schools will continue to crumble under the weight of deferred maintenance and neglect, and our children's education, and their future, and our Nation's future, will suffer as a result.

Education in America correlates with opportunity for individuals, but also for our country as a whole. The rungs of the ladder of opportunity in America are crafted in the classroom. Consider that high school graduates earn 46 percent more each year than those who don't graduate from high school. College graduates earn 155 percent more every year than those who do not graduate from high school. Over the course of a lifetime, the most educated Americans will earn five times as much as the least educated Americans. So education is clearly related to individual prosperity and the ability of people to function in this new economy.

Education also correlates to almost all indicia of economic and social well-being. Educational attainment can directly be tied to income, to health, to the likelihood of being on welfare, to the likelihood of being incarcerated in a prison, and to the likelihood of voting and participating in our democracy.

However, education is more than a tool simply to lift people out of poverty or to provide a better standard of living for individuals. It is also the engine that will drive America's economy in the 21st century. In a Wall Street Journal survey last year of leading U.S. economists, 43 percent of them said that the single most important thing that we could do to increase our long-term economic growth would be to invest more in education and research and development. Nothing else came close to education in that survey. One economist said, "One of the few things that economists will agree upon is the fact that economic growth is very strongly dependent on our own abilities."

A recent study by the Manufacturing Institute concluded that increasing the education level of workers by 1 year raises the productivity level by 8.5 percent in manufacturing. Imagine, Mr. President, if you will, that in this global economy, the only way we will be able to hold on to our position as the country in the world with the highest standard of living is if we prepare our work force—as a whole, all of our workers—to compete at the highest level of competition and to produce at the highest level of productivity.

The Public School Modernization Act of 1998 represents the kind of investment that will result in better futures for our children and a better future for our country. The bill strengthens the fundamental tenet of American education—local control. By helping schools finance their capital improvement priorities, the Federal Government can free local resources for educational activities and can help give communities the kind of buildings that they need before they can implement the kinds of school reforms that parents and educators are demanding.

The Public School Modernization Act of 1998 creates a simple, effective, and easy-to-administer means of helping communities modernize their schools. The bill creates a new category of zero coupon bonds for States and school districts to issue to finance capital improvements. It allocates $21.8 billion worth of bonding authority to States and large school districts over the next 2 years.

Over 5 years, the bill will cost our National Government only $3.3 billion, but $21.8 billion worth of new construction and modernization will be made available by that $3.3 billion, which means for every Federal dollar that we invest over the next 5-year period, there will be an additional 6.6 in State and local dollars. That is a pretty good leverage capacity from this kind of investment.

Perhaps most important, though, Mr. President, is that this bill is bureaucracy-free, or as close to bureaucracy-free as we can manage. States and school districts need only to comply with two main requirements before issuing these new school modernization bonds. First, they must conduct a survey of their school facility needs, which you would think that every school district would have already, but the truth is they don't, yet. Second, they must describe how they intend to allocate the bonding authority to assure that schools with the greatest needs and the least resources benefit. That is it. Those are the only strings. There is no reapplying for funds, no continuous oversight, no getting individual projects approved by some Federal agency. The plan is simple. It will work. And it will strengthen local schools.

Mr. President, the magnitude of the school facilities problem is so great today that many districts cannot maintain the kind of educational environment necessary to teach all of our children the kinds of skills they will need to compete in the 21st century global economy.

We commissioned a study by the GAO a couple years ago. What they concluded was that every day some 14 million children in this country—14 million children—attend schools in need of major renovations or outright replacement, 7 million children every day attend schools with life-threatening safety code violations, and it will cost $112 billion to bring the schools up to code. This is not bells and whistles, this is not equipping them with computers and fancy new cosmetics, but just to address the toll that decades of deferred maintenance have taken on our school facilities across this country.

In my State of Illinois, school modernization and construction needs top $13 billion. Many of our school districts have a difficult time enough just buying textbooks, pencils, and teacher salaries, let alone financing capital improvements. This would free local resources for education by providing Federal support for bricks and mortar.

By the way, the national school repair price tag, as enormous as it sounds, does not include the cost of wiring our schools for modern technology. One of the greatest barriers to the incorporation of modern computers into classrooms is the physical condition of many school buildings. You can't very well use a computer if you don't have an electrical system working in the wall to plug it into. According to the GAO study, almost half of all schools—half of all schools—lack enough electrical power for the full-scale use of computers, 60 percent lack the conduits to connect classroom computers to a network, and more than 60 percent of the schools lack enough phone lines for instructional use.

Last year, principal Rita Melius from Waukegan, IL, came to Washington and told of her experience with computer technology at her school. She thought she was doing the right thing by equipping her schools with modern school technology, but when she deployed the computers around the schools, fires started in the building because the wiring was so old. Her experience is being replicated all over this country as communities try to bring their schools into the information age. This legislation will give Ms. Melius, and others like her, the resources to modernize their classrooms.

Mr. President, it will also give communities the power to relieve overcrowding. According to the U.S. Department of Education, just to keep up with growing enrollment, we will need to build some 6,000 new schools over the next 10 years.

I have visited schools in Illinois where study halls are being held in the

hallways, literally, because there is no other space. I have seen stairway landings converted into computer labs. I have seen cardboard partitions used to turn one classroom into two. I point out, Mr. President, that particular school was in what could be called a basement. It wasn't exactly a basement, it was at ground level, but they had cardboard separating two classes from each other. There is a school, frankly, where the lunchroom has been converted into two classrooms, where students eat in the gymnasium. And instead of having gym, they have "adaptive physical education" while they stand next to their desks, because the gyms are being used for lunchrooms. It is really shameful, Mr. President, and it is the situation that we find in almost a third of the schools in this country.

Again, I point out that this phenomenon is not just an inner-city problem. It exists in rural communities and suburban communities as well—just about one-third in each type of community across the United States.

Teachers and parents know full well that these conditions directly affect the ability of their children to learn, and research backs up that intuition. Two separate studies found a 10 to 11 percent achievement gap between those students in good buildings and those in shabby or poor buildings, after controlling for all other factors.

Other studies have found that when buildings are in poor condition, students are more likely to misbehave. Three leading researchers recently concluded, ". . . there's no doubt that building condition affects academic performance."

This morning, in a press conference in which a student from a local school talked about overcrowded conditions, he mentioned that they were having discipline problems from fights breaking out from what he called "hall rage," because the overcrowding situation in the school was so perverse and extreme that students were literally bumping into each other trying to move from class to class. So we have a situation here in which academic performance is affected.

I think it is time to mention something at this point. We just saw, this week, the grades come in on an international math and science test. The results were profoundly disturbing. American students scored close to the bottom, or at the bottom, on every math and physics test offered.

Now, here we are. A new study of high school seniors in 23 countries shows U.S. students scored significantly lower than students in other countries. This is in math, nations with scores above the international level: Netherlands, Sweden, Denmark, Switzerland, Iceland, and Norway. Nations with scores close to the international average: Italy, Russia, Lithuania, Czech Republic, and the United States. Nations lower than the international level: Cyprus and South Africa. We are in the category of nations with scores lower than the international level, which includes: France, Russia, Switzerland, Denmark, Cyprus, Lithuania, Australia, Greece, Sweden, Canada, Slovenia, Italy, Czech Republic, Germany, and the United States is next to last in advanced mathematics. In physics: Norway, Sweden, Russia, Denmark, Slovenia, Germany, Australia, Cyprus, Latvia, Greece, Switzerland, Canada, France, Czech Republic, Austria, and the United States. We are last. From the President down to the local township officials, this should be a clarion call that we have to work to improve the quality of our schools.

Our school facilities problems directly result, Mr. President, from our archaic school funding formula and system. The current system, the way we fund schools, was established a century ago when the Nation's wealth was measured in terms of property wealth, in terms of landholdings. Wealth is no longer accumulated just in land, and the funding mechanism that ties funding of our education to the local property tax is no longer appropriate, nor is it adequate.

Again, according to the GAO, poor and middle-class school districts try the hardest to raise revenue from the property tax, but the system works against them. In some 35 States, poor districts—that is, districts with smaller property tax bases—have higher tax rates than wealthy districts, but they raise less revenue because there is less property wealth to tax.

This local funding model, this model of depending on the local property tax to fund education, does not work for school infrastructure, just as it would not work for our highways or any other infrastructure.

It is ironic that we are here talking about the highway bill. Imagine what would happen if we based our system of roads on the same funding model we use for education. Imagine if every community was responsible for the construction and maintenance of the roads within its borders. In all likelihood, we would see smooth, good roads in the wealthy towns, a patchwork of mediocre roads in middle-income towns, and very few roads at all in poor communities. Transportation would be hostage to the vagaries of wealth and geography. Commerce and travel would be difficult, and navigation of such a system would not serve the best interests of our whole country. That hypothetical, unfortunately, precisely describes the way that we fund our public education system.

I believe we need a new approach. We need a partnership among all levels of government and the private sector that preserves local control in education but creates a financing balance that better serves local property taxpayers, children, schools, and indeed our entire country. This new act I am introducing today represents such a new partnership. It is a simple and effective means of leveraging limited Federal resources, strengthening local control of education, and improving the educational opportunity for every child.

I urge my colleagues to take a close look at the needs of the schools in their own States and decide what they stand for: higher property taxes and crumbling schools, or lower property taxes and a new partnership to improve our schools for the 21st century. I believe that we have some opportunities here.

Again, I have visited a lot of schools and I have seen what happens when we engage the resources sufficient to provide an environment and support needed for our children to learn. American kids are no dumber than kids anywhere else in the world. There is no reason for us to be at the bottom of this international testing. It is not their fault. It is our fault for failing to engage appropriately, to give public education the kind of support that it needs to have.

Now, there is some good news I would like to call to your attention. A group of some 20 Illinois school districts, led by Superintendent Paul Kimmelman, banded together to form a group called the First in the World Consortium. Their goal was to score first in the world on the international math and science test. At the same time that these results came out, Mr. President, the results from the First in the World Consortium came out also. They succeeded. The students in that consortium placed first in the world when compared with other countries, which is far above the dismal performance of our country as a whole.

What does this consortium have that the schools in our country lack? It is not the makeup of students. The kids are as capable anywhere in the country, whether they come from rich families or poor families. We have some of the brightest students in the world, who need only the opportunity to learn. The difference, however, is what supports we, as a community, a national community, can provide for them—schools with first-rate facilities, small classes, modern technology, and supportive communities.

So I hope that we will all take a look at the importance of this legislation. This is a way that we can engage the support of the National Government, our national community, acting in our national interest to serve our most important resource, which is our children. If we don't invest in them and if we don't build up these schools, many of which were built—I am making an assumption about age, but when you and I were in grammar school, Mr. President, these schools were built almost a generation ago and, in many instances,

more than a generation ago. That generation saw fit to provide facilities that were suitable for learning. That we have not, I believe, speaks volumes for us.

I think our generation has an absolute obligation and duty to provide for this generation, the next generation of Americans, no less an opportunity than we inherited from the last generation of Americans. We have a duty to see to it that they have the ability to get educated and to take their talent as far as those talents will take them, to maximize the ability of every person to rise to the absolute best level that he or she can, based on his or her natural talents.

Those natural talents, though, Mr. President, have to be nurtured in an environment and in facilities that are suitable for learning. This legislation will begin, hopefully, to create the kind of partnership that will allow the National, State, and local governments to stop the finger-pointing, stop the blame game, stop pushing the buck, and say it is somebody else's duty, or responsibility, or fault, and allow us to come together on behalf of what is clearly in our interest as citizens not only of cities and States and local communities, but as citizens of this great country.

This is why we have to come together. This is why we have to put the old, tired arguments behind us. This is why I think we should take a variety of ideas and put them out so that we can reach a consensus on getting some results, getting results that will serve our children's interests.

The public certainly wants us to do it. According to a bipartisan poll released earlier this year, some 76 percent of registered voters would support a $30 billion, 10-year Federal commitment to rebuild and modernize our schools. This legislation provides for that kind of a partnership. I certainly hope, Mr. President, that the Members of this body will review the GAO reports regarding their own States, because this is not just an Illinois problem, this is not just a North Carolina problem, or a Wyoming problem; this is a problem for America, and every State in this country has the same problem in the same ways. I urge them to examine the reports by the General Accounting Office regarding the condition of schools in their States, I ask them to examine the report of the General Accounting Office regarding the property tax dependence in their States, and I urge them to sign on and cosponsor this legislation.

Mr. President, I ask unanimous consent that the bill and a summary of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1705

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 "Public School Modernization Act of 1998".

SEC. 2. EXPANSION OF INCENTIVES FOR PUBLIC SCHOOLS.

(a) IN GENERAL.—Part IV of subchapter U of chapter 1 of the Internal Revenue Code of 1986 (relating to incentives for education zones) is amended to read as follows:

"PART IV—INCENTIVES FOR QUALIFIED PUBLIC SCHOOL MODERNIZATION BONDS

"Sec. 1397E. Credit to holders of qualified public school modernization bonds.

"Sec. 1397F. Qualified zone academy bonds.

"Sec. 1397G. Qualified school construction bonds.

"SEC. 1397E. CREDIT TO HOLDERS OF QUALIFIED PUBLIC SCHOOL MODERNIZATION BONDS.

"(a) ALLOWANCE OF CREDIT.—In the case of a taxpayer who holds a qualified public school modernization bond on the credit allowance date of such bond which occurs during the taxable year, there shall be allowed as a credit against the tax imposed by this chapter for such taxable year the amount determined under subsection (b).

"(b) AMOUNT OF CREDIT.—

"(1) IN GENERAL.—The amount of the credit determined under this subsection with respect to any qualified public school modernization bond is the amount equal to the product of—

"(A) the credit rate determined by the Secretary under paragraph (2) for the month in which such bond was issued, multiplied by

"(B) the face amount of the bond held by the taxpayer on the credit allowance date.

"(2) DETERMINATION.—During each calendar month, the Secretary shall determine a credit rate which shall apply to bonds issued during the following calendar month. The credit rate for any month is the percentage which the Secretary estimates will on average permit the issuance of qualified public school modernization bonds without discount and without interest cost to the issuer.

"(c) LIMITATION BASED ON AMOUNT OF TAX.—

"(1) IN GENERAL.—The credit allowed under subsection (a) for any taxable year shall not exceed the excess of—

"(A) the sum of the regular tax liability (as defined in section 26(b)) plus the tax imposed by section 55, over

"(B) the sum of the credits allowable under part IV of subchapter A (other than subpart C thereof, relating to refundable credits).

"(2) CARRYOVER OF UNUSED CREDIT.—If the credit allowable under subsection (a) exceeds the limitation imposed by paragraph (1) for such taxable year, such excess shall be carried to the succeeding taxable year and added to the credit allowable under subsection (a) for such taxable year.

"(d) QUALIFIED PUBLIC SCHOOL MODERNIZATION BOND; CREDIT ALLOWANCE DATE.—For purposes of this section—

"(1) QUALIFIED PUBLIC SCHOOL MODERNIZATION BOND.—The term 'qualified public school modernization bond' means—

"(A) a qualified zone academy bond, and

"(B) a qualified school construction bond.

"(2) CREDIT ALLOWANCE DATE.—The term 'credit allowance date' means, with respect to any issue, the last day of the 1-year period beginning on the date of issuance of such issue and the last day of each successive 1-year period thereafter.

"(e) OTHER DEFINITIONS.—For purposes of this part—

"(1) LOCAL EDUCATIONAL AGENCY.—The term 'local educational agency' has the meaning given to such term by section 14101 of the Elementary and Secondary Education Act of 1965. Such term includes the local educational agency that serves the District of Columbia but does not include any other State agency.

"(2) BOND.—The term 'bond' includes any obligation.

"(3) STATE.—The term 'State' includes the District of Columbia and any possession of the United States.

"(4) PUBLIC SCHOOL FACILITY.—The term 'public school facility' shall not include any stadium or other facility primarily used for athletic contests or exhibitions or other events for which admission is charged to the general public.

"(f) CREDIT INCLUDED IN GROSS INCOME.—Gross income includes the amount of the credit allowed to the taxpayer under this section and the amount so included shall be treated as interest income.

"(g) BONDS HELD BY REGULATED INVESTMENT COMPANIES.—If any qualified public school modernization bond is held by a regulated investment company, the credit determined under subsection (a) shall be allowed to shareholders of such company under procedures prescribed by the Secretary.

"SEC. 1397F. QUALIFIED ZONE ACADEMY BONDS.

"(a) QUALIFIED ZONE ACADEMY BOND.—For purposes of this part—

"(1) IN GENERAL.—The term 'qualified zone academy bond' means any bond issued as part of an issue if—

"(A) 95 percent or more of the proceeds of such issue are to be used for a qualified purpose with respect to a qualified zone academy established by a local educational agency,

"(B) the bond is issued by a State or local government within the jurisdiction of which such academy is located,

"(C) the issuer—

"(i) designates such bond for purposes of this section,

"(ii) certifies that it has written assurances that the private business contribution requirement of paragraph (2) will be met with respect to such academy, and

"(iii) certifies that it has the written approval of the local educational agency for such bond issuance, and

"(D) the term of each bond which is part of such issue does not exceed 15 years.

"(2) PRIVATE BUSINESS CONTRIBUTION REQUIREMENT.—

"(A) IN GENERAL.—For purposes of paragraph (1), the private business contribution requirement of this paragraph is met with respect to any issue if the local educational agency that established the qualified zone academy has written commitments from private entities to make qualified contributions having a present value (as of the date of issuance of the issue) of not less than 10 percent of the proceeds of the issue.

"(B) QUALIFIED CONTRIBUTIONS.—For purposes of subparagraph (A), the term 'qualified contribution' means any contribution (of a type and quality acceptable to the local educational agency) of—

"(i) equipment for use in the qualified zone academy (including state-of-the-art technology and vocational equipment),

"(ii) technical assistance in developing curriculum or in training teachers in order to promote appropriate market driven technology in the classroom,

"(iii) services of employees as volunteer mentors,

"(iv) internships, field trips, or other educational opportunities outside the academy for students, or

"(v) any other property or service specified by the local educational agency.

"(3) QUALIFIED ZONE ACADEMY.—The term 'qualified zone academy' means any public school (or academic program within a public school) which is established by and operated under the supervision of a local educational agency to provide education or training below the postsecondary level if—

"(A) such public school or program (as the case may be) is designed in cooperation with business to enhance the academic curriculum, increase graduation and employment rates, and better prepare students for the rigors of college and the increasingly complex workforce,

"(B) students in such public school or program (as the case may be) will be subject to the same academic standards and assessments as other students educated by the local educational agency,

"(D) the comprehensive education plan of such public school or program is approved by the local educational agency, and

"(E)(i) such public school is located in an empowerment zone or enterprise community (including any such zone or community designated after the date of the enactment of this section), or

"(ii) there is a reasonable expectation (as of the date of issuance of the bonds) that at least 35 percent of the students attending such school or participating in such program (as the case may be) will be eligible for free or reduced-cost lunches under the school lunch program established under the National School Lunch Act.

"(4) QUALIFIED PURPOSE.—The term 'qualified purpose' means, with respect to any qualified zone academy—

"(A) constructing, rehabilitating, or repairing the public school facility in which the academy is established,

"(B) providing equipment for use at such academy,

"(C) developing course materials for education to be provided at such academy, and

"(D) training teachers and other school personnel in such academy.

"(5) TEMPORARY PERIOD EXCEPTION.—A bond shall not be treated as failing to meet the requirement of paragraph (1)(A) solely by reason of the fact that the proceeds of the issue of which such bond is a part are invested for a reasonable temporary period (but not more than 36 months) until such proceeds are needed for the purpose for which such issue was issued. Any earnings on such proceeds during such period shall be treated as proceeds of the issue for purposes of applying paragraph (1)(A).

"(b) LIMITATIONS ON AMOUNT OF BONDS DESIGNATED.—

"(1) IN GENERAL.—There is a national zone academy bond limitation for each calendar year. Such limitation is—

"(A) $400,000,000 for 1998,

"(B) $1,400,000,000 for 1999,

"(C) $1,400,000,000 for 2000, and

"(D) except as provided in paragraph (3), zero after 2000.

"(2) ALLOCATION OF LIMITATION.—

"(A) ALLOCATION AMONG STATES.—

"(i) 1998 LIMITATION.—The national zone academy bond limitation for calendar year 1998 shall be allocated by the Secretary among the States on the basis of their respective populations of individuals below the poverty line (as defined by the Office of Management and Budget).

"(ii) LIMITATION AFTER 1998.—The national zone academy bond limitation for any calendar year after 1998 shall be allocated by the Secretary among the States in the manner prescribed by section 1397G(d); except that, in making the allocation under this clause, the Secretary shall take into account Basic Grants attributable to large local educational agencies (as defined in section 1397G(e)).

"(B) ALLOCATION TO LOCAL EDUCATIONAL AGENCIES.—The limitation amount allocated to a State under subparagraph (A) shall be allocated by the State education agency to qualified zone academies within such State.

"(C) DESIGNATION SUBJECT TO LIMITATION AMOUNT.—The maximum aggregate face amount of bonds issued during any calendar year which may be designated under subsection (a) with respect to any qualified zone academy shall not exceed the limitation amount allocated to such academy under subparagraph (B) for such calendar year.

"(3) CARRYOVER OF UNUSED LIMITATION.—If for any calendar year—

"(A) the limitation amount under this subsection for any State, exceeds

"(B) the amount of bonds issued during such year which are designated under subsection (a) with respect to qualified zone academies within such State,

the limitation amount under this subsection for such State for the following calendar year shall be increased by the amount of such excess. The preceding sentence shall not apply if such following calendar year is after 2002.

"SEC. 1397G. QUALIFIED SCHOOL CONSTRUCTION BONDS.

"(a) QUALIFIED SCHOOL CONSTRUCTION BOND.—For purposes of this part, the term 'qualified school construction bond' means any bond issued as part of an issue if—

"(1) 95 percent or more of the proceeds of such issue are to be used for the construction, rehabilitation, or repair of a public school facility,

"(2) the bond is issued by a State or local government within the jurisdiction of which such school is located,

"(3) the issuer designates such bond for purposes of this section, and

"(4) the term of each bond which is part of such issue does not exceed 15 years.

Rules similar to the rules of section 1397F(a)(5) shall apply for purposes of paragraph (1).

"(b) LIMITATION ON AMOUNT OF BONDS DESIGNATED.—The maximum aggregate face amount of bonds issued during any calendar year which may be designated under subsection (a) by any issuer shall not exceed the sum of—

"(1) the limitation amount allocated under subsection (d) for such calendar year to such issuer, and

"(2) if such issuer is a large local educational agency (as defined in subsection (e)) or is issuing on behalf of such an agency, the limitation amount allocated under subsection (e) for such calendar year to such agency.

"(c) NATIONAL LIMITATION ON AMOUNT OF BONDS DESIGNATED.—There is a national qualified school construction bond limitation for each calendar year. Such limitation is—

"(1) $9,700,000,000 for 1999,

"(2) $9,700,000,000 for 2000, and

"(3) except as provided in subsection (f), zero after 2000.

"(d) HALF OF LIMITATION ALLOCATED AMONG STATES.—

"(1) IN GENERAL.—One-half of the limitation applicable under subsection (c) for any calendar year shall be allocated among the States under paragraph (2) by the Secretary. The limitation amount allocated to a State under the preceding sentence shall be allocated by the State education agency to issuers within such State and such allocations may be made only if there is an approved State application.

"(2) ALLOCATION FORMULA.—The amount to be allocated under paragraph (1) for any calendar year shall be allocated among the States in proportion to the respective amounts each such State received for Basic Grants under subpart 2 of part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6331 et seq.) for the most recent fiscal year ending before such calendar year. For purposes of the preceding sentence, Basic Grants attributable to large local educational agencies (as defined in subsection (e)) shall be disregarded.

"(3) MINIMUM ALLOCATIONS TO STATES.—

"(A) IN GENERAL.—The Secretary shall adjust the allocations under this subsection for any calendar year for each State to the extent necessary to ensure that the sum of—

"(i) the amount allocated to such State under this subsection for such year, and

"(ii) the aggregate amounts allocated under subsection (e) to large local educational agencies in such State for such year,

is not less than an amount equal to such State's minimum percentage of one-half of the national qualified school construction bond limitation under subsection (c) for the calendar year.

"(B) MINIMUM PERCENTAGE.—A State's minimum percentage for any calendar year is the minimum percentage described in section 1124(d) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6334(d)) for such State for the most recent fiscal year ending before such calendar year.

"(4) ALLOCATIONS TO CERTAIN POSSESSIONS.—The amount to be allocated under paragraph (1) to any possession of the United States other than Puerto Rico shall be the amount which would have been allocated if all allocations under paragraph (1) were made on the basis of respective populations of individuals below the poverty line (as defined by the Office of Management and Budget). In making other allocations, the amount to be allocated under paragraph (1) shall be reduced by the aggregate amount allocated under this paragraph to possessions of the United States.

"(5) APPROVED STATE APPLICATION.—For purposes of paragraph (1), the term 'approved State application' means an application which is approved by the Secretary of Education and which includes—

"(A) the results of a recent publicly-available survey (undertaken by the State with the involvement of local education officials, members of the public, and experts in school construction and management) of such State's needs for public school facilities, including descriptions of—

"(i) health and safety problems at such facilities,

"(ii) the capacity of public schools in the State to house projected enrollments, and

"(iii) the extent to which the public schools in the State offer the physical infrastructure needed to provide a high-quality education to all students, and

"(B) a description of how the State will allocate to local educational agencies, or otherwise use, its allocation under this subsection to address the needs identified under subparagraph (A), including a description of how it will—

"(i) give highest priority to localities with the greatest needs, as demonstrated by inadequate school facilities coupled with a low level of resources to meet those needs,

"(ii) use its allocation under this subsection to assist localities that lack the fiscal capacity to issue bonds on their own, and

"(iii) ensure that its allocation under this subsection is used only to supplement, and not supplant, the amount of school construction, rehabilitation, and repair in the State that would have occurred in the absence of such allocation.

Any allocation under paragraph (1) by a State education agency shall be binding if such agency reasonably determined that the allocation was in accordance with the plan approved under this paragraph.

"(e) HALF OF LIMITATION ALLOCATED AMONG LARGEST SCHOOL DISTRICTS.—

"(1) IN GENERAL.—One-half of the limitation applicable under subsection (c) for any calendar year shall be allocated under paragraph (2) by the Secretary among local educational agencies which are large local educational agencies for such year. No qualified school construction bond may be issued by reason of an allocation to a large local educational agency under the preceding sentence unless such agency has an approved local application.

"(2) ALLOCATION FORMULA.—The amount to be allocated under paragraph (1) for any calendar year shall be allocated among large local educational agencies in proportion to the respective amounts each such agency received for Basic Grants under subpart 2 of part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6331 et seq.) for the most recent fiscal year ending before such calendar year.

"(3) LARGE LOCAL EDUCATIONAL AGENCY.—For purposes of this section, the term 'large local educational agency' means, with respect to a calendar year, any local educational agency if such agency is—

"(A) among the 100 local educational agencies with the largest numbers of children aged 5 through 17 from families living below the poverty level, as determined by the Secretary using the most recent data available from the Department of Commerce that are satisfactory to the Secretary, or

"(B) 1 of not more than 25 local educational agencies (other than those described in clause (i)) that the Secretary of Education determines (based on the most recent data available satisfactory to the Secretary) are in particular need of assistance, based on a low level of resources for school construction, a high level of enrollment growth, or such other factors as the Secretary deems appropriate.

"(4) APPROVED LOCAL APPLICATION.—For purposes of paragraph (1), the term 'approved local application' means an application which is approved by the Secretary of Education and which includes—

"(A) the results of a recent publicly-available survey (undertaken by the local educational agency with the involvement of school officials, members of the public, and experts in school construction and management) of such agency's needs for public school facilities, including descriptions of—

"(i) the overall condition of the local educational agency's school facilities, including health and safety problems,

"(ii) the capacity of the agency's schools to house projected enrollments, and

"(iii) the extent to which the agency's schools offer the physical infrastructure needed to provide a high-quality education to all students,

"(B) a description of how the local educational agency will use its allocation under this subsection to address the needs identified under subparagraph (A), and

"(C) a description of how the local educational agency will ensure that its allocation under this subsection is used only to supplement, and not supplant, the amount of school construction, rehabilitation, or repair in the locality that would have occurred in the absence of such allocation.

A rule similar to the rule of the last sentence of subsection (d)(5) shall apply for purposes of this paragraph.

"(f) CARRYOVER OF UNUSED LIMITATION.—If for any calendar year—

"(1) the amount allocated under subsection (d) to any State, exceeds

"(2) the amount of bonds issued during such year which are designated under subsection (a) pursuant to such allocation,

the limitation amount under such subsection for such State for the following calendar year shall be increased by the amount of such excess. A similar rule shall apply to the amounts allocated under subsection (e). The subsection shall not apply if such following calendar year is after 2002.".

(b) REPORTING.—Subsection (d) of section 6049 of such Code (relating to returns regarding payments of interest) is amended by adding at the end the following new paragraph:

"(8) REPORTING OF CREDIT ON QUALIFIED PUBLIC SCHOOL MODERNIZATION BONDS.—

"(A) IN GENERAL.—For purposes of subsection (a), the term 'interest'includes amounts includible in gross income under section 1397E(f) and such amounts shall be treated as paid on the credit allowance date (as defined in section 1397E(d)(2)).

"(B) REPORTING TO CORPORATIONS, ETC.—Except as otherwise provided in regulations, in the case of any interest described in subparagraph (A) of this paragraph, subsection (b)(4) of this section shall be applied without regard to subparagraphs (A), (H), (I), (J), (K), and (L)(i).

"(C) REGULATORY AUTHORITY.—The Secretary may prescribe such regulations as are necessary or appropriate to carry out the purposes of this paragraph, including regulations which require more frequent or more detailed reporting."

(c) CLERICAL AMENDMENTS.—

(1) The table of parts for subchapter U of chapter 1 of such Code is amended by striking the item relating to part IV and inserting the following new item:

"Part IV. Incentives for qualified public school modernization bonds.".

(2) Part V of subchapter U of chapter 1 of such Code is amended by redesignating both section 1397F and the item relating thereto in the table of sections for such part as section 1397H.

(d) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to obligations issued after December 31, 1998.

(2) REPEAL OF RESTRICTION ON ZONE ACADEMY BOND HOLDERS.—The repeal of the limitation of section 1397E of the Internal Revenue Code of 1986 (as in effect on the day before the date of the enactment of this Act) to eligible taxpayers (as defined in subsection (d)(6) of such section) shall apply to obligations issued after December 31, 1997.

BILL SUMMARY

The Public School Modernization Act creates and expands tax incentives to help States and school districts meet their school modernization and construction priorities. The bill includes two major provisions.

QUALIFIED SCHOOL MODERNIZATION BONDS

The bill allows state and local governments to issue "qualified school modernization bonds" to fund the construction, modernization, and rehabilitation of public schools. Bondholders, instead of receiving interest, would receive annual Federal income tax credits. The maximum term of the bonds would be 15 years.

A total of $9.7 billion of authority to issue qualified school modernization bonds would be allowed in each of 1999 and 2000, half to States and half to the 100 school districts with the largest numbers of poor children (The District of Columbia is considered a State.) The authority allocated to the 100 large districts would be based on the amounts of Federal assistance received under Title I, Basic Grants. In addition, the Secretary of Education would have the authority to designate 25 additional districts to receive bond authority directly from the Federal government. The authority allocated to States would also be based on the State's share of Title I, Basic Grants, excluding the 100 large districts and any others designated by the Secretary to receive bond authority directly from the Federal government. A small portion of the total amount of bond authority would be set aside for each U.S. possession (other than Puerto Rico, which is considered a State) based on its share of the total U.S. poverty population. A State, possession, or eligible school district would be permitted to carry forward any unused portion of its allocation until September 30, 2003.

Under the proposal, a bond would be treated as a qualified school modernization bond if three requirements are met. First, the Department of Education must approve a school construction plan of the State, territory, or school district that: (1) demonstrates that a survey has been undertaken of the construction and renovation needs in the jurisdiction, (2) describes how the jurisdiction will assure that bond proceeds are used for the purposes of this proposal, and (3) explains how it will use its allocation to assist localities that lack the fiscal capacity to issue bonds on their own. Second, the issuing government must receive an allocation for the bond from the State, territory, or eligible district. Third, 95 percent or more of the bond proceeds must be used to construct or rehabilitate public school facilities.

QUALIFIED ZONE ACADEMY BONDS

The bill makes three changes to the existing qualified zone academy bonds (created in the Taxpayer Relief Act of 1997). First, the bill increases the 1999 bond cap from $400 million to $1.4 billion and adds an additional $1.4 billion of bond cap in 2000. Second, the bill expands the list of permissible uses of proceeds to include new school construction. Third, the bill sets the maximum term of qualified zone academy bonds at 15 years.

Qualified zone academy bonds can be used by school districts, starting this year, for school improvement purposes. The subsidy mechanism is the same as with the new school modernization bonds—Federal tax credits to bondholders in lieu of interest—but there are several requirements associated with zone academy bonds. First, schools must secure 10% of the funding for the school improvement project from the private sector before issuing the zone academy bonds. Second, the school must work with the private sector to enhance the curriculum and increase graduation rates and employment rates. Finally, in order to be eligible,

the school must either have 35% of students eligible for the free- and reduced-price lunch program, or be located in an empowerment zone or enterprise community.

COST

The Joint Committee on Taxation estimates the total cost of this proposal is $3.3 billion/5 years and $9 billion/10 years. The Department of Treasury estimates the cost is $5 billion/5 years.

The proposal is fully paid for within President Clinton's balanced budget.

Mr. KENNEDY. Mr. President, I am honored to be a sponsor of the Public School Modernization Act of 1998, introduced today by Senator MOSELEY-BRAUN to help communities across the country in their struggle to modernize, repair, and rebuild their school facilities.

Schools across the nation face serious problems of overcrowding. Antiquated facilities are suffering from physical decay, and are not equipped to handle the needs of modern education.

Across the country, 14 million children in a third of the nation's schools are learning in substandard buildings. Half the schools have at least one unsatisfactory environmental condition. It will take over $100 billion just to repair existing facilities nationwide.

Massachusetts is no exception. 41% of our schools across the state report that at least one building needs extensive repair or should be replaced. Three-quarters report serious problems in buildings, such as plumbing or heating defects. 80% have at least one unsatisfactory environmental factor.

In Boston, many schools cannot keep their heating systems functioning properly. On a given day, 15 to 30 schools complain that their heat is not working.

The leaking roof at Revere High School is so serious that the new fire system is threatened. School Committee members estimate that fixing the roof will cost an additional $1 million, and they don't know where to get the money.

It is difficult enough to teach or learn in dilapidated classrooms. But now, because of escalating enrollments, those classrooms are increasingly overcrowded. The nation will need 6,000 new schools in the next few years, just to maintain current class sizes.

State governments and local communities are working hard to meet these challenges. In Massachusetts, under the School Building Assistance Act, the state will pay 50-90% of the most severe needs. 124 schools now have approved projects, and are on a waiting list for funding. The state share should be $91 million this year, but only $35 million is available. More than 50 other projects are awaiting approval. With that kind of deficit at the state and local level, it is clear that the federal government has a responsibility to act.

I am pleased that President Clinton has made this issue one of his highest priorities. The legislation we are introducing will allow states and local governments to issue $22 billion in bonds over the next five years for school repairs and construction. Half of the amount will go to state governments, and the other half will go to the 100 cities across the nation with the largest numbers of low-income children, including Boston and Springfield. The bonds will be interest-free for the states and cities—Uncle Sam will pay the interest.

Under this plan, the state government in Massachusetts can issue $230 million in bonds for construction and renovation of school buildings. The City of Boston can issue an additional $90 million, and the City of Springfield can issue an additional $36 million, so that a total of $356 million in bonds will be available to help Massachusetts schools under this legislation.

Good teaching and good schools are threatened if school buildings are unsafe and need repairs. President Clinton has made it a top priority to see that America has the best public schools in the world. And my Democratic colleagues and I intend to do all we can to see that we reach that goal.

Investing in schools is one of the best investments America can possibly make. For schools across America, help is truly on the way—and it can't come a minute too soon.

By Mr. BINGAMAN:

S. 1706. A bill to amend title 23, United States Code, to encourage States to enact laws that ban the sale of alcohol through a drive-up or drive-through sales window; to the Committee on Environment and Public Works.

THE DRUNK DRIVING CASUALTY PREVENTION ACT OF 1998

Mr. BINGAMAN. Mr. President, I rise briefly to discuss a very important matter relating to the safety of our Nation's streets and highways, DWI-related injuries and fatalities. This is a problem that in spite of many prevention efforts, remains a serious concern.

The statistics are compelling. For example, on Thanksgiving, Christmas, New Years Eve, and New Years Day 1996, there were 576 DWI-related fatalities on our Nation's highways. In that same year, nearly 1.1 million people were injured in alcohol-related crashes. Motor vehicle crashes are the leading cause of death for 15- to 20-year-olds. About 3 in 10 Americans will be involved in an alcohol-related crash at some time in their lives. Alcohol-related crashes cost society $45 billion annually. To make matters worse, the loss of quality of life and pain and suffering costs total over $134 billion annually.

My home state of New Mexico is not exempt. In fact, the National Traffic Safety Administration reports that New Mexico leads the country in DWI-related deaths per capita, a rate of 11.79 deaths per 100,000 people. This rate is 19 percent higher than the No. 2 state, Mississippi, and is more than twice the national rate of 5.05 deaths per 100,000.

Indeed, these statistics paint a very grim picture. What makes this picture even more tragic, Mr. President, is that DWI-related injuries and fatalities are preventable. It clearly is within our national interest to do everything we can to reverse this course. One obvious way to prevent further deaths on our highways is to ensure the sobriety of drivers. That is why I proudly am cosponsoring Senator LAUTENBERG's and Senator DEWINE's bill to establish a national blood-alcohol content standard of .08. Additionally, I am cosponsoring Senator DORGAN's bill to prohibit open containers of alcohol in automobiles. I urge my Senate colleagues to help pass these bills this year.

Another contributing factor to the problem that I believe would make a significant difference if eliminated is the practice of selling alcohol beverages through drive-up sales windows. This practice only makes it more easy for a drunk driver to purchase alcohol, and it contributes heavily to the DWI-fatality rate in New Mexico. Eliminating these drive-up liquor windows is essential to reducing these injuries and fatalities.

When I was in New Mexico 2 weeks ago, I held a series of seminars with high school students from throughout the state, and I listened to their concerns about the problems in the state and in the country. One young man, Simon Goldfine, who is a student at Del Norte High School in Albuquerque, agreed that the DWI rate in New Mexico is much too high, and one reason he explained is these drive-in liquor windows. Simon explained that if a drunk person has to walk into a liquor store, it will be easier to determine if he is drunk than if he simply sat in his vehicle. And Simon asked if something could be done to eliminate the windows. Today I would like to tell Simon that we will do something about it.

Today, at Simon's urging, I am introducing legislation, the Drunk Driving Casualty Prevention Act of 1998 to prohibit the sale of alcohol through drive-up sales windows.

Mr. President, I believe no one in America will disagree with Simon that this ban will make a difference. According to one study, there are 26 states that do not permit drive-up windows. In 1996, these states had a 15 percent lower average drunk driving fatality rate than the 24 states that permit these windows. In the states with the ban, the average rate was 4.6 per 100,000 people, as opposed to 5.46 in all other states. On a percentage basis, states with a ban had a 14.5 percent lower drunk driving fatality rate than states that permit sales windows.

In 1996, comparing 19 western states in particular, the nine states with a ban had a 31 percent lower average drunk driving fatality rate than the ten states that permit the windows.

In 1995, there were 231 drunk driving fatalities in New Mexico. Based on the 14-percent lower drunk driving fatality rate, it is estimated that closing drive-up liquor windows could save between 32 and 35 lives annually in New Mexico. Nowhere is it more true that if we can save one life by closing these windows, we should do it.

The differences can be explained because there are three main benefits to closing drive-up liquor windows: first, it is easier and more accurate to check IDs over the sales counter. Minors have testified that it is very easy to illegally purchase alcohol at a drive-up window where it is difficult to determine their age. Second, it is easier to visually observe a customer for clues that they are impaired by alcohol or other substance if they have to walk into a well-lit establishment to make their purchase. Moreover, in one municipal court in New Mexico, 33 percent of DWI offenders reported having purchased their liquor at drive up windows. Some members of Alcoholics Anonymous say they now realize they could have known each other years earlier if they had only looked in their rear view mirror while in line at a drive-up window. And third, it sends a clear message to the population that drinking and driving will not be tolerated.

The Behavior Health Research Center of the Southwest conducted a study, the purpose of which was to determine the characteristics and arrest circumstances of DWI offenders who bought alcohol at a drive-up liquor window compared to those who obtained alcohol elsewhere. Nearly 70 percent of offenders studied reported having purchased the alcohol they drank prior to arrest. Of those offenders, 42 percent bought package liquor, and of those offenders, the drive-up window was the preferred place of purchase. Additionally, the study showed that drive-up window users were 68 percent more likely to have a serious alcohol problem than other offenders. Drive-up window users also are 67 percent more likely to be drinking in their vehicle prior to arrest than other offenders. This study showed that drive-up windows facilitate alcohol misuse in vulnerable populations. The persons most affected are the high-risk problem drinkers, and when liquor availability is restricted, it is among those offenders that use, and consequently alcohol-related offenses, declines the most.

There are some that may contend that closing these windows is going to hurt small businesses. To the contrary. Closing these drive-up liquor windows will actually help increase profits, and it is very easy to explain. When a customer has to walk into an establishment, he or she is very likely to purchase more than the original item. The customer is likely to pick up, for example, potato chips, sodas, and magazines. This is not as likely to happen at the drive-up window simply because the customers cannot see the items from their vehicle. In McKinley County, New Mexico, which is the only county in New Mexico to ban these windows, businesses actually saw a jump in profits. Most importantly, because of its DWI prevention strategy, McKinley County's alcohol-related injury and fatality rate dropped from 272 per 100,000 in 1989 to 183 per 100,000 in 1997.

Mr. President, I believe we have a great opportunity here to reduce DWI injuries and fatalities. Therefore, I plan to offer this bill as an amendment to the ISTEA legislation, and I urge my Senate colleagues to join me. I ask unanimous consent that the rest of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1706

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

SECTION 1. BAN ON SALE OF ALCOHOL THROUGH DRIVE-UP OR DRIVE-THROUGH SALES WINDOWS.

(a) IN GENERAL.—Chapter 1 of title 23, United States Code, is amended by inserting after section 153 the following:

"§ 154. Ban on sale of alcohol through drive-up or drive-through sales windows

"(a) WITHHOLDING OF APPORTIONMENTS FOR NONCOMPLIANCE.—

"(1) FISCAL YEAR 2000.—The Secretary shall withhold 5 percent of the amount required to be apportioned to any State under each of paragraphs (1)(A), (1)(C), and (3) of section 104(b) on October 1, 1999, if the State does not meet the requirements of paragraph (3) on that date.

"(2) SUBSEQUENT FISCAL YEARS.—The Secretary shall withhold 10 percent (including any amounts withheld under paragraph (1)) of the amount required to be apportioned to any State under each of paragraphs (1)(A), (1)(C), and (3) of section 104(b) on October 1, 2000, and on October 1 of each fiscal year thereafter, if the State does not meet the requirements of paragraph (3) on that date.

"(3) REQUIREMENTS.—A State meets the requirements of this paragraph if the State has enacted and is enforcing a law (including a regulation) that bans the sale of alcohol through a drive-up or drive-through sales window.

"(b) PERIOD OF AVAILABILITY; EFFECT OF COMPLIANCE AND NONCOMPLIANCE.—

"(1) PERIOD OF AVAILABILITY OF WITHHELD FUNDS.—

"(A) FUNDS WITHHELD ON OR BEFORE SEPTEMBER 30, 2002.—Any funds withheld under subsection (a) from apportionment to any State on or before September 30, 2002, shall remain available until the end of the third fiscal year following the fiscal year for which the funds are authorized to be appropriated.

"(B) FUNDS WITHHELD AFTER SEPTEMBER 30, 2002.—No funds withheld under this section from apportionment to any State after September 30, 2002, shall be available for apportionment to the State.

"(2) APPORTIONMENT OF WITHHELD FUNDS AFTER COMPLIANCE.—If, before the last day of the period for which funds withheld under subsection (a) from apportionment are to remain available for apportionment to a State under paragraph (1)(A), the State meets the requirements of subsection (a)(3), the Secretary shall, on the first day on which the State meets the requirements, apportion to the State the funds withheld under subsection (a) that remain available for apportionment to the State.

"(3) PERIOD OF AVAILABILITY OF SUBSEQUENTLY APPORTIONED FUNDS.—

"(A) IN GENERAL.—Any funds apportioned under paragraph (2) shall remain available for expenditure until the end of the third fiscal year following the fiscal year in which the funds are so apportioned.

"(B) TREATMENT OF CERTAIN FUNDS.—Sums not obligated at the end of the period referred to in subparagraph (A) shall lapse.

"(4) EFFECT OF NONCOMPLIANCE.—If, at the end of the period for which funds withheld under subsection (a) from apportionment are available for apportionment to a State under paragraph (1), the State does not meet the requirements of subsection (a)(3), the funds shall lapse.".

(b) CONFORMING AMENDMENT.—The analysis for chapter 1 of title 23, United States Code, is amended by inserting after the item relating to section 153 the following:

"154. Ban on sale of alcohol through drive-up or drive-through sales windows.".

By Ms. MIKULSKI (for herself, Mr. KENNEDY, Mr. DURBIN, Mr. BUMPERS, and Mr. BYRD)

S. 1707. A bill to amend the Federal Food, Drug, and Cosmetic Act to provide for improved safety of imported foods; to the Committee on Labor and Human Resources.

THE SAFETY OF IMPORTED FOOD ACT OF 1998

Ms. MIKULSKI. Mr. President, I rise today to introduce the "Safety of Imported Food Act of 1998." I am proud to be the sponsor of this important legislation to provide the American people with safer imported foods. This legislation is part of President Clinton's food safety initiative. Its purpose is to provide for improved safety of imported food consistent with U.S. food safety requirements.

The bill expands FDA authority to ensure the safety of imported foods in two very important ways. It authorizes the Secretary to deny entry of imported food products if it is determined that the products do not meet the U.S. food safety requirements. It also authorizes the secretary to consider, in determining whether imported food products meet U.S. food safety requirements, a refusal to allow necessary inspections or testing.

Our nation's food supply has gone global. Once our imported food consisted mainly of bulk staples. Now we import growing quantities of fresh fruits and vegetables, seafood, and many other foods. Thirty-eight percent of all fruit and 12% of all vegetables consumed in the U.S. are imported. Imported food entries doubled in the last

7 years and a 30% increase is expected by 2002.

We have been put on alert by recent cases of food borne illness. Michigan school children were sickened by imported strawberries contaminated by Hepatitis A. There have been widespread reports of cyclospora from imported raspberries. Soft cheese from Europe has been found to be contaminated with listeria and salmonella. And radish seed sprouts from the Far East have been found infected with Ecoli 0157:H7.

The impact of unsafe food is staggering. As many as 33 million people become ill each year from contaminated meat, poultry and produce. Over $3 billion are spent in hospitalization due to food related illness. Added to that are the losses in productivity.

Now that our food supply has gone global, our food safety measures must go global as well. Current authority requires FDA to rely on inspection and testing at the border to ensure that safety standards are met. With the ever increasing quantities of imported foods, it is impossible for FDA to inspect more than a small percentage of shipments. Additionally, such inspections are often impractical, given the perishable nature of many of the imported foods. The FDA may also place more general restrictions on imports, but only after a problem has surfaced, often after a major outbreak of illness has occurred. Both of these types of measures address the problem of unsafe food reactively.

The "Safety of Imported Food Act" places the emphasis on the underlying food system of control at the food source, a more preventive means of addressing food safety. It focuses on the conditions that cause problems rather than the problem once it has occurred. By allowing FDA to consider the food safety system in place, the bill provides the means by which FDA can use its limited resources more efficiently.

There are several things this bill does not do. It does not shut our borders or immediately deny entry of imported food upon enactment. It does not require inspections or access without consent. In fact, it does not create any new inspection authority, either foreign or domestic.

The bill is short, but what it will achieve is significant. It will provide FDA with authority to ensure that all imported foods meet the U.S. level of protection, consistent with rights and obligations under international trade agreements. It provides FDA with a more effective enforcement tool and the ability to use its resources more effectively. Under the bill, foreign producers may have an incentive to upgrade their food safety systems. Most importantly, the bill will provide the American public with greater assurance that imported foods meet the same safety standards as do foods produced in the U.S.

I wish to commend President Clinton and Vice President GORE in making food safety a top priority. By strengthening the food supply both here and abroad, I believe we make the world a safer place to live. I look forward to the Senate's support of this important legislation.

By Mr. DASCHLE (for himself, Mrs. MURRAY, Ms. MOSELEY-BRAUN, Mr. KENNEDY, Mr. DODD, Mrs. BOXER, Mr. BREAUX, Mr. ROBB, Mr. LEVIN, Mr. LAUTENBERG, Mr. GLENN, Mr. KERRY, Mrs. FEINSTEIN, Mr. REID, Mr. REED and Mr. BRYAN):

S. 1708. A bill to improve education; to the Committee on Labor and Human Resources.

THE REVITALIZE AND EMPOWER PUBLIC SCHOOL COMMUNITIES TO UPGRADE FOR LONG-TERM SUCCESS ACT

Mr. DASCHLE. Mr. President, today I am introducing on behalf of my colleagues, Senators MURRAY, MOSELEY-BRAUN, KENNEDY, DODD, BOXER, BREAUX, ROBB, LEVIN, LAUTENBERG, GLENN, KERRY, FEINSTEIN, REID, REED, BRYAN and myself, legislation that puts the spotlight directly on our efforts to strengthen and modernize our nation's public schools.

We recognize that a strong public education system is the key to America's future. Our economic prosperity, our position as a world leader, our system of law, and our very democracy require that all of our children have access to the best possible education.

We have heard a lot over the last 20 years about the things that are wrong with education in this country, and there's no question that we need to do some things better. We just learned the other day, for example, that our 12th graders are behind the rest of the world in math and science achievement. That is unacceptable and must be corrected. But there are signs that we have been able to make some progress. Our fourth-graders are well above the average in mathematics and near the top in science. And there are innovative programs springing up around the country that are taking advantage of federal funds to make remarkable changes in the way public schools are run. The City of Chicago, for example, has taken dramatic steps including ending social promotions, raising their standards, and providing extra help to make sure that children can achieve those standards. Parents and community members are more involved , and, while it's too early to see results in terms of test scores, there are dramatic improvements in attendance. Those who are involved are amazed at their progress.

Despite many local improvements, our schools still face many challenges. Student enrollments are at record high levels and are expected to increase over the next decade. This growth, combined with aging buildings and the demand of technology, is straining many school facilities. Growing enrollments and teacher retirements also mean that more than 2 million new teachers will be needed over the next decade. The quality of those teachers will have a significant impact on student achievement levels. Recent advancements require better integration of technology in our public schools and better training for instructors in using technology effectively in the classroom. While many schools have implemented reforms and student performance is improving in some communities, too many children, particularly those from low-income families, are still not learning up to their potential.

The legislation we are introducing today—the RESULTS Act—will addresses these issues in 5 ways:

(1) We create a new tax credit to help communities offset the cost of school construction and modernization;

(2) We provide funds to help communities reduce class sizes in grades 1 through 3 by hiring and training 100,000 new teachers;

(3) We help communities establish additional after-school programs for school-aged children;

(4) We advance the federal commitment to integrate technology into the classroom and provide resources to train teachers to use that technology effectively; and

(5) We include the President's initiative to provide grants to high-poverty urban and rural school districts that are serious about carrying out standards-based reforms, such as those occurring in Chicago, to improve student achievement.

Mr. President, Democrats recognize that the federal government has an important role to play in encouraging all Americans—including parents, teachers, business and community leaders, and elected officials at all levels of government—to work in partnership to strengthen and revitalize our public schools. Our nation's commitment to a strong system of public education has made our country great. We renew that commitment today with this plan to prepare our students to lead this country into the 21st Century. I thank my colleagues who have worked with me to demonstrate our resolve to modernize and strengthen our public schools and invite our colleagues across the aisle to make the same commitment and join us to enact the important legislation.

I ask unanimous consent that a title-by-title explanation of the bill, be printed in the RECORD.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

S. 1708—SUMMARY

TITLE I—HELPING COMMUNITIES RENOVATE AMERICA'S SCHOOLS

The General Accounting Office has found severe school disrepair in all areas of the United States. More than 14 million children

attend schools in need of extensive repair or replacement. The repair backlog totals at least $112 billion, and this does not include expansions needed to accommodate enrollment increases, class size reductions, and integration of technology in the classroom. The problem transcends demographic and geographic boundaries. For 38 percent of urban schools, 30 percent of rural schools, and 29 percent of suburban schools, at least 1 building is in need of extensive repair or should be completely replaced.

The condition of school facilities has a direct effect on the safety of students and teachers, and on the ability of students to learn. Researchers at Georgetown University found the performance of students assigned to schools in poor condition falls 10.9 percentage points below those attending classes in buildings in excellent condition. Other studies have demonstrated up to a 20 percent improvement in test scores when students were moved from a dilapidated facility to a new facility.

This Title includes 2 initiatives to expand tax incentives to help states and school districts address the school construction backlog.

QUALIFIED SCHOOL MODERNIZATION BONDS

State and local governments will issue qualified school modernization bonds to fund the construction, modernization, and rehabilitation of public schools. Bondholders will receive annual Federal income tax credits in lieu of interest. The maximum term of the bonds will be 15 years.

A total of $9.7 billion of authority to issue qualified school modernization bonds is allocated in 1999 and 2000—50 percent to states and 50 percent to the 100 largest school districts. The authority allocated to the 100 largest districts will be based on the amounts of Federal assistance received under Title I, Basic Grants. In addition, the Secretary of Education will have the authority to designate 25 additional districts to receive bond authority directly from the Federal government. The authority allocated to States will also be based on the State's share of Title I, Basic Grants, excluding the 100 large districts and any others designated by the Secretary to receive bond authority directly from the Federal government.

I should note that I would prefer to provide more funds to the states to make sure that rural areas, many of which are severely limited financially, have access to the funds they need to modernize their schools as well. However, this bill reflects a joint House and Senate Democrats and White House initiative, so I have not made that change in this bill.

To be treated as a qualified school modernization bond program, 3 requirements must be met. First, the Department of Education must approve a school construction plan of the state, territory, or school district that: (1) demonstrates a survey of the construction and renovation needs in the jurisdiction has been undertaken; (2) describes how the jurisdiction will assure that bond proceeds are used for the purposes of this proposal; and (3) explains how it will use its allocation to assist localities that lack the fiscal capacity to issue bonds on their own. Second, the issuing government must receive an allocation for the bond from the State, territory, or eligible district. Third, 95 percent or more of the bond proceeds must be used to construct or rehabilitate public school facilities.

QUALIFIED ZONE ACADEMY BONDS

The bill makes 3 changes to the existing qualified zone academy bonds (created in the Taxpayer Relief Act of 1997). First, the bill increases the 1999 bond cap from $400 million to $1.4 billion and adds an additional $1.4 billion of bond cap in 2000. Second, the bill expands the list of permissible uses of proceeds to include new school construction. Third, the bill sets the maximum term of qualified zone academy bonds at 15 years. The subsidy mechanism is the same as with the new school modernization bonds—Federal tax credits to bondholders in lieu of interest—but there are several requirements associated with zone academy bonds. First, schools must secure 10 percent of the funding for the school improvement project from the private sector before issuing the zone academy bonds. Second, the school must work with the private sector to enhance the curriculum and increase graduation and employment rates. Finally, in order to be eligible, the school must either have 35 percent of students eligible for the free- and reduced-price lunch program, or be located in an Empowerment zone or enterprise community.

TITLE II—REDUCING CLASS-SIZE

Qualified teachers in small classes can provide students with more individualized attention, spend more time on instruction and less on other administrative tasks, cover more material more effectively, and work more closely with parents. Research has shown that students attending small classes in the early grades make better progress than students in larger classes, and that those achievement gains persist through at least the eighth grade. The benefits are greatest for low-achieving, minority, poor, and inner-city children. Smaller classes also allow teachers to identify and work earlier with students who have learning disabilities, potentially reducing those students' need for special education in later grades.

Efforts to reduce class sizes are likely to be successful only if well-qualified teachers are hired to fill additional classroom positions, and if teachers receive intensive, ongoing training in teaching effectively in smaller classroom settings. Currently, 1 in 4 high school teachers do not have a major or minor in the main subject they teach. This is true for more than 30 percent of math teachers. In schools with the highest minority enrollments, students have less than a 50 percent chance of getting a science or math teacher who holds a degree in that field.

Over the next decade, we will need to hire over 2 million teachers to meet increasing student enrollments and teacher retirements. Comprehensive improvements in teacher preparation and development are needed to ensure students' academic success. Too many teachers graduating today have insufficient experience in the classroom or are unprepared to integrate technology into their lessons. The federal government can assist in this effort by providing resources to help communities reduce class sizes and improve the quality of teacher training.

This program is designed to help states and local educational agencies recruit, train, and hire 100,000 additional qualified teachers in order to reduce class sizes nationally, in grades 1 to 3 to an average of 18 students per classroom. In addition, the program provides resources to improve small classroom teaching in the early grades so that all students can learn to read well and independently by the end of the third grade. Funding of $1.1 billion will be appropriated in the first year and $7.3 billion over 5 years.

I want to emphasize that our proposal is aimed at improving the quality of teaching, not just the quantity of teachers. This is critical if we expect to see improvements in student achievement.

TITLE III—EXPANDING AFTER-SCHOOL CARE

Many children spend more of their waking hours without supervision and constructive activity than they do in school. As many as 5 million children are home alone after school each week. Too many of these children are tempted during this time to try cigarettes, alcohol, marijuana and engage in other dangerous activities. The law enforcement community, which has been very active in their efforts to focus our attention on this problem, reports that most juvenile involvement in crime—either committing them or becoming victims themselves—occurs between 3 p.m. and 8 p.m. Children who attend quality after-school programs, on the other hand, tend to do better in school, get along better with their peers, and are less likely to engage in delinquent behaviors. Unfortunately, only one-third of the schools in low-income neighborhoods and half of the schools in affluent areas currently offer after-school programs. Expansion of both school-based and community-based after-school programs is key to providing safe, constructive environments for children and helping communities reduce the incidence of juvenile delinquency and crime.

This bill expands the 21st Century Learning Centers Act and provides $200 million each fiscal year to help communities develop after-school care programs. Grantees will be required to offer expanded learning opportunities for children and youth in the community. Funds could be used to provide:

(1) literacy programs;
(2) integrated education, health, social service, recreational or cultural programs;
(3) summer and weekend school programs;
(4) nutrition and health programs;
(5) expanded library services;
(6) telecommunications and technology education programs;
(7) services for individuals with disabilities;
(8) job skills assistance;
(9) mentoring;
(10) academic assistance; and
(11) drug, alcohol, and gang prevention activities.

While expanding after-school programs in public schools will help hundreds of thousands of children. It is important to note that many other community-based organizations, including YMCAs, and Campfire Boys and Girls, provide high quality programs for children as well. These programs also need and deserve federal assistance, since it is unlikely that schools will be able to meet the needs of all children. While school-based care is the focus of this legislation, many Democratic Senators and I also strongly support providing additional resources for after-school care through other programs, and we would also like to see greater coordination among all federal, state, and local programs in order to maximize the effective use of public resources and encourage more collaborative efforts at the local level.

TITLE IV—PROMOTING EFFECTIVE USE OF TECHNOLOGY IN THE CLASSROOM

Americans agree that integrating technology effectively in the classroom must be a central component of preparing students for the 21st Century. Fully 74 percent of Americans believe that computers improve the quality of education and half believe their public schools offer too little access to adequate computers.

The importance of strengthening students' technology skills cannot be underestimated. Nearly one quarter of the jobs added to our economy in the past year were in technology-based occupations. By the year 2000,

60 percent of all jobs in the nation will require skills in computer and network use. Just 22 percent of all workers have those skills today.

Incorporating technology effectively in the classroom has been proven to improve students' mastery of basic skills, test scores, writing, and engagement in school. With these gains comes a decrease in dropout rates, as well as fewer attendance and discipline problems.

We are making progress. While only 35 percent of schools had access to the internet in 1996, now 78 percent are on-line. The Schools and Libraries Universal Service Fund, or "E-rate," will provide up to $2.25 billion annually in discounts to assure every American school and library access to telecommunications services, internal connection, and Internet access. More than 20,000 schools and libraries have already applied to participate in this program. The National Governors' Association has urged Congress to maintain the integrity of the E-rate, and provide adequate funding for this important program now.

Many states and localities are taking good advantage of other Federal programs such as the Technology Literacy Challenge Fund, Technology Innovation Challenge Grants, Star Schools and other programs to obtain equipment and wire schools. Additional resources are needed to continue this effort as well as help train teachers in the effective use of technology in the classroom.

This legislation states that it is in the Nation's interest to invest at least $4 billion in funding for Department of Education technology programs between fiscal years 1999 and 2003.

We also require schools and libraries participating in the E-rate to establish policies to limit access to inappropriate material. Our bill also includes several measures to increase Federal resources to improve professional development and help teachers integrate technology into the classroom. Under our proposal, 30 percent of National Challenge Grant for Technology grants will be directed to partnerships that are focused on developing effective teaching strategies. To improve training and preparation of teaching candidates and new teachers, the Secretary will be authorized to award grants to partnerships that train candidates and education school faculty in the effective use and integration of technology in teaching academic subjects.

The bill establishes $75 million in grants to be managed jointly by the Office of Education Research and Innovation and the National Science Foundation to support innovative research in education technology, development of research results in partnerships with the private sector, and evaluation that identifies the most effective approaches to implementing education technology.

TITLE V—EDUCATION OPPORTUNITY ZONES

Students in schools where a high proportion of children come from lower-income families begin school behind their peers academically and, too often, never catch up with their peers. Later on, they are less likely to go to college and more likely to experience unemployment. High levels of poverty and the lack of resources has resulted in watered down curricula, lowered expectations for their students, and fewer qualified teachers. These challenges are compounded in high-poverty rural schools because of their isolation and small size.

Some high-poverty schools have shown, however, that students can achieve more if the schools adopt high standards for students, teachers and administrators, provide extra help to students, adopt proven systemic reforms, and hold schools, staff, and students accountable for the results.

This program will provide $200 million in FY1999 and $1.5 billion over 5 years to high-poverty urban and rural school districts that are serious about carrying out standards-based reform plans to improve the academic achievement. Grants will be awarded to approximately 50 districts that:

(1) agree to adopt high standards, test student achievement, and provide help to students, teachers and schools who need it;

(2) ensure quality teaching, challenging curricula, and extended learning time; and

(3) end social promotion and take steps to turn around failing schools.

Lessons learned from these districts will be shared with schools across the country. Schools will be encouraged to provide students and parents with school report cards and expanded choices with public education.

Awards will be made according to a competitive, peer review process. Consortia of large and small urban areas, and rural school districts will be selected to participate.

Schools run by the Bureau of Indian Affairs are also eligible.

Successful applicants will have broad-based partnerships to support their reforms, including parents, teachers, local government, business, civic groups, institutions of higher education and other members of the community.

Mr. KENNEDY. Mr. President, President Clinton and Democrats in Congress have made it a top priority to see that America has the best public schools in the world—and we intend to do all we can to see that we reach that goal.

The nation's students deserve modern schools with world-class teachers. But too many students in too many schools in too many communities across the country fail to achieve that standard. The latest international survey of math and science achievement confirms the urgent need to raise standards of performance for schools, teachers, and students alike. It is shameful that America's twelfth graders ranked among the lowest of the 22 nations participating in this international survey of math and science.

The challenge is clear. We must do all we can to improve teaching and learning for all students across the nation. That means:

We must continue to support efforts to raise academic standards.

We must test students early, so that we know where they need help in time to make that help effective.

We must provide better training for current and new teachers, so that they are well-prepared to teach to high standards.

We must reduce class size, to help students obtain the individual attention they need.

We must provide after-school programs to make constructive alternatives available to students and keep them off the streets, away from drugs, and out of trouble.

We must provide greater resources to modernize and expand the nation's school buildings to meet the urgent needs of schools for up-to-date facilities.

I will do all I can to see that the "RESULTS! Act"—"An Act to Revitalize and Empower Schools to Upgrade for Long-Term Success"—is approved by Congress. The bill will help modernize and expand the nation's schools, reduce class size, expand after-school care, improve education technology in schools, and create education opportunity zones in communities across the country.

A necessary foundation for a successful school is a qualified teacher in every classroom to make sure young children receive the individual attention they need. That's why a pillar of the Democratic agenda is to help bring 100,000 new teachers to schools and reduce class size in the elementary grades.

Research has shown that students attending small classes in the early grades make more rapid progress than students in larger classes. The benefits are greatest for low-achieving, minority, and low-income children. Smaller classes also enable teachers to identify and work effectively with students who have learning disabilities, and reduce the need for special education in later grades.

Many states are also considering proposals to reduce class size—but you can't reduce class size without the ability to hire additional qualified teachers to fill the additional classrooms.

Too many schools are already understaffed. During the next decade, rising student enrollments and massive teacher retirements mean that the nation will need to hire 2 million new teachers. Between 1995 and 1997, student enrollment in Massachusetts rose by 28,000 students, causing a shortage of 1,600 teachers—without including teacher retirements.

The teacher shortage has forced many school districts to hire uncertified teachers, and ask certified teachers to teach outside their area of expertise. Each year, more than 50,000 under-prepared teachers enter the classroom. One in four new teachers does not fully meet state certification requirements. Twelve percent of new teachers have had no teacher training at all. Students in inner-city schools have only a 50% chance of being taught by a qualified science or math teacher. In Massachusetts, 30% of teachers in high-poverty schools do not even have a minor degree in their field.

Our proposal will reduce class size in grades K–3 to a nationwide average of 18 by hiring more teachers. Under our proposal, states and school districts will be able to recruit, train and hire 100,000 additional qualified teachers in order to reduce class size and improve teaching and learning in these early grades. In the first year, Massachusetts will receive $22 million to support

these efforts. We will also be working through the Higher Education Act to improve teacher training at colleges and universities.

Our proposal will also help schools meet their urgent needs for construction, modernization, and renovation. Schools across the nation face serious problems. Many are overcrowded. Many others have antiquated facilities suffering from physical decay, with no ability to handle the needs of modern education. Across the country, 14 million children in a third of the nation's schools are learning in substandard buildings. Half the schools have at least one unsatisfactory environmental condition.

Massachusetts is no exception. 41% of our schools across the state report that at least one building needs extensive repair or should be replaced. Three-quarters report serious problems in buildings, such as plumbing or heating defects. Eighty percent have at least one unsatisfactory environmental factor.

It is difficult enough to teach or learn in dilapidated classrooms. But now, because of escalating enrollments, those classrooms are increasingly overcrowded. The nation will need 6,000 new schools in the next few years, just to maintain current class sizes.

It will take over $100 billion just to repair existing facilities. Obviously, the federal government cannot do the whole job. But states and communities across the country are working hard to meet these needs, and the federal government should do more to help.

This year, Revere, Massachusetts passed a $2.2 million bond issue to renovate the roofs on three of its seven schools. After these renovations were completed, a fourth school's roof started to leak. The leak is so serious that the school's new fire system is threatened. School Committee members estimate that fixing the roof will cost an additional $1 million, and they don't know where to get the money.

Last year, half of Worcester's schools were not equipped with the wiring and infrastructure to handle modern technology.

Enrollment in Springfield schools has increased by over 1,500 students, or 6 percent, in the last two years, forcing teachers to hold classes in storage rooms, large closets, and in basements.

Our proposal will authorize states and local governments to issue $22 billion in bonds for school repairs and construction. Part of the amount will go to state governments and part will go to the 100 cities across the nation with the largest numbers of low-income children, including Boston and Springfield. The bonds will be interest-free for the states and cities—Uncle Sam will pay the interest.

Our legislation also addresses the urgent need to provide effective activities for children of all ages during the many hours each week when they are not in school.

Each day, 5 million children, many as young as 8 or 9 years old, are left home alone after school. Juvenile delinquent crime peaks in the hours between 3 p.m. and 8 p.m. Children unsupervised are more likely to be involved in antisocial activities and destructive patterns of behavior.

Our goal in this legislation is to encourage communities to develop activities that will engage children and keep them out of trouble. Crime survivors, law enforcement representatives, prosecutors, and educators have all joined together in calling for a substantial federal investment in after-school programs.

Clearly, such financial assistance is needed in states across the country. Too often, parents cannot afford the thousands of dollars a year required to pay for after-school care, if it exists at all. In Massachusetts, 4,000 eligible children are on waiting lists for after-school care, and tens of thousands more have parents who have given up on getting help. Nationwide, half a million eligible children are on waiting lists for federal child care subsidies. The need for increased opportunities is obvious and this legislation attempts to meet it.

Our bill will provide $1 billion over the next 5 years for after-school programs, to enable public school districts in partnership with community-based organizations to bring millions more children, including disabled children, into such programs, and make schools into community learning centers as well.

This proposal will help communities to increase the availability of after-school programs. It will support efforts in Boston to make after-school services available to as many children as possible. Boston's 2-to-6 Initiative will serve an additional 3,000 young people over the next four years, keep school buildings open for city programs and non-profit programs, and challenge private sector leaders to double the number of available after-school jobs to 1,000 over the next two years.

The proposed expansion of the 21st Century Community Learning Center program will enable schools and communities to create programs that meet their after-school needs—and obtain the extra resources required to make it happen.

Our bill also proposes to help failing schools implement the reforms that they know will turn them around. Too many schools now struggle with watered-down curricula, low expectations, fewer qualified teachers, and fewer resources than other schools.

Under the Education Opportunity Zones proposal, these school districts will get the extra resources they need in order to increase achievement, raise standards, end social promotion, upgrade teacher skills, and strengthen ties between the schools, the parents, and the community as a whole.

The bill also calls for continued investment in education technology, so that cutting-edge technology will be available to as many students as possible. That means we must continue to invest more in computers, software, and high-tech training for teachers, so that every child has the opportunity to use technology as an effective learning tool.

Investing in students and teachers and schools is one of the best investments America can make. For schools across America, help can't come a minute too soon, and I urge Congress to enact this legislation as expeditiously as possible. The message to schools across the country today is clear—help is finally on the way.

Ms. MOSELEY-BRAUN. Mr. President, I want to commend the Democratic leader, Senator DASCHLE, for assembling this important legislation, and I want to thank President Clinton for articulating a vision for America that includes a significant federal commitment toward improving the quality and accessibility of education for all Americans. The RESULTS Act is designed to help fulfill that commitment, and represents the type of action this Congress should take to prepare America for the 21st century.

I visited a number of schools in Illinois over the past several months, and talked with parents, teachers, children, and school officials at the elementary, secondary, and postsecondary levels. I found that without exception, education is at the top of their minds. Illinoisans, like most Americans, support policies designed to help ensure that America remains preeminent in the intensely competitive, global economy of the 21st century.

Last year, this Congress took historic measures to improve the accessibility of quality higher education, with the enactment of President Clinton's HOPE Scholarship and Lifetime Learning tax credits. We also restored the student loan interest deduction, so that graduates now receive a Federal income tax deduction when they make interest payments on their student loans. I intend to work this year to broaden the deduction we created last year, so that more former students, struggling under a burden of debt that has grown enormously in recent years, can make ends meet.

Now, this Congress must act to improve the quality of elementary and secondary education available to our children. We must act to ensure that as we approach the 21st century, no child is left behind. We must act to ensure that no child is forced to try to learn in an overcrowded classroom or a crumbling school, and that every child has access to the kinds of technologies

he or she will need to understand to compete in the next millennium.

The RESULTS Act will help States and school districts improve their schools for the 21st century, and includes a number of very important provisions, including a plan to create a new partnership between the Federal government and State and local governments to rebuild and modernize our school buildings. Under this new proposal, States and school districts would be able to issue new, zero-interest bonds to modernize and build schools. Bondholders would receive Federal income tax credits in lieu of interest payments. Using this mechanism, the Federal government can leverage almost $22 billion worth of school improvements, at a cost of only $3.3 billion over the next five years, according to the Joint Committee on Taxation.

According to the U.S. General Accounting Office, it will cost $112 billion to bring existing school buildings up to code—to patch the leaky roofs, replace the broken windows, fix the plumbing, and make other needed repairs. That price tag, as enormous as it sounds, does not include the cost of building new schools to accommodate the record numbers of children who are crowding our schools, nor the cost of upgrading classrooms for modern computers.

This problem has overwhelmed the fiscal capacities of state and local authorities. It is a problem affecting all areas of the country, because it is a direct result of the antiquated way we pay for public education in this country. The local property tax, which made sense as a funding mechanism when wealth was accumulated in the form of land, no longer works as a means of funding major capital investments. In urban, rural, and suburban schools all across the country, the magnitude of the crumbling schools problem has dwarfed local financing capabilities. It is a problem that directly affects the ability of students to learn, teachers to teach, and schools to implement the kinds of educational reform efforts that parents are demanding to improve the quality of education in this country.

According to academic data correlating building conditions and student achievement, children in these decrepit classrooms have less of a chance. Their education is at risk. They will be less able to compete in the 21st century job market. Ultimately, we will all come out on the losing end. America can't compete if its students can't learn, and our students can't learn if their schools are falling down.

The legislation being introduced today gives Congress a historic opportunity to jump start the process of rebuilding, renovating, modernizing, and constructing new schools to meet the needs of all our children into the 21st century. The RESULTS Act engages the federal government in the support of elementary and secondary education in a way that preserves local control of education. In the same way the federal government helps finance highways, but the state and local governments decide where the roads go, the federal government can help state and local authorities rebuild our schools. America has a $112 billion infrastructure problem that makes it increasingly difficult for our students to learn the skills they will need to keep America competitive in the 21st century. Now is the time for Congress to act.

I want to congratulate the Democratic leader again for his work on this bill, as well as President Clinton and Secretary Riley, who helped shape many of its provisions. I hope the 105th Congress will approve this legislation quickly, and renew the promise embodied in the words of the 19th century American poet James Russell Lowell, who wrote: ". . . [I]t was in making education not only common to all, but in some sense compulsory on all, that the destiny of the free republics of America was practically settled."

By Mr. SPECTER:

S. 1709. A bill to authorize the Secretary of Labor to provide assistance to States for the implementation of enhanced pre-vocational training programs, in order to improve the likelihood of enabling welfare recipients to make transitions from public assistance to employment, and for other purposes; to the Committee on Labor and Human Resources.

THE JOB PREPARATION AND RETENTION TRAINING ACT OF 1998

Mr. SPECTER. Mr. President, I have sought recognition to introduce vocational training legislation, entitled the "Job Preparation and Retention Training Act of 1998," which is designed to respond to the need for pre-vocational training assistance to enable welfare recipients to make the transition from public assistance to work.

I believe that the historic 1996 welfare reform law will serve the American people well by ending systemic dependence and creating a program that emphasizes employment—gainful and permanent employment—by giving the States greater flexibility in administering their programs. We are already hearing about the rise in employment rates and the substantial drops in State welfare rolls.

While many Americans have effectively made the transition from welfare to work, a need exists for skills training to enable many of the individuals who have been long-term welfare recipients to make transitions into unsubsidized employment that provides career potential and enables the individuals to achieve economic self-sufficiency.

Mr. President, as Chairman of the Senate Labor, Health and Human Services and Education Appropriations Subcommittee, I believe that it would be worthwhile to recognize the need for pre-vocational training, a type of training that is not formally offered by the U.S. Department of Labor.

Current Federal law does not adequately address the tremendously negative effect of unfavorable environmental and cultural factors on the ability of such individuals to obtain and retain gainful employment.

I believe that a Federal commitment to the development of pre-vocational training programs should focus on: improving the job readiness of individuals who are welfare recipients and preparing the individual psychologically and attitudinally for employment.

The bill I am introducing today would authorize funding for States to enroll chronic welfare dependents into a training program which would provide the necessary skills to locate and maintain employment. The Secretary of Labor would award States grants on a competitive basis for use in teaching individuals to fulfill workplace responsibilities such as punctuality, literacy, communication, and other survival skills. Once an adult has completed this short period of training, he or she would be prepared to get the most out of their job training and unsubsidized employment opportunities. The $50 million authorization would be provided for each of the next two years. The sunset will provide a chance to determine the program's efficacy. Further, training funds would be limited to no more than $1,200 per individual, which I am advised is a realistic cost of skills training and job placement programs.

Many community-based organizations across the country have already recognized this need and are providing pre-vocational training. In this limited context, we have found that prevocational trainees have fared much better in the economy. I am advised that one such community-based organization, the Opportunities Industrialization Centers of America, Inc., has found that the average hourly wage of trainees prior to pre-vocational training was $3.70, not even a minimum wage. After receiving pre-vocational training, these same participants started earning an average of $8.00 an hour. Further, pre-vocational training resulted in an 85% placement rate into better-paying jobs.

I encourage my colleagues to join me in sponsoring this legislation. This bill is intended to enhance welfare reform and it does not tamper with the positive changes in existing law, such as the five-year time limit. Simply, I am asking for continued federal involvement in ending generational welfare.

By Mr. COCHRAN (for himself, Mr. LEVIN, Mr. LEAHY, Mr. STEVENS, Mr. ROBB, Mr. WARNER,

Mr. SARBANES, and Ms. MIKULSKI) (by request):

S. 1710. A bill to provide for the correction of retirement coverage errors under chapters 83 and 84 of title 5, United States Code; to the Committee on Governmental Affairs.

THE RETIREMENT COVERAGE ERROR CORRECTION ACT OF 1998

Mr. COCHRAN. Mr. President, today I am introducing, at the request of the Administration, a bill to provide for the correction of retirement coverage errors under chapters 83 and 84 of title 5, United States Code—specifically, current and former federal employees who should have been placed in the Federal Employee Retirement System (FERS), but were misclassified as Civil Service Retirement System (CSRS) or CSRS Offset.

The federal government's transition from CSRS to FERS began in 1984. As government agencies carried out the complex job of applying two sets of transition rules, mistakes were made, and thousands of employees were placed in the wrong retirement system—many learning that their pensions would be less than expected. The Administration's proposal, "The Federal Retirement Coverage Corrections Act," would provide employees with a choice between corrected retirement coverage and the coverage the employee expected to receive, without disturbing Social Security coverage law.

I think this bill deserves the careful consideration of the Senate. As Chairman of the Governmental Affairs Subcommittee with jurisdiction over the subject, I will try to ensure a thorough review of all the options for dealing with this issue.

Among the provisions of the bill, are the following:

(1) Generally, errors of less than 3 years would not be eligible for corrective action.

(2) Social Security-covered employees who were erroneously CSRS covered or CSRS Offset covered, may elect to be retroactively under either CSRS Offset or Social Security-only coverage.

(3) CSRS covered, CSRS Offset covered or Social Security-only covered employees who were erroneously FERS covered will be deemed to have elected FERS coverage and will remain covered by FERS, unless the employee declines it.

(4) Generally, FERS covered employees, former employees, and annuitants who were erroneously CSRS covered or CSRS Offset covered, may elect retroactive coverage under either CSRS Offset or FERS coverage. However, this election may not be available or may be subject to adjustment under certain very limited circumstances.

(5) A Thrift Plan make-whole provision to provide the earnings that are now disallowed on the employee's make-up contributions.

(6) Provisions are included to deal with the retroactive application of Social Security upon the correction of a retirement coverage error in which an employee was erroneously covered by CSRS.

(7) The Director of OPM is given discretionary authority to waive time limits, reimburse necessary and reasonable expenses and compensate losses, and waive specified repayments; and finally

(8) Costs of the "Retirement Coverage Error Correction Act" would be paid from the Civil Service Retirement Fund, and OPM would be authorized to spend money from that Fund to administer the Act.

I invite Senators to join in this effort to address a serious problem affecting many federal employees.

I ask unanimous consent that a copy of the bill and a section by section analysis be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1710

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Retirement Coverage Error Correction Act of 1998".

SEC. 2. FINDINGS AND PURPOSE.

The Congress finds that a number of Government employees have been placed under erroneous retirement coverage during the transition from the Civil Service Retirement System to the Federal Employees Retirement System. When these errors are of significant duration, they adversely affect an employee's ability to plan for retirement. It is the purpose of this Act to provide a remedy that treats all such individuals fairly and reasonably, and demonstrates the Government's concern for its employees who have been disadvantaged by a Government error in their retirement coverage. Affected employees should have a choice between corrected retirement coverage and the benefit the employee would have received under the erroneous coverage, without disturbing Social Security coverage law.

SEC. 3. DEFINITIONS.

For the purposes of this Act—

(1) "Annuitant" means an individual described by section 8331(9) or 8401(2) of title 5, United States Code;

(2) "CSRS" means the Civil Service Retirement System established under subchapter III of chapter 83 of title 5, United States Code;

(3) "CSRS covered" means subject to the provisions of subchapter III of chapter 83 of title 5, United States Code, including full CSRS employee deductions;

(4) "CSRS Offset covered" means subject to the provisions of subchapter III of chapter 83 of title 5, United States Code, including reduced CSRS employee deductions;

(5) "Director" means the Director of Office of Personnel Management;

(6) "FERS" means the Federal Employees Retirement System established under chapter 84 of title 5, United States Code;

(7) "FERS covered" means subject to the provisions of chapter 84 of title 5, United States Code;

(8) "OASDI employee tax" means the Old Age, Survivors and Disability Insurance tax imposed on wages under section 3101(a) of the Internal Revenue Code of 1986;

(9) "OASDI employer tax" means the Old Age, Survivors and Disability Insurance tax imposed on wages under section 3111(a) of the Internal Revenue Code of 1986;

(10) "OASDI taxes" means the sum of the OASDI employee tax and OASDI employer tax;

(11) "former employee" means an individual who formerly was a Government employee, but who is not an annuitant;

(12) "Office" means the Office of Personnel Management;

(13) "Retirement coverage determination" means the determination by an agency whether employment is CSRS covered, CSRS Offset covered, FERS covered, or Social Security only covered;

(14) "Retirement coverage error" means an erroneous retirement coverage determination that was in effect for a minimum period of 3 years of service after December 31, 1986;

(15) "Service" means a period of civilian service that is creditable under section 8332 or 8411 of title 5, United States Code;

(16) "Social Security-only covered" means employment under section 3121(b) of the Internal Revenue Code of 1986, subject to OASDI taxes, but not CSRS covered, CSRS Offset covered, or FERS covered; and

(17) "Survivor" means an individual described by section 8331(10) or 8401(28) of title 5, United States Code.

SEC. 4. ERRORS OF LESS THAN 3 YEARS EXCLUDED.

Except as otherwise provided in this Act, an erroneous retirement coverage determination that was in effect for a period of less than 3 years of service after December 31, 1986, is not covered by this Act.

SEC. 5. SOCIAL SECURITY-ONLY COVERED EMPLOYEES WHO WERE ERRONEOUSLY CSRS COVERED OR CSRS OFFSET COVERED.

(a) This section applies in the case of a retirement coverage error in which a Social Security-only covered employee was erroneously CSRS covered or CSRS Offset covered.

(b)(1) This subsection applies if the retirement coverage error has not been corrected prior to the effective date of the regulations described in paragraph (3).

(2) In the case of an individual who is erroneously CSRS covered, as soon as practicable after discovery of the error, and subject to the right of an election under paragraph (3), such an individual shall be CSRS Offset covered, retroactive to the date of the retirement coverage error.

(3) Upon written notice of a retirement coverage error, an individual shall have 6 months to make an election, under regulations promulgated by the Office, to be CSRS Offset covered or Social Security-only covered, retroactive to the date of the retirement coverage error. If the individual does not make an election prior to the deadline, the individual shall remain CSRS Offset covered.

(c)(1) This subsection applies if the retirement coverage error was corrected prior to the effective date of the regulations described in subsection (b)(3).

(2) Within 6 months after the date of enactment of this Act, the Office shall promulgate regulations authorizing individuals to elect, during the 18-month period immediately following the effective date of the regulations, to be CSRS Offset covered or Social Security-only covered, retroactive to the date of the retirement coverage error.

(3) If an eligible individual does not make an election under paragraph (2) prior to the

deadline, the corrective action previously taken shall remain in effect.

SEC. 6. SOCIAL SECURITY-ONLY COVERED EMPLOYEES NOT ELIGIBLE TO ELECT FERS WHO WERE ERRONEOUSLY FERS COVERED.

(a) This section applies in the case of a retirement coverage error in which a Social Security-only covered employee not eligible to elect FERS coverage under authority of section 8402(c) of title 5, United States Code, was erroneously FERS covered.

(b)(1) This subsection applies if the retirement coverage error has not been corrected prior to the effective date of the regulations described in paragraph (2).

(2) Upon written notice of a retirement coverage error, an individual shall have 6 months to make an election, under regulations promulgated by the Office, to be FERS covered or Social Security-only covered, retroactive to the date of the retirement coverage error. If the individual does not make an election prior to the deadline, the individual shall remain FERS covered, retroactive to the date of the retirement coverage error.

(c)(1) This subsection applies if the retirement coverage error was corrected prior to the effective date of the regulations described in subsection (b)(2).

(2) Within 6 months after the date of enactment of this Act, the Office shall promulgate regulations authorizing individuals to elect, during the 18-month period immediately following the effective date of the regulations to be FERS covered or Social Security-only covered, retroactive to the date of the retirement coverage error.

(3) If an eligible individual does not make an election under paragraph (2) prior to the deadline, the corrective action previously taken shall remain in effect.

SEC. 7. CSRS COVERED, CSRS OFFSET COVERED, AND FERS-ELIGIBLE SOCIAL SECURITY-ONLY COVERED EMPLOYEES WHO WERE ERRONEOUSLY FERS COVERED WITHOUT AN ELECTION.

(a) If an individual was prevented from electing FERS because the individual was erroneously FERS covered during the period when the individual was eligible to elect FERS under title III of the Federal Employees Retirement System Act of 1986, the individual is deemed to have elected FERS coverage and will remain covered by FERS, unless the individual declines, under regulations promulgated by the Office, to be FERS covered, in which case the individual will be CSRS covered, CSRS Offset covered, or Social Security-only covered; as would apply in the absence of a FERS election, retroactive to the date of the erroneous retirement coverage determination.

(b) In the case of an individual to whom subsection (a) applies, who dies prior to discovery of the coverage error, or who dies during the election period prescribed in subsection (a) prior to making an election to correct the error, without having the right to decline FERS coverage, the individual's survivors shall have the right to make the election under regulations promulgated by the Office that provide for such election in a manner consistent with the election rights of the individual.

(c) This section shall be effective retroactive to January 1, 1987, except that this section shall not affect individuals who made or were deemed to have made elections similar to those provided in this section under regulations promulgated by the Office prior to the effective date of this Act.

SEC. 8. FERS COVERED CURRENT AND FORMER EMPLOYEES WHO WERE ERRONEOUSLY CSRS COVERED OR CSRS OFFSET COVERED.

(a) This section applies to a FERS covered employee or former employee who was erroneously CSRS covered or CSRS Offset covered as a result of a retirement coverage error.

(b)(1) This subsection applies if the retirement coverage error has not been corrected prior to the effective date of the regulations described in paragraph (2). As soon as practicable after discovery of the error, and subject to the right of an election under paragraph (2), if CSRS covered or CSRS Offset covered, such individual shall be treated as CSRS Offset covered, retroactive to the date of the retirement coverage error.

(2) Upon written notice of a retirement coverage error, an individual shall have 6 months to make an election, under regulations promulgated by the Office, to be CSRS Offset covered or FERS covered, retroactive to the date of the retirement coverage error. If the individual does not make an election by the deadline, a CSRS Offset covered individual shall remain CSRS Offset covered and a CSRS covered individual shall be treated as CSRS Offset covered.

(c)(1) This subsection applies if the retirement coverage error was corrected prior to the effective date of the regulations described in subsection (b)(2).

(2)(A) Within 6 months after the date of enactment of this Act, the Office shall promulgate regulations authorizing individuals to elect, during the 18-month period immediately following the effective date of the regulations, to be CSRS Offset covered, retroactive to the date of the retirement coverage error.

(B) An individual who previously received a payment ordered by a Court or provided as a settlement of claim for losses resulting from a retirement coverage error shall not be entitled to make an election under this subsection unless that amount is waived in whole or in part under section 12, and any amount not waived is repaid.

(C) An individual who, subsequent to correction of the retirement coverage error, received a refund of retirement deductions under section 8424, or a distribution under section 8433, of title 5, United States Code, shall not be entitled to make an election under this subsection.

(3) If an individual is ineligible to make an election or does not make an election under paragraph (2) prior to the deadline, the corrective action previously taken shall remain in effect.

SEC. 9. ANNUITANTS AND SURVIVORS IN CASES WHERE FERS COVERED EMPLOYEES WERE ERRONEOUSLY CSRS COVERED OR CSRS OFFSET COVERED.

(a) This section applies to an individual who is an annuitant or a survivor of a FERS covered employee who was erroneously CSRS covered or CSRS Offset covered as a result of a retirement coverage error.

(b)(1) Within 6 months after the date of enactment of this Act, the Office shall promulgate regulations authorizing an individual described in subsection (a) to elect CSRS Offset coverage or FERS coverage, retroactive to the date of the retirement coverage error.

(2) An election under this subsection shall be made within 18 months after the effective date of the regulations.

(3) If the individual elects CSRS Offset coverage, the amount in the employee's Thrift Savings Plan account under subchapter III of chapter 84 of title 5, United States Code, at the time of retirement that represents the Government's contributions and earnings on those contributions (whether or not this amount was subsequently distributed from the Thrift Savings Plan) will form the basis for a reduction in the individual's annuity, under regulations promulgated by the Office. The reduced annuity to which the individual is entitled shall be equal to an amount which, when taken together with the amount referred to in the preceding sentence, would result in the present value of the total being actuarially equivalent to the present value of an unreduced CSRS Offset annuity that would have been provided the individual.

(4) If—

(A) a surviving spouse elects CSRS Offset benefits; and

(B) a FERS basic employee death benefit under section 8442(b) of title 5, United States Code, was previously paid;

then the survivor's CSRS Offset benefit shall be subject to a reduction, under regulations promulgated by the Office. The reduced annuity to which the individual is entitled shall be equal to an amount which, when taken together with the amount of the payment referred to subparagraph (B) would result in the present value of the total being actuarially equivalent to the present value of an unreduced CSRS Offset annuity that would have been provided the individual.

(5) An individual who previously received a payment ordered by a Court or provided as a settlement of claim for losses resulting from a retirement coverage error shall not be entitled to make an election under this subsection unless repayment of that amount is waived in whole or in part under section 12, and any amount not waived is repaid.

(c) If the individual does not make an election under subsection (b) prior to the deadline, the retirement coverage shall be subject to the following rules—

(1) If corrective action was previously taken, that corrective action shall remain in effect; and

(2) If corrective action was not previously taken, the employee shall be CSRS Offset covered, retroactive to the date of the retirement coverage error.

SEC. 10. PROVISIONS RELATED TO SOCIAL SECURITY COVERAGE OF MISCLASSIFIED EMPLOYEES.

(a) REPORTS TO COMMISSIONER OF SOCIAL SECURITY.—In order to carry out the Commissioner of Social Security's responsibilities under title II of the Social Security Act, the Commissioner may request the head of each agency that employs or employed an individual erroneously subject to CSRS coverage as a result of a retirement coverage error and retroactively converted to CSRS Offset coverage, FERS coverage, or Social Security-only coverage to report in coordination with the Office of Personnel Management, and in such form and within such time frame as the Commissioner may specify, any or all of the following—

(1) the total wages (as defined in section 3121(a) of the Internal Revenue Code of 1986) paid to such individual during each year of the entire period of the erroneous CSRS coverage;

(2) the excess CSRS deduction amount for the individual; and

(3) such additional information as the Commissioner may require for the purpose of carrying out the Commissioner's responsibilities under title II of the Social Security Act.

The head of an agency or the Office shall comply with such a request from the Commissioner. For purposes of section 201 of the Social Security Act, wages reported pursuant to this subsection shall be deemed to be

wages reported to the Secretary of the Treasury or the Secretary's delegates pursuant to subtitle F of the Internal Revenue Code of 1954. For purposes of this section, the "excess CSRS deduction amount" for an individual shall be an amount equal to the difference between the CSRS deductions withheld and the CSRS Offset or FERS deductions, if any, due with respect to the individual during the entire period the individual was erroneously subject to CSRS coverage as a result of a retirement coverage error.

(b) ADJUSTMENT TO TRANSFERS UNDER SECTION 201 OF THE SOCIAL SECURITY ACT.—Any amount transferred from the General Fund to the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund under section 201 of the Social Security Act on the basis of reports under this section shall be adjusted by amounts previously transferred as a result of corrections made (including corrections made before the date of enactment of this Act), and shall be reduced by any excess CSRS deduction amounts determined by the Director of the Office of Personnel Management to be remaining to the credit of individuals in the Civil Service Retirement and Disability Fund or in accounts maintained by the employing agencies. Such amounts determined by the Director in the preceding sentence shall be transferred to the Federal Old Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund in the proportions indicated in sections 201 (a) and (b) of the Social Security Act.

(c) APPLICATION OF OASDI TAX PROVISIONS OF THE INTERNAL REVENUE CODE OF 1986 TO AFFECTED INDIVIDUALS AND EMPLOYING AGENCIES.—An individual described in subsection (a) and the individual's employing agency shall be deemed to have fully satisfied in a timely manner their responsibilities with respect to the taxes imposed by sections 3101(a), 3102(a), and 3111(a) of the Internal Revenue Code of 1986 on the wages paid by the employing agency to such individual during the entire period he or she was erroneously subject to CSRS coverage as a result of a retirement coverage error. No credit or refund of taxes on such wages shall be allowed as result of the operation of this subsection.

SEC. 11. FUTURE CSRS COVERAGE DETERMINATIONS.

No agency shall place an individual under CSRS coverage unless—

(1) the individual has been employed with CSRS coverage within the preceding 365 days; or

(2) the Office has agreed in writing that the agency's coverage determination is correct.

SEC. 12. DISCRETIONARY ACTIONS BY DIRECTOR.

(a) The Director is authorized to take any of the following actions—

(1) extend the deadlines for making elections under this Act in circumstances involving an individual's inability to make a timely election due to cause beyond the individual's control;

(2) provide for the reimbursement of necessary and reasonable expenses incurred by an individual with respect to settlement of a claim for losses resulting from a retirement coverage error, including attorney's fees, court costs, and other actual expenses;

(3) compensate an individual for monetary losses that are a direct and proximate result of a retirement coverage error, excluding claimed losses relating to forgone contributions and earnings under the Thrift Savings Plan under subchapter III of chapter 84 of title 5, United States Code, and all other investment opportunities; and

(4) waive repayments otherwise required under this Act.

(b) In exercising the authority under this section, the Director shall, to the extent practicable, provide for similar actions in situations involving similar circumstances.

(c) Actions taken under this section are final and conclusive, and are not subject to administrative or judicial review on any basis.

(d) The Office of Personnel Management shall prescribe regulations regarding the process and criteria used in exercising the authority under this section.

(e) The Office of Personnel Management shall, within six months after the date of enactment of this Act, and annually thereafter for each year in which the authority provided in this section is used, submit a report to each House of Congress on the operation of this section.

SEC. 13. THRIFT PLAN TREATMENT FOR CERTAIN INDIVIDUALS.

(a) This section applies to an individual who—

(1) is eligible to make an election of coverage under section 8 or section 9, and only if FERS coverage is elected (or remains in effect) for the employee involved; or

(2) is an employee (or former employee, annuitant, or survivor, subject to conditions similar to those in section 8 and 9) in the case of a retirement coverage error in which a FERS covered employee was erroneously Social Security-only covered and is corrected to FERS coverage.

(b)(1) With respect to an individual who whom this section applies, the Director shall pay to the Thrift Savings Fund under subchapter III of chapter 84 of title 5, United States Code, for credit to the account of the employee involved, an amount equal to the earnings which are disallowed under section 8432a of such title 5 on the employee's retroactive contributions to such Fund. Such amount shall represent earnings, on such retroactive contributions, during the period of the retirement coverage error and continuing up to the date on which the amount is paid by the Director (and based on distributions from the employee's Thrift Savings Plan account). Such earnings shall be computed in accordance with the procedures for computing lost earnings under such section 8432a. The amount paid by the Director shall be treated for all purposes as if that amount had actually been earned on the basis of the employee's contributions.

(2) In cases in which the retirement coverage error was corrected prior to the effective date of the regulations under section 8(c) or section 9(b), the employee involved (including an employee described in subsection (a)(2)) shall have an additional opportunity to make retroactive contributions for the period of the retirement coverage error (subject to applicable limits), and such contributions shall be treated in accordance with the provisions of paragraph (1).

(c) The Office, in consultation with the Federal Retirement Thrift Investment Board, shall prescribe regulations appropriate to carry out this section.

SEC. 14. AUTHORIZATION AND APPROPRIATION.

All payments permitted or required by this Act to be paid from the Civil Service Retirement and Disability Fund, together with administrative expenses incurred by the Office in administering this Act, shall be deemed to have been authorized to be paid from that Fund, which is appropriated for the payment thereof.

SEC. 15. SERVICE CREDIT DEPOSITS.

(a) In the case of a retirement coverage error in which—

(1) a FERS covered employee was erroneously CSRS covered or CSRS Offset covered;

(2) the employee made a service credit deposit under the CSRS rules; and

(3) there is a subsequent retroactive change to FERS coverage;

the excess of the amount of the CSRS civilian or military service credit deposit over the FERS civilian or military service credit deposit, together with interest computed in accordance with paragraphs (2) and (3) of section 8334(e) of title 5, United States Code and regulations prescribed by the Office, shall be a paid to the annuitant or, in the case of a deceased employee, to the individual entitled to lump-sum benefits under section 8342(c) or 8424(d) of title 5, United States Code, as applicable.

(b)(1) This subsection applies in the case of an erroneous retirement coverage determination in which—

(A) the employee made a service credit deposit under the FERS rules; and

(B) there is a subsequent retroactive change to CSRS or CSRS Offset coverage.

(2) If at the time of commencement of an annuity there is remaining unpaid any excess of the CSRS civilian or military service credit deposit over the FERS civilian or military service credit deposit, the annuity shall be reduced based upon the amount unpaid together with interest computed in accordance with paragraphs (2) and (3) of section 8334(e) of title 5, United States Code and regulations prescribed by the Office. The reduced annuity to which the individual is entitled shall be equal to an amount that, when taken together with the amount referred to in the preceding sentence, would result in the present value of the total being actuarially equivalent to the present value of an unreduced CSRS Offset annuity that would have been provided the individual.

(3) If at the time of commencement of a survivor annuity, there is remaining unpaid any excess of the CSRS service credit deposit over the FERS service credit deposit, and there has been no actuarial reduction in an annuity under the preceding paragraph, the survivor annuity shall be reduced based upon the amount unpaid together with interest computed in accordance with paragraphs (2) and (3) of section 8334(e) of title 5, United States Code and regulations prescribed by the Office. The reduced survivor annuity to which the individual is entitled shall be equal to an amount that, when taken together with the amount referred to in the preceding sentence, would result in the present value of the total being actuarially equivalent to the present value of an unreduced CSRS Offset survivor annuity that would have been provided the individual.

SEC. 16. REGULATIONS.

(a) In addition to the regulations specifically authorized in this Act, the Office may prescribe such other regulations as are necessary for the administration of this Act.

(b) The regulations issued under this Act shall provide for protection of the rights of a former spouse with entitlement to an apportionment of benefits or to survivor benefits based on the service of the employee.

SEC. 17. EFFECTIVE DATE.

Except as otherwise provided herein, this Act shall be effective on the date of enactment.

RETIREMENT COVERAGE ERROR CORRECTION ACT OF 1998—SECTION-BY-SECTION ANALYSIS

The first section provides a title for the bill, the "Retirement Coverage Error Correction Act of 1998".

Section 2 explains the Congressional findings and purpose of the Act.

Section 3 defines the terms used in the Act. Among the definitions, "retirement coverage error" means erroneous coverage that was in effect for at least 3 years of service after December 31, 1986.

Section 4 provides that, except as otherwise provided in this Act, errors of less than 3 years are excluded from eligibility for corrective action under the Act. The primary exception to the three-year rule is in Section 7, concerning FERS covered employees who should have been, but were not, given the opportunity to elect whether to be covered by FERS.

Section 5 deals with cases of retirement coverage errors in which a Social Security-only covered employee was erroneously CSRS covered or CSRS Offset covered. Under this provision, OPM will promulgate regulations giving such individuals the option to elect to be retroactively under either CSRS Offset or Social Security-only coverage. If erroneously under CSRS coverage, the employee will be placed under interim CSRS Offset coverage as soon as practicable, and will have the right to make the coverage election under the regulations.

There will be an 18-month election period applicable to cases where there was a correction of the coverage error prior to the effective date of the regulations. In such cases, if the individual does not make a timely election, then the corrective action previously taken shall remain in effect.

In cases where the coverage error was not corrected prior to the effective date of the regulations (other than interim conversion from CSRS to CSRS Offset), the individual will have 6 months after notification of the error in which to make an election. In such cases, if the individual does not make a timely election, then the individual will remain under CSRS Offset.

Section 6 deals with cases of retirement coverage errors in which a Social Security-only covered employee who was not entitled to elect FERS was erroneously FERS covered. Under this provision, OPM will promulgate regulations giving such individuals the option to elect to be retroactively under either FERS coverage or Social Security-only coverage.

There will be an 18-month election period applicable to cases where there was a correction of the coverage error prior to the effective date of the regulations. In such cases, if the individual does not make a timely election, then the corrective action previously taken shall remain in effect.

In cases where the coverage error was not corrected prior to the regulations, the individual will have 6 months after notification of the error in which to make an election. In such cases, if the individual does not make a timely election, then the individual will remain under FERS coverage.

Section 7 provides that in the case of an erroneous retirement coverage determination in which a CSRS covered, CSRS Offset covered or FERS-eligible Social Security-only covered employee was erroneously FERS covered, the employee is deemed to have elected FERS coverage and will remain covered by FERS, unless the employee declines, under regulations promulgated by OPM, to be FERS covered. This form of corrective action is appropriate, regardless of whether the error lasted 3 years, when the individual was prevented from electing FERS during the statutory election period provided by title III of the FERS Act of 1986. Individuals who previously had the right to make such an election under OPM regulations will not be given an additional opportunity to make an election. This section ratifies OPM's authority to issue regulatory provisions to provide appropriate treatment in this situation, in accordance with court decisions. This section will be effective retroactive to January 1, 1987.

Section 8 applies to employees and former employees (but not annuitants) in cases in which a FERS covered employee was erroneously CSRS covered or CSRS Offset covered. Under this provision, OPM will promulgate regulations giving such individuals the option to elect to be retroactively under either CSRS Offset or FERS coverage. CSRS covered employees will be immediately and retroactively converted to CSRS Offset coverage, since Social Security coverage is automatic by action of law, with the right to make the coverage election under the regulations.

There will be an 18-month election period applicable to cases where there was a correction of the coverage error prior to the effective date of the regulations. In such cases, if the individual does not make a timely election, then the corrective action previously taken shall remain in effect.

In cases where the coverage error has not been corrected prior to the effective date of the regulations (other than interim conversion from CSRS to CSRS Offset), the individual will have 6 months after notification of the error in which to make an election. In such cases, if the individual does not make a timely election, then the individual will remain under CSRS Offset.

In two situation, individuals will not be permitted to make an election. When an individual elects to receive a refund of FERS employee contributions or a Thrift Savings Plan payout, the individual waives the right to benefits based on the service. Accordingly, if, subsequent to correction of the error and placement under FERS, the individual takes either of those actions, there is no justification to reinstate the rights to retirement benefits which were given up knowingly and voluntarily.

In addition, individuals who previously received a payment ordered by a Court or provided as a settlement of claim for losses resulting from a retirement coverage error will not be entitled to make an election unless repayment is made, or is waived by the Director of OPM.

Section 9 deals with the same types of errors as section 8, but in cases where the employee has retired or died. The basic provisions are essentially the same, but there are provisions for actuarial adjustments to prospective annuity payments when a retroactive election divests the right to payments which have already been made.

Section 10 deals with the retroactive application of Social Security upon the correction of a retirement coverage error in which an employee was erroneously covered by CSRS. Subsection (a) provides discretionary authority for the Commissioner of Social Security to request wage and other relevant information directly from the employing agencies, in a form and manner prescribed by the Commissioner. Such information is necessary to correctly compute the employee's Social Security benefit as if the employee had not been erroneously classified. Exercise of this authority would provide for a more efficient provision of such information than current law and procedures, particularly for years prior to the 3-year limitation on assessment of taxes. Information for years prior to the 3-year period open to assessment of taxes would otherwise have to be provided by each individual employee or be provided at the discretion of the employing agency. The authority contained in this subsection would enable the Commissioner of Social Security to prescribe specific procedures, if those procedures are determined to be necessary, to receive directly the information for these employees to ensure that their wage records properly reflect their earnings history.

Subsection (b) provides that any amounts which may be transferred to the Social Security Trust Funds as a result of the reports which may be required under subsection (a) shall be reduced by certain amounts previously and erroneously deducted for CSRS, and that these amounts shall be transferred from the Civil Service Retirement and Disability Fund to the Social Security Trust Funds in order to correct the retirement and Social Security coverage error. Subsection (c) provides that the OASDI employee tax and OASDI employer tax are deemed to have been paid for the entire period of the erroneous CSRS coverage.

Section 11 requires agencies, before placing any employee in CSRS coverage, to obtain written agreement from OPM that CSRS coverage is correct, unless the individual has been employed with CSRS coverage within the preceding 365 days, the generally applicable statutory period for exclusion from Social Security. It is intended to prevent future coverage errors.

Section 12 gives the Director of OPM specific discretionary authority to waive time limits, reimburse necessary and reasonable expenses and compensate losses, and waive specified repayments. The authority to compensate an individual for losses does not extend to claims relating to forgone Thrift Savings Plan contributions and earnings or other investment opportunities. In view of the judgmental nature of such relief, the provision bars administrative or judicial review of these actions. The provisions requires OPM to report to Congress on the use of the authority under this section within six months after enactment, and annually thereafter, if the authority is used.

Section 13 provides for costs of the Act to be paid from the Civil Service Retirement Fund. It also authorizes OPM to spend money from that Fund to administer the Act.

Section 14 deals with service credit deposits which can be affected by actions under the Act. Subsection (a) provides for payment of interest on partial refunds of service credit deposits required as a result of corrective actions. Subsection (b) provides for collection by actuarial annuity reduction of certain additional service credit deposits required as a result of corrective actions.

Section 15 provides that the Office may prescribe regulations necessary for the administration of the Act. In addition, it requires that OPM's regulations protect the rights of a former spouse with entitlement to an apportionment of benefits or to survivor benefits based on the service of the employee.

Section 16 provides that except as otherwise provided, the Act shall be effective upon enactment.

ADDITIONAL COSPONSORS

S. 1021

At the request of Mr. HAGEL, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S.

1021, a bill to amend title 5, United States Code, to provide that consideration may not be denied to preference eligibles applying for certain positions in the competitive service, and for other purposes.

S. 1220

At the request of Mr. DODD, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 1220, a bill to provide a process for declassifying on an expedited basis certain documents relating to human rights abuses in Guatemala and Honduras.

S. 1260

At the request of Mr. GRAMM, the name of the Senator from Washington (Mr. GORTON) was added as a cosponsor of S. 1260, a bill to amend the Securities Act of 1993 and the Securities Exchange Act of 1934 to limit the conduct of securities class actions under State law, and for other purposes.

S. 1334

At the request of Mr. BOND, the name of the Senator from North Carolina (Mr. HELMS), the Senator from New York (Mr. D'AMATO), and the Senator from New Hampshire (Mr. GREGG) were added as cosponsors of S. 1334, a bill to amend title 10, United States Code, to establish a demonstration project to evaluate the feasibility of using the Federal Employees Health Benefits program to ensure the availability of adequate health care for Medicare-eligible beneficiaries under the military health care system.

S. 1365

At the request of Mr. MIKULSKI, the name of the Senator from Maine (Mr. SNOWE) was added as a cosponsor of S. 1365, a bill to amend title II of the Social Security Act to provide that the reductions in social security benefits which are required in the case of spouses and surviving spouses who are also receiving certain Government pensions shall be equal to the amount by which two-thirds of the total amount of the combined monthly benefit (before reduction) and monthly pension exceeds $1,200, adjusted for inflation.

S. 1391

At the request of Mr. DODD, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 1391, a bill to authorize the President to permit the sale and export of food, medicines, and medical equipment to Cuba.

S. 1600

At the request of Mrs. BOXER, the name of the Senator from New York (Mr. D'AMATO) was added as a cosponsor of S. 1600, a bill to amend the Internal Revenue Code of 1986 to waive in the case of multiemployer plans the section 415 limit on benefits to the participant's average compensation for his high 3 years.

S. 1605

At the request of Mr. CAMPBELL, the name of the Senator from South Dakota (Mr. DASCHLE) was added as a cosponsor of S. 1605, a bill to establish a matching grant program to help States, units of local government, and Indian tribes to purchase armor vests for use by law enforcement officers.

S. 1606

At the request of Mr. WELLSTONE, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 1606, a bill to fully implement the Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment and to provide a comprehensive program of support for victims of torture.

S. 1608

At the request of Mr. ALLARD, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 1608, a bill to provide for budgetary reform by requiring the reduction of the deficit, a balanced Federal budget, and the repayment of the national debt.

S. 1671

At the request of Ms. MOSELEY-BRAUN, her name was added as a cosponsor of S. 1671, a bill to address the Year 2000 computer problems with regard to financial institutions, to extend examination parity to the Director of the Office of Thrift Supervision and the National Credit Union Administration, and for other purposes.

S. 1673

At the request of Mr. HUTCHINSON, the name of the Senator from Kentucky (Mr. MCCONNELL) was added as a cosponsor of S. 1673, a bill to terminate the Internal Revenue Code of 1986.

SENATE JOINT RESOLUTION 9

At the request of Mr. KYL, the names of the Senator from Tennessee (Mr. FRIST) and the Senator from Missouri (Mr. ASHCROFT) were added as a cosponsors of Senate Joint Resolution 9, a joint resolution proposing an amendment to the Constitution of the United States to require two-thirds majorities for increasing taxes.

SENATE CONCURRENT RESOLUTION 65

At the request of Mr. SNOWE, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of Concurrent Resolution 65, a concurrent resolution calling for a United States effort to end restriction on the freedoms and human rights of the enclaved people in the occupied area of Cyprus.

SENATE CONCURRENT RESOLUTION 77

At the request of Mr. SESSIONS, the names of the Senator from Wyoming (Mr. ENZI), the Senator from North Carolina (Mr. FAIRCLOTH), the Senator from North Carolina (Mr. HELMS), the Senator from Oklahoma (Mr. NICKLES), the Senator from Minnesota (Mr. GRAMS), the Senator from Kentucky (Mr. MCCONNELL), the Senator from Kansas (Mr. BROWNBACK), the Senator from Oklahoma (Mr. INHOFE), the Senator from Idaho (Mr. CRAIG), the Senator from Arkansas (Mr. HUTCHINSON), the Senator from Tennessee (Mr. FRIST), the Senator from Georgia (Mr. COVERDELL), the Senator from Missouri (Mr. ASHCROFT), the Senator Michigan (Mr. ABRAHAM), the Senator from Florida (Mr. MACK), the Senator from Ohio (Mr. DEWINE), and the Senator from Indiana (Mr. COATS) were added as cosponsors of Senate Concurrent Resolution 77, a concurrent resolution expressing the sense of the Congress that the Federal government should acknowledge the importance of at-home parents and should not discriminate against families who forego a second income in order for a mother or father to be at home with their children.

SENATE CONCURRENT RESOLUTION 78

At the request of Mr. DORGAN, his name was added as a cosponsor of Senate Concurrent Resolution 78, a concurrent resolution relating to the indictment and prosecution of Saddam Hussein for war crimes and other crimes against humanity.

SENATE RESOLUTION 155

At the request of Mr. LOTT, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of Senate Resolution 155, a resolution designating April 6 of each year as "National Tartan Day" to recognize the outstanding achievements and contributions made by Scottish Americans to the United States.

At the request of Mrs. MURRAY, her name was added as a cosponsor of Senate Resolution 155, supra.

SENATE RESOLUTION 176

At the request of Mr. DOMENICI, the names of the Senator from Maryland (Mr. SARBANES), the Senator from Montana (Mr. BAUCUS), the Senator from California (Mrs. BOXER), and the Senator from North Carolina (Mr. FAIRCLOTH), were added as cosponsors of Senate Resolution 176, a resolution proclaiming the week of October 18 through October 24, 1998, as "National Character Counts Week."

AMENDMENT NO. 1682

At the request of Mr. LAUTENBERG, the name of the Senator from South Carolina (Mr. HOLLINGS) was added as a cosponsor of Amendment No. 1682 proposed to S. 1173, a bill to authorize funds for construction of highways, for highway safety programs, and for mass transit programs, and for other purposes.

At the request of Mr. THURMOND, his name was withdrawn as a cosponsor of amendment No. 1682 proposed to S. 1173, supra.

SENATE CONCURRENT RESOLUTION 79—COMMEMORATING THE PEOPLE OF REMY, FRANCE AND FORMER MEMBERS OF THE 364TH FIGHTER GROUP

Mrs. FEINSTEIN (for herself, Mrs. BOXER, Mrs. HUTCHISON, Mr. DURBIN,

and Mr. SANTORUM) submitted the following concurrent resolution; which was referred to the Committee on the Judiciary:

S. CON. RES. 79

Whereas on August 2, 1944, a squadron of P-51s from the United States 364th Fighter Group strafed a German munitions train in Remy, France;

Whereas the resulting explosion killed Lieutenant Houston Braly, one of the attacking pilots, and destroyed much of the village of Remy, including 7 stained glass windows in the 13th century church;

Whereas, despite threats of reprisals from the occupying German authorities, the citizens of Remy recovered Lieutenant Braly's body from the wreckage, buried his body with dignity and honor in the church's cemetery, and decorated the grave site daily with fresh flowers;

Whereas on Armistice Day, 1995, the village of Remy renamed the crossroads near the site of Lieutenant Braly's death in his honor;

Whereas the surviving members of the 364th Fighter Group desire to express their gratitude to the brave citizens of Remy; and

Whereas, to express their gratitude, the surviving members of the 364th Fighter Group have organized a nonprofit corporation to raise funds, through its project "Windows for Remy", to restore the church's stained glass windows: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) commends the bravery and honor of the citizens of Remy, France, for their actions with respect to the American fighter pilot Lieutenant Houston Braly during and after August 1944; and

(2) recognizes the efforts of the surviving members of the United States 364th Fighter Group to raise funds to restore the stained glass windows of Remy's 13th century church.

Mrs. FEINSTEIN. Mr. President, I rise today to submit a resolution on behalf of myself, Senator BOXER, Senator HUTCHISON, Senator DURBIN, and Senator SANTORUM, to commemorate the acts of kindness of the residents of Remy, France afforded World War II Army Air Corps pilot Lieutenant Houston Braly. While these deeds occurred more than fifty years ago, the story of this young pilot is carried on in the hearts and minds of the people of Remy. Now the friends and comrades of Lt. Braly have joined together to show their appreciation in a most sincere gesture of goodwill.

On August 2, 1944, Lt. Braly's squadron of P-51 fighters on patrol in northern France encountered a German munitions train. The squadron made three unsuccessful attack runs at the train, which was almost impossible to see because of camouflage. On the fourth run, however, Lt. Braly's fire hit a car carrying explosives, causing a tremendous explosion.

Airplanes circling 13,000 feet over the battle were hit by shrapnel from the train. Haystacks in fields some distance away were seen burning, and nearly all buildings in the small French town were demolished. The 13th century church in the town of Remy barely escaped destruction, but the historic stained-glass windows were destroyed.

The explosion also claimed the life of Lt. Braly, who was only twenty-two years old on that tragic day.

Despite the near total destruction of the small town, the residents of Remy regarded that young American as a hero. A young woman pulled Braly's body from the burning wreck of the plane, wrapped him in the nylon of his parachute, and placed him in the town's courtyard. Hundreds of villagers showered the site with flowers, stunning the German authorities. Threats of reprisals were made if the tributes continued, but eventually the authorities agreed that a small, private burial could be performed in the church's cemetery.

The next morning it was discovered that despite the potentially severe consequences, villagers had once again paid tribute to the young pilot. The covert placement of flowers on Lt. Braly's grave continued until American forces liberated Remy to the cheers of the townspeople. American soldiers were led to Lt. Braly's grave, which was marked by the bent propeller of his P-51 fighter.

Nearly 50 years later, Steven Lea Vell of Danville, California, came across this story during the course of research he was doing at the Air Force Archives in Alabama. Mr. Lea Vell was so moved by the story that he visited Remy, France, only to find that the stained glass windows of the magnificent 13th century church which were destroyed in the explosion had not been replaced. Mr. Lea Vell contacted various members of the 364th Fighter Group, under which Lt. Braly had served. These veterans had heard the stories of how the residents of Remy had honored their fallen friend. They joined together to form Windows for Remy, a non-profit organization working to raise $200,000 to replace the stained glass windows to repay the town for their distinguished actions toward Lt. Braly.

Mr. President, the residents of Remy have not forgotten the story of that young American pilot. On Armistice Day, November 11, 1995, fifty years after the war ended, the town of Remy paid tribute once more to Lt. Braly. On that day they renamed the crossroads where he perished to "Rue de Houston L. Braly, Jr."

I am confident that my fellow senators will join me in commending the people of Remy, France for their kindness and recognize the friends and former comrades of Lt. Braly for their efforts to pay back this debt of honor.

SENATE RESOLUTION—191—MAKING MAJORITY PARTY APPOINTMENTS

Mr. CHAFEE (for Mr. LOTT) submitted the following resolution; which was considered and agreed to:

S. RES. 191

Resolved,

SEC. 1. That the following be the majority membership on the Committee on Governmental Affairs for the remainder of the 105th Congress, or until their successors are appointed, pursuant to section 2 of this resolution:

Governmental Affairs: Mr. Thompson (Chairman), Mr. Roth, Mr. Stevens, Ms. Collins, Mr. Brownback, Mr. Domenici, Mr. Cochran, Mr. Nickles, and Mr. Specter.

SEC. 2. That section 1 of this resolution shall take effect immediately upon the filing of the report by the Committee on Governmental Affairs as required by Senate Resolution 39, agreed to March 11, 1997.

AMENDMENTS SUBMITTED

THE INTERMODAL SURFACE TRANSPORTATION EFFICIENCY ACT OF 1998

CHAFEE (AND OTHERS) AMENDMENT NO. 1684

Mr. CHAFEE (for himself, Mr. LOTT, Mr. DASCHLE, Mr. BYRD, Mr. GRAMM, Mr. BAUCUS, Mr. WARNER, Mr. SMITH of New Hampshire, Mr. KEMPTHORNE, Mr. THOMAS, Mr. BOND, Mr. HUTCHINSON, Mr. MOYNIHAN, Mr. LAUTENBERG, Mr. REID, Mr. LIEBERMAN, Mr. WYDEN, Mr. SESSIONS, Mr. DOMENICI, and Ms. MOSELEY-BRAUN) proposed an amendment to amendment No. 1676 proposed by Mr. CHAFEE to the bill (S. 1173) to authorize funds for construction of highways, for highway safety programs, and for mass transit programs, and for other purposes; as follows:

On page 136, after line 22, add the following:

SEC. 11___. ADDITIONAL FUNDING.

(a) IN GENERAL.—

(1) APPORTIONMENT.—On October 1, or as soon as practicable thereafter, of each fiscal year, after making apportionments and allocations under sections 104 and 105(a) of title 23, United States Code, and section 1102(c) of this Act, the Secretary shall apportion, in accordance with paragraph (2), the funds made available by paragraph (3) among the States in the ratio that—

(A) the total of the apportionments to each State under section 104 of title 23, United States Code, and section 1102(c) of this Act and the allocations to each State under section 105(a) of that title (excluding amounts made available under this section); bears to

(B) the total of all apportionments to all States under section 104 of that title and section 1102(c) of this Act and all allocations to all States under section 105(a) of that title (excluding amounts made available under this section).

(2) DISTRIBUTION AMONG CATEGORIES.—

(A) LIMITED FLEXIBLE FUNDING FOR CERTAIN STATES.—For each fiscal year, in the case of each State that does not receive funding

under subsection (c) or an allocation under subsection (d), an amount equal to 22 percent of the funds apportioned to the State under paragraph (1) shall be set aside for use by the State for any purpose eligible for funding under title 23, United States Code, or this Act.

(B) DISTRIBUTION OF REMAINING FUNDS.—

(i) IN GENERAL.—For each fiscal year, after application of subparagraph (A), the remaining funds apportioned to each State under paragraph (1) shall be apportioned in accordance with clause (ii) among the following categories:

(I) The Interstate maintenance component of the Interstate and National Highway System program under section 104(b)(1)(A) of title 23, United States Code.

(II) The Interstate bridge component of the Interstate and National Highway System program under section 104(b)(1)(B) of that title.

(III) The National Highway System component of the Interstate and National Highway System program under section 104(b)(1)(C) of that title.

(IV) The congestion mitigation and air quality improvement program under section 104(b)(2) of that title.

(V) The surface transportation program under section 104(b)(3) of that title.

(VI) Metropolitan planning under section 104(f) of that title.

(VII) Minimum guarantee under section 105 of that title.

(VIII) ISTEA transition under section 1102(c) of this Act.

(ii) DISTRIBUTION FORMULA.—For each State and each fiscal year, the amount of funds apportioned for each category under clause (i) shall be equal to the product obtained by multiplying—

(I) the amount of funds apportioned to the State for the fiscal year under paragraph (1); by

(II) the ratio that—

(aa) the amount of funds apportioned to the State for the category for the fiscal year under the other sections of this Act and the amendments made by this Act; bears to

(bb) the total amount of funds apportioned to the State for all of the categories for the fiscal year under the other sections of this Act and the amendments made by this Act.

(3) AUTHORIZATION OF CONTRACT AUTHORITY.—

(A) IN GENERAL.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) to carry out this subsection $640,000,000 for fiscal year 1998, $3,346,000,000 for fiscal year 1999, $3,634,000,000 for fiscal year 2000, $3,881,000,000 for fiscal year 2001, $3,831,000,000 for fiscal year 2002, and $3,587,000,000 for fiscal year 2003.

(B) CONTRACT AUTHORITY.—Funds authorized under this paragraph shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code.

(b) OTHER ADJUSTMENTS.—

(1) IN GENERAL.—Notwithstanding sections 1116, 1117, and 1118, and the amendments made by those sections—

(A) in addition to the amounts authorized to be appropriated under section 1116(d)(5), there shall be available from the Highway Trust Fund (other than the Mass Transit Account) to carry out section 1116(d) $90,000,000 for each of fiscal years 1999 through 2003; and

(B) in addition to the funds made available under the amendment made by section 1117(d), there shall be available from the Highway Trust Fund (other than the Mass Transit Account) in the manner described in, and to carry out the purposes specified in, that amendment $378,000,000 for each of fiscal years 1999 through 2003, except that the funds made available under this subparagraph, notwithstanding section 118(e)(1)(C)(v) of title 23, United States Code, and section 201(g)(1)(B) of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.), shall be subject to subparagraphs (A) and (B) of section 118(e)(1) of that title.

(2) CONTRACT AUTHORITY.—Funds authorized under subparagraphs (A) and (B) of paragraph (1) shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code.

(3) LIMITATION.—No obligation authority shall be made available for any amounts authorized under this subsection for any fiscal year for which any obligation limitation established for Federal-aid highways is equal to or less than the obligation limitation established for fiscal year 1998.

(c) HIGH DENSITY TRANSPORTATION PROGRAM.—

(1) IN GENERAL.—There is established the high density transportation program (referred to in this subsection as the "program") to provide funding to States that have higher-than-average population density.

(2) DETERMINATIONS.—

(A) IN GENERAL.—On October 1, or as soon as practicable thereafter, of each of fiscal years 1999 through 2003, the Secretary shall determine for each State and the fiscal year—

(i) the population density of the State;

(ii) the total vehicle miles traveled on lanes on Federal-aid highways in the State during the latest year for which data are available;

(iii) the ratio that—

(I) the total lane miles on Federal-aid highways in urban areas in the State; bears to

(II) the total lane miles on all Federal-aid highways in the State; and

(iv) the quotient obtained by dividing—

(I) the sum of—

(aa) the amounts apportioned to the State under section 104 of title 23, United States Code, for the Interstate and National Highway System program, the surface transportation program, and the congestion mitigation and air quality improvement program;

(bb) the amounts allocated to the State under the minimum guarantee program under section 105 of that title; and

(cc) the amounts apportioned to the State under section 1102(c) of this Act for ISTEA transition; by

(II) the population of the State (as determined based on the latest available annual estimates prepared by the Secretary of Commerce).

(B) NATIONAL AVERAGE.—Using the data determined under subparagraph (A), the Secretary shall determine the national average with respect to each of the factors described in clauses (i) through (iv) of subparagraph (A).

(3) ELIGIBILITY CRITERIA.—A State shall be eligible to receive funding under the program if—

(A) the amount determined for the State under paragraph (2)(A) with respect to each factor described in clauses (i) through (iii) of paragraph (2)(A) is greater than the national average with respect to the factor determined under paragraph (2)(B); and

(B) the amount determined for the State with respect to the factor described in paragraph (2)(A)(iv) is less than 85 percent of the national average with respect to the factor determined under paragraph (2)(B).

(4) DISTRIBUTION OF FUNDS.—

(A) AVAILABILITY TO STATES.—For each fiscal year, except as provided in subparagraph (D), each State that meets the eligibility criteria under paragraph (3) shall receive a portion of the funds made available to carry out the program that is—

(i) not less than $36,000,000; but

(ii) not more than 15 percent of the funds.

(B) STATE NOTIFICATION.—On October 1, or as soon as practicable thereafter, of each fiscal year, the Secretary shall notify each State that meets the eligibility criteria under paragraph (3) that the State is eligible to apply for funding under the program.

(C) PROJECT PROPOSALS.—

(i) SUBMISSION.—

(I) IN GENERAL.—After receipt of a notification of eligibility under subparagraph (B), to receive funds under the program, a State, in consultation with the appropriate metropolitan planning organizations, shall submit to the Secretary proposals for projects aimed at improving mobility in densely populated areas where traffic loads and highway maintenance costs are high.

(II) TOTAL COST OF PROJECTS.—The estimated total cost of the projects proposed by each State shall be equal to at least 3 times the amount that the State is eligible to receive under subparagraph (A).

(ii) SELECTION.—The Secretary shall select projects for funding under the program based on factors determined by the Secretary to reflect the degree to which a project will improve mobility in densely populated areas where traffic loads and highway maintenance costs are high.

(iii) DEADLINES.—The Secretary may establish deadlines for States to submit project proposals, except that in the case of fiscal year 1998 the deadline may not be earlier than July 1, 1998.

(D) REDISTRIBUTION OF FUNDS.—For each fiscal year, if a State does not have pending, by the deadline established under subparagraph (C)(iii), applications for projects with an estimated total cost equal to at least 3 times the amount that the State is eligible to receive under subparagraph (A), the Secretary may redistribute, to 1 or more other States, at the Secretary's discretion, ⅓ of the amount by which the estimated cost of the State's applications is less than 3 times the amount that the State is eligible to receive.

(5) OTHER ELIGIBLE STATES.—In addition to States that meet the eligibility criteria under paragraph (3), a State with respect to which the following conditions are met shall also be eligible for the funds made available to carry out the program that remain after each State that meets the eligibility criteria under paragraph (3) has received the minimum amount of funds specified in paragraph (4)(A)(i):

(A) POPULATION DENSITY.—The population density of the State is greater than the population density of the United States.

(B) THROUGH TRUCK TRAFFIC.—The quotient obtained by dividing—

(i) the annual quantity of through truck ton-miles in the State (as determined based on the latest available estimates published by the Secretary); by

(ii) the annual quantity of total truck ton-miles in the State (as determined based on the latest available estimates published by the Secretary);

is greater than 0.60.

(6) ELIGIBLE PROJECTS.—Funds made available to carry out the program may be used

for any project eligible for funding under title 23, United States Code, or this Act.

(7) AUTHORIZATION OF CONTRACT AUTHORITY.—

(A) IN GENERAL.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) to carry out this subsection $360,000,000 for each of fiscal years 1999 through 2003.

(B) CONTRACT AUTHORITY.—Funds authorized under this paragraph shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code.

(8) LIMITATIONS.—

(A) APPLICABILITY OF OBLIGATION LIMITATIONS.—Funds made available under this subsection shall be subject to subparagraphs (A) and (B) of section 118(e)(1) of that title.

(B) LIMITATION ON AVAILABILITY.—No obligation authority shall be made available for any amounts authorized under this subsection for any fiscal year for which any obligation limitation established for Federal-aid highways is equal to or less than the obligation limitation established for fiscal year 1998.

(d) BONUS PROGRAM.—

(1) IN GENERAL.—For each of fiscal years 1998 through 2003, after making apportionments and allocations under section 1102 and the amendments made by that section, the Secretary shall allocate to each of the States listed in the following table the amount specified for the State in the following table:

State	Fiscal Year (amounts in thousands of dollars)					
	1998	1999	2000	2001	2002	2003
Alabama	$4,969	$11,021	$11,093	$11,169	$11,253	$11,352
Arizona	$3,864	$14,418	$14,474	$14,533	$14,598	$14,676
California	$10,353	$47,050	$48,691	$48,094	$39,345	$35,119
Florida	$11,457	$30,175	$30,342	$30,518	$30,710	$30,940
Georgia	$8,723	$19,347	$19,474	$19,608	$19,754	$19,930
Illinois	$8,277	$21,800	$21,921	$22,048	$22,187	$22,353
Indiana	$6,052	$22,580	$22,668	$22,761	$22,862	$22,984
Kentucky	$4,316	$9,573	$9,636	$9,703	$9,775	$9,862
Maryland	$3,749	$4,202	$4,257	$4,314	$4,377	$4,452
Michigan	$7,849	$29,286	$29,400	$29,521	$29,652	$29,810
North Carolina	$7,032	$15,597	$15,700	$15,808	$15,925	$16,067
Ohio	$8,567	$9,601	$9,726	$9,858	$10,001	$10,173
Pennsylvania	$5,409	$4,174	$60	$0	$0	$0
South Carolina	$3,953	$12,966	$13,023	$13,084	$13,150	$13,230
Tennessee	$5,631	$12,490	$12,572	$12,658	$12,752	$12,866
Texas	$17,129	$63,908	$64,157	$64,421	$64,707	$65,052
Virginia	$6,368	$14,124	$14,217	$14,315	$14,421	$14,549
Wisconsin	$4,520	$16,864	$16,929	$16,999	$17,075	$17,165

(2) ELIGIBLE PURPOSES.—Amounts allocated under paragraph (1) shall be available for any purpose eligible for funding under title 23, United States Code, or this Act.

(3) AUTHORIZATION OF CONTRACT AUTHORITY.—

(A) IN GENERAL.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) such sums as are necessary to carry out this subsection.

(B) CONTRACT AUTHORITY.—Funds authorized under this paragraph shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code.

(4) LIMITATIONS.—

(A) APPLICABILITY OF OBLIGATION LIMITATIONS.—Funds made available under this subsection shall be subject to subparagraphs (A) and (B) of section 118(e)(1) of that title.

(B) LIMITATION ON AVAILABILITY.—No obligation authority shall be made available for any amounts authorized under this subsection for any fiscal year for which any obligation limitation established for Federal-aid highways is equal to or less than the obligation limitation established for fiscal year 1998.

(e) FEDERAL LANDS HIGHWAYS PROGRAM.—

(1) IN GENERAL.—In addition to the amounts made available under section 1101(4), there shall be available from the Highway Trust Fund (other than the Mass Transit Account)—

(A) for Indian reservation roads under section 204 of title 23, United States Code, $50,000,000 for each of fiscal years 1999 through 2003;

(B) for parkways and park roads under section 204 of title 23, United States Code, $70,000,000 for each of fiscal years 1999 through 2003, of which $20,000,000 for each fiscal year shall be available to maintain and improve public roads that provide access to or within units of the National Wildlife Refuge System; and

(C) for public lands highways under section 204 of title 23, United States Code, $50,000,000 for each of fiscal years 1999 through 2003.

(2) AUTHORIZATION OF CONTRACT AUTHORITY.—

(A) IN GENERAL.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) such sums as are necessary to carry out this subsection.

(B) CONTRACT AUTHORITY.—Funds authorized under this paragraph shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code.

(3) LIMITATIONS.—

(A) APPLICABILITY OF OBLIGATION LIMITATIONS.—Funds made available under this subsection shall be subject to subparagraphs (A) and (B) of section 118(e)(1) of that title.

(B) LIMITATION ON AVAILABILITY.—No obligation authority shall be made available for any amounts authorized under this subsection for any fiscal year for which any obligation limitation established for Federal-aid highways is equal to or less than the obligation limitation established for fiscal year 1998.

(f) PREFERENCE IN INTERSTATE 4R AND BRIDGE DISCRETIONARY PROGRAM ALLOCATIONS.—In allocating funds under section 104(k) of title 23, United States Code, the Secretary shall give preference to States—

(1) with respect to which at least 45 percent of the bridges in the State are functionally obsolete and structurally deficient; and

(2) that do not receive assistance made available under subsection (b)(1)(B) or funding under subsection (c).

On page 97, line 22, strike "and".

On page 97, strike line 25 and insert the following:

project;

(C) provides for the safe and efficient movement of goods along and within international or interstate trade corridors; and

(D) provides for the continued planning and development of trade corridors.

On page 98, between lines 21 and 22, insert the following:

(D) the extent to which truck-borne commodities move through each State and internationally;

On page 98, line 22, strike "(D)" and insert "(E)".

On page 99, line 1, strike "(E)" and insert "(F)".

On page 98, line 10, strike "(F)" and insert "(G)".

On page 98, line 13, strike "(G)" and insert "(H)".

On page 98, line 15, strike "(H)" and insert "(I)".

On page 98, line 19, strike "(I)" and insert "(J)".

On page 98, line 23, strike "(J)" and insert "(K)".

On page 99, line 24, insert ", trade corridor development," before "and".

BENNETT (AND HATCH) AMENDMENTS NOS. 1685–1686

(Ordered to lie on the table.)

Mr. BENNETT (for himself and Mr. HATCH) submitted two amendments intended to be proposed by them to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

AMENDMENT NO. 1685

At the appropriate place, insert the following:

SEC. ___. TRANSPORTATION ASSISTANCE FOR OLYMPIC CITIES.

(a) PURPOSE; DEFINITIONS.—

(1) PURPOSE.—The purpose of this section is to provide assistance and support to State and local efforts on surface and aviation-related transportation issues necessary to obtain the national recognition and economic benefits of participation in the International Olympic movement and the International Paralympic movement by hosting international quadrennial Olympic and Paralympic events in the United States.

(2) DEFINITION.—In this section, the term "Secretary" means the Secretary of Transportation.

(b) PRIORITY FOR TRANSPORTATION PROJECTS RELATED TO OLYMPIC AND PARALYMPIC EVENTS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary shall give priority to funding for a mass transportation project related to an international quadrennial Olympic or Paralympic event to carry out 1 or more of sections 5303, 5307, and 5309 of title 49, United States Code, if the project—

(A) in the determination of the Secretary, will meet extraordinary transportation needs associated with an international quadrennial Olympic or Paralympic event; and

(B) is otherwise eligible for assistance under the section at issue.

(2) CONTRACTUAL OBLIGATION.—A grant or a contract for a project described in paragraph (1), approved by the Secretary and funded with amounts made available under this subsection, is a contractual obligation to pay the Government's share of the cost of the project.

(3) NON-FEDERAL SHARE.—For purposes of determining the non-Federal share of a project funded under this subsection, highway and transit projects shall be considered to be a program of projects.

(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated from the Mass Transit Account of the Highway Trust Fund such sums as may be necessary to carry out this subsection.

(c) TRANSPORTATION PLANNING ACTIVITIES.—Notwithstanding any other provision of law, the Secretary may participate in—

(1) planning activities of State and metropolitan planning organizations, and project sponsors, for a transportation project related to an international quadrennial Olympic or Paralympic event under sections 5303 and 5305a of title 49, United States Code; and

(2) developing intermodal transportation plans necessary for transportation projects described in paragraph (1), in coordination with State and local transportation agencies.

(d) USE OF ADMINISTRATIVE EXPENSES.—From amounts deducted under section 104(a) of title 23, United States Code, the Secretary may provide assistance in the development of an Olympic and a Paralympic transportation management plan, in cooperation with—

(1) an Olympic Organizing Committee responsible for hosting an international quadrennial Olympic or Paralympic event; and

(2) State and local governments affected by the international quadrennial Olympic or Paralympic event.

(e) TRANSPORTATION PROJECTS RELATED TO OLYMPIC AND PARALYMPIC EVENTS.—

(1) GENERAL AUTHORITY.—The Secretary may provide assistance to State and local governments in carrying out transportation projects related to an international quadrennial Olympic or Paralympic event. Such assistance may include planning, capital, and operating assistance.

(2) NON-FEDERAL SHARE.—The Federal share of the costs of any transportation project assisted under this subsection shall not exceed 80 percent. For purposes of determining the non-Federal share of a project assisted under this subsection, highway and transit projects shall be considered to be a program of projects.

(f) ELIGIBLE GOVERNMENTS.—A State or local government is eligible to receive assistance under this section only if it is hosting a venue that is part of an international quadrennial Olympics that is officially selected by the International Olympic Committee.

(g) AIRPORT DEVELOPMENT PROJECTS.—

(1) AIRPORT DEVELOPMENT DEFINED.—Section 47102(3) of title 49, United States Code, is amended by adding at the end the following:

"(H) Developing, in coordination with State and local transportation agencies, intermodal transportation plans necessary for Olympic-related projects at an airport.".

(2) DISCRETIONARY GRANTS.—Section 47115(d) of title 49, United States Code, is amended—

(A) by striking "and" at the end of paragraph (5);

(B) by striking the period at the end of paragraph (6) and inserting "; and"; and

(C) by adding at the end the following:

"(7) the need for the project in order to meet the unique demands of hosting international quadrennial Olympic or Paralympic events.".

(h) GRANT OR CONTRACT TERMS AND CONDITIONS.—Notwithstanding any other provision of law, a grant or contract funded under this section shall be subject to such terms and conditions as the Secretary may determine, including the waiver of planning and procurement requirements.

(i) USE OF FUNDS BEFORE APPORTIONMENTS AND ALLOCATIONS.—Notwithstanding any other provision of law, funds made available under section 5307 of title 49, United States Code, may be used by the Secretary for projects funded under this section before apportioning or allocating funds to States, metropolitan planning organizations, or transit agencies.

(j) USE OF APPROPRIATIONS.—From amounts made available to carry out sections 5303, 5307, and 5309 of title 49, United States Code, in each of fiscal years 1998 through 2003, the Secretary may use such amounts as may be necessary to carry out this section.

AMENDMENT NO. 1686

At the end of subtitle A of title I, add the following:

SEC. 11__. TRANSPORTATION ASSISTANCE FOR OLYMPIC CITIES.

(a) PURPOSE.—The purpose of this section is to authorize the provision of assistance for, and support of, State and local efforts concerning surface transportation issues necessary to obtain the national recognition and economic benefits of participation in the International Olympic movement and the International Paralympic movement by hosting international quadrennial Olympic and Paralympic events in the United States.

(b) PRIORITY FOR TRANSPORTATION PROJECTS RELATING TO OLYMPIC AND PARALYMPIC EVENTS.—Notwithstanding any other provision of law, from funds available to carry out section 104(k) of title 23, United States Code, the Secretary may give priority to funding for a transportation project relating to an international quadrennial Olympic or Paralympic event if—

(1) the project meets the extraordinary needs associated with an international quadrennial Olympic or Paralympic event; and

(2) the project is otherwise eligible for assistance under section 104(k) of that title.

(c) TRANSPORTATION PLANNING ACTIVITIES.—The Secretary may participate in—

(1) planning activities of States and metropolitan planning organizations and transportation projects relating to an international quadrennial Olympic or Paralympic event under sections 134 and 135 of title 23, United States Code; and

(2) developing intermodal transportation plans necessary for the projects in coordination with State and local transportation agencies.

(d) USE OF ADMINISTRATIVE EXPENSES.—From funds deducted under section 104(a) of title 23, United States Code, the Secretary may provide assistance for the development of an Olympic and a Paralympic transportation management plan in cooperation with an Olympic Organizing Committee responsible for hosting, and State and local communities affected by, an international quadrennial Olympic or Paralympic event.

(e) TRANSPORTATION PROJECTS RELATING TO OLYMPIC AND PARALYMPIC EVENTS.—

(1) IN GENERAL.—The Secretary may provide assistance, including planning, capital, and operating assistance, to States and local governments in carrying out transportation projects relating to an international quadrennial Olympic or Paralympic event.

(2) FEDERAL SHARE.—The Federal share of the cost of a project assisted under this subsection shall not exceed 80 percent.

(f) ELIGIBLE GOVERNMENTS.—A State or local government shall be eligible to receive assistance under this section only if the government is hosting a venue that is part of an international quadrennial Olympics that is officially selected by the International Olympic Committee.

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) to carry out this section such sums as are necessary for each of fiscal years 1998 through 2003.

INHOFE (AND OTHERS) AMENDMENT NO. 1687

Mr. INHOFE (for himself, Mr. BREAUX, Mr. SESSIONS, and Mr. BYRD),

proposed an amendment to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

At the end of the bill, add the following:

TITLE .—OZONE AND PARTICULATE MATTER STANDARDS

FINDINGS AND PURPOSES

SECTION 1. (a) The Congress finds that—

(1) There is a lack of air quality monitoring data for fine particle levels, measured as $PM_{2.5}$, in the United States and States should receive full funding for the monitoring efforts;

(2) Such data would provide a basis for designating areas as attainment or nonattainment for any $PM_{2.5}$ national ambient air quality standards pursuant to the standards promulgated in July 1997;

(3) The President of the United States directed the Administrator in a memorandum dated July 16, 1997, to complete the next periodic review of the particulate matter national ambient air quality standards by July 2002 in order to determine "whether to revise or maintain the standards;"

(4) The Administrator has stated that three years of air quality monitoring data for fine particle levels, measured as $PM_{2.5}$ and performed in accordance with any applicable federal reference methods, is appropriate for designating areas as attainment or nonattainment pursuant to the July 1997 promulgated standards; and

(5) The Administrator has acknowledged that in drawing boundaries for attainment and nonattainment areas for the July 1997 ozone national air quality standards, Governors would benefit from considering implementation guidance from EPA on drawing area boundaries;

(b) The purposes of this title are—

(1) To ensure that three years of air quality monitoring data regarding fine particle levels are gathered for use in the determination of area attainment or nonattainment designations respecting any $PM_{2.5}$ national ambient air quality standards;

(2) To ensure that the Governors have adequate time to consider implementation guidance from EPA on drawing area boundaries prior to submitting area designations respecting the July 1997 ozone national ambient air quality standards;

(3) To ensure that implementation of the July 1997 revisions of the ambient air quality standards are consistent with the purposes of the President's Implementation Memorandum dated July 16, 1997.

PARTICULATE MATTER MONITORING PROGRAM

SEC. 2. (a) Through grants under section 103 of the Clean Air Act the Administrator of the Environmental Protection Agency shall use appropriated funds no later than fiscal 2000 to fund one hundred percent of the cost of he establishment, purchase, operation and maintenance of a $PM_{2.5}$ monitoring network necessary to implement the national ambient air quality standards for $PM_{2.5}$ under section 109 of the Clean Air Act. This implementation shall not result in a diversion or reprogramming of funds from other Federal, State or local Clean Air Act activities. Any funds previously diverted or reprogrammed from section 105 Clean Air Act grants for $PM_{2.5}$ monitors must be restored to State or local air programs in fiscal year 1999.

(b) EPA and the State shall ensure that the national network (designated in section 2(a)) which consists of the $PM_{2.5}$ monitors necessary to implement the national ambient air quality standards is established by December 31, 1999.

(c) The Governors shall be required to submit designations for each areas following promulgation of the July 1997 $PM_{2.5}$ national ambient air quality standard within one year after receipt of three years of air quality monitoring data performed in accordance with any applicable federal reference methods for the relevant areas. Only data from the monitoring network designated in section 2(a) and other federal reference method $PM_{2.5}$ monitors shall be considered for such designations. In review in the State Implementation Plans the Administration shall consider all relevant monitoring data regarding transport of $PM_{2.5}$.

(d) The Administrator shall promulgate designations of nonattainment areas no later than one year after the initial designations required under paragraph 2(c) are required to be submitted. Not withstanding the previous sentence, the Administrator shall promulgate such designations not later than Dec. 31, 2005.

(e) The Administrator shall conduct a field study of the ability of the $PM_{2.5}$ Federal Reference Method to differentiate those particles that are larger than 2.5 micrograms in diameter. This study shall be completed and provided to Congress no later than two years from the date of enactment of this legislation.

OZONE DESIGNATION REQUIREMENTS

SEC. 3. (a) The Governors shall be required to submit designations of nonattainment areas within two years following the promulgation of the July 1997 ozone national ambient air quality standards.

(b) The Administrator shall promulgate final designations no later than one year after the designations required under paragraph 3(a) are required to be submitted.

ADDITIONAL PROVISIONS

SEC. 4. Nothing in sections 1–3 above shall be construed by the Administrator of Environmental Protection Agency or any court, State, or person to affect any pending litigation or to be a ratification of the ozone or $PM_{2.5}$ standards.

REID (AND OTHERS) AMENDMENT NO. 1688

Mr. REID (for himself, Mr. BRYAN, Mrs. BOXER, and Mrs. FEINSTEIN) proposed an amendment to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

On page 253, between lines 15 and 16, insert the following:

"(3) LAKE TAHOE REGION.—

"(A) IN GENERAL.—The Secretary shall—

"(i) establish with the Federal land management agencies that have jurisdiction over land in the Lake Tahoe region (as defined in the Lake Tahoe Regional Planning Compact) a transportation planning process for the region; and

"(ii) coordinate the transportation planning process with the planning process required of State and local governments under this section, section 135, and chapter 53 of title 49.

"(B) INTERSTATE COMPACT.—

"(i) IN GENERAL.—Subject to clause (ii), notwithstanding subsection (b), to carry out the transportation planning process required by this section, the consent of Congress is granted to the States of California and Nevada to designate a metropolitan planning organization for the Lake Tahoe region, by agreement between the Governors of the States of California and Nevada and units of general purpose local government that together represent at least 75 percent of the affected population (including the central city or cities (as defined by the Bureau of the Census)), or in accordance with procedures established by applicable State or local law.

"(ii) INVOLVEMENT OF FEDERAL LAND MANAGEMENT AGENCIES.—

"(I) REPRESENTATION.—The policy board of a metropolitan planning organization designated under subparagraph (A) shall include a representative of each Federal land management agency that has jurisdiction over land in the Lake Tahoe region.

"(II) FUNDING.—In addition to funds made available to the metropolitan planning organization under other provisions of this title and under chapter 53 of title 49, not more than 1 percent of the funds allocated under section 202 may be used to carry out the transportation planning process for the Lake Tahoe region under this subparagraph.

"(C) ACTIVITIES.—

"(i) HIGHWAY PROJECTS.—Highway projects included in transportation plans developed under this paragraph—

"(I) shall be selected for funding in a manner that facilitates the participation of the Federal land management agencies that have jurisdiction over land in the Lake Tahoe region; and

"(II) may, in accordance with chapter 2, be funded using funds allocated under section 202.

"(ii) TRANSIT PROJECTS.—Transit projects included in transportation plans developed under this paragraph may, in accordance with chapter 53 of title 49, be funded using amounts apportioned under that title for—

"(I) capital project funding, in order to accelerate completion of the transit projects; and

"(II) operating assistance, in order to pay the operating costs of the transit projects, including operating costs associated with unique circumstances in the Lake Tahoe region, such as seasonal fluctuations in passenger loadings, adverse weather conditions, and increasing intermodal needs.

THE OCEAN SHIPPING ACT OF 1998

HUTCHISON (AND OTHERS) AMENDMENT NO. 1689

(Ordered to lie on the table.)

Mrs. HUTCHISON (for herself, Mr. LOTT, and Mr. BREAUX) submitted an amendment intended to be proposed by them to the bill (S. 414) to amend the Shipping Act of 1984 to encourage competition in international shipping and growth of United States imports and exports, and for other purposes; as follows:

Strike out all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Ocean Shipping Reform Act of 1998".

SEC. 2. EFFECTIVE DATE.

Except as otherwise expressly provided in this Act, this Act and the amendments made by this Act take effect May 1, 1999.

TITLE I—AMENDMENTS TO THE SHIPPING ACT OF 1984

SEC. 101. PURPOSE.

Section 2 of the Shipping Act of 1984 (46 U.S.C. App. 1701) is amended by—

(1) striking "and" after the semicolon in paragraph (2);

(2) striking "needs." in paragraph (3) and inserting "needs; and";

(3) adding at the end thereof the following:

"(4) to promote the growth and development of United States exports through competitive and efficient ocean transportation and by placing a greater reliance on the marketplace.".

SEC. 102. DEFINITIONS.

Section 3 of the Shipping Act of 1984 (46 U.S.C. App. 1702) is amended by—

(1) striking "the government under whose registry the vessels of the carrier operate;" in paragraph (8) and inserting "a government;";

(2) striking paragraph (9) and inserting the following:

"(9) 'deferred rebate' means a return by a common carrier of any portion of freight money to a shipper as a consideration for that shipper giving all, or any portion, of its shipments to that or any other common carrier over a fixed period of time, the payment of which is deferred beyond the completion of service for which it is paid, and is made only if the shipper has agreed to make a further shipment or shipments with that or any other common carrier.";

(3) striking paragraph (10) and redesignating paragraphs (11) through (27) as paragraphs (10) through (26);

(4) striking "in an unfinished or semi-finished state that require special handling moving in lot sizes too large for a container," in paragraph (10), as redesignated;

(5) striking "paper board in rolls, and paper in rolls." in paragraph (10) as redesignated and inserting "paper and paper board in rolls or in pallet or skid-sized sheets.";

(6) striking "conference, other than a service contract or contract based upon time-volume rates," in paragraph (13) as redesignated and inserting "agreement";

(7) striking "conference." in paragraph (13) as redesignated and inserting "agreement and the contract provides for a deferred rebate arrangement.";

(8) by striking "carrier." in paragraph (14) as redesignated and inserting "carrier, or in connection with a common carrier and a water carrier subject to subchapter II of chapter 135 of title 49, United States Code.";

(9) striking paragraph (16) as redesignated and redesignating paragraphs (17) through (26) as redesignated as paragraphs (16) through (25), respectively;

(10) striking paragraph (17), as redesignated, and inserting the following:

"(17) 'ocean transportation intermediary' means an ocean freight forwarder or a non-vessel-operating common carrier. For purposes of this paragraph, the term

"(A) 'ocean freight forwarder' means a person that—

"(i) in the United States, dispatches shipments from the United States via a common carrier and books or otherwise arranges space for those shipments on behalf of shippers; and

"(ii) processes the documentation or performs related activities incident to those shipments; and

"(B) 'non-vessel-operating common carrier' means a common carrier that does not operate the vessels by which the ocean transportation is provided, and is a shipper in its relationship with an ocean common carrier.";

(11) striking paragraph (19), as redesignated and inserting the following:

"(19) 'service contract' means a written contract, other than a bill of lading or a receipt, between one or more shippers and an individual ocean common carrier or an agreement between or among ocean common carriers in which the shipper or shippers makes a commitment to provide a certain volume or portion of cargo over a fixed time period, and the ocean common carrier or the agreement commits to a certain rate or rate schedule and a defined service level, such as assured space, transit time, port rotation, or similar service features. The contract may also specify provisions in the event of non-performance on the part of any party."; and

(12) striking paragraph (21), as redesignated, and inserting the following:

"(21) 'shipper' means—

"(A) a cargo owner;

"(B) the person for whose account the ocean transportation is provided;

"(C) the person to whom delivery is to be made;

"(D) a shippers' association; or

"(E) an ocean transportation intermediary, as defined in paragraph (17)(B) of this section, that accepts responsibility for payment of all charges applicable under the tariff or service contract.".

SEC. 103. AGREEMENTS WITHIN THE SCOPE OF THE ACT.

(a) OCEAN COMMON CARRIERS.—Section 4(a) of the Shipping Act of 1984 (46 U.S.C. App. 1703(a)) is amended by—

(1) striking "operators or non-vessel-operating common carriers;" in paragraph (5) and inserting "operators;";

(2) striking "and" in paragraph (6) and inserting "or"; and

(3) striking paragraph (7) and inserting the following:

"(7) discuss and agree on any matter related to service contracts.".

(b) MARINE TERMINAL OPERATORS.—Section 4(b) of that Act (46 U.S.C. App. 1703(b)) is amended by—

(1) striking "(to the extent the agreements involve ocean transportation in the foreign commerce of the United States)";

(2) striking "and" in paragraph (1) and inserting "or"; and

(3) striking "arrangements." in paragraph (2) and inserting "arrangements, to the extent that such agreements involve ocean transportation in the foreign commerce of the United States.".

SEC. 104. AGREEMENTS.

(a) IN GENERAL.—Section 5 of the Shipping Act of 1984 (46 U.S.C. App. 1704) is amended by—

(1) striking subsection (b)(8) and inserting the following:

"(8) provide that any member of the conference may take independent action on any rate or service item upon not more than 5 calendar days' notice to the conference and that, except for exempt commodities not published in the conference tariff, the conference will include the new rate or service item in its tariff for use by that member, effective no later than 5 calendar days after receipt of the notice, and by any other member that notifies the conference that it elects to adopt the independent rate or service item on or after its effective date, in lieu of the existing conference tariff provision for that rate or service item";

(2) redesignating subsections (c) through (e) as subsections (d) through (f); and

(3) inserting after subsection (b) the following:

"(c) OCEAN COMMON CARRIER AGREEMENTS.—An ocean common carrier agreement may not—

"(1) prohibit or restrict a member or members of the agreement from engaging in negotiations for service contracts with 1 or more shippers;

"(2) require a member or members of the agreement to disclose a negotiation on a service contract, or the terms and conditions of a service contract, other than those terms or conditions required to be published under section 8(c)(3) of this Act; or

"(3) adopt mandatory rules or requirements affecting the right of an agreement member or agreement members to negotiate and enter into service contracts.

An agreement may provide authority to adopt voluntary guidelines relating to the terms and procedures of an agreement member's or agreement members' service contracts if the guidelines explicitly state the right of members of the agreement not to follow the guidelines. These guidelines shall be confidentially submitted to the Commission.".

(b) APPLICATION.—

(1) Subsection (e) of section 5 of that Act, as redesignated, is amended by striking "this Act, the Shipping Act, 1916, and the Intercoastal Shipping Act, 1933, do" and inserting "this Act does"; and

(2) Subsection (f) of section 5 of that Act, as redesignated, is amended by—

(A) striking "and the Shipping Act, 1916, do" and inserting "does";

(B) striking "or the Shipping Act, 1916,"; and

(C) inserting "or are essential terms of a service contract" after "tariff".

SEC. 105. EXEMPTION FROM ANTITRUST LAWS.

Section 7 of the Shipping Act of 1984 (46 U.S.C. App. 1706) is amended by—

(1) inserting "or publication" in paragraph (2) of subsection (a) after "filing";

(2) striking "or" at the end of subsection (b)(2);

(3) striking "States." at the end of subsection (b)(3) and inserting "States; or"; and

(4) adding at the end of subsection (b) the following:

"(4) to any loyalty contract.".

SEC. 106. TARIFFS.

(a) IN GENERAL.—Section 8(a) of the Shipping Act of 1984 (46 U.S.C. App. 1707(a)) is amended by—

(1) inserting "new assembled motor vehicles," after "scrap," in paragraph (1);

(2) striking "file with the Commission, and" in paragraph (1);

(3) striking "inspection," in paragraph (1) and inserting "inspection in an automated tariff system,";

(4) striking "tariff filings" in paragraph (1) and inserting "tariffs";

(5) striking "freight forwarder" in paragraph (1)(C) and inserting "transportation intermediary, as defined in section 3(17)(A),";

(6) striking "and" at the end of paragraph (1)(D);

(7) striking "loyalty contract," in paragraph (1)(E);

(8) striking "agreement." in paragraph (1)(E) and inserting "agreement; and";

(9) adding at the end of paragraph (1) the following:

"(F) include copies of any loyalty contract, omitting the shipper's name."; and

(10) striking paragraph (2) and inserting the following:

"(2) Tariffs shall be made available electronically to any person, without time, quantity, or other limitation, through appropriate access from remote locations, and a reasonable charge may be assessed for such access. No charge may be assessed a Federal agency for such access.".

(b) SERVICE CONTRACTS.—Subsection (c) of that section is amended to read as follows:

"(c) SERVICE CONTRACTS.—

"(1) IN GENERAL.—An individual ocean common carrier or an agreement between or among ocean common carriers may enter

into a service contract with one or more shippers subject to the requirements of this Act. The exclusive remedy for a breach of a contract entered into under this subsection shall be an action in an appropriate court, unless the parties otherwise agree. In no case may the contract dispute resolution forum be controlled by or in any way affiliated with a controlled carrier as defined in section 3(8) of this Act, or by the government which owns or controls the carrier.

"(2) FILING REQUIREMENTS.—Except for service contracts dealing with bulk cargo, forest products, recycled metal scrap, new assembled motor vehicles, waste paper, or paper waste, each contract entered into under this subsection by an individual ocean common carrier or an agreement shall be filed confidentially with the Commission. Each service contract shall include the following essential terms—

"(A) the origin and destination port ranges;

"(B) the origin and destination geographic areas in the case of through intermodal movements;

"(C) the commodity or commodities involved;

"(D) the minimum volume or portion;

"(E) the line-haul rate;

"(F) the duration;

"(G) service commitments; and

"(H) the liquidated damages for nonperformance, if any.

"(3) PUBLICATION OF CERTAIN TERMS.—When a service contract is filed confidentially with the Commission, a concise statement of the essential terms described in paragraphs 2(A), (C), (D), and (F) shall be published and made available to the general public in tariff format.

"(4) DISCLOSURE OF CERTAIN TERMS.—

"(A) An ocean common carrier, which is a party to or is subject to the provisions of a collective bargaining agreement with a labor organization, shall, in response to a written request by such labor organization, state whether it is responsible for the following work at dock areas and within port areas in the United States with respect to cargo transportation under a service contract described in paragraph (1) of this subsection—

"(i) the movement of the shipper's cargo on a dock area or within the port area or to or from railroad cars on a dock area or within the port area;

"(ii) the assignment of intraport carriage of the shipper's cargo between areas on a dock or within the port area;

"(iii) the assignment of the carriage of the shipper's cargo between a container yard on a dock area or within the port area and a rail yard adjacent to such container yard; and

"(iv) the assignment of container freight station work and container maintenance and repair work performed at a dock area or within the port area.

"(B) The common carrier shall provide the information described in subparagraph (A) of this paragraph to the requesting labor organization within a reasonable period of time.

"(C) This paragraph requires the disclosure of information by an ocean common carrier only if there exists an applicable and otherwise lawful collective bargaining agreement which pertains to that carrier. No disclosure made by an ocean common carrier shall be deemed to be an admission or agreement that any work is covered by a collective bargaining agreement. Any dispute regarding whether any work is covered by a collective bargaining agreement and the responsibility of the ocean common carrier under such agreement shall be resolved solely in accordance with the dispute resolution procedures contained in the collective bargaining agreement and the National Labor Relations Act, and without reference to this paragraph.

"(D) Nothing in this paragraph shall have any effect on the lawfulness or unlawfulness under this Act, the National Labor Relations Act, the Taft-Hartley Act, the Federal Trade Commission Act, the antitrust laws, or any other Federal or State law, or any revisions or amendments thereto, of any collective-bargaining agreement or element thereof, including any element that constitutes an essential term of a service contract under this subsection.

"(E) For purposes of this paragraph the terms 'dock area' and 'within the port area' shall have the same meaning and scope as in the applicable collective bargaining agreement between the requesting labor organization and the carrier.".

(c) RATES.—Subsection (d) of that section is amended by—

(1) striking the subsection caption and inserting "(d) TARIFF RATES.—";

(2) striking "30 days after filing with the Commission." in the first sentence and inserting "30 calendar days after publication.";

(3) inserting "calendar" after "30" in the next sentence; and

(4) striking "publication and filing with the Commission." in the last sentence and inserting "publication.".

(d) REFUNDS.—Subsection (e) of that section is amended by—

(1) striking "tariff of a clerical or administrative nature or an error due to inadvertence" in paragraph (1) and inserting a comma; and

(2) striking "file a new tariff," in paragraph (1) and inserting "publish a new tariff, or an error in quoting a tariff,";

(3) striking "refund, filed a new tariff with the Commission" in paragraph (2) and inserting "refund for an error in a tariff or a failure to publish a tariff, published a new tariff";

(4) inserting "and" at the end of paragraph (2); and

(5) striking paragraph (3) and redesignating paragraph (4) as paragraph (3).

(e) MARINE TERMINAL OPERATOR SCHEDULES.—Subsection (f) of that section is amended to read as follows:

"(f) MARINE TERMINAL OPERATOR SCHEDULES.—A marine terminal operator may make available to the public, subject to section 10(d) of this Act, a schedule of rates, regulations, and practices pertaining to receiving, delivering, handling, or storing property at its marine terminal. Any such schedule made available to the public shall be enforceable by an appropriate court as an implied contract without proof of actual knowledge of its provisions.".

(f) AUTOMATED TARIFF SYSTEM REQUIREMENTS; FORM.—Section 8 of that Act is amended by adding at the end the following:

"(g) REGULATIONS.—The Commission shall by regulation prescribe the requirements for the accessibility and accuracy of automated tariff systems established under this section. The Commission may, after periodic review, prohibit the use of any automated tariff system that fails to meet the requirements established under this section. The Commission may not require a common carrier to provide a remote terminal for access under subsection (a)(2). The Commission shall by regulation prescribe the form and manner in which marine terminal operator schedules authorized by this section shall be published.".

SEC. 107. AUTOMATED TARIFF FILING AND INFORMATION SYSTEM.

Section 502 of the High Seas Driftnet Fisheries Enforcement Act (46 U.S.C. App. 1707a) is repealed.

SEC. 108. CONTROLLED CARRIERS.

Section 9 of the Shipping Act of 1984 (46 U.S.C. App. 1708) is amended by—

(1) striking "service contracts filed with the Commission" in the first sentence of subsection (a) and inserting "service contracts, or charge or assess rates,";

(2) striking "or maintain" in the first sentence of subsection (a) and inserting "maintain, or enforce";

(3) striking "disapprove" in the third sentence of subsection (a) and inserting "prohibit the publication or use of"; and

(4) striking "filed by a controlled carrier that have been rejected, suspended, or disapproved by the Commission" in the last sentence of subsection (a) and inserting "that have been suspended or prohibited by the Commission";

(5) striking "may take into account appropriate factors including, but not limited to, whether—" in subsection (b) and inserting "shall take into account whether the rates or charges which have been published or assessed or which would result from the pertinent classifications, rules, or regulations are below a level which is fully compensatory to the controlled carrier based upon that carrier's actual costs or upon its constructive costs. For purposes of the preceding sentence, the term 'constructive costs' means the costs of another carrier, other than a controlled carrier, operating similar vessels and equipment in the same or a similar trade. The Commission may also take into account other appropriate factors, including but not limited to, whether—";

(6) striking paragraph (1) of subsection (b) and redesignating paragraphs (2), (3), and (4) as paragraphs (1), (2), and (3), respectively;

(7) striking "filed" in paragraph (1) as redesignated and inserting "published or assessed";

(8) striking "filing with the Commission." in subsection (c) and inserting "publication.";

(9) striking "DISAPPROVAL OF RATES.—" in subsection (d) and inserting "PROHIBITION OF RATES.—Within 120 days after the receipt of information requested by the Commission under this section, the Commission shall determine whether the rates, charges, classifications, rules, or regulations of a controlled carrier may be unjust and unreasonable.";

(10) striking "filed" in subsection (d) and inserting "published or assessed";

(11) striking "may issue" in subsection (d) and inserting "shall issue";

(12) striking "disapproved." in subsection (d) and inserting "prohibited.";

(15) striking "60" in subsection (d) and inserting "30";

(16) inserting "controlled" after "affected" in subsection (d);

(17) striking "file" in subsection (d) and inserting "publish".

(18) striking "disapproval" in subsection (e) and inserting "prohibition";

(19) inserting "or" after the semicolon in subsection (f)(1);

(20) striking paragraphs (2), (3), and (4) of subsection (f); and

(21) redesignating paragraph (5) of subsection (f) as paragraph (2).

SEC. 109. PROHIBITED ACTS.

(a) Section 10(b) of the Shipping Act of 1984 (46 U.S.C. App. 1709(b)) is amended by—

(1) striking paragraphs (1) through (3);

(2) redesignating paragraph (4) as paragraph (1);

(3) inserting after paragraph (1), as redesignated, the following:

"(2) provide service in the liner trade that—

"(A) is not in accordance with the rates, charges, classifications, rules, and practices contained in a tariff published or a service contract entered into under section 8 of this Act unless excepted or exempted under section 8(a)(1) or 16 of this Act; or

"(B) is under a tariff or service contract which has been suspended or prohibited by the Commission under section 9 of this Act or the Foreign Shipping Practices Act of 1988 (46 U.S.C. App. 1710a);";

(4) redesignating paragraphs (5) and (6) as paragraphs (3) and (4), respectively;

(5) striking "except for service contracts," in paragraph (4), as redesignated, and inserting "for service pursuant to a tariff,";

(6) striking "rates;" in paragraph (4)(A), as redesignated, and inserting "rates or charges;";

(7) inserting after paragraph (4), as redesignated, the following:

"(5) for service pursuant to a service contract, engage in any unfair or unjustly discriminatory practice in the matter of rates or charges with respect to any port;";

(8) redesignating paragraphs (7) and (8) as paragraphs (6) and (7), respectively;

(9) striking paragraph (6) as redesignated and inserting the following:

"(6) use a vessel or vessels in a particular trade for the purpose of excluding, preventing, or reducing competition by driving another ocean common carrier out of that trade;";

(10) striking paragraphs (9) through (13) and inserting the following:

"(8) for service pursuant to a tariff, give any undue or unreasonable preference or advantage or impose any undue or unreasonable prejudice or disadvantage;

"(9) for service pursuant to a service contract, give any undue or unreasonable preference or advantage or impose any undue or unreasonable prejudice or disadvantage with respect to any port;

"(10) unreasonably refuse to deal or negotiate;";

(10) redesignating paragraphs (14), (15), and (16) as paragraphs (11), (12), and (13), respectively;

(11) striking "a non-vessel-operating common carrier" in paragraphs (11) and (12) as redesignated and inserting "an ocean transportation intermediary";

(12) striking "sections 8 and 23" in paragraphs (11) and (12) as redesignated and inserting "sections 8 and 19";

(13) striking "or in which an ocean transportation intermediary is listed as an affiliate" in paragraph (12), as redesignated;

(14) striking "Act;" in paragraph (12), as redesignated, and inserting "Act, or with an affiliate of such ocean transportation intermediary;"

(15) striking "paragraph (16)" in the matter appearing after paragraph (13), as redesignated, and inserting "paragraph (13)"; and

(16) inserting "the Commission," after "United States," in such matter.

(b) Section 10(c) of the Shipping Act of 1984 (46 U.S.C. App. 1709(c)) is amended by—

(1) striking "non-ocean carriers" in paragraph (4) and inserting "non-ocean carriers, unless such negotiations and any resulting agreements are not in violation of the antitrust laws and are consistent with the purposes of this Act";

(2) striking "freight forwarder" in paragraph (5) and inserting "transportation intermediary, as defined by section 3(17)(A) of this Act,";

(3) striking "or" at the end of paragraph (5);

(4) striking "contract." in paragraph (6) and inserting "contract;"; and

(5) adding at the end the following:

"(7) for service pursuant to a service contract, engage in any unjustly discriminatory practice in the matter of rates or charges with respect to any locality, port, or persons due to those persons' status as shippers' associations or ocean transportation intermediaries; or

"(8) for service pursuant to a service contract, give any undue or unreasonable preference or advantage or impose any undue or unreasonable prejudice or disadvantage with respect to any locality, port, or persons due to those persons' status as shippers' associations or ocean transportation intermediaries;".

(c) Section 10(d) of the Shipping Act of 1984 (46 U.S.C. App. 1709(d)) is amended by—

(1) striking "freight forwarders," and inserting "transportation intermediaries,";

(2) striking "freight forwarder," in paragraph (1) and inserting "transportation intermediary,";

(3) striking "subsection (b)(11), (12), and (16)" and inserting "subsections (b)(10) and (13)"; and

(4) adding at the end thereof the following:

"(4) No marine terminal operator may give any undue or unreasonable preference or advantage or impose any undue or unreasonable prejudice or disadvantage with respect to any person.

"(5) The prohibition in subsection (b)(13) of this section applies to ocean transportation intermediaries, as defined by section 3(17)(A) of this Act.".

SEC. 110. COMPLAINTS, INVESTIGATIONS, REPORTS, AND REPARATIONS.

Section 11(g) of the Shipping Act of 1984 (46 U.S.C. App. 1710(g)) is amended by—

(1) striking "section 10(b)(5) or (7)" and inserting "section 10(b)(3) or (6)"; and

(2) striking "section 10(b)(6)(A) or (B)" and inserting "section 10(b)(4)(A) or (B).".

SEC. 111. FOREIGN SHIPPING PRACTICES ACT OF 1988.

Section 10002 of the Foreign Shipping Practices Act of 1988 (46 U.S.C. App. 1710a) is amended by—

(1) striking "'non-vessel-operating common carrier'," in subsection (a)(1) and inserting "'ocean transportation intermediary',";

(2) striking "forwarding and" in subsection (a)(4);

(3) striking "non-vessel-operating common carrier" in subsection (a)(4) and inserting "ocean transportation intermediary services and";

(4) striking "freight forwarder," in subsections (c)(1) and (d)(1) and inserting "transportation intermediary,";

(5) striking "filed with the Commission," in subsection (e)(1)(B) and inserting "and service contracts,";

(6) inserting "and service contracts" after "tariffs" the second place it appears in subsection (e)(1)(B); and

(7) striking "(b)(5)" each place it appears in subsection (h) and inserting "(b)(6)".

SEC. 112. PENALTIES.

(a) Section 13(a) of the Shipping Act of 1984 (46 U.S.C. App. 1712(a)) is amended by adding at the end thereof the following: "The amount of any penalty imposed upon a common carrier under this subsection shall constitute a lien upon the vessels operated by that common carrier and any such vessel may be libeled therefore in the district court of the United States for the district in which it may be found.".

(b) Section 13(b) of the Shipping Act of 1984 (46 U.S.C. App. 1712(b)) is amended by—

(1) striking "section 10(b)(1), (2), (3), (4), or (8)" in paragraph (1) and inserting "section 10(b)(1), (2), or (7)";

(2) by redesignating paragraphs (4), (5), and (6) as paragraphs (5), (6), and (7), respectively;

(3) inserting before paragraph (5), as redesignated, the following:

"(4) If the Commission finds, after notice and an opportunity for a hearing, that a common carrier has failed to supply information ordered to be produced or compelled by subpoena under section 12 of this Act, the Commission may request that the Secretary of the Treasury refuse or revoke any clearance required for a vessel operated by that common carrier. Upon request by the Commission, the Secretary of the Treasury shall, with respect to the vessel concerned, refuse or revoke any clearance required by section 4197 of the Revised Statutes of the United States (46 U.S.C. App. 91).."; and

(4) striking "paragraphs (1), (2), and (3)" in paragraph (6), as redesignated, and inserting "paragraphs (1), (2), (3), and (4)".

(c) Section 13(f)(1) of the Shipping Act of 1984 (46 U.S.C. App. 1712(f)(1)) is amended by—

(1) striking "or (b)(4)" and inserting "or (b)(2)";

(2) striking "(b)(1), (4)" and inserting "(b)(1), (2)"; and

(3) adding at the end thereof the following "Neither the Commission nor any court shall order any person to pay the difference between the amount billed and agreed upon in writing with a common carrier or its agent and the amount set forth in any tariff or service contract by that common carrier for the transportation service provided.".

SEC. 113. REPORTS AND CERTIFICATES.

Section 15 of the Shipping Act of 1984 (46 U.S.C. App. 1714) is amended by—

(1) striking "and certificates" in the section heading;

(2) striking "(a) REPORTS.—" in the subsection heading for subsection (a); and

(3) striking subsection (b).

SEC. 114. EXEMPTIONS.

Section 16 of the Shipping Act of 1984 (46 U.S.C. App. 1715) is amended by striking "substantially impair effective regulation by the Commission, be unjustly discriminatory, result in a substantial reduction in competition, or be detrimental to commerce." and inserting "result in substantial reduction in competition or be detrimental to commerce.".

SEC. 115. AGENCY REPORTS AND ADVISORY COMMISSION.

Section 18 of the Shipping Act of 1984 (46 U.S.C. App. 1717) is repealed.

SEC. 116. OCEAN FREIGHT FORWARDERS.

Section 19 of the Shipping Act of 1984 (46 U.S.C. App. 1718) is amended by—

(1) striking "freight forwarders" in the section caption and inserting "transportation intermediaries";

(2) striking subsection (a) and inserting the following:

"(a) LICENSE.—No person in the United States may act as an ocean transportation intermediary unless that person holds a license issued by the Commission. The Commission shall issue an intermediary's license to any person that the Commission determines to be qualified by experience and character to act as an ocean transportation intermediary.";

(3) redesignating subsections (b), (c), and (d) as subsections (c), (d), and (e), respectively;

(4) inserting after subsection (a) the following:

"(b) FINANCIAL RESPONSIBILITY.—

"(1) No person may act as an ocean transportation intermediary unless that person furnishes a bond, proof of insurance, or other surety in a form and amount determined by the Commission to insure financial responsibility that is issued by a surety company found acceptable by the Secretary of the Treasury.

"(2) A bond, insurance, or other surety obtained pursuant to this section—

"(A) shall be available to pay any order for reparation issued pursuant to section 11 or 14 of this Act, or any penalty assessed pursuant to section 13 of this Act;

"(B) may be available to pay any claim against an ocean transportation intermediary arising from its transportation-related activities described in section 3(17) of this Act with the consent of the insured ocean transportation intermediary and subject to review by the surety company, or when the claim is deemed valid by the surety company after the ocean transportation intermediary has failed to respond to adequate notice to address the validity of the claim; and

"(C) shall be available to pay any judgment for damages against an ocean transportation intermediary arising from its transportation-related activities under section 3(17) of this Act, provided the claimant has first attempted to resolve the claim pursuant to subparagraph (B) of this paragraph and the claim has not been resolved within a reasonable period of time.

"(3) The Commission shall prescribe regulations for the purpose of protecting the interests of claimants, ocean transportation intermediaries, and surety companies with respect to the process of pursuing claims against ocean transportation intermediary bonds, insurance, or sureties through court judgments. The regulations shall provide that a judgment for monetary damages may not be enforced except to the extent that the damages claimed arise from the transportation-related activities of the insured ocean transportation intermediary, as defined by the Commission.

"(4) An ocean transportation intermediary not domiciled in the United States shall designate a resident agent in the United States for receipt of service of judicial and administrative process, including subpoenas.";

(5) striking, each place such term appears—

(A) "freight forwarder" and inserting "transportation intermediary";

(B) "a forwarder's" and inserting "an intermediary's";

(C) "forwarder" and inserting "intermediary"; and

(D) "forwarding" and inserting "intermediary";

(6) striking "a bond in accordance with subsection (a)(2)." in subsection (c), as redesignated, and inserting "a bond, proof of insurance, or other surety in accordance with subsection (b)(1).";

(7) striking "FORWARDERS.—" in the caption of subsection (e), as redesignated, and inserting "INTERMEDIARIES.—";

(8) striking "intermediary" the first place it appears in subsection (e)(1), as redesignated and as amended by paragraph (5)(A), and inserting "intermediary, as defined in section 3(17)(A) of this Act,";

(9) striking "license" in paragraph (1) of subsection (e), as redesignated, and inserting "license, if required by subsection (a),";

(10) striking paragraph (3) of subsection (e), as redesignated, and redesignating paragraph (4) as paragraph (3); and

(11) adding at the end of subsection (e), as redesignated, the following:

"(4) No conference or group of 2 or more ocean common carriers in the foreign commerce of the United States that is authorized to agree upon the level of compensation paid to an ocean transportation intermediary, as defined in section 3(17)(A) of this Act, may—

"(A) deny to any member of the conference or group the right, upon notice of not more than 5 calendar days, to take independent action on any level of compensation paid to an ocean transportation intermediary, as so defined; or

"(B) agree to limit the payment of compensation to an ocean transportation intermediary, as so defined, to less than 1.25 percent of the aggregate of all rates and charges which are applicable under a tariff and which are assessed against the cargo on which the intermediary services are provided.".

SEC. 117. CONTRACTS, AGREEMENTS, AND LICENSES UNDER PRIOR SHIPPING LEGISLATION.

Section 20 of the Shipping Act of 1984 (46 U.S.C. App. 1719) is amended by—

(1) striking subsection (d) and inserting the following:

"(d) EFFECTS ON CERTAIN AGREEMENTS AND CONTRACTS.—All agreements, contracts, modifications, licenses, and exemptions previously issued, approved, or effective under the Shipping Act, 1916, or the Shipping Act of 1984, shall continue in force and effect as if issued or effective under this Act, as amended by the Ocean Shipping Reform Act of 1998, and all new agreements, contracts, and modifications to existing, pending, or new contracts or agreements shall be considered under this Act, as amended by the Ocean Shipping Reform Act of 1998.";

(2) inserting the following at the end of subsection (e):

"(3) The Ocean Shipping Reform Act of 1998 shall not affect any suit—

"(A) filed before the effective date of that Act; or

"(B) with respect to claims arising out of conduct engaged in before the effective date of that Act filed within 1 year after the effective date of that Act.

"(4) Regulations issued by the Federal Maritime Commission shall remain in force and effect where not inconsistent with this Act, as amended by the Ocean Shipping Reform Act of 1998.".

SEC. 118. SURETY FOR NON-VESSEL-OPERATING COMMON CARRIERS.

Section 23 of the Shipping Act of 1984 (46 U.S.C. App. 1721) is repealed.

TITLE II—AUTHORIZATION OF APPROPRIATIONS FOR THE FEDERAL MARITIME COMMISSION

SEC. 201. AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 1998.

There are authorized to be appropriated to the Federal Maritime Commission, $15,000,000 for fiscal year 1998.

SEC. 202. FEDERAL MARITIME COMMISSION ORGANIZATION.

Section 102(d) of Reorganization Plan No. 7 of 1961 (75 Stat. 840) is amended to read as follows:

"(d) A vacancy or vacancies in the membership of Commission shall not impair the power of the Commission to execute its functions. The affirmative vote of a majority of the members serving on the Commission is required to dispose of any matter before the Commission.".

SEC. 203. REGULATIONS.

Not later than March 1, 1999, the Federal Maritime Commission shall prescribe final regulations to implement the changes made by this Act.

TITLE III—AMENDMENTS TO OTHER SHIPPING AND MARITIME LAWS

SEC. 301. AMENDMENTS TO SECTION 19 OF THE MERCHANT MARINE ACT, 1920.

(a) IN GENERAL.—Section 19 of the Merchant Marine Act, 1920 (46 U.S.C. App. 876) is amended by—

(1) striking "forwarding and" in subsection (1)(b);

(2) striking "non-vessel-operating common carrier operations," in subsection (1)(b) and inserting "ocean transportation intermediary services and operations,";

(3) striking "methods or practices" and inserting "methods, pricing practices, or other practices" in subsection (1)(b);

(4) striking "tariffs of a common carrier" in subsection 7(d) and inserting "tariffs and service contracts of a common carrier";

(5) striking "use the tariffs of conferences" in subsections (7)(d) and (9)(b) and inserting "use tariffs of conferences and service contracts of agreements";

(6) striking "tariffs filed with the Commission" in subsection (9)(b) and inserting "tariffs and service contracts";

(7) striking "freight forwarder," each place it appears and inserting "transportation intermediary,"; and

(8) striking "tariff" each place it appears in subsection (11) and inserting "tariff or service contract".

(b) STYLISTIC CONFORMITY.—Section 19 of the Merchant Marine Act, 1920 (46 U.S.C. App. 876), as amended by subsection (a), is further amended by—

(1) redesignating subdivisions (1) through (12) as subsections (a) through (l), respectively;

(2) redesignating subdivisions (a), (b), and (c) of subsection (a), as redesignated, as paragraphs (1), (2), and (3);

(3) redesignating subdivisions (a) through (d) of subsection (f), as redesignated, as paragraphs (1) through (4), respectively;

(4) redesignating subdivisions (a) through (e) of subsection (g), as redesignated, as paragraphs (1) through (5), respectively;

(5) redesignating clauses (i) and (ii) of subsection (g)(4), as redesignated, as subparagraphs (A) and (B), respectively;

(6) redesignating subdivisions (a) through (e) of subsection (i), as redesignated, as paragraphs (1) through (5), respectively;

(7) redesignating subdivisions (a) and (b) of subsection (j), as redesignated, as paragraphs (1) and (2), respectively;

(8) striking "subdivision (c) of paragraph (1)" in subsection (c), as redesignated, and inserting "subsection (a)(3)";

(9) striking "paragraph (2)" in subsection (c), as redesignated, and inserting "subsection (b)";

striking "paragraph (1)(b)" each place it appears and inserting "subsection (a)(2)";

(10) striking "subdivision (b)," in subsection (g)(4), as redesignated, and inserting "paragraph (2),";

(11) striking "paragraph (9)(d)" in subsection (j)(1), as redesignated, and inserting "subsection (i)(4)"; and

(12) striking "paragraph (7)(d) or (9)(b)" in subsection (k), as redesignated, and inserting "subsection (g)(4) or (i)(2)".

SEC. 302. TECHNICAL CORRECTIONS.

(a) PUBLIC LAW 89-777.—Sections 2 and 3 of the Act of November 6, 1966, (46 U.S.C. App. 817d and 817e) are amended by striking "they in their discretion" each place it appears and inserting "it in its discretion".

(b) TARIFF ACT OF 1930.—Section 641(i) of the Tariff Act of 1930 (19 U.S.C. 1641) is repealed.

TITLE IV—MERCHANT MARINER BENEFITS.

SEC. 401. MERCHANT MARINER BENEFITS.

(a) BENEFITS.—Part G of subtitle II, title 46, United States Code, is amended by adding at the end the following new chapter:

"CHAPTER 112—MERCHANT MARINER BENEFITS

"Sec.
"11201. Qualified service.
"11202. Documentation of qualified service.
"11203. Eligibility for certain veterans' benefits.
"11204. Processing fees.

"§ 11201. Qualified service

"For purposes of this chapter, a person engaged in qualified service if, between August 16, 1945, and December 31, 1946, the person—

"(1) was a member of the United States merchant marine (including the Army Transport Service and the Naval Transportation Service) serving as a crewmember of a vessel that was—

"(A) operated by the War Shipping Administration or the Office of Defense Transportation (or an agent of the Administration or Office);

"(B) operated in waters other than inland waters, the Great Lakes, other lakes, bays, and harbors of the United States;

"(C) under contract or charter to, or property of, the Government of the United States; and

"(D) serving the Armed Forces; and

"(2) while so serving, was licensed or otherwise documented for service as a crewmember of such a vessel by an officer or employee of the United States authorized to license or document the person for such service.

"§ 11202. Documentation of qualified service

"(a) RECORD OF SERVICE.—The Secretary, or in the case of personnel of the Army Transport Service or the Naval Transport Service, the Secretary of Defense, shall, upon application—

"(1) issue a certificate of honorable discharge to a person who, as determined by the respective Secretary, engaged in qualified service of a nature and duration that warrants issuance of the certificate; and

"(2) correct, or request the appropriate official of the Federal government to correct, the service records of the person to the extent necessary to reflect the qualified service and the issuance of the certificate of honorable discharge.

"(b) TIMING OF DOCUMENTATION.—The respective Secretary shall take action on an application under subsection (a) not later than one year after the respective Secretary receives the application.

"(c) STANDARDS RELATING TO SERVICE.—In making a determination under subsection (a)(1), the respective Secretary shall apply the same standards relating to the nature and duration of service that apply to the issuance of honorable discharges under section 401(a)(1)(b) of the GI Bill Improvement Act of 1977 (38 U.S.C. 106 note).

"(d) CORRECTION OF RECORDS.—An official of the Federal government who is requested to correct service records under subsection (a)(2) shall do so.

"§ 11203. Eligibility for certain veterans' benefits

"(a) ELIGIBILITY.—

"(1) IN GENERAL.—The qualified service of an individual referred to in paragraph (2) is deemed to be active duty in the armed forces during a period of war for purposes of eligibility for benefits under chapters 23 and 24 of title 38.

"(2) COVERED INDIVIDUALS.—Paragraph (1) applies to an individual who—

"(A) receives an honorable discharge certificate under section 11202 of this title; and

"(B) is not eligible under any other provision of law for benefits under laws administered by the Secretary of Veterans Affairs.

"(b) REIMBURSEMENT FOR BENEFITS PROVIDED.—The Secretary shall reimburse the Secretary of Veterans Affairs for the value of benefits that the Secretary of Veterans Affairs provides for an individual by reason of eligibility under this section.

"(c) PROSPECTIVE APPLICABILITY.—An individual is not entitled to receive, and may not receive, benefits under this chapter for any period before the date of enactment of this chapter.

"§ 11204. Processing fees

"(a) COLLECTION OF FEES.—The Secretary, or in the case of personnel of the Army Transport Service or the Naval Transport Service, the Secretary of Defense, shall collect a fee of $30 from each applicant for processing an application submitted under section 11202(a) of this title.

"(b) TREATMENT OF FEES COLLECTED.—Amounts received by the respective Secretary under this section shall be deposited in the general fund of the Treasury as offsetting receipts of the department in which the Coast Guard is operating and ascribed to Coast Guard activities, or in the case of fees collected for processing discharges from the Army Transport Service or the Naval Transport Service, deposited in the general fund of the Treasury as offsetting receipts of the Department of Defense, and shall be available subject to appropriation for the administrative costs for processing such applications.".

(b) CLERICAL AMENDMENT.—The table of chapters at the beginning of subtitle II of title 46, United States Code, is amended by inserting after the item relating to chapter 111 the following:

"112. Merchant mariner benefits.....11201".

TITLE V—CERTAIN LOAN GUARANTEES AND COMMITMENTS

SEC. 501. CERTAIN LOAN GUARANTEES AND COMMITMENTS.

(a) The Secretary of Transportation may not issue a guarantee or commitment to guarantee a loan for the construction, reconstruction, or reconditioning of a liner vessel under the authority of title XI of the Merchant Marine Act, 1936 (46 U.S.C. App. 1271 et seq.) after the date of enactment of this Act unless the Chairman of the Federal Maritime Commission certifies that the operator of such vessel—

(1) has not been found by the Commission to have violated section 19 of the Merchant Marine Act, 1920 (46 U.S.C. App. 876), or the Foreign Shipping Practices Act of 1988 (46 U.S.C. App. 1701a), within the previous 5 years; and

(2) has not been found by the Commission to have committed a violation of the Shipping Act of 1984 (46 U.S.C. App. 1701 et seq.), which involves unjust or unfair discriminatory treatment or undue or unreasonable prejudice or disadvantage with respect to a United States shipper, ocean transportation intermediary, ocean common carrier, or port within the previous 5 years.

(b) The Secretary of Commerce may not issue a guarantee or a commitment to guarantee a loan for the construction, reconstruction, or reconditioning of a fishing vessel under the authority of title XI of the Merchant Marine Act, 1936, (46 U.S.C. App. 1271 et seq.) if the fishing vessel operator has been—

(1) held liable or liable in rem for a civil penalty pursuant to section 308 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1858) and not paid the penalty;

(2) found guilty of an offense pursuant to section 309 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1859) and not paid the assessed fine or served the assessed sentence;

(3) held liable for a civil or criminal penalty pursuant to section 105 of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1375) and not paid the assessed fine or served the assessed sentence; or

(4) held liable for a civil penalty by the Coast Guard pursuant to titles 33 or 46, United States Code, and not paid the assessed fine."

Amend the title so as to read "A Bill to amend the Shipping Act of 1984 to encourage competition in international shipping and growth of United States exports, and for other purposes.

THE INTERMODAL SURFACE TRANSPORTATION EFFICIENCY ACT OF 1998

MURKOWSKI AMENDMENT NO. 1690

Mr. CHAFEE (for Mr. MURKOWSKI) proposed an amendment to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

On page 191, line 12, strike the semicolon at the end and insert ", except that if the State has a higher Federal share payable under section 120(b) of title 23, United States Code, the State shall be required to contribute only an amount commensurate with the higher Federal share;".

DOMENICI (AND HARKIN) AMENDMENT NO. 1691

Mr. CHAFEE (for Mr. DOMENICI, for himself and Mr. HARKIN) proposed an amendment to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

On page 371, line 6, strike "and" after the semicolon.

On page 371, line 10, strike the period and insert "; and".

On page 371, between lines 10 and 11, insert the following:

"(6) the development of new nondestructive bridge evaluation technologies and techniques.

MOYNIHAN AMENDMENT NO. 1692

Mr. BAUCUS (for Mr. MOYNIHAN) proposed an amendment to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

On page 98, line 7, amend subparagraph 1116(d)(2)(A) by striking "of commercial vehicle traffic" each place it appears and substituting "and value of commercial traffic".

MOSELEY-BRAUN (AND DURBIN) AMENDMENT NO. 1693

Mr. BAUCUS (for Ms. MOSELEY-BRAUN, for herself and Mr. DURBIN) proposed an amendment to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

On page 249, strike lines 5 through 11 and insert the following:

"(2) REDESIGNATION.—

"(A) PROCEDURES.—A metropolitan planning organization may be redesignated by agreement between the Governor and units of general purpose local government that together represent at least 75 percent of the affected population (including the central city or cities as defined by the Bureau of the Census) as appropriate to carry out this section.

"(B) CERTAIN REQUESTS TO REDESIGNATE.—A metropolitan planning organization shall be redesignated upon request of a unit or units of general purpose local government representing at least 25 percent of the affected population (including the central city or cities as defined by the Bureau of the Census) in any urbanized area—

"(I) whose population is more than 5,000,000 but less than 10,000,000, or

"(ii) which is an extreme nonattainment area for ozone or carbon monoxide as defined under the Clean Air Act.

Such redesignation shall be accomplished using procedures established by subparagraph (A).

BOXER (AND WELLSTONE) AMENDMENT NO. 1694

Mr. BAUCUS (for Mrs. BOXER, for herself and Mr. WELLSTONE) proposed an amendment to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

On page 345, line 6, strike "and".

On page 345, line 9, strike the period and insert "; and".

On page 345, between lines 9 and 10, insert the following:

"(H) research on telecommuting, research on the linkages between transportation, information technology, and community development, and research on the impacts of technological change and economic restructuring on travel demand.

BROWNBACK AMENDMENT NO. 1695

(Ordered to lie on the table.)

Mr. BROWNBACK submitted an amendment intended to be proposed by him to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

On page 309, between lines 3 and 4, insert the following:

SEC. 18 . DESIGNATIONS OF ABANDONED RAILROAD RIGHTS-OF-WAY.

Section 8(d) of the National Trails System Act (16 U.S.C. 1247(d)) is amended—

(1) by striking "The Secretary" and inserting the following:

"(1) IN GENERAL.—The Secretary"; and

(2) by adding at the end the following:

"(2) LOCAL GOVERNMENT APPROVAL.—A railroad right-of-way may be designated for interim use as a trail under this subsection or any other provision of law only if the designation first is approved by the appropriate local government entity, as identified by the State in which the right-of-way is located.".

NOTICES OF HEARINGS

COMMITTEE ON SMALL BUSINESS

Mr. BOND. Mr. President, I wish to announce that the Committee on Small Business will hold a hearing entitled "The President's Fiscal Year 1999 Budget Request for the Small Business Administration." The hearing will be held on March 18, 1998, beginning at 9:30 a.m. in room 428A of the Russell Senate Office Building.

For further information, please contact Paul Cooksey at 224-5175.

SUBCOMMITTEE ON WATER AND POWER

Mr. KYL. Mr. President, I would like to announce for the public that a hearing has been scheduled before the Subcommittee on Water and Power, of the Energy and Natural Resources Committee, to consider S. 1515, a bill "To amend Public Law 89-108 to increase authorization levels for State and Indian tribal, municipal, rural, and industrial water supplies, to meet current and future water quantity and quality needs of the Red River Valley, to deauthorize certain project features and irrigation service areas, to enhance natural resources and fish and wildlife habitat, and for other purposes."

The hearing will take place on Tuesday, March 31, 1998, at 2:30 p.m. in room SD-366 of the Dirksen Senate Office Building.

For further information, please call James P. Beirme, Senior Counsel, (202/224-2564) or Betty Nevitt, Staff Assistant at (202/224-0765).

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. CHAFEE. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Wednesday, March 4, for purposes of conducting a full committee hearing which is scheduled to begin at 10 a.m. The purpose of this oversight hearing is to consider the President's proposed budget for fiscal year 1999 for the Department of Energy.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. CHAFEE. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Wednesday, March 4, 1998 at 10 a.m. in room 226 of the Senate Dirksen Office Building to hold a hearing on "A Review of the National Drug Control Strategy."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON RULES AND ADMINISTRATION

Mr. CHAFEE. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate on Wednesday, March 4, 1998 beginning at 9:30 a.m. until business is completed, to conduct an oversight hearing on the FY99 budget and operations of the Library of Congress, and to review the reauthorization of the American Folklife Center.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. CHAFEE. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, March 4, 1998 at 2:30 p.m. to hold an open hearing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON ACQUISITION AND TECHNOLOGY

Mr. CHAFEE. Mr. President, I ask unanimous consent that the Subcommittee on Acquisition and Technology of the Committee on Armed Services be authorized to meet at 2 p.m. on Wednesday, March 4, 1998, in open session, to receive testimony on the Policies Concerning the Industrial and Technology Base Supporting National Defense in Review of the Defense Authorization Request for fiscal year 1999 and the future years Defense program.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON AIRLAND FORCES

Mr. CHAFEE. Mr. President, I ask unanimous consent that the Subcommittee on Airland Forces of the Committee on Armed Services be authorized to meet on Wednesday, March 4, 1998, at 10 a.m. in open session, to receive testimony on Military Transformation Initiatives.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON ANTITRUST, BUSINESS RIGHTS, AND COMPETITION

Mr. CHAFEE. Mr. President, I ask unanimous consent that the Subcommittee on Antitrust, Business Rights, and Competition, of the Senate Judiciary Committee, be authorized to meet during the session of the Senate on Tuesday, March 4, 1998 at 2 p.m. to hold a hearing in room 226, Senate Dirksen Building, on: "The Telecommunications Act of 1996: Moving Toward Competition Under Section 271."

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON EAST ASIA AND PACIFIC AFFAIRS

Mr. CHAFEE. Mr. President, I ask unanimous consent that the Subcommittee on East Asia and Pacific Affairs of the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, March 4, 1998, at 2 p.m. to hold a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON PERSONNEL

Mr. CHAFEE. Mr. President, I ask unanimous consent that the Subcommittee on Personnel of the Committee on Armed Services be authorized to meet on Wednesday, March 4, 1998, at 2 p.m. in open session, to receive testimony on Recruiting and Retention Policies Within the Department of Defense and the Military Services in Review of the Defense Authorization Request for fiscal year 1999 and the Future Years Defense Program.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON READINESS

Mr. CHAFEE. Mr. President, I ask unanimous consent that the Readiness Subcommittee of the Committee on Armed Services be authorized to meet at 10 a.m. on Wednesday, March 4, 1998, in open session, to receive testimony on the Ongoing Competitions to Determine the Dispositions of the Workloads Currently Performed at Sacramento and San Antonio Air Logistics Centers.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON TECHNOLOGY, TERRORISM AND GOVERNMENT INFORMATION

Mr. CHAFEE. Mr. President, I ask unanimous consent that the Senate Judiciary Subcommittee on Technology, Terrorism and Government Information Committee on the Judiciary and the Senate Select Committee on Intelligence be authorized to meet for a joint hearing during the session of the Senate on Wednesday, March 4, 1998 at 2:30 p.m. in room 216 of the Senate Hart Office Building to hold a joint hearing on: "Biological Weapons: The Threat Posed by Terrorists."

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

ACCOUNTING STANDARDS FOR DERIVATIVES AND THE FASB

• Mr. D'AMATO. Mr. President, investors place their trust as well as their funds in our capital and financial markets. It is clear that one of the reasons for this trust is the knowledge that financial statements are reliable, relevant, consistent, comparable and prepared according to well-understood and carefully considered standards, known as generally accepted accounting standards. These financial reporting standards are an essential component of the attraction of our capital markets—to borrowers who are looking for the most capital at the lowest cost and to suppliers of capital who want to invest with confidence and earn a high return.

This openness and transparency is the result of the useful and highly successful mechanism used in the United States for over 60 years to develop financial reporting and accounting standards. Although Congress empowered the Securities and Exchange Commission (SEC) to set accounting standards in 1934, for over sixty years the Commission has delegated this responsibility to the private sector. The Financial Accounting Standards Board (FASB) has exercised the delegated authority to develop accounting standards, subject to SEC review, since 1972. In that year, a blue ribbon commission, created by the SEC, recommended the creation of the FASB in order to insulate its deliberative process from the influence of special interests and politics. The FASB's task is to establish and improve financial standards in an inclusive, public and deliberative manner.

Mr. President, while I have not always agreed with the FASB's pronouncements and activities over the years, I believe strongly in an independent standard setting body and I believe the FASB has worked well. It has earned praise for its evenhanded, principled and well-reasoned decisions from professionals in the accounting profession, from the SEC and the financial media, and investors.

Mr. President, at times, the FASB's activities have generated controversy and opposition from those affected by and opposed to its pronouncements. At this particular moment, the FASB is encountering stiff criticism as a result of its attempt to require institutions who hold derivatives to provide some type of fair market value financial reporting.

As my colleagues are aware, derivatives are highly complex financial instruments that can and do perform an important role in effective risk management by enabling commercial corporations, governments and financial firms and others, in the U.S. and worldwide, to reduce their exposure to fluctuations in interest rates, currency exchange rates, and the prices of equities and commodities. Derivatives also enable users to reduce funding costs and speculate on changes in market rates and prices. But Congress is also well aware that the use and misuse of derivatives can cause severe financial shocks. Hearings held by the Banking Committee in recent years demonstrated that derivatives improperly used, and inadequately regulated, can expose an institution or company to potential ruin with serious consequences for depositors, investors, taxpayers and, potentially, the stability of the financial system.

Mr. President, regulatory agencies and Congress have studied the numerous regulatory, policy and disclosure issues raised by derivatives. Among the more serious findings is that derivatives generally do not need to be accounted for in financial statements. In other words, there are billions of dollars worth of derivatives outstanding that are not reflected adequately in the financial statements of major industrial companies, banks and other large derivative users.

In 1994 a GAO study, (Financial Derivatives: Actions Needed to Protect the Financial System), recommended that the FASB:

Proceed expeditiously to issue its existing exposure draft on disclosures of derivatives and fair value of financial instruments.

Proceed expeditiously to develop and issue an exposure draft that provides comprehensive, consistent accounting rules for derivative products, including expanded disclosure requirements that provide additional needed information about derivatives activities.

Consider adopting a market value accounting model for all financial instruments, including derivative products.

Mr. President, the FASB is earnestly pursuing this complicated objective with the support of the SEC, the accounting profession and most investment professionals. The critics and opponents of the proposed derivative accounting standards are now taking the extraordinary step of asking Congress to intervene in the FASB's standard setting procedures. This not only threatens the FASB's ability to determine appropriate standards for disclosure of derivatives-related information, it seriously jeopardizes its independence. This course of action is extremely unwise and provides continuing justification for having an independent, professional entity to set accounting and financial reporting requirements, like the FASB, rather than the Congress or a government agency.

Mr. President, it is obvious that Congress lacks the technical expertise and resources to develop accounting standards, as does the SEC. In addition, federal bank regulators lack the impartiality to administer disclosure standards dedicated to investor protection and public disclosure since the banking laws are geared to maintaining public confidence in financial institutions rather than requiring the full and complete disclosure of a financial institution's real financial condition.

Mr. President, Congress should resist the suggestion of removing standard setting from the public sector and transferring it to a government agency. If history is any guide, this step would create more problems than it would solve. Every recent effort by a government agency, including the Congress, to set accounting standards has been a total failure. For example, during the early days of the savings and loan crisis, the FSLIC (Federal Savings and Loan Corporation—the former S&L regulator) created "supervisory goodwill" as a mechanism by which healthy

thrifts could acquire or invest in fledgling ones. Regulators permitted supervisory goodwill to qualify as regulatory capital. Then, in 1989, Congress enacted stricter capital standards under the Financial Institutions Reform, Recovery, and Enforcement Act (FIRREA) and mandated that all supervisory goodwill was to be charged-off over an accelerated period ending in 1994, causing severe capital constraints, even pushing some S&Ls to liquidate assets at a severe discount. Between the actions of the regulators and the Congress, the S&L crisis lasted longer than necessary, the recovery took longer than necessary and eventually ended in a $130 billion dollar taxpayer-financed bailout. In fact, the final costs to the federal government of the S&L bailout may increase as a result of the ongoing "supervisory goodwill litigation."

Mr. President, the FASB started working on derivatives and hedging in 1991. It has had an extensive and open process that has involved ample opportunity for public comment, debate and participation by all constituents. This open and deliberative process is still ongoing and will, in the end, produce thoughtful and comprehensive accounting standards that will better inform investors and the financial markets as a whole and contribute to their effective functioning.

Mr. President, I do not want to dwell on the S&L crisis or on the benefits and risks of derivatives. Instead, I simply want to underscore that Congress should not disrupt the FASB's independence and professionalism in setting accounting standards, for derivatives or for any other project. The SEC has jurisdiction over the FASB and the Congress already conducts oversight of the SEC and the FASB. In fact, the Subcommittee on Securities has held two hearings on the derivatives issue. I would oppose authorizing the SEC, or any other federal agency, to set accounting standards. We should leave to the private sector the responsibility to develop accounting and financial reporting standards that are at the heart of the success of our process of capital formation.•

NATIONAL SPORTSMANSHIP DAY

• Mr. REED. Mr. President, March 3rd was the eighth annual celebration of National Sportsmanship Day in over 10,000 schools in all fifty states and more than 100 countries throughout the world.

Recognized by the President's Council on Physical Fitness, National Sportsmanship Day was conceived by the Institute for International Sport, located in my home state of Rhode Island. As the President's Council Co-Chairs Tom McMillen and Florence Griffith Joyner have stated, "this event will serve as a highly visible, one-day effort to stress the importance of ethics and sportsmanship, not just on the athletic field but in all aspects of life. . . having a powerful and positive effect on the youth of the United States and the world."

Heeding President Clinton's challenge to begin a serious dialogue on race relations in the United States, the centerpiece of this year's National Sportsmanship Day was a seminar and town meeting at the University of Rhode Island discussing race issues in sport. This day long event included panels composed of athletes, coaches, and journalists who discussed the many different aspects of these issues.

In addition, the Institute has enlisted the help of several Sports Ethics Fellows, including Mills Lane, a Reno, Nevada district judge and internationally known professional boxing referee, Billy Packer, CBS sports commentator, and Ken Dryden, the president and general manager of the Toronto Maple Leafs. These men and women are wonderful role models who can be admired for more than just their athletic prowess. They have consistently demonstrated an interest in furthering the principles of honesty and integrity in sport and society.

These Sports Ethics Fellows are helping to teach the important lessons of National Sportsmanship Day by developing programs for National Sportsmanship Day. Through competition, young athletes can learn that while winning is a worthy goal, honor, discipline, and hard work are more important. Indeed, these values will guide them in all aspects of everyday life.

Mr. President, I ask my colleagues to join the President's Council on Physical Fitness and Sports and the Rhode Island Congressional delegation in recognizing this day and the principles it embodies.•

THOM HINDLE: DOVER'S CITIZEN OF THE YEAR

• Mr. SMITH of New Hampshire. Mr. President, I rise today to congratulate Thom Hindle, a distinguished individual, for being named the 1998 Dover Citizen of the Year. I commend his passion for American history and his inexhaustible dedication to keeping it alive.

Thom, a Dover native, became very concerned that the history of Dover was not given the appreciation nor the recognition it deserved. As a result, Thom set out to remind and educate the community about the important facts and contributions Dover's history has to offer.

Thom became the trustee for the Woodman Institute, an organization that focuses on preserving and documenting the past. Thom felt that he was preserving Dover's "hidden treasures" and sought to give everyone the chance to experience them. To keep it alive, he wrote a historical book on Dover which included written and pictorial information for future generations.

Thom is also the president of the Northam Colonists, Dover's historical society, as well as a member of the Heritage group, a committee that is part of the historical society. The committee centers on historical areas of the town and also provides guided tours during the fall, which focus on historic homes and other noteworthy sights. He is also a trustee to Dover's oldest elderly care facility, The Wentworth Home. As a trustee, he raises money for a number of city projects that improve the visual aesthetics of the community. His work not only recognizes the important tributes of the past but also those that enrich the present.

As a former history teacher, I appreciate Thom's commitment to history. It is imperative to remember our country's past, to see where we have been as a nation, and to see where we are going as a people. Not honoring American history is not honoring those who have fought, died, and sacrificed for the great nation we have today.

Therefore, we as a generation should carry on the tradition our forefathers started: to continue to fight and strive to improve the lives of generations to come and to never give up the aggressive crusade for greatness and consistent drive for virtue. Like Thom, we should continue to defend the past and augment the future. Mr. President, I want to congratulate Thom for his outstanding work and I am proud to represent him in the U.S. Senate.•

37TH ANNIVERSARY OF THE PEACE CORPS

• Mr. DODD. Mr. President, yesterday, March 3, was designated by the President as the day to pay public tribute to the 37th anniversary of the Peace Corps. Although the official anniversary technically occurred on Sunday, March 1, a day during the week for events to be sponsored in honor of the Peace Corps' anniversary proved to be more practical.

It was nearly four decades ago that President Kennedy signed legislation into law to create the Peace Corps in 1961 and sent the first class of volunteers to Ghana. Since its founding, more than 150,000 Americans have served in the Peace Corps.

The public recognition of the Peace Corps' anniversary has special significance for me personally, as I was fortunate enough to serve as a Peace Corps volunteer in the Dominican Republic some years ago. Like other Americans who have had the honor of serving as Peace Corps volunteers, my service in the Dominican Republic will remain one of the most important periods of my life.

Currently there are 6,500 volunteers, serving in 84 countries around the globe. These people dedicate two years of their lives to addressing the critical development needs of impoverished communities. They help people gain access to clean water, grow more food, help prevent the spread of AIDS, teach English, math and science, aid entrepreneurs in the development of new business, and work with non-governmental organizations to protect the environment.

The Peace Corps has been marked by much success thanks to current and returned Peace Corps volunteers. Based on the Peace Corps' high level of achievement since its creation, and taking into account the unmet needs of the developing world, I support the proposed increase in the Peace Corps Fiscal Year 1999 budget.

The value of the Peace Corps is not limited solely to its overseas volunteer service. There is a "domestic dividend" as well—the experience and value that is brought back to the communities where volunteers return once their two year tour is over. Experience has shown that Returned Peace Corps volunteers participate in their communities across the nation more than most other Americans.

This week, as the nation celebrates the 37th anniversary of the Peace Corps, more than 350,000 students in all 50 states will learn more about life in the developing world by talking with and listening to 5,000 current and returned volunteers, in person, via satellite and by phone. In my home state of Connecticut, one of six states and 23 cities that declared March 3 as Peace Corps Day, students in New London talked to current Peace Corps Volunteers in Panama and students at Balboa High School in Panama via a live CU-SeeMe video conference. With advancing technology, it is exciting to have students in the United States learn more about people in different corners of the world, without even leaving their classroom.

Finally, I commend all of those volunteers, both past and present who have contributed to the success of the Peace Corps. Every anniversary is an important one. This one has been made special by being officially recognized as Peace Corps Day—something that will hopefully become an annual occurrence. It serves as an opportunity for Americans to learn about other cultures of the World and to pay tribute to the more than 150,000 Americans who have dedicated part of their lives to making this a better World to live in. I am confident that we in the Senate are proud of each and every one of them.•

TRIBUTE TO THE EAGLE SCOUTS OF TROOP 358

• Mr. SANTORUM. Mr. President, I rise today to recognize a very special group of young men from one of the oldest African American Boy Scout units in the nation. On February 7, 1998, eleven members of Troop 358 were officially honored as Eagle Scouts.

Troop 358, sponsored by Grace Baptist Church of Germantown, Pennsylvania, has a proud tradition of achievement. In 45 years, Troop 358 has produced a total of 33 Eagle Scouts—including this year's class. To put this in perspective, consider that only 2.5 percent of the nation's 4.5 million scouts ever become Eagle Scouts. Moreover, only about 1 percent of African American scouts reach this goal.

Eagle Scouts learn valuable lessons in leadership, honor, and pride in their communities. In fact, the community service projects that the Scouts completed to earn their badges are as extraordinary as the young men themselves. For instance, one new Scout set up a workshop for inner city kids who wanted to prepare for the Scholastic Aptitude Test. Another young man wrapped up his Eagle service project painting a school. Still another ploughed through months of paperwork to complete 8 of his 29 merit badges in one week.

Mr. President, these 11 new Eagle Scouts—Jarrett Coger, Jerece Barnes, Askia Fluellen, Bruce Frazier, Andre Kydd, Jared LeVere, Sean Long, Kyle McIntosh, Robert Redding, Ernest Stanton and Anwar White—are a credit to their families and to their scoutmasters, A. Bruce Frazier and Charles M. Whiting. They are also living tributes to the late Earl Grayson, who led Troop 358 through both good and bad times for 36 years.

In closing, I ask my colleagues to join me in extending the Senate's best wishes for continued success to the new Eagle Scouts and to all those who have sustained Troop 358 over its 45 year history.•

BEN MEED, THE AMERICAN GATHERING OF HOLOCAUST SURVIVORS, AND GERMAN COMPENSATION

• Mr. D'AMATO. Mr. President, I rise today to briefly comment on the program of German reparations being paid to Holocaust survivors. Over the past two years, we have looked extensively at the role Swiss banks played during the Holocaust. What we found was shocking. Clearly we discovered that in addition to carrying out the mass murder of millions of people, Jews and non-Jews, the Nazis carried off the greatest robbery in history.

After the war, the new government of Germany began a program of restitution for the survivors of the Holocaust. Over the past half-century, Germany has paid billions of dollars to survivors, but can we really say that this is enough? Can we say that it is fair that someone who survived, for example, five months in a concentration camp, but not the six required to obtain compensation, is fair? Can we say that it is fair that someone who survived a Gestapo prison should be denied compensation for their suffering? The answer to these questions is an emphatic NO!

It is time that Germany drop their reservations to paying compensation to all those who deserve it, regardless of income levels, regardless of the time spent enduring Nazi torture. All limitations should be dropped and each and every survivor, everywhere, regardless of their situation, should be provided with compensation.

Mr. President, Ben Meed, the President of the American Gathering of Jewish Holocaust Survivors, makes these same points in a speech he gave at the National Leadership Conference in Washington on February 15, 1998. His speech is poignant and succinct. Holocaust survivors have little time left and they need help. I could not agree more with this wise man's conclusions. At this time, I ask unanimous consent that the text of his remarks be included in the RECORD.

Mr. President, I urge my colleagues to read Ben Meed's words and to help ease the suffering of these survivors of mankind's greatest inhumanity to man. I ask that they be printed in the RECORD.

The remarks follow:

REMARKS BY BENJAMIN MEED AT THE NATIONAL LEADERSHIP CONFERENCE

Distinguished guests, Fellow survivors, my younger colleagues and dear friends

Though many issues of importance will be raised during the day, I want to take this opportunity to convey the dismay and anger felt by survivors toward the reparations program established by Germany and to express the survivors' goal to challenge those programs.

German compensation has become an extremely important—perhaps the most important—issue to survivors. Many survivors need the compensation. And most survivors, even those who would not accept German money before today demand rights for the payment. But time is Germany's ally; time is the enemy for survivors. As nature takes its course, we learn daily of the deaths of more survivors. That unfortunate fact only serves to emphasize the urgency of this matter.

We attend funerals almost daily. Let me also add that since the reparation program started over forty years ago, more than 50% of survivors receiving German pensions have passed away. Germany is not paying to the deceased or to their heir.

After the Holocaust, we survivors were in no position to negotiate directly—also many of us wanted nothing to do—with Germany. Though German money does go to some survivors, the amounts and the conditions attached to the funds humiliate us personally and collectively.

In 1951, Chancellor Adenauer announced that compensation for survivors was Germany's moral responsibility. And, since the 1950's, the Claims Conference has negotiated with Germany on behalf of the survivors. It has served as trustee for their collective interest, and we survivors are grateful for any

help extended to us. But whatever was done, was not enough. Much more can be done and must be done quickly.

Until recently, survivors played virtually no role in Holocaust-related compensation matters. We did not negotiate with Germany; we did not decide how the German money would be used; and we did not distribute the money. All of these things were done without our participation.

Yes, the Claims Conference and their leaders deserve our appreciation for the work they did when we were unable to do it. The negotiations with Germany resulted in various compensation programs for survivors. There is the Federal Indemnification Law, the Hardship Fund and the Article 2 Fund. We all know that no amount of compensation can truly "pay" for the damage Germany did to our people. Yet the amount Germany has provided is shameful, and the conditions for eligibility are outrageous and humiliating; they are unacceptable today.

First, the amount Germany has paid is barely a start in repairing the destruction and human misery it caused. Our homes . . . our culture . . . our faith in our fellow man were destroyed. Who will give us back our families, our youth, our health. So much of our minds are still—and will always be—there. Any yet whenever some survivors receive payments, we are told, "look, see how much Germany pays to the survivors!" How can anyone talk about German "generosity" in the context of the Holocaust. It sounds big when you say Germany paid more than fifty billion dollars over forty years to Israel and to other countries in reparations. But think about it, how much did Germany's robbery amount to in four years of the Holocaust? Some historians today are estimating that the robbery was more than three hundred billion dollars worth of land, homes, gold, jewelry and personal belongings—beside murdering our six-million people.

Second, the individual payments Germany has made, though needed by many survivors, are typically small; they do not furnish a dignified life with modest security that Germany has a duty to provide.

Third, only survivors who were in a camp for a minimum of six months, or a ghetto for eighteen months, are entitled to German compensation; and you must prove it with documentation which is difficult if not impossible to obtain. Can you imagine the fear and anguish which lingers from a single day in the Warsaw or Lodz Ghetto, Auschwitz, Buchenwald, or in hiding? Can the people who imposed these insensitive limitations have any idea of what one day in those places felt like? It didn't take a month or two—or certainly six months—to be abused, or to be plagued by nightmares, forever.

Finally, survivors must show virtual poverty—notbeduerftigt—to qualify for payments. This turns the payments into welfare. Thus, the very people targeted by the Nazis for murder are now treated as beggars or, at best, as charity cases. This is disgraceful and insulting to us. Compensation should be paid for what Germany did during the Holocaust; it should have absolutely nothing to do with the circumstances of our lives after the war struggling to rebuild our lives.

As a general matter, the selections the programs make—based on income, previous payments and other restrictive rules are upsetting reminders to survivors of the infamous selections made during the Holocaust. This, to us, is intolerable and cannot remain the same; it must be eliminated.

In sum, too many survivors have been excluded from German payments; too many who have gotten something have been paid too little; too many improper conditions—selections—have been imposed; and too many in immediate need of help will not receive compensation quickly enough to do any good. All this, in the name of humanity and justice, must be changed.

Germany has treated Holocaust reparations like any other business—get the best deal possible; pay as little as possible; and be done with it. Holocaust survivors deserve better. It may be that the claims of survivors are unprecedented; but that is because the Holocaust was unprecedented.

But as we are in the last stages of our lives, there are many needy and lonely survivors who live in distressing circumstances. With an average age exceeding 75, they feel forsaken, afflicted by illness and, in addition to the usual complications of growing old. They still carry the nightmares of the Holocaust.

Now we know that circumstances could have been very different had survivors played a larger role in the compensation negotiations with Germany. Germany would not have dared to take the adamant negotiating positions it regularly took with the Claims Conference had survivors who still bore the numbers of the camps tattooed on their arms been present. And if Germany had played "hard-ball", survivors—from the United States and elsewhere around the world—would or should have walked away from the negotiating table, and taken their case public, or to their own governments for support. For the last few years, we proved the importance of the survivors at the negotiating table. Yes, without survivors, we would not achieve these gains.

Survivors have dedicated themselves to not permitting the world to forget the Holocaust. They played a leading role in establishing museums, memorials and other Holocaust remembrance-related projects in Israel, the United States and elsewhere. We did this not for ourselves—we know what happened—but for the rest of the world, which had to be educated and reminded.

We now are equally determined to do what is necessary to make certain, in the little time we have left, that fellow survivors live out their years in dignity; not full of fear and frustration.

Germany's war against the Jews was more brutal and relentless than the war it waged even against the Allied soldiers. To fulfill its moral obligation, Germany should have a compensation program which gives to every victim, even at this late date, the fullest possible coverage; enough compensation to establish a foundation upon which survivors can live out their lives in dignity, and with security. Germany not only can do it; it is the right thing for Germany to do.

The gross injustices done to Jewish Holocaust survivors should be the concern of everyone. Now it is clear what needs to be done: We want the removal of all restrictions in the German compensation programs; we want German compensation to be inclusive—to cover every remaining survivor; and survivors should be involved in every facet of German compensation; the negotiations and decisions about how the money is used.

My dear fellow survivors, I focus my comments today on Germany but we all know too well that other countries participated in the world's greatest robbery from our Jewish people in Europe. We commend those who are exposing these matters on every level. But we survivors know better that nothing, no nation could be compared to the greatest murder machine of Germany.

We should never forget this. Let us also not forget that we spent a lifetime after the Holocaust educating, documenting and commemorating the Holocaust. We must continue to stand on guard of Remembrance. We should never be blinded with the glitter of gold. The memory of our kedoshim should never be tarnished.

Let us work together, together let us demand what is right.•

TRIBUTE TO THE AMERICAN RED CROSS FOR ITS CONTRIBUTION TO THE RED RIVER VALLEY FLOOD RELIEF EFFORT IN 1997

• Mr. GRAMS. Mr. President, I rise today in honor of "American Red Cross Month" to pay tribute to one of the most exemplary humanitarian organizations the world has ever known, and to specifically recognize how the Red Cross touched the lives of thousands of Minnesotans during the 1997 spring floods.

Each year the Red Cross comes to the aid of victims of 66,000 disasters nationally. When disaster strikes, the Red Cross responds swiftly to the call to relieve human suffering and restore a sense of comfort and normalcy in the face of tragedy—a response honed over its 135 years of service.

This surely was the case when tragedy hit Minnesota in the form of severe flooding in the spring of 1997. When the Minnesota and Red Rivers overflowed their banks, it brought forth a flood of destruction and human misery unseen in this normally peaceful part of the country.

The Red Cross response to this catastrophe was swift and effective. With operations in three states—Minnesota, North Dakota, and South Dakota—the Red Cross provided over 6,994 volunteers to aid in the flood relief effort. In addition, the Red Cross contributed direct assistance to approximately 11,867 families.

In Red Cross service centers, victims were provided with basic necessities which were made scarce or unattainable due to the floods. The extensive damage to private homes displaced thousands, prompting the Red Cross to open 19 shelters which served 6,001 people. In all, the Red Cross served 1,179,950 meals at its 43 feeding sites and with its 64 mobile feeding units. The Red Cross was also able to provide fresh water, clothing, and blankets.

After the water had returned within its banks and it was time for people to return to their homes to begin to clean up the residue left by the flood waters, the Red Cross provided 12,754 cleanup kits to aid in this long process.

In a relatively short period of time, the river took away from some what it had taken a lifetime to build. In order to aid people in dealing with the mental strain brought by such a traumatic experience, the Red Cross made mental health professionals available, who attended to the needs of 15,498 individuals.

During the many weeks of flood recovery work, there were two instances where individuals generously gave significant monetary contributions to the victims of the flood. These anonymous donors were properly referred to as "Angels." While this label is indeed appropriate, it seems that it should also accurately be used to describe the thousands of Red Cross volunteers who came from all over this country and generously gave their time and labor to people known only to them by their need for assistance.

Mr. President, while this was indeed a dark time for Minnesotans in the flood areas, the uncompromising compassion of Red Cross volunteers provided a bright display of kindness, a light that shone in the hearts of the many who so generously gave their time and labor in the face of this great tragedy. On behalf of the people of Minnesota, I wish to offer my sincerest thanks to the men and women of the Red Cross and commend this fine organization for its relief efforts throughout the world.●

ORDER FOR STAR PRINT—S. CON. RES. 77

Mr. CHAFEE. Madam President, I ask unanimous consent that S. Con. Res. 77 be star printed with the changes that are now at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

MAKING MAJORITY PARTY APPOINTMENTS FOR THE COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. CHAFEE. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 191 submitted earlier today by Senator LOTT.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 191) making majority party appointments for the Committee on Governmental Affairs for the 105th Congress.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. CHAFEE. Madam President, I ask unanimous consent that the resolution be agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 191) was agreed to, as follows:

S. RES. 191

Resolved,

SEC. 1. That the following be the majority membership on the Committee on Governmental Affairs for the remainder of the 105th Congress, or until their successors are appointed, pursuant to section 2 of this resolution:

Governmental Affairs: Mr. THOMPSON (Chairman), Mr. ROTH, Mr. STEVENS, Ms. COLLINS, Mr. BROWNBACK, Mr. DOMENICI, Mr. COCHRAN, Mr. NICKLES, and Mr. SPECTER.

SEC. 2. That section I of this resolution shall take effect immediately upon the filing of the report by the Committee on Governmental Affairs as required by Senate Resolution 39, agreed to March 11, 1997.

ORDERS FOR THURSDAY, MARCH 5, 1998

Mr. CHAFEE. Madam President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9 a.m. on Thursday, March 5, and immediately following the prayer, the routine requests through the morning hour be granted, and the Senate resume consideration of S. 1173, the so-called ISTEA legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. CHAFEE. Madam President, tomorrow, the Senate will resume consideration of S. 1173, the ISTEA legislation. Under the consent agreement, Senator BINGAMAN will be offering an amendment on liquor drive-throughs. Following 30 minutes of debate, the Senate will then debate on the Dorgan amendment on open containers for 60 minutes. At 10:30 on Thursday, the Senate will proceed to two consecutive votes on the Dorgan and Bingaman amendments—Dorgan first and then Bingaman.

Following those votes, it is hoped that the Senate will be able to adopt the funding amendment, which is the so-called Chafee amendment, the underlying amendment we have been dealing with today, and then begin consideration of the McConnell amendment regarding disadvantaged businesses. We hope to be able to enter into a time agreement with respect to the McConnell amendment immediately following those two back-to-back votes. The Senate will continue to consider amendments to the ISTEA legislation throughout the day on Thursday and into the evening. As a reminder to all Members, the first rollcall votes tomorrow will occur at 10:30 a.m., back to back.

ORDER FOR ADJOURNMENT

Mr. CHAFEE. Madam President, if there is no further business to come before the Senate, I now ask that the Senate stand in adjournment following the remarks of Senator LEVIN, under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHAFEE. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEVIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Madam President, I thank the Chair. I thank the Chair for her usual courtesy and patience.

RECENT DEVELOPMENTS RELATING TO IRAQ

Mr. LEVIN. Madam President, I want to take a few moments to speak about the important developments that have taken place over the last several days relating to Iraq.

On Monday afternoon I met for about an hour with UNSCOM Executive Chairman Richard Butler. Yesterday, General Tony Zinni, the Commander-in-Chief, U.S. Central Command, who would lead any strike that the United States might carry out against Iraq, testified before the Armed Services Committee. I believe that the remarks of Chairman Butler and the testimony of General Zinni would be of interest to my colleagues and to the American people.

I met with Chairman Butler in his office at United Nations Headquarters in New York. Senator WARNER and I had traveled to the Persian Gulf region with Secretary of Defense William Cohen, at the Secretary's invitation, last month and, while Senator WARNER was unable to travel to New York on Monday, a member of his staff, Judy Ansley, was able to attend my meeting with Chairman Butler.

During the course of this meeting, we covered a host of issues concerning UNSCOM inspections relating to Iraq's weapons of mass destruction and their means of delivery. I will not attempt to cover all those issues today but I did want to recap some of the major points that he made.

One of the most important points that Chairman Butler made was that people should not get bogged down in debating the detailed procedures that are being worked out at UN headquarters for UNSCOM to inspect the so-called presidential sites. Instead, the international community should focus on Iraq's clear commitment in the Memorandum of Understanding to finally implement the UN Security Council resolutions to give UNSCOM and the IAEA immediate, unconditional and unrestricted access to any site in Iraq.

Chairman Butler noted a fundamental historic reality that from day 1 Iraq has sought to limit, mitigate, reduce and, in some cases, defeat the law (i.e. UN Security Council's resolutions) by a variety of devices.

I want to just spend one more moment to restate that point. The details are obviously important. But the more

you focus on the details that need to be worked out, the more that let's Saddam Hussein off the hook. And the hook here, which he is on and must be kept on, is his commitment and the UN resolution requiring that UNSCOM and the IAEA be given immediate, unconditional, and unrestricted access to any sites in Iraq.

That is the goal. That is the commitment. That is the requirement. That is what Iraq is bound by. That is undisputed.

While, again, details are important, we should not be focusing on the details because the more we do the more Saddam Hussein is going to say, "Oh, all those are details subject to negotiation." We don't want this to get bogged down in negotiations over details. We want to hold Saddam Hussein's feet to the fire. And the fire here is an unqualified commitment to immediate, unconditional, and unrestricted access to any site in Iraq, including the Presidential sites.

Saddam is the one who is going to try to raise and create ambiguity.

Again, while, of course, there are details to be worked out, we should be the ones who are focusing on the clear, unambiguous requirement to open these sites to access.

Chairman Butler confirmed that after UNSCOM became aware, despite earlier denials, that Iraq had possessed 2,100 gallons of anthrax and 3.9 tons of VX, Iraq claimed that it had destroyed those substances. He noted first of all, that was a violation of the UN resolutions, since destruction of such substances is to be carried out by UNSCOM, and second, that UNSCOM was unable to verify that Iraq had destroyed them.

Chairman Butler made the point that since 1995, UNSCOM had found important indicators of weapons of mass destruction programs that Iraq has sought to conceal and about which they have lied to UNSCOM. He noted, moreover, that UNSCOM has evidence of a connection of significant biological substances to Iraq's special security organization, thus demonstrating that Saddam Hussein uses the same apparatus to seek or manufacture weapons of mass destruction that he uses to keep himself in power.

Chairman Butler stated that UNSCOM only goes looking for things in two circumstances: one, when they have evidence that supports a search, such as documentation of the possession of growth media which could be used for biological weapons; and two, when Iraq lies to UNSCOM. In the latter case, a broad forensic investigation has to be undertaken. He was quick to add that just because a specific inspection doesn't "hit pay dirt," doesn't mean that the search is over, particularly in view of Iraq's track record of lies and deception.

Chairman Butler described the Memorandum of Understanding that UN Secretary General Kofi Annan negotiated with Iraq as a "high-level political commitment" that he "hopes to heavens the Iraqis observe." He noted that he has talked to the Secretary General and has received the clarification that when a site, Presidential or not, is inspected by UNSCOM, it will be his decision as to when and where the inspection takes place, how it is inspected, and who the members of the professional, technical part of the team are who will actually carry out the inspection. He also said that those decisions will be made by the Director General of IAEA with respect to nuclear matters. He added that this is consistent with the Secretary General's intention, that the details were being formalized within the United Nations, and that he would let me know if there were any changes to those details.

Chairman Butler added that the diplomats who will accompany UNSCOM inspectors as observers to the eight presidential sites will be there to ensure not only that the UNSCOM inspectors comport themselves with dignity, but also that the Iraqis behave properly as well.

Finally, Chairman Butler noted with concern that there has been a three and one-half month hiatus in some of UNSCOM's work in Iraq, but that he is very pleased that this agreement was worked out that should permit UNSCOM to resume the full spectrum of its activities and that they will shortly test the agreement.

Madam President, Senator WARNER and I have written to the Majority Leader and the Democratic Leader urging them to invite Chairman Butler to come to Washington to meet with all Senators. Senator WARNER and I certainly hope that an invitation will be extended and that Mr. Butler would respond favorably to such an invitation, as we believe that all Senators should have an opportunity to hear directly from this dedicated international public servant.

Madam President, during his appearance before the Armed Services Committee, General Zinni testified that our friends in the Persian Gulf region congratulated the United States when Secretary General Kofi Annan negotiated the MOU with Iraq and they felt it was a victory for United States strength and resolve. He added, in response to my question, that he shared that view. He also testified that he agreed with Chairman Butler that the negotiation of the MOU leaves us in a better position to obtain Iraqi compliance with Security Council resolutions.

I commend all of General Zinni's testimony to our colleagues.

I again thank the Chair. I yield the floor.

ADJOURNMENT UNTIL 9 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate will stand adjourned until 9 a.m. tomorrow morning.

Thereupon, the Senate, at 6:39 p.m., adjourned until Thursday, March 5, 1998, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate March 4, 1998:

FEDERAL ELECTION COMMISSION

DAVID M. MASON, OF VIRGINIA, TO BE A MEMBER OF THE FEDERAL ELECTION COMMISSION FOR A TERM EXPIRING APRIL 30, 2003, VICE TREVOR ALEXANDER MCCLURG POTTER, RESIGNED.

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

ROBERT H. BEATTY, JR., OF WEST VIRGINIA, TO BE A MEMBER OF THE FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION FOR A TERM EXPIRING AUGUST 30, 2004. (REAPPOINTMENT)

STATE JUSTICE INSTITUTE

ARTHUR A. MCGIVERIN, OF IOWA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE STATE JUSTICE INSTITUTE FOR A TERM EXPIRING SEPTEMBER 17, 2000, VICE JANIE L. SHORES, TERM EXPIRED.

HOUSE OF REPRESENTATIVES—*Wednesday, March 4, 1998*

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

DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
March 4, 1998.

I hereby designate the Honorable EDWARD A. PEASE to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

PRAYER

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

We are grateful, O God, that in a world that often is marked by perplexity and confusion, there are proud moments of renewal that encourage us in the depths of our souls and help us to see a brighter and more noble future. Whenever we anticipate new ideas, new responsibilities, new aspirations or ambitions, our hearts and minds, our very beings can be invigorated and sustained by the opportunities before us. Of all your gifts, gracious God, for which we give boundless thanks, it is for the gift of life with all its wonder and all its glory. Make us conscious of this very special gift so that we will lead lives of gratitude and of praise. 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 New Jersey (Mr. SAXTON) come forward and lead the House in the Pledge of Allegiance.

Mr. SAXTON 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.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Sherman Williams, one of his secretaries.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain 15 one-minute speeches on each side.

IRA PLAN TO ENTER SOCIAL SECURITY SWEEPSTAKES

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

Mr. SAXTON. Mr. Speaker, on February 27, 1997, I introduced with Majority Leader ARMEY a bill to expand the IRA system.

In today's Congressional Daily, the headline is "Kasich Enters IRA plan into Social Security Sweepstakes." This is good news. It goes on to say House Budget Chairman KASICH today floated a plan to use part of the windfall, meaning the surplus in our budget, to establish a government system of individual retirement accounts. This is good news.

H.R. 891 would increase the amount that one could contribute over a period of years from today's maximum of $2,000 to $7,000 annually. It would also increase the salary threshold from today's level to $110,000, including all Members of the middle class. It would also permit withdrawals for a number of purposes, including medical expenses and education costs, in addition to those already permitted.

This is a good bill. I urge all my colleagues to become cosponsors.

DEMOCRATS WANT TO IMPROVE PUBLIC SCHOOLS

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

Mr. PALLONE. Mr. Speaker, the Democratic leadership in the House and Senate are unveiling the details of legislation today to improve America's public schools. Our plans are in marked contrast to the Republican leadership that continues to stress tuition vouchers and other efforts that will provide less funding for public schools. Last session the Republicans went so far as to advocate abolishing the Department of Education.

Democrats want to give America's towns and cities the ability to reduce class size through hiring an additional 100,000 new qualified teachers. Reducing class size is the best way to raise student achievement, and smaller classes also provide for better discipline.

Democrats also want to address the need for renovations to school buildings and new construction. We will provide tax incentives to help States and local districts accelerate the pace of new construction and renovation.

Mr. Speaker, Republicans do not believe in public education. The Democrats, on the other hand, want the Federal Government to improve America's public schools.

TAX CODE NEEDS OVERHAUL

(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, the President referred to the proposed overhaul of the Tax Code as irresponsible. He went on to say that the Republican effort to reform the Nation's current income tax code would be simply reckless for the economy and families.

Mr. President, I respectfully disagree. In my opinion, it would be irresponsible for Congress not to overhaul this Tax Code. It would be irresponsible for this Congress to allow such an inequitable, punitive Tax Code to continue to stifle the economic growth in this country. Mr. President, I feel it is irresponsible for you and your administration to blatantly stump for the status quo when the status quo represents a tax collection agency that is abusive to innocent working men and women, intrusive into the lives of each and every taxpayer, and callous to every American citizen.

Although it is not clear at this point which type of alternative tax system would be best for this country, what is clear, however, is that the current tax system is broken and must undergo a complete overhaul. Mr. President, the only irresponsible action is your support for an unconscionable, unfair and defective tax system.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are reminded that they are to address their remarks to the Chair and not to other government officials.

PUBLIC EDUCATION PROVIDES OPPORTUNITY FOR THE FUTURE

(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, America has a deep and strong commitment to public education. Education is a need for all Americans. Public education needs to be available for all Americans, not just a select few. In America we try to provide education for everyone.

Vouchers take away valuable resources from public education and provide it only to that select few. This program is not about school choice. It is about destroying the public education system and leaving the majority of America's youth without a choice and without a good education.

Today we have a fine group of young Texans from El Paso who attend public schools, who are here with us in Washington. Public education provides an opportunity for their future. It provides opportunity to many families not only in my own district but throughout our Nation who choose public education.

MARRIAGE TAX ELIMINATION ACT

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

Mr. WELLER. Mr. Speaker, today I rise to ask the question of why should we pass the Marriage Tax Elimination Act. I think it is best explained with a series of questions.

Do Americans feel that it is fair that a working married couple pays higher taxes just because they are married? Do Americans feel that it is fair that 21 million married working couples pay an average of $1,400 more than an identical working couple living together outside of marriage? Do Americans feel that it is right that our Tax Code actually provides them an incentive to get divorced?

Twenty-one million married working couples pay on the average of $1,400 more in taxes just because they are married. In the south suburbs of Chicago, that is 1 year's tuition at a community college. That is 3 months worth of day care.

The Marriage Tax Elimination Act now has 238 bipartisan cosponsors. It would immediately eliminate the marriage tax penalty. The marriage tax penalty is unfair and it is wrong. Let us eliminate the marriage tax penalty and do it now.

ON THE CUTTING EDGE IN DEALING WITH RAPISTS

(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, the Oklahoma Senate passed a bill to allow castration of convicted rapists. That is right. Castration. Opponents say it is cruel. Victims say it is about time. I say hats off, and anything else off, to the Oklahoma Senate. Maybe, just maybe, Mr. Speaker, rapists will not only think twice, they will start thinking 3 and 4 times before they brutalize our constituents.

I also would like to say that no matter how you slice this, Mr. Speaker, Oklahoma is on the cutting edge when it comes to dealing with rapists. For those who say, "How do you really feel, Jim?" I recommend that Oklahoma go a step further. Put it into law, then hire Lorena Bobbitt to administer the program.

I yield back whatever might be left after Oklahoma is done with rapists.

AMERICANS WANT FAIRER, SIMPLER TAX SYSTEM

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

Mr. JONES. Mr. Speaker, on Monday the President indicated that he will not support efforts to sunset the Internal Revenue Code and to replace it with a fairer, simpler tax system. His statement has caused me a great concern, especially since I do not know how much longer American families and businesses can afford to shoulder the tremendous tax burden they are currently facing. Taxes are simply too high, and the Internal Revenue Code is too lengthy and too complicated.

Polls prove that a fairer, simpler tax system is what the American people want. I know from speaking to the people in my district that it is not only what they want, it is what they need. I urge the President to join those of us who are working to give the American people the tax relief they deserve, want and need. It is past time for a fairer, simpler tax system in this country.

SELF-DETERMINATION FOR PUERTO RICO

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

Ms. VELÁZQUEZ. Mr. Speaker, today is a very important day for the people of Puerto Rico, but it is a more important day for the democratic process. This afternoon the House of Representatives will debate H.R. 856, the United States-Puerto Rico Self-Determination Act. This bill sets up a plebiscite that will determine the future status of Puerto Rico.

The American people should know that this bill was designed to guarantee statehood for Puerto Rico because it was written by the party that supports statehood. I will say this again. If H.R. 856 becomes law, Puerto Rico will be the 51st State, whether or not the people of Puerto Rico want it to be.

H.R. 856 is not the result of a democratic process. By defeating this bill, we will be sending a message that we truly honor the idea of self-determination for the people of Puerto Rico. I urge my colleagues not to be fooled by the arguments of the other side. A vote for H.R. 856 is a vote for statehood, not a vote for self-determination.

BUDGET SURPLUS

(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, the Congressional Budget Office, known in Washington as the CBO, announced yesterday that the Federal budget is expected to have a surplus of $8 billion this year. That will be the first time in Washington there has been a balanced budget since 1969, 29 years ago.

Now, of course the liberals will be happy to have a surplus because they want to take that money and spend it on new programs and bigger social programs from Washington, DC. Conservatives will be happy because they want to pass more tax cuts so that the middle class can keep more of their money.

Demagogues will be happiest of all, because they can tell more lies about protecting Social Security, knowing full well that Social Security is a pay-as-you-go system with the money going out as fast as it comes in. They are counting on the fact that most people will have no idea exactly how a pay-as-you-go system works.

But American taxpayers should be the happiest of all, because a balanced budget means lower interest rates, which means people can buy houses more easily, and cars. It is a good day for the American people.

WELCOME TO THE LAMP-LIGHTERS, EL PASO SINGING GROUP

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

Mr. REYES. Mr. Speaker, this morning I stand here proudly and would like to welcome a group of young people from El Paso, Texas. This is a group of singers that is called the Lamplighters, that sings a positive message about life.

This group was formed in 1987 at Henderson middle school through the vision of Mr. Jim Marshall and the support of the principal, Mr. Ralph Chavis. The Lamplighters are a group that is made up of 40 middle school students ages 11 to 15, and they are sitting in the gallery to my left. They are here getting a firsthand look at democracy in action.

The Lamplighters sing a collection of 25 songs that include themes such as biculturalism, success, friendship, search for the truth, believing in themselves and understanding God. Their mission is to light up life with positive themes through song, a goal they always accomplish with every performance, such as this morning performing for the Texas delegation.

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Today I welcome the Lamplighters to Washington, DC, where I am pleased they are here, and I know that they will experience firsthand and appreciate the excitement of democracy in action. Welcome.

SUNSET THE CURRENT TAX CODE

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

Mr. THUNE. Mr. Speaker, I was disappointed this week to hear the President label Republican efforts to sunset the Internal Revenue Code as irresponsible. I want to tell you my definition of irresponsible. Last year only one in five calls to the IRS customer hotline got through. That is irresponsible.

The IRS sends out 8 million pages of forms and instructions each year, enough to circle the Earth 28 times. That is irresponsible.

Every year, Money Magazine asks 50 different tax preparers to prepare a 1040 form for a sample family. No two preparers ever arrive at the same answer, and the results vary by thousands of dollars. That is irresponsible.

I am proud to be a cosponsor of legislation to sunset the Internal Revenue Code. There is nothing radical about accountability from a government agency or working towards a fairer, flatter Tax Code. If you want a true definition of irresponsibility, look at our current Tax Code. Maintaining the status quo is the most irresponsible thing that we could do to our Nation and to our future.

REFORM THE IRS

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

Mr. ETHERIDGE. Mr. Speaker, this House must reform the IRS. The outrageous recently released GAO report documents that the IRS unfairly singles out taxpayers in the South for random audits. The GAO reports that 47 percent of the random tax audits during the past 3 years were in 11 Southern states that represent only 29 percent of the population. More than 85 percent of those audits had incomes of less than $25,000, many of whom depend upon the Earned Income Tax Credit for our working poor.

Why should an individual be three times more likely to be audited in North Carolina than in the State of Massachusetts? North Carolinians are honest people. Why should they be subjected to this kind of treatment? As a former small businessman and a Southern taxpayer, I am outraged at this report and call for immediate action to reform the IRS.

Mr. Speaker, I am pleased to join my colleagues on the Democratic side and those on the Republican side in passing IRS reform last year. The findings of that report provide some clear examples of why our esteemed colleagues in the other body should quit dragging their feet and join the House in passing reform.

HUMAN RIGHTS ABUSES CONTINUE IN SUDAN

(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 speak to the massive human rights abuses occurring in Sudan. The Khartoum Government, the National Islamic Front, is waging a war on the Christian and Animist South. The Northern army has committed horrifying atrocities against individuals and communities, including moderate Muslims who do not adhere to the Khartoum agenda. Women and children are sold into slavery. Young boys are conscripted to combat their own villages. Pastors often are thrown into wells, doused with oil, and lit on fire to burn to their death.

Much of the humanitarian aid in Sudan is distributed through Khartoum Government forces, who force conversion to extremist Islam in exchange for food.

On May 23, 1997, Northern authorities detained and imprisoned Mr. Faisal Abadallh, a Sudanese Christian accused of evangelism. In January of 1998, authorities charged Mr. Abadallh with 12 offenses, three of which could lead to the death penalty.

Mr. Speaker, the President acted wisely in imposing sanctions on Sudan in 1997. However, we must not leave the issue at that point. It is outrageous that this terrible suffering continues. Our Nation should continue to speak out.

SUPPORT THE SCHOOL INFRASTRUCTURE BILL

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, it is appropriate this morning that we had in our chamber students from El Paso, Texas, the Lamplighters, formed from Henderson Middle School, the constituents of my colleague from Texas, the gentleman from Texas (Mr. REYES), because today is an important day for Americans. We heard just recently a disturbing study about the imbalance of the performance of our students in America in math and science. Well, today we stand on the side of our students and on the side of learning by offering to the American people a school infrastructure bill that will begin to go throughout this Nation and fix the leaking roofs, the falling roofs, the expanded crowdedness that we have in our school districts across the Nation.

The school infrastructure bill that the Democrats will be offering today will say once and for all that we want our children in America to learn in safe and secure conditions. Then we will add another 100,000 teachers to our communities, 100,000 trained individuals committed to teaching our children, committed to preparing them for the 21st century.

I ask my colleagues in this body to support this legislation and stand on the side of our children.

LIBERALS OPPOSE TAX REFORM

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

Ms. PRYCE of Ohio. Mr. Speaker, what does a liberal do when confronted with a tax cut? He opposes it. He condemns it. He becomes outraged at the very idea that Washington could get along with a little less and a family could do with a little more.

I opened up the Washington Post to find the headline, President Bashes GOP Tax Plan. Then turning to the New York Times, I find this headline: Clinton Attacks GOP Tax Overhaul Plan.

It appears that the days of working on a bipartisan basis with the Republican Congress are over. Liberals are upset. In fact, they are mad at the President for finally helping to pass a tax cut for middle-class families last year. So the liberals will not let the President continue down the road of tax relief, IRS reform, and overhaul of the Tax Code.

I guess the New Democrats at the White House are no longer calling the shots these days. It is too bad. The American people want tax reform.

IMPROVING EDUCATION

(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, sometimes standing on the floor of the House of Representatives is like standing in an echo chamber. As soon as one member says they want to do something to help rebuild our public schools

and provide a better education for our children, everybody starts saying it.

Well, Mr. Speaker, it is time to stop talking about it and to start doing something about it. That is why we have introduced legislation that would reduce class sizes by hiring an additional 100,000 qualified teachers, and legislation that would give states and local school districts help with new school construction and new renovation.

I believe these bills are a great opportunity for every legislator who says they care about education to follow up their words with actions. If Members are serious about making improvements in our education system, I urge them to cosponsor these bills.

BEING TRUTHFUL ABOUT THE BALANCED BUDGET

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

Mr. BLUNT. Mr. Speaker, we did get good news yesterday, and that good news was that for the first time in 30 years, the Federal Government is about to pay its bills. For the first time in 30 years, we are about to run a surplus, not a deficit.

But we also need to remember that we run two sets of books here in Washington. One is the external set of books, the books that reflect the money that comes in and the money that goes out into all funds, and the second set of books reflects what we are doing to continue to borrow from the Social Security Trust Fund and from the Highway Trust Fund.

Mr. Speaker, we need to not only balance the budget on that one set of books, but we need to balance the budget on the second set of books as well. Do not continue to increase the debt; do not spend this new money, this external surplus, on new programs; stop borrowing from the Social Security Trust Fund and stop borrowing from the Highway Trust Fund. Pay all the bills and be truthful with the American people, and treat the trust funds like they are truly trust funds.

TARGETED TAX CUTS NEEDED

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

Mr. MORAN of Virginia. Mr. Speaker, I came to the well because I have heard one speaker after another from the other side suggest that the President came out against tax cuts and that the natural reaction of the Democratic Party is to be opposed to tax cuts.

I would remind my colleagues that in fact the President has proposed a number of tax cuts, and that in fact a majority of the Democrats voted for tax cuts as part of the balanced budget agreement. What we are opposed to is eliminating the Tax Code, as the other side has proposed, without anything to replace it. That could wreak havoc on our economy.

Imagine when banks and the real estate community have to determine what would be the real cost of homes, for example, if you did not have a mortgage interest deduction, or any number of other assets if you did not have depreciation expenses.

We are in favor of tax cuts, but targeted tax cuts; tax cuts for families who are finding it difficult to afford child care expenses, or higher education expenses. Targeted tax cuts is what we need, not irresponsible elimination of the Tax Code.

CONTRACT WITH AMERICA A SUCCESS

(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, in 1994, along the campaign trail, Republicans said that if the Republican Party became the majority, that we would pass a legislative agenda called the Contract with America within the first 100 days of the 1995 session.

Washington pundits and the typical status quo Washington liberals said, number one, they would not; number two, they could not; and then when the process was going on, they said they should not. All the Democrats fought it, kicking and screaming and yelling, saying it was going to lead to economic disaster, and all voted against welfare reform and voted against tax cuts for the middle class.

What happened? Within 100 days, the Contract with America passes, and what is the result? In 1995, the deficit, $164 billion; 1996, the deficit, $107 billion; 1997, the deficit, $22 billion; and in 1998, just announced, a surplus of $8 billion.

Where are all those Democrats who said that the Contract with America was going to be an economic disaster, who fought tax cuts for the middle class? The proof is that the budget is balanced, it worked, and I hope next time they do not fight us.

IMPROVING AMERICA'S PUBLIC SCHOOLS

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

Ms. DELAURO. Mr. Speaker, last week the Washington Post reported some grim news: The scores of Americans high school seniors ranked near the bottom in a rigorous new international exam in math and science.

This is unacceptable. Our schools clearly need help, and this body needs to get moving. Democrats are eager to get to work to reduce our class sizes, to repair crumbling schools, to put computers in classrooms and to provide an atmosphere in which our children can learn.

But my Republican colleagues, what they want to do is they want to throw out public education, to end public education as we know it. What they want to do is one more time make education the purview of the rich and of the wealthy. They also want to have tax cuts, tax cuts for the wealthiest Americans, one more time.

Let us put our kids first, and not last. Education should be our top priority, public education, the great equalizer, which has allowed all of us to be able to live up to and work to our potential, no matter where we are on the socioeconomic scale. Let us get to work on education. Let us improve America's public schools.

MAKING AMERICAN EDUCATION THE ENVY OF THE WORLD

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

Mr. ARMEY. Mr. Speaker, I do not think there is any disagreement in America that perhaps the most sacred responsibility we have is the education of our children, and I do not think there is any doubt in anybody's mind that the best way to beat the world and to be the envy of the world in the education of our children is to have the very, very best public education system in the world. There is no one I know that wants anything less than the very, very best public education for our children.

But, unhappily, Mr. Speaker, we have some children that are being left behind today. In Washington, DC, we have some very, very good schools, and in Washington, DC. we have some catastrophically bad schools.

Just a few months ago, 7,500 families, distressed about what was happening with their children and the bad schools in which they were trapped, applied for a meager 1,000 scholarships that would enable those mothers and those fathers to move their children to a better school of their choice.

□ 1030

The people of Washington, DC, especially those who are not at the top rungs of the socioeconomic ladder, want their children to have the same opportunity as the wealthy people who have their children in Sidwell Friends.

We have a bill that we will bring to the floor here in a few days, a bill that would allow 2,000 scholarships for the very poorest families in America, from among those who apply to be chosen at

random, so that those parents can use those scholarships to take their child to that school where the child can succeed.

Let me just say, Mr. Speaker, I have met some of those children who up to this point have been the lucky recipients of the private scholarships, privately funded scholarships made available to their families. By over 60 percent, these bright young boys and girls say they like math and science the best. If we put a bright young mind in a school where they are encouraged, where somebody cares and takes the time, and yes, indeed, offers a little discipline along with that encouragement, we see a bright, happy child.

We will bring that bill to the floor. We will pass that bill. I hope Members on both sides of the aisle can find compassion for the children that overrides their desire to comply with unions, and I hope when we send that bill to the President and he picks up that pen, he will realize he has the lives of 2,000 beautiful children in his hands. He can sign the bill and give them the opportunity, or he can veto the bill and satisfy the unions.

BEFORE WE SPEND OUR FEDERAL SURPLUS, WE BETTER MAKE SURE WE REALLY HAVE ONE

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

Mr. DUNCAN. Mr. Speaker, every day we hear all kinds of talk now about how we are going to spend the Federal surplus. Before everyone gets all giddy about all this extra cash, however, we had really better take a closer look.

Alan Sloan, the Wall Street editor of Newsweek, recently wrote in the Washington Post, "But get a grip. There is no surplus. If you do math the normal way, instead of Uncle Sam's way, there is nothing resembling a budget surplus on the horizon." Mr. Sloan wrote that all the talk about a surplus comes because we are using Federal budget accounting instead of real world accounting.

As he pointed out, "Virtually the entire difference between Federal math and real-world math involves Social Security's retirement and disability funds, whose surpluses are masking the deficit in the rest of the budget."

If we were not using the Social Security and many other trust funds to offset or mask the size of the deficit, we would still have a huge deficit on top of an already horrendous $5.5 trillion national debt.

Mr. Speaker, before we begin celebrating and spending our supposed, alleged surplus, we had better make sure that we really have one. We are very far from it right now.

PRESIDENT CLINTON TURNING HIS BACK ON TAX REFORM

(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, earlier this week, President Clinton turned his back on fundamental tax reform by reforming the tax code. He said that getting rid of the current tax code and replacing it with a better one is irresponsible.

The President is finally revealing his true liberal self. As we enter a new century, we need a new tax code. We need a tax code that encourages savings and investment. We need a tax code that is simple, so that our citizens do not need to hire accountants and lawyers to comply with the rules. We need a tax code that takes less money from working families. We need a tax code that gives the American people a break, not manipulates their lives.

For 40 years, the Democrats in this Congress built a tax code that was riddled with loopholes, ridiculous rules, and hard-to-understand regulations, all to control our lives. It is time to tear that system down and build a better, simpler, and fairer tax code for the next century.

THE SOLOMON ENGLISH LANGUAGE EMPOWERMENT AMENDMENT

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

Mr. SOLOMON. Mr. Speaker, in just a few minutes this House will begin debate on something that is probably the most important issue that we will take up on the floor this Congress during this entire year. It is the question of whether or not to start in motion the wheels that will begin to admit Puerto Rico as a State to this Union.

I would just hope that all Members, and because of their interest for their constituents, would pay particular attention. I would suggest that they come over here. This debate is going to take 7 or 8 hours on this floor, but it is very, very important.

I will be offering an amendment that will begin to emphasize that based on this premise, for the past two centuries we have forged a Nation out of our different peoples by emphasizing our common beliefs, our common ideals, and perhaps, most importantly, Mr. Speaker, our common language.

Our English language has permitted this country to live up to our motto, our national motto, and that motto is e pluribus unum, and it means "out of many, one." The English language is the reason that we have survived these last 200 years. Think about it.

PROVIDING FOR CONSIDERATION OF H.R. 856, UNITED STATES-PUERTO RICO POLITICAL STATUS ACT

Mr. SOLOMON. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 376 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 376

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. 856) to provide a process leading to full self-government for Puerto Rico. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed ninety minutes equally divided and controlled by Representative Young of Alaska, Representative Miller of California, Representative Solomon of New York, and Representative Gutierrez of Illinois or their designees. After general debate the bill shall be considered for amendment under the five-minute rule. In lieu of the amendment recommended by the Committee on Resources now printed in the bill, 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 printed in the Congressional Record and numbered 1 pursuant to clause 6 of rule XXIII. That amendment in the nature of a substitute shall be considered as read. Points of order against that amendment in the nature of a substitute for failure to comply with clause 5(a) or rule XXI are waived.

SEC. 2. (a) Before consideration of any other amendment, it shall be in order to consider the amendment printed in the Congressional Record and numbered 3 pursuant to clause 6 of rule XXIII. Consideration of that amendment shall be preceded by an additional period of general debate, which shall be confined to the subject of that amendment and shall not exceed one hour equally divided and controlled by Representative Solomon of New York and a Member opposed to that amendment.

(b) Consideration of the amendment printed in the Congressional Record and numbered 2 pursuant to clause 6 of rule XXIII shall be preceded by an additional period of general debate, which shall be confined to the subject of that amendment and shall not exceed thirty minutes equally divided and controlled by Representative Serrano of New York and a Member opposed to that amendment.

(c) Amendments specified in subsections (a) and (b) of this resolution shall be considered as read and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. Consideration of those amendments, and all amendments thereto, shall not exceed one hour.

SEC. 3. 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 amendment in the nature of a substitute made in order as original text. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from New York (Mr. SOLOMON) is recognized for 1 hour.

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

Mr. Speaker, House Resolution 376 is an open rule providing for consideration of H.R. 856, which is the the United States-Puerto Rico Political Status Act. The rule provides 90 minutes of general debate, equally divided and controlled by the gentleman from Alaska (Mr. YOUNG), the gentleman from California (Mr. MILLER), myself, the gentleman from New York (Mr. SOLOMON), and the gentleman from Illinois (Mr. GUTIERREZ), or their designees.

The rule makes in order the amendment in the nature of a substitute offered by the gentleman from Alaska (Chairman YOUNG) and printed in the CONGRESSIONAL RECORD and numbered 1, which shall be considered as read.

The rule also waives clause 5(a) of rule XXI prohibiting appropriations in a legislative bill against the amendment in the nature of a substitute. The Committee on Rules understands this waiver to be technical in nature, and further understands that the Committee on Appropriations has no objection to it.

Mr. Speaker, this is an open rule. However, the Committee on Rules decided to single out two significant policy amendments for particular treatment for debate on this floor. The committee determined that these amendments should receive a specified debate time and a time certain to close debate on those amendments and any amendments thereto.

These two amendments are the Solomon amendment, which clarifies the official role of English in government activities, and the Serrano amendment, which relates to eligibility of mainland U.S. citizens of Puerto Rican descent to vote in a referendum.

After general debate on the bill, there will be an additional period of general debate on the Solomon amendment, and then 1 hour of consideration of the amendment.

Mr. Speaker, the rule also provides that the amendment of the gentleman from New York (Mr. SERRANO) will have 30 minutes of additional general debate time, similar to the Solomon amendment, and 1 hour of consideration for the amendment process; in other words, amendments offered to that amendment.

The rule further provides that both the Solomon amendment and the Serrano amendment shall be considered as read and shall not be subject to a demand for a division of the question in the House or in the Committee of the Whole, but there will be second degree amendments allowed to it, similar to an open rule process.

Mr. Speaker, the rule also provides that the Chair is authorized to accord priority in recognition to Members who have preprinted their amendments in the CONGRESSIONAL RECORD that appeared today.

The rule also allows for the Chairman of the Committee of the Whole to postpone votes during consideration of the bill and to reduce voting time to 5 minutes on a postponed question if the vote follows a 15-minute vote.

Finally, the rule provides for one motion to recommit, with or without instructions.

Mr. Speaker, as the Members are well aware, this is an extremely controversial issue. It is controversial among the American people, and it is certainly controversial among the people that reside on the islands of Puerto Rico. Members of the House are divided on this issue, and not necessarily by party.

However, despite our differences over the substance of the legislation, many of us have agreed that the fairest way to consider this very controversial and difficult issue is under an open rule, and I commend Chairman YOUNG for his cooperation in bringing this matter to the floor under these considerations today.

□ 1045

The gentleman is an outstanding Member of this body, and even though he and I will tangle somewhat on the floor, we will remain good friends when we leave here. He and I very rarely ever differ. He and I have fought hundreds of battles on this floor in the last 20 years on the issue of property rights, individual property rights of individual Americans, and we will continue to do that as long as the two of us are left standing on this floor.

Mr. Speaker, I admonished Members who appeared before the committee yesterday to comport themselves in a dignified fashion and to exercise restraint in determining which amendments to offer and how many would be offered. I am pleased to note that the Members who appeared yesterday before the Committee on Rules agreed to offer a finite and limited number of amendments. That means that those in opposition to the bill will probably offer 10 or 12 amendments at the very most. Then there are several amendments by those that might be supportive of the bill itself, that might have some perfecting amendments as well. But other than that, we would expect that this debate would continue through the day, but under no circumstances would carry over into tomorrow.

So we would hope that Members would come here, that they would be dignified in their remarks, and that we would speak to the issues and not get into a lot of superfluous conversation. I would urge support of the rule.

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

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

Mr. Speaker, I thank the gentleman from New York (Mr. SOLOMON), my very dear friend, for yielding me the customary half-hour.

Mr. Speaker, I rise in support of this open rule, and I commend my Chairman for allowing the rule to come to the floor in this position.

Mr. Speaker, the issue of self-determination for the people of Puerto Rico has been an issue for many, many decades. This year marks the 100th anniversary of Puerto Rico's being part of the United States.

Eighty-three years ago, Mr. Speaker, in the midst of World War I, Congress extended American citizenship to the residents of Puerto Rico with all of its rights and responsibilities, including being subject to the military draft. Since then, over 200,000 Puerto Ricans have served in this country's various military endeavors. Puerto Ricans presently abide by all American laws passed by this Congress. They are also required to serve on juries. They pledge their allegiance to the flag of the United States.

This bill we consider today, Mr. Speaker, is a bill giving 3.8 million people of Puerto Rico their long-overdue right to self-determination. Contrary to what some people say, this is not a statehood bill. It simply allows the people of Puerto Rico to decide for themselves what kind of relationship they will have with the United States rather than having it forced upon them.

Under this bill, Puerto Rico has several options. They can be integrated into the Union, as has Hawaii, or they can remain a separate Nation as the Philippines did. And since 80 percent of the voters of Puerto Rico go to the

polls, we can be assured that their decision will represent a very strong majority.

Once they make that decision, no matter what that decision may be, I believe we should support them. And I am not the only one who feels that way.

Mr. Speaker, eight years ago I was an original cosponsor of the legislation which passed the House to allow Puerto Ricans to vote on the status of their relationship with this country. Unfortunately, Mr. Speaker, that bill died in the Senate, but it did have the support of the majority of this House.

Self-determination also had the support of one of America's most popular Presidents. I have here, Mr. Speaker, a statement by the idol of the gentleman from New York (Mr. SOLOMON), President Reagan. He supported Puerto Rican self-determination in a statement dated January 12, 1982, which I would like to put in the RECORD.

In his statement, President Reagan says: "Puerto Ricans have fought beside us for decades and have worked beside us for generations. We recognize the right of the Puerto Rican people to self-determination. President Reagan also said that he believed that statehood would benefit both the people of Puerto Rico and their fellow American citizens in the States."

President Clinton supports the legislation, as did every Republican President since Dwight Eisenhower. Mr. Speaker, it is a good idea whose time is long overdue. After 83 years of American citizenship, this country owes these people the right to make their own decision. We owe them self-determination. They are American citizens, Mr. Speaker, and they should be treated as such.

Unfortunately, in addition to Puerto Rican self-determination, which is a very popular idea, there is another issue which is being linked to the bill, the issue of whether the United States will pick an official government language. Although English is certainly the de facto language of our country, the Framers of our Constitution deliberately refused to establish a national religion or a national language. People come from all over the world to live here, and are not linked to one another by common language. They are linked to one another, Mr. Speaker, because of their love of freedom, their love of liberty.

President Reagan said, and I would like the gentleman from New York, my dear friend, the former Marine to hear this, Mr. Reagan said, and I quote, "In statehood, the language and culture of the island, rich in history, would be respected, for in the United States the cultures of the world live together with pride."

In fact, when the Constitution was drafted, there were nearly as many people speaking German in this country as there were speaking English.

English is already the primary language used in business, government, cultural affairs in the United States. But if we require English in all governmental functions, people who call 911 and cannot speak fluent English might be in a lot of trouble.

So rather than mandating English and prohibiting technicians from doing their jobs in life-threatening situations involving non-English speakers, I suggest we recognize the primary role of English in our national affairs, but allow the use of languages in other governmental functions when it is appropriate.

I think what I am trying to say, Mr. Speaker, is that people should be allowed to speak whatever language gets the job done at 911, in police departments, and with emergency and medical technicians. In doing so we would not only be respecting the wishes of our Founding Fathers but also probably saving many lives in the process.

So I urge my colleagues to support this rule, and I would like to just read one other statement which is attributed to Ronald Reagan. It appeared in Roll Call Thursday, February 26. And I quote again from Ronald Reagan who said this January 12, 1982. He said "In statehood, the language and the culture of the island, rich in history and in tradition, would be respected, for in the United States, the cultures of the world live together with pride."

Mr. Speaker, I urge my colleagues to support this rule, to support the bill, and to defeat the English-only amendment.

Mr. Speaker, I include the following for the RECORD:

[The White House, Office of the Press Secretary, Jan. 12, 1982]

STATEMENT BY THE PRESIDENT

When I announced my candidacy for this office more than two years ago, I pledged to support statehood for the Commonwealth of Puerto Rico, should the people of that island choose it in a free and democratic election. Today I reaffirm that support, still confident in my belief that statehood would benefit both the people of Puerto Rico and their fellow American citizens in the 50 states.

While I believe the Congress and the people of this country would welcome Puerto Rican statehood, this Administration will accept whatever choice is made by a majority of the island's population.

No nation, no organization nor individual would mistake our intent in this. The status of Puerto Rico is an issue to be settled by the peoples of Puerto Rico and the United States. There must be no interference in the democratic process.

Puerto Ricans have borne the responsibilities of U.S. citizenship with honor and courage for more than 64 years. They have fought beside us for decades and have worked beside us for generations. Puerto Rico is playing an important roll in the development of the Caribbean Basin Initiative and its strong tradition of democracy provides leadership and stability in that region. In statehood, the language and culture of the island—rich in history and tradition—would be respected, for in the United States the cultures of the world live together with pride.

We recognize the right of the Puerto Rican people to self-determination. If they choose statehood, we will work together to devise a union of promises and opportunity in our Federal union of sovereign states.

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

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume, just to respond to the gentleman from Boston, Massachusetts (Mr. MOAKLEY) my very, very close friend.

Mr. Speaker, I would say, yes, I did serve in the United States Marine Corps back during the Korean War. I did not have the privilege of serving in combat, but I served with a great many Puerto Rican citizens of the United States and to this day they are some of the greatest friends that I have.

Unfortunately, they are divided on this issue just as the rest of the Puerto Rican people are, those that are still alive, some of which I talked to just in the last 48 hours. It breaks down where one-third of them are for statehood, one-third of them are for commonwealth, and surprisingly, one-third of them are for independence. I did not think that would be that high, but that is the issue.

Mr. Speaker, I take a little umbrage at the gentleman, my good friend, pointing to the ads that appeared in Roll Call, and not just in Roll Call but in the Washington Times and all kinds of papers. Millions of dollars have been spent by lobbyists trying to force a particular issue on this Congress, and I do not think the Congress is going to listen to that today because they are a pretty astute body.

But concerning my hero Ronald Reagan and, yes, he is my hero and he will forever be, even in spite of his physical condition today. It is so sad. But President Reagan, yes, he did. He supports self-determination, but he does not support this bill or its deliberately skewed language favoring statehood.

Mr. Speaker, let me read this letter that I just received dated February 27, and it is from the Ronald Reagan Foundation. It says, "Dear Congressman Solomon, thank you for your request to clarify President Reagan's participation in the current debate on Puerto Rican statehood. As I am sure you understand, President Reagan is no longer participating in campaigns of any kind." Despite the unauthorized use of his name, appearing in that Roll Call, "photograph and quotes in a recent ad in the Washington Times and Roll Call, he is not now nor will he ever be taking any position on H.R. 856, the issue of statehood for Puerto Rico, or self-determination for the Puerto Rican people." And it goes on to say, "I hope this clarifies that issue."

Mr. Speaker, I was not going to get into a debate on this during the rule because I was hopeful that we could move on to the general debate time

itself so that we would not be interrupted by other votes. But there are many things that have held this country together over the last 200 years. Many of them, as I quoted before, "e pluribus unum" means out of many one. It means patriotism, it means pride, it means volunteerism. But, above all, it means that we speak a common language in this country.

We are a melting pot of the entire world, of every ethnic background in the entire world, and we are proud of that. But had we let these various languages become a part of our American culture, this democracy would not be here today. And if my colleagues do not believe it, come up to my congressional district which borders on Canada, and see how we are faced with a situation in Quebec that literally tears that country asunder. We just cannot allow that to happen. And that is why at the appropriate time, I will be offering an amendment that will clarify the English-first language in this country.

Having said all of that, I appreciate the remarks of the gentleman from Massachusetts (Mr. MOAKLEY).

Mr. Speaker, I yield such time as he may consume to the gentleman from Alaska (Mr. YOUNG), one of the men I respect most in this body, chairman of the Committee on Resources, and the single representative from the great State of Alaska.

Mr. YOUNG of Alaska. Mr. Speaker, I rise in support of the rule for consideration of the United States-Puerto Rico Political Status Act, H.R. 856.

The proposed open rule is consistent with the process which is followed by the Committee on Resources in the development of this bill to resolve the United States political status problem with Puerto Rico.

This was an effort to reach out and include as many sectors as possible in a fair manner in which the facts were openly aired and examined without respect to special interests or local political considerations.

I can confirm that as the chairman of the House committee of jurisdiction for territorial affairs, the committee followed and completed every legislative step in the development of this initiative during the past 4 years from 1995 to the present time.

Five extensive hearings with the broadest participation possible were held in Washington and Puerto Rico. Testimony was heard from individuals with many different views on the future relationship of Puerto Rico and the United States. Special attention was given to allow the three principal parties in Puerto Rico, each representing the status of commonwealth, independence, or statehood, to present their preferred definition with their respective status options.

Subsequent deliberations by Members of Congress were complete and exhaustive. All the issues have been raised and debated.

Once Members examined the complexity of the problems, they realized that this bill is the most viable way to address the problems facing the United States due to failure to permanently resolve Puerto Rico's status.

The bill's self-determination process in H.R. 856 is a carefully crafted three-stage process, a three-stage process leading to full self-government for Puerto Rico as a separate sovereign nation or a State of the Union if the majority of the people are ready to change the current form of local self-government as the Commonwealth of Puerto Rico.

□ 1100

Congress and the Americans of Puerto Rico will be required to vote in each of the three stages of the bill. I want to stress that. Congress and the Americans of Puerto Rico will be required to vote in each of the three stages of the bill, an initial referendum, a 10-year transition plan, and the final implementation act. If there is no majority for change, then the status quo continues and United States citizens of Puerto Rico are consulted again by referendum at least once every 10 years.

The Committee on Resources overwhelmingly approved and reported it twice, first in the 104th Congress and now in the 105th Congress. I firmly believe it is appropriate and necessary for the full House to now consider the United States-Puerto Rico Political Status Act, H.R. 856.

In carrying out congressional responsibilities under the Constitution for territories, Congress will be able to directly respond to the request of the Legislature of Puerto Rico to the 105th Congress to define the status choices and authorize a process to resolve Puerto Rico's political status dilemma. I support this rule, and I will discuss in debate the merits of all amendments that come before us.

I want my colleagues to understand this is nothing new. This is a project I worked on, my committee has worked on, the people of Puerto Rico have worked on, for the last 4 years. It is time to act. It is time for this Congress, this House, to pass this legislation for America, for the people of Puerto Rico. This rule is a good rule, and I urge passage of the rule but, more than that, the defeat of some amendments and final passage of this legislation, long overdue for the people of Puerto Rico.

Mr. MOAKLEY. Mr. Speaker, I yield myself such time as I may consume. Maybe I did not make myself clear. I am not insinuating in any way that former President Ronald Reagan is for this bill. All I want to do was to read a statement he put out in a press release. Once a President speaks, use of that language is never unauthorized because that is his statement. It is history. Once again, he said, in statehood, the language and culture of the island, rich in history, rich in tradition, would be respected, for in the United States the cultures of the world live together with pride. Ronald Reagan.

The reason I wanted to make it so plain is because I know my dear friend, the gentleman from New York (Mr. SOLOMON), idolizes President Reagan, and rightly so. I just wanted to be sure he knew what the President's thoughts were when he did address the Puerto Rican situation.

Mr. Speaker, I yield 5 minutes to the gentleman from New York (Mr. SERRANO).

Mr. SERRANO. Mr. Speaker, I rise in strong support of this rule and in strong support of the bill which we are dealing with today. This is indeed a historic moment because, make no mistake about it, this is the first time that a rule has come on this floor accompanying a bill of this nature that will, in my opinion, begin a process to end what I and many other people consider, and all should consider, the present colonial status of Puerto Rico.

In order to do this, we have to put forth a process. This rule puts forth a process for the debate, and the bill puts forth the process for ending the colonial status. We have to immediately attack that which is being said either with a lack of information or viciously to defeat the bill, which is that this bill leads Puerto Rico toward statehood. How can it do that if this Congress is not committing itself at this point to any of the three options?

What this Congress is saying is, we will allow you in consultation with us, to take a vote, and then the results of that vote will become our consideration here on the House floor. Some may be afraid that the vote would come out against the option they favor. That is democracy. Some may be afraid that the option somebody favors will never be dealt with. We can only find out. But I assure my colleagues, that nothing will happen unless we approve this rule and approve this bill. In fact, I often tell people, I have a 31-year-old daughter and a 4-year-old granddaughter. I suspect that if this bill fails today, my grandchildren, as adults, will still be discussing the colonial status of Puerto Rico.

As we get close to the year 2000, and once in a while we listen to the U.N., the U.N. has suggested that all countries unload their territories and colonies before 2000. The greatest democracy on Earth still holds close to 4 million people in that kind of a situation. I do not care if statehood wins. I do not care if independence wins. I do care every day when I get up and I realize that the children of Puerto Rico are all members of a colony. It is good for the U.S. Government to change this. It is good for the Puerto Rican people to change it.

So I congratulate the gentleman from Alaska (Mr. YOUNG) for bringing

this bill, and I congratulate my colleague the gentleman from New York (Mr. SOLOMON) for this rule. I will not agree with the gentleman from New York (Mr. SOLOMON) on everything today, and I will not agree on many things during the session with the gentleman from Alaska (Mr. YOUNG), but we agree on this beyond anything else, and that is why I was proud to add my name as a co-prime sponsor early on.

I do not move back from that commitment. I support the Young bill with every bit of strength in this body, because after 100 years with the U.S. and 405 years with Spain, it is time that Puerto Rico knew whether it can join the community of nations as an independent Nation or gain sovereignty by joining the Union.

Either one is correct. The present is not. I support the rule. Vote for it. And I will support the bill strongly today. I am sure that if I am given time, you will hear from me a few times during the day today.

Mr. MOAKLEY. Mr. Speaker, I yield 6 minutes to the gentleman from Puerto Rico (Mr. ROMERO-BARÇELÓ).

Mr. ROMERO-BARCELÓ. Mr. Speaker, I rise to support the rule for this H.R. 856. Today this House will consider the United States-Puerto Rico Political Status Act. For the people I represent, the 3,800,000 United States citizens living in Puerto Rico, the enactment of this legislation would be the single most important political development in 100 years. Yet many of my colleagues may wonder why this legislation is necessary and why they or their constituents should care about Puerto Rico.

They should care because, geography aside, no citizen and no constituency in this Nation is an island. They should care because the rights and privileges denied to one group of citizens threaten the rights and privileges enjoyed by the entire body politic. They should care because as individuals and as a Nation, to paraphrase the English author C.S. Lewis, we are defined by the choices we make. Incrementally, in seemingly insignificant small steps, we make decisions, and those decisions define us. Our choices tell us who we are.

The fundamental choice before this House today is this: Do we cherish the principles of our democracy enough to put an end to 100 years of colonialism and extend the right of full self-determination to the U.S. citizens of Puerto Rico? A century ago when the victorious United States signed the Treaty of Paris ending the Spanish-American War, it acquired Puerto Rico as a possession. Article 9 of the treaty stated that the civil rights and political status of the native inhabitants of the territories hereby ceded to the United States shall be determined by the Congress. Subsequent Supreme Court decisions have ruled that Puerto Rico's status is that of an incorporated territory subject to the plenary authority of Congress under the territorial clause of the Constitution.

Exercising its powers, Congress granted citizenship to the residents of Puerto Rico by statute in 1917. And in 1950, with the passage of the Puerto Rico Federal Relations Act, Congress authorized the people of Puerto Rico to draw up a Constitution and organize a local government.

Let us be clear about what the Puerto Rico Federal Relations Act did and did not do. After nearly a half century of obfuscation, some partisans would have us believe that Puerto Rico's current commonwealth status is the product of a bilateral pact between Puerto Rico and the United States and that the island is really a free associated State or an associated Republic. But the unvarnished truth is that Puerto Rico's colonial status remains unchanged. As a territory, we are self-governed in local matters not covered by Federal laws, but we have never exercised self-determination.

The Congressional record is clear. The intent of the Puerto Rico Federal Relations Act was to create a provisional government until the issue of status was resolved, and if anything was decided in the 1993 plebiscite, it is that for the first time since the United States arrived on our shores, Puerto Rico is being ruled by Congress under an agreement that does not have the support of the majority of the people of Puerto Rico. We are being governed without the consent of the governed.

Like Dorothy in the Land of Oz, we could sit here, click our heels three times, and wish the problem would disappear. Where would it go, to Kansas? But it will not. The fact is that only Congress has the authority to resolve this dilemma, and only Congress can create an environment in which Puerto Ricans can legitimately address this issue.

This is precisely what the United States-Puerto Rico Political Status Act is designed to do. This legislation does not endorse one political choice over another. It is status neutral. All it seeks to do is create constitutionally sound and congressionally approved definitions of status options to be considered by the people of Puerto Rico.

The bill proposes a timetable for referendums on status, and it makes provisions, should they prove necessary, for a smooth transition to and for the implementation of a new political status. These measures are critical if the status process is to go forward and if self-determination by the people of Puerto Rico is to have any meaning of legitimacy. The people of Puerto Rico, to borrow words of Israel's Golda Meir from 1946, only want that which is given naturally to all peoples of the world, to be masters of our fate. That for which the Puerto Ricans fought side by side with our fellow citizens in the mainland, defending other countries on foreign shores, to stand for the right of people's self-determination, is being denied to 3.8 million U.S. citizens.

Some of my colleagues in this House whose districts include large Puerto Rican communities would deny us this. But unlike my constituents, these expatriate Puerto Ricans enjoy voting representation in Congress and the right to vote in Presidential elections, and although the economic, social and political affairs of the residents of Puerto Rico are in great measure controlled by the government in which we have little to say, they would still deny the right to vote and the right to voting representation by opposing this bill.

All of my colleagues here today have the privilege of voting yes or no on the United States-Puerto Rico Political Status Act. Yet I am the sole Representative of this House for 3.8 million U.S. citizens in Puerto Rico. I cannot vote. This is the defining legislation for my constituents, and I cannot vote. This legislation would end 100 years of Puerto Rico's colonial relationship with the Nation, yet I cannot vote.

I ask you, do you cherish the principles of our democracy enough to dismantle 100 years of colonialism and extend the right of full self-determination to the U.S. citizens of Puerto Rico? I hope you do, for our sake and for the Nation's sake.

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume just to respond somewhat to the last several speakers.

Just responding to the statement of the gentleman from Massachusetts (Mr. MOAKLEY) about the position of President Ronald Reagan on this bill, I did not read the last sentence in this letter from his Chief of Staff Joanne Drake. It says, I hope this clears up any misunderstandings that these ads may have caused. These ads did not receive the authorization of Ronald Reagan to run.

□ 1115

Now, let me also state for the gentleman from Massachusetts (Mr. MOAKLEY) that I had another idol, too, that I idolized very much, and he used to sit in that chair up there. He was a good friend of the gentleman's, and his name was Tip O'Neill. He was one pretty tough hombre, but he was pretty fair to us in the minority and that is why I also respected him a great deal

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

Mr. SOLOMON. I yield to the gentleman from Massachusetts.

Mr. MOAKLEY. Mr. Speaker, I would point out to the gentleman that he just used a non-English word. Is the gentleman sure he wants to put that in the RECORD, "hombre"?

Mr. SOLOMON. Well, Mr. Speaker, reclaiming my time, let me also respond a little bit on the colonialism

issue by my very, very good friend, the gentleman from Puerto Rico (Mr. ROMERO-BARCELÓ). And I was willing to even yield him an additional minute if he had needed it. But it really hurts a lot of our feelings on both sides of the aisle to talk about this issue of colonialism because, my colleagues, there is no colonialism.

If the people of Puerto Rico overwhelmingly want statehood in this country, I will be the first to help lead the fight to bring them in, just as we did for the Northern Marianas, for the Marshall Islands, for Palau and for Micronesia. When the issues came up, we pushed for them to make a decision one way or the other, but we did not try to jam one particular idea on them.

And, consequently, the Marshall Islands and Palau and Micronesia became sovereign Nations under a free association with the United States whereby we do help them, they provide military bases to us, and there is a very close relationship. But under no circumstances did we try to keep them in a colonial position.

The Northern Marianas chose to stay as a trust to the United States of America, but they chose it. We did not ask them to. So is that colonialism? The answer is absolutely not. And the truth of the matter is when the Puerto Rican people, when they overwhelmingly want statehood, as did the people of Alaska and as did the people of Hawaii, when the vote came in a plebiscite in Alaska, 83 percent of the people wanted statehood. Eighty-three percent. When the people of Hawaii wanted to come into this Nation of ours as the 49th State, they wanted it by 94 percent.

Today, my good friend, the gentleman from Puerto Rico (Mr. ROMERO-BARCELÓ), indicated that the majority of people in Puerto Rico want statehood. That just is not true. In the last plebiscite of 1993, a majority of the people wanted something other than statehood. And I defy anyone to come down here and show me the facts any differently.

Mr. Speaker, I yield such time as he may consume to the gentleman from the State of Mississippi (Mr. WICKER), a very, very important Member of this body and a member of the Committee on Appropriations.

Mr. WICKER. Mr. Speaker, I thank the gentleman for yielding me this time. I have the greatest respect for the gentleman from New York (Mr. SOLOMON), the chairman of the Committee on Rules. He is put in a very difficult position today. He has a tough job, Mr. Speaker. He is put in the position of presenting a rule to this body on a bill that he is vigorously, vigorously opposed to. So I have always respected him for the hard job he has, but even more so today because of the position that he has found himself in.

I also have the greatest respect for some of the proponents of this legislation. The gentleman from Alaska (Mr. YOUNG), chairman of the Committee on Resources, is a very effective leader in the House of Representatives. He believes fervently in this issue, and he is entitled to his beliefs and his opinions and has worked very effectively for the legislation, and I have great respect for his viewpoint.

However, I do oppose the bill and oppose the rule, Mr. Speaker, because I do not believe the American people have enough facts about this issue. I do not believe the American people are prepared to have their national legislature move on a decision concerning Puerto Rican statehood.

Now, there are people who have risen on the floor today and previously, who said this is not a statehood bill, but I would submit to my colleagues, Mr. Speaker, that this is very much a statehood bill. And this is the reason—as the chairman has previously stated, Puerto Rico has voted previously, very recently, on the issue of statehood, and they rejected the idea of statehood; 1993, I believe, was the latest plebiscite. This bill, if passed by the House of Representatives, and if enacted by the Senate and signed by the President, would say to the Commonwealth of Puerto Rico, "Vote again, you did not get it right last time." If Puerto Rico votes for statehood with 50 percent plus 1, a bare majority, then the Congress of the United States will have to decide the issue to decide. We must vote on a bill to decide whether to grant the Commonwealth of Puerto Rico their statehood. However, in this referendum that is proposed by this bill, if Puerto Ricans vote once again for commonwealth status, this bill says, "Wait a minute, you didn't get it right. We will let that decision stand, but just for a little while. And after 10 years you must vote again and you must vote again and you must vote again until you get it right. And the right decision is statehood."

So I would say that the bill is designed to eventually get a decision by the Puerto Rican people for statehood. And because of that, I say that enactment of the bill would inevitably put us down the path to admitting Puerto Rico as the 51st State, and that is a serious, serious decision. This is a major decision.

Adding a star to the United States flag is a major decision for Americans to make. It is a serious matter which Congress and the American people need to have a full understanding about. I do not think the American people know this issue is out there. When I went home to my constituents, they had no idea that Congress was about to vote on a bill which will inevitably lead to statehood.

So for that reason, I oppose the rule. I respect the chairman for bringing it forward, but I think that if we as a body want to take the position today that, having had this debate this morning, this issue is not ripe for a decision and we need to go back and have a further national conversation about this, I think the correct decision is to vote "no" on the rule. And that will be my vote, Mr. Speaker.

Mr. MOAKLEY. Mr. Speaker, I yield myself such time as I may consume to say that this is the first time I have heard that one of the major problems with this bill is adding a star to the flag. Betsy Ross did not have any trouble, and she did not even have the machinery we have today.

Mr. Speaker, I yield 3 minutes to the gentleman from Illinois (Mr. GUTIERREZ).

Mr. GUTIERREZ. Mr. Speaker, I rise in opposition to this bill but in support of the rule. I would like to thank the gentleman from New York (Mr. SOLOMON), the chairman of the Committee on Rules, and the gentleman from Massachusetts (Mr. MOAKLEY), for having an open rule today, because, finally, we are going to have some debate on this very critical issue, debate that I must say that on numerous occasions I, as a Member of this Congress, who represents over 150,000 Puerto Ricans in my district, was not allowed to participate in that debate. I think that was wrong. And now we want to have a debate here. So I want to thank both of the gentlemen for that.

I only come to raise one issue right now. I have a very deep preoccupation at this point, concern, and that is that all of these proceedings are being conducted in English. All of these proceedings are being conducted in English, and yet the people of Puerto Rico are the ones who are going to have to interpret everything that this Congress is doing. Many of them are not going to be able to understand what is going on here today, Mr. Speaker.

I know some of my colleagues will smile and chuckle, but it really is not anything funny. It is serious. People should understand, American citizens should understand what it is this Congress is doing in terms of their position.

Let me give my colleagues an example, gentlemen. If I walk into a theater, a movie theater today anywhere in Puerto Rico, anywhere in Puerto Rico, there are subtitles to everything said in English, in every movie theater in Puerto Rico. Why? So that the people can grasp what is going on in the movie. Many times I would laugh two seconds ahead of the rest of the audience because by the time they read the translation, I am an English native speaker, and I would understand that.

So I bring that as an issue that even in movie theaters, even in entertainment, and this is much more important than that. Look, if we were in the House of Representatives in San Juan, Puerto Rico, all of this would be going

on in Spanish. So the legislators, when they legislate in Puerto Rico, do it all in Spanish. If we were in the Senate in Puerto Rico it would all be being conducted in Spanish so that the people would understand the proceedings of the representatives they elect.

If we were in a courtroom, the judge and the lawyers would all be speaking in Spanish. If we were buying a piece of property today, we would register that piece of property, not in English, but in Spanish.

So I would like to ask the chairman of the Rules Committee to see if there is some way that we might not have some simultaneous broadcast of this, a way in which this House of Representatives could translate so that the people of Puerto Rico can be fully informed of the farce of self-determination which is being perpetuated upon them with this bill here today.

Mr. MOAKLEY. Mr. Speaker, I have two remaining speakers. How much time do I have, Mr. Speaker, and how much time does the gentleman from New York (Mr. SOLOMON) have?

The SPEAKER pro tempore (Mr. PEASE). The gentleman from Massachusetts (Mr. MOAKLEY) has 9 minutes remaining, and the gentleman from New York (Mr. SOLOMON) has 10 minutes remaining.

Mr. MOAKLEY. Mr. Speaker, I yield 4 minutes to the gentlewoman from the Virgin Islands (Ms. CHRISTIAN-GREEN).

Ms. CHRISTIAN-GREEN. Mr. Speaker, I thank the gentleman from Massachusetts for yielding me time.

Mr. Speaker, I rise in support of the rule. This is an important day for the people of Puerto Rico. As a representative of the Virgin Islands, an unincorporated territory of the U.S., we fully support our brothers and sisters and our neighbor to the northwest on their journey to determine their relationship to the United States and achieve full self-government.

As we do so, we fully recognize how much what is done here today will likely influence and impact on the determination of our future relationship as well.

For this reason, it is of the utmost importance to us that Congress and the administration support the process of self-determination, which it does. It is also important, however, that the process be one generated, determined, and driven by the people of Puerto Rico, and that the integrity of this process be maintained.

I am, therefore, Mr. Speaker, very sympathetic to the concerns of the supporters of commonwealth for fairness in the presentation of the option they represent and all other options of H.R. 856.

Mr. Speaker, I am concerned not only that the definition presently in the bill does not reflect their input from the PDP, but also that H.R. 856 contains language which could lead one to conclude that the status of commonwealth would be a less than desirable choice for the people of Puerto Rico.

What may be viewed, Mr. Speaker, by supporters of statehood for Puerto Rico and reflected in this bill as an insupportable, undemocratic, and colonial status, could in fact be what my constituents and those of other territorial delegates aspire to, given the same opportunity.

While commonwealth may not be a status which provides complete and full self-government today, its constitutional limitations should not be trumpeted for the sake of expediency.

This Congress has a responsibility to ensure that any process it creates for the people of Puerto Rico or any of the island territories to exercise their right to self-determination must be balanced and provide inclusion and fair treatment for all of the options available.

In this regard, I look forward to supporting an amendment in the nature of a substitute which I understand will be offered later and which was worked out by the authors of H.R. 856 and the gentleman from California (Mr. MILLER), the ranking member.

Mr. Speaker, the people of Puerto Rico have waited 100 years for the opportunity to be given a legitimate chance to exercise the full right to complete self-determination. While not perfect, the bill before us today is a good beginning.

We have an opportunity to say to the people of Puerto Rico, as well as the Virgin Islands and the other territories, that the Congress of the United States respects us and will provide a fair and comprehensive process for us to make known our choice on the further political status of our islands whenever we are ready to do so.

The question of political status has for too long dominated the political landscape in Puerto Rico. What we do here today will go a long way toward finally resolving this issue once and for all. I urge passage of the rule.

I thank the gentleman from Massachusetts for yielding me time.

□ 1130

Mr. SOLOMON. Mr. Speaker, I submit for the RECORD a short explanation of section 6 of H.R. 856, an analysis of that section of the expedited procedures.

The document is as follows:

ANALYSIS OF SECTION 6 OF H.R. 856

Requires the majority leaders in both the House of Representatives and the Senate to introduce legislation to implement the transition plan and implementation plan, as the case may be, no later than 5 legislative days after the President submits such legislation to Congress.

Requires such legislation to be immediately referred to the committee or committees of jurisdiction and, if not reported within 120 calendar days of session after its introduction, automatically discharged and placed on the appropriate legislative calendar.

Makes in order, as a highly privileged matter in the House and a privileged matter in the Senate, a motion to proceed to the consideration of the legislation qualified under these expedited procedures by a Member favoring the legislation, but not until: (1) the legislation has been on the calendar for 14 legislative days; (2) the Member consults with the presiding officer of the respective House as to scheduling; and (3) after the third legislative day after the Member gives notice to the respective House.

Waives all points of order against the motion and against consideration of the motion and, if agreed to, requires the House or the Senate, as the case may be, to proceed to immediate consideration of the legislation without intervening motion (except one motion to adjourn) or other business.

Stipulates that in the House of Representatives, the legislation would be: considered in the Committee of the Whole; debatable for four hours equally divided between a proponent and an opponent; and subject to a four hour amendment process (excluding recorded votes and quorum calls).

Requires, after the committee rises, that the previous question be considered as ordered to final passage without intervening motion, except one motion to recommit with or without instructions.

Provides procedures in the House and Senate for the hook-up of identical legislation passed by both Houses or, in the event that one House receives a request for a conference from the other House, to make in order after three legislative days following the receipt of such a request a motion by any Member to disagree to the amendment of the other House and agree to the conference.

Defines the term "legislative day" in the House and the Senate to mean a day on which such House is in session.

Provides that the procedures of H.R. 856 are enacted as an exercise of the constitutional rulemaking authority of the House and the Senate with full recognition of the right of either House to change its rules at anytime.

SHORT EXPLANATION OF SECTION 6 OF H.R. 856

H.R. 856 requires a referendum to be held by December 31, 1998, on Puerto Rico's path to self-government either through U.S. statehood or through sovereign independence or free association. It requires the President to submit to the Congress for approval legislation for: (1) a transition plan of up to ten years which leads to full self-government for Puerto Rico; and (2) a recommendation for the implementation of such self-government consistent with Puerto Rico's approval.

Section 6 of H.R. 856 specifies the expedited procedures in the House of Representatives and the Senate for the consideration of legislation introduced to implement a transition plan and an implementation plan. Legislation introduced in the 104th Congress (H.R. 3024) contained procedures that the Rules Committee found to be unworkable and inconsistent with the stated goals of the legislation. Consequently, on September 18, 1996, the Committee reported H.R. 3024 with a new Section 6, which more clearly reaches the stated goal and rational behind including the expedited procedures in the bill, as well as being consistent with the Rules of the House governing normal procedure. Those same provisions are contained in Section 6 of H.R. 856.

Mr. SOLOMON. Mr. Speaker, I yield 3½ minutes to the gentleman from

California (Mr. ROHRABACHER), an extremely outstanding Member of this body.

Mr. ROHRABACHER. Mr. Speaker, first let me thank the gentleman from New York (Mr. SOLOMON) for the leadership that he is providing on this issue. We have learned quite often that providing leadership on controversial issues leads one to personal attacks. The gentleman from New York (Mr. SOLOMON) has courageously stepped forward to provide leadership on this issue that is not only important to the people of Puerto Rico but also important to the people of the United States of America as a whole.

Mr. Speaker, while I oppose H.R. 856 in its current form, I do support an open rule for its consideration. The number one reason why this bill should be opposed is because it sets up basically, as we have heard in this debate so far, an unfair and undemocratic process that will cause the largest group of Puerto Rican voters to boycott the election, thus producing a phony majority for statehood.

Whenever any other territory has come into the Union, they have petitioned for giving their residents the opportunity for an up or down, yes or no vote. That is the normal process that is expected, but it is not good enough for Puerto Rico. Why? Because the Puerto Rican Government is controlled by statehood supporters who know from past balloting and current polling that they would lose a fair up and down vote on statehood.

The statehood supporters have maneuvered the Committee on Resources into constructing a ballot that will not reflect the will of the people. This is because the definition of "commonwealth" in the bill describes a colonial status that is unacceptable to commonwealthers, leaving them no choice but to boycott the election since they oppose all 3 options offered by the bill.

Back in Puerto Rico, statehood supporters are gloating about how the definition being used in the bill will guarantee a victory for statehood even though they know the majority of people do not support statehood. They are right about the outcome of this bill, but they are wrong to do this to the people of Puerto Rico.

The phony pro-statehood majority produced by this bill then sets in motion a mandatory statehood vote in Congress next year and two more votes in Puerto Rico. But even then, that far down the road to statehood, H.R. 856 still does not provide the people of Puerto Rico an up or down vote, a yes or no vote as to whether or not they want to become a State.

Why are we so afraid to treat the people of Puerto Rico as we have every other State that has entered the Union? This is what we have done to every other people who wanted to join the Union. We have given them a yes or no vote on statehood. Why are people now trying to maneuver it so the people of Puerto Rico do not have this opportunity? Because they know that the people of Puerto Rico, given the opportunity, will vote "no" on statehood.

Mr. Speaker, the fair way to handle this is the way we have always done it, is to give the people a chance for an up or down vote. If this is a first step toward statehood, if this is a first step toward treating the Puerto Rican people as all other citizens of the United States, they should be treated just as every other group trying to join the United States was treated. H.R. 856 rejects the simple, fair way that was good enough for everybody else and substitutes a skewed ballot with foreordained results. We should not stand for this unfair, undemocratic process. We should reject H.R. 856 while accepting the rule.

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentlewoman from New York (Ms. VELÁZQUEZ).

Mr. SOLOMON. Mr. Speaker, I yield 1 minute to the gentlewoman from New York (Ms. VELÁZQUEZ).

The SPEAKER pro tempore (Mr. PEASE). The gentlewoman from New York (Ms. VELÁZQUEZ) is recognized for 2 minutes.

Ms. VELÁZQUEZ. Mr. Speaker, I rise in strong opposition to the bill. I thank the gentleman from New York (Mr. SOLOMON) for providing the only thing that is fair about this bill, that is, to provide a rule that will provide a free and open debate. That is what this bill needs.

Mr. Speaker, this is not about self-determination. This is legislation that has been drafted by the statehood supporters. They were the ones who provided the definition for the commonwealth, indeed denying access to the democratic process by not allowing 48 percent of the people of Puerto Rico to participate in this debate. Forty-eight percent of the people of Puerto Rico supported commonwealth 5 years ago when the last plebiscite was held. But here we are presenting to the House floor legislation that will favor the statehood for Puerto Rico.

Mr. Speaker, make no mistake. By voting on this legislation, we are imposing statehood to the people of Puerto Rico. It is a shame that today by providing in the commonwealth definition that citizenship is statutory, it is shameful, it is a lack of respect to the people of Puerto Rico, it is a lack of respect to the men and women who have died, who have fought defending this country, and it is to say to even the supporters of the Commonwealth of Puerto Rico, you cannot support the Commonwealth of Puerto Rico because we will take the citizenship away from you. This is not about self-determination. This is about making Puerto Rico the 51st State of the Nation.

Mr. MOAKLEY. Mr. Speaker, I yield the balance of my time to the gentleman who represents the northern part of Puerto Rico, that is, Providence, Rhode Island (Mr. KENNEDY).

Mr. KENNEDY of Rhode Island. Mr. Speaker, I thank the gentleman from Massachusetts (Mr. MOAKLEY) for yielding me the time. I appreciate the chance to address the point of the gentlewoman from New York (Ms. VELÁZQUEZ) about this bill because it was addressed earlier by the gentleman from Chicago, Illinois (Mr. GUTIERREZ) about the fact that this process was not fair. It is ironic that this process was not fair because it did not include the commonwealth definition. Yet in the bill itself, the commonwealth has an opportunity to vote for the status quo in this legislation.

But let me address the issue that she brought up. The reason why this is so awful to the gentlewoman from New York (Ms. VELÁZQUEZ) and people of Puerto Rican descent is the same reason it is awful for people who feel that we ought to have statehood for Puerto Rico. That is, without statehood the people of Puerto Rico are put down.

Just as she said, without statehood, the people of Puerto Rico can have their citizenship denied, because it will be up to this Congress in its constitutional authority, given the fact that Puerto Rico is a territory under the territorial clause of this United States Constitution, that at any time this Congress can take away the citizenship of the people of Puerto Rico. At any time the people of Puerto Rico can have the Solomon language imposed on them.

The irony with the gentleman from Illinois (Mr. GUTIERREZ) saying "I wish this was in Spanish" is that the only way to guarantee the people of Puerto Rico that they have a right to speak their own language is if they get to become a State. Because if they are a State, they have the rights under the 10th Amendment of the United States Constitution. They reserve the power to decide what their local language will be, just as every other State in this Union is able to do.

The irony is, unless Puerto Rico becomes a State, they will not be able to decide what their language will be, they will not ever be able to vote for the things that we vote on regularly that affect them. The irony in this debate is that we keep hearing that this process is unfair.

Let us understand. The gentleman from Mississippi (Mr. WICKER) said that we already had a referendum. Unfortunately, Mr. Speaker, the problem is it does not matter what Puerto Rico does. The whole purpose of this debate is that the Congress has to give its approval so that Puerto Rico can decide.

They cannot decide now. They never had the decision. Those plebiscites were not sanctioned by the United

States Congress. And because they were not sanctioned by the United States Congress, they have no meaning. Why? Because, once again, Puerto Rico is under the territorial clause of the United States Constitution, meaning until they become a State or until they become an independent nation, they cannot choose for themselves.

That is why we are putting this bill forward, because we believe they ought to be able to decide for themselves. That is what this debate is all about. I want to commend the gentleman from Alaska (Mr. YOUNG), and I want to commend the gentleman from Massachusetts (Mr. MOAKLEY). I want to thank them for having this debate and allowing this debate to come on the floor.

I need to repeat this. We can argue until we are blue in the face about any other issue. Just understand this. Puerto Rico is under the territorial clause of the United States Constitution. I am a member of the Committee on Resources. The Committee on Resources has jurisdiction over territories and commonwealths and Native American reservations. Have my colleagues ever heard of that before? It is called the territorial clause. We have to vote on a bill to allow the people of Puerto Rico the right to make a choice.

I am really looking forward to this debate because the fact of the matter is, if we understand the simple fact that this is simply about giving the congressional authority to the people of Puerto Rico so they can make up their own mind, then I think this debate will become clearer.

Let me just conclude by saying with respect to English as the mandatory language by the Solomon amendment, there will be an amendment to the Solomon amendment that will allow us to treat Puerto Rico, in the event that it becomes a State, which I hope it does, like any other State in this country. But the Solomon amendment is very unfair and discriminatory because it affects the people of Puerto Rico singularly and it does not apply to the people of Puerto Rico the same way it applies to everyone else in this country. I might add, English is the official language in all the proceedings within government on the island of Puerto Rico.

Mr. SOLOMON. Mr. Speaker, I look forward to the debate with the gentleman from Rhode Island on the Solomon amendment. I might also add that the gentleman ought to be a little more benevolent in his praise for those who brought this bill to the floor. Think about that, when he only mentioned the names of YOUNG and MOAKLEY.

Mr. Speaker, I yield 1 minute to the gentlewoman from New York (Ms. VELÁZQUEZ).

Ms. VELAZQUEZ. Mr. Speaker, I just would like to respond to the gentleman from Rhode Island (Mr. KENNEDY).

The problem with this bill is due process. If we are talking here about self-determination, what we are saying is we are going to provide an open, democratic process for all the political parties and all the political sectors in Puerto Rico to participate. This legislation does not do that. Why, instead of writing the definition among the gentleman from California (Mr. MILLER), the gentleman from Alaska (Mr. YOUNG) and the gentleman from Puerto Rico (Mr. ROMERO-BARCELÓ).

In fact the president of the Popular Democratic Party knew about the new definition when he was approached by a reporter in Puerto Rico. The definition was rewritten when El Nuevo Dia, the largest newspaper in Puerto Rico, published a poll that said that 75 percent of the people of Puerto Rico favored a commonwealth option to be included in this bill.

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume. Let me be brief so we can get on with the debate on the bill.

I would like to point out that there are those that think that some people are pandering for the Hispanic vote. I would just like to point out that in the national Latino poll back in 1992, which is the last official poll on record, that the Mexican-American people in the United States of America that live here opposed statehood by 55.4 percent. In other words, they were supporting a commonwealth. The Cuban-American people supported commonwealth by 60 percent. And the Puerto Rican people supported commonwealth by 69 percent. I just wanted to get that in. I submit this poll for the RECORD.

The document referred to follows:

H.R. 856 (THE UNITED STATES-PUERTO RICO POLITICAL STATUS ACT) IS NOT ONLY BAD POLICY, IT IS BAD POLITICS

Polls you may have heard of urge support for H.R. 856

"[I]t is clear that the key to winning the Latino vote is to find issues that specifically appeal to them. Puerto Rico is just such an issue."—Luntz Research Companies, Language of the 21st Century

Polls you may not have heard of disagree with Frank Luntz

(1) Hispanics are not uniformly in support of statehood.

SUPPORT FOR STATUS OF PUERTO RICO BY ETHNIC INDICATORS

Status of Puerto Rico	National origin			Nativity	
	Mexican	Puerto Rican	Cuban	Foreign born	Native born
Statehood	22.3	27.2	28.6	23.4	27.4
Commonwealth	60.3	69.2	65.3	68.5	55.5
Independence	17.3	3.6	6.2	8.1	17.0

—de la Garza, Hernandez, Falcon, Garcia and Garcia, "Mexican, Puerto Rican and Cuban Foreign Policy Perspectives," Garcia, Pursing Power, 1997.

[In percent]

Preferred status of Puerto Rico	Mexican	Puerto Rican	Cuban	Anglo
A state	23.9	27.1	35.2	26.4
A commonwealth	55.4	69.4	60.7	47.9
Independent	20.7	3.5	4.1	25.7

—National Latino Political Survey, 1992.

(2) Support for Puerto Rico statehood among U.S. voters declines as they are told more about the costs and demands of statehood

	Percent
U.S. voters favoring statehood for Puerto Rico	65
Percentage still in favor after being told English and Spanish would share equal status in Puerto Rico	55

(Mason-Dixon Research, 1997. Note: Mason Dixon did not mention that roughly 60 percent of the residents of the island of Puerto Rico, according to its Governor, Rafael Hernandez Colon, speak little or no English. Other estimates place this figure at the 80% level. Nor did they mention that statehood would cost the taxpayers as much as $4 billion annually, according to the General Accounting Office.)

□ 1145

Mr. Speaker, this whole debate is going to boil down to a statement which was made by one of the most respected Members of this body, the gentleman from Puerto Rico (Commissioner ROMERO-BARCELÓ), in his book, when he said, "As I have stated many other times, our language and our culture are not negotiable."

Mr. Speaker, that is a very, very true statement. This entire debate that will take place over the next 7 or 8 hours will set forth the principle that any State that will be brought into this Union, as all previous States before, will come under the exact same laws as every other State in the Nation. That means that they will have no special national anthem, they will have no special flag, they will have no special Olympic team; they will be the same as every other State in this union.

Mr. ROMERO-BARCELÓ. Mr. Speaker, will the gentleman yield?

Mr. SOLOMON. I yield to the gentleman from Puerto Rico.

Mr. ROMERO-BARCELÓ. Mr. Speaker, I think to deny to yourself and to your children and to your people your heritage, to deny your language and who you are, is to deny yourself, your being. The fact that we want to maintain Spanish does not mean that we are going to not want to speak English also. What we are asking is, do not impose English only. Let us be bilingual, and let us help the Nation in our relationship with Latin America.

Mr. SOLOMON. Mr. Speaker, reclaiming my time, if the gentleman reads the Solomon amendment, the Solomon amendment is setting forth into law that for every State of the Union, all 50 States today, that English will be the official language of instruction. That is what it does.

If this bill becomes law tomorrow, then all 50 States are affected tomorrow by that Solomon amendment. It

does not affect Puerto Rico. But if Puerto Rico 2 years or 3 or 4 years from now would become a State, then English would be the official language of instruction, but it would in no way prohibit a second language of Spanish or any other language from being taught on the Island of Puerto Rico. That is a fact, and that is what we will debate here in a few minutes.

Mr. Speaker, I urge support for this rule would hope there would not be a vote on it.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. PEASE). The question is on the resolution.

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

Mr. WICKER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 370, nays 41, not voting 19, as follows:

[Roll No. 27]

YEAS—370

Abercrombie
Ackerman
Allen
Andrews
Armey
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Borski
Boswell
Boucher
Boyd
Brady
Brown (CA)
Brown (FL)
Brown (OH)
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Cardin
Castle
Chambliss
Christensen
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Cox
Coyne
Cramer
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Dreier
Dunn
Edwards
Ehlers
Ehrlich
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Fawell
Fazio
Filner
Foley
Forbes
Ford
Fossella
Fowler
Fox
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gilchrest
Gillmor
Gilman
Goodlatte
Gordon
Goss
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hamilton
Hansen
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefner
Herger
Hill
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
Lampson
Lantos
Largent
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McDermott
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Nussle
Oberstar
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paul
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Redmond
Reyes
Riggs
Rivers
Rodriguez
Roemer
Rohrabacher
Rothman
Roukema
Roybal-Allard
Rush
Ryun
Sabo
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Schaefer, Dan
Schumer
Scott
Serrano
Shadegg
Shaw
Shays
Sherman
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Snowbarger
Snyder
Solomon
Souder
Spratt
Stabenow
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tierney
Traficant
Turner
Upton
Velázquez
Vento
Visclosky
Walsh
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Wexler
Weygand
White
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)

NAYS—41

Aderholt
Archer
Bachus
Bryant
Carson
Chabot
Costello
Crane
Duncan
Emerson
Goode
Goodling
Graham
Hall (TX)
Hefley
Hilleary
Istook
Jenkins
Jones
Kingston
LaHood
Latham
Lewis (KY)
Metcalf
Norwood
Obey
Petri
Regula
Riley
Rogers
Royce
Salmon
Schaffer, Bob
Sensenbrenner
Sessions
Smith, Linda
Spence
Wamp
Weller
Whitfield
Wicker

NOT VOTING—19

Chenoweth
Doolittle
Ewing
Frank (MA)
Gibbons
Gonzalez
Harman
Kennedy (RI)
Luther
Poshard
Rogan
Ros-Lehtinen
Scarborough
Schiff
Shimkus
Stark
Tiahrt
Torres
Towns

□ 1209

Messrs. ARCHER, GRAHAM, HEFLEY and RILEY changed their vote from "yea" to "nay."

Ms. DELAURO changed her vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. TIAHRT. Mr. Speaker, I missed one vote on H.R. 856, The United States-Puerto Rico Political Status Act, because I was attending the funeral of former Congressman Garner Shriver in Wichita, Kansas. Had I been present I would have voted yes on rollcall No. 27.

PERSONAL EXPLANATION

Mr. ROGAN. Mr. Speaker, on rollcall No. 27, I was inadvertently detained. Had I been present, I would have voted "aye."

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2369, WIRELESS PRIVACY ENHANCEMENT ACT OF 1998

Ms. PRYCE of Ohio, from the Committee on Rules, submitted a privileged report (Rept. No. 105–427) on the resolution (H. Res. 377) providing for consideration of the bill (H.R. 2369) to amend the Communications Act of 1934 to strengthen and clarify prohibitions on electronic eavesdropping, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3130, CHILD SUPPORT PERFORMANCE AND INCENTIVE ACT OF 1998

Ms. PRYCE of Ohio, from the Committee on Rules, submitted a privileged report (Rept. No. 105–428) on the resolution (H. Res. 378) providing for consideration of the bill (H.R. 3130) 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, and to provide for a more flexible penalty procedure for States that violate interjurisdictional adoption requirements, which was referred to the House Calendar and ordered to be printed.

UNITED STATES-PUERTO RICO POLITICAL STATUS ACT

The SPEAKER pro tempore (Mr. PEASE). Pursuant to House Resolution 376 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 856.

□ 1212

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. 856) to provide a process leading to full self-government for Puerto Rico, with Mr. DIAZ-BALART 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 Alaska (Mr. YOUNG), the gentleman from California (Mr. MILLER), the gentleman from New York (Mr. SOLOMON) and the gentleman from Illinois (Mr. GUTIERREZ) each will control 22½ minutes.

The Chair recognizes the gentleman from Alaska (Mr. YOUNG).

Mr. YOUNG of Alaska. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this is a very historical moment, one that is long overdue. In debate on the rule, there were some statements made that I think should be clarified before I go into the full text of my presentation today, why I support this legislation.

The Northern Marianas were mentioned and other territories were mentioned, and how they came into this great united part of our United States, even as territories are separate governments. But, for instance, the Northern Marianas, the Government of the United States and the Government of the Northern Marianas will consult regularly on all matters affecting the relationship between them. At the request of either government, and not less frequently than every 10 years there shall be an additional consultation taken.

Mr. Chairman, over 100 years ago, this Congress was passionately discussing the 400-year-old colonial grip that Spain had on the islands adjacent to and south of Florida. Just over 2 weeks earlier, on February 15, 266 American servicemen lost their lives in Havana harbor with the explosion of the United States warship, the Maine.

□ 1215

The monument to these gallant men stands highest above all else in Arlington National Monument. Many others lost their lives in the ensuing Spanish-American War amid the cries of "Remember the Maine." But why?

This Congress declared war and sent Americans in harm's way in the defense of the sacred ideal: self-determination. America won the war, and assumed sovereignty over Cuba, Puerto Rico, and some of Spain's Pacific possessions. All but one are no longer territories. Only Puerto Rico still stands, after 100 years, a territory.

Mr. Chairman, Congress promptly delivered on its promise of self-determination to the people of Cuba by providing for a process which permitted Cuba to become a separate sovereign after a few brief years.

In contrast, the Rough Rider who had charged up San Juan Hill to ensure the United States' victory in the Caribbean had become President of the United States and urged Congress to grant United States citizenship to the people of Puerto Rico in his 1905 State of the Union address. Quote, "I earnestly advocate the adoption of legislation which will explicitly confer American citizenship on all citizens of Puerto Rico. There is, in my judgment, no excuse for the failure to do this."

I believe President Teddy Roosevelt's words are even more true today to this bill as when he spoke them in 1905.

Our fellow Americans in Puerto Rico, now numbering some 4 million, have been loyal to this Nation and have valiantly fought in every major conflict. We have all benefited in ways that cannot be calculated from the bravery, the loyalty, and the patriotism of over 200,000 Americans from Puerto Rico who have served in our Nation's Armed Forces.

It is clear that a heavy price has been paid by Puerto Rico for this country, which has yet to fully deliver on the promise of the U.S. General Miles when he landed in Puerto Rico 100 years ago this year:

"In the continuation of the war against the Kingdom of Spain by the people of the United States, in the cause of freedom, justice and humanity, their military forces have come to occupy the island of Puerto Rico. They come bearing the flag of freedom. They bring you the encouraging strength of a Nation of free people whose greatest power consists of justice and humanity for all those who live in their community. The principal objective will be to give the people of your beautiful island the largest extent of freedom possible. We have not come to wage war, but to bring protection, not just for you but for your property, in order to promote your prosperity and in order to obtain for you the privileges and the blessings of our government. It is not our purpose to interfere with any of the laws and customs present that are wise and beneficial."

The Congress provided Puerto Rico with increasing levels of self-government for the first half of this century, culminating with the authorization in 1950 for the process of a development of a local constitutional government.

By 1952, Congress conditionally approved a draft constitution submitted by the legislature of Puerto Rico. After those changes were made by Puerto Rico, the new constitutional government of the territory became effective under the name declared by the constitutional convention as the Commonwealth of Puerto Rico.

The establishment of local constitutional self-government did not alter Congress' constitutional responsibility under the Territorial Clause for Puerto Rico. However, it was under the first years of the commonwealth that President Eisenhower established the Eisenhower Doctrine regarding Puerto Rico which is still in effect today and is reflected in the United States-Puerto Rico Political Status Act.

After the local constitutional government of Puerto Rico was established, Puerto Rico was removed from the United Nations' decolonization list, prompting questions as to whether Puerto Rico was still a territory under the sovereignty of the United States and subject to the authority of Congress. President Eisenhower, a Republican, acted decisively by sending a message to the United Nations that he recommended that the United States Congress grant Puerto Rico separate sovereignty if requested by the Puerto Ricans through the legislature of Puerto Rico.

While the legislature has never petitioned for separate sovereignty, the legislature sent joint resolutions to Congress in 1993, 1994, and 1997 requesting congressional action. Keep that in mind, because I have heard time and again that the Congress, by doing this, is dictating to the Puerto Rican people. But the legislature sent to this Congress in 1993, 1994, 1997 requesting congressional action to define the political status and establish a process to resolve, establish the process to resolve Puerto Rico's political status dilemma.

Although in recent years the Puerto Rican legislature formally requested the Congress to resolve Puerto Rico's political status, U.S. citizens in Puerto Rico had been advocating action for over a decade. I remember the submission to Congress in 1985 to 1987 of over 350,000 individually signed petitions for full citizenship rights. This incredible grassroots effort was led by Dr. Miriam Ramirez of the nonprofit, nonpartisan civic organization, Puerto Ricans in Civic Action.

Mr. Chairman, I believe this initiative influenced the then president of the Senate to include in his first State of the Union address as President on February 9, 1989, the following request: "I've long believed the people of Puerto Rico should have their right to determine their own political future. Personally, I strongly favor statehood. But I urge the Congress to take the necessary steps to allow the people to decide in a referendum."

Mr. Chairman, about the same time as President Bush requested Congress

authorize a political status referendum in Puerto Rico, the three presidents of the three principal political status parties in Puerto Rico asked Congress to help resolve Puerto Rico's political status, as Puerto Rico has never been formally consulted as to their choice of ultimate political status.

While Congress has yet to formally respond to the request of the President, the leaders of Puerto Rico, and the petitions of the Americans in Puerto Rico, this bill will do just what has been asked by the people of Puerto Rico in numerous years and numerous times by the president of the Senate, by the Presidents in the past in their platforms.

The United States-Puerto Rico Political Status Act, H.R. 856, establishes in Federal law for the first time a process to resolve Puerto Rico's political status. I remind my colleagues it will not happen overnight, regardless of what we do here today. This is just a process that will take place.

My colleague who was speaking on the rule said that the public is not aware of this action today. May I remind my colleagues that if we were to pass this bill today, and I hope we do pass this bill today, it must be passed by the Senate and the people of Puerto Rico must also pass it in 1998. It comes back to the Congress in 1999, and by 1999 we again in Congress must act. We must pass a bill approving the transitional stage. Then it goes back to the people of Puerto Rico. And, by the way, the start of the transition period begins in the year 2000.

But this more than anything else is a bill that establishes the right to determine for the first time in 100 years their self-determination. It is a fair and balanced process that has been developed with an enormous amount of input. Mr. Chairman, I resent certain Members saying that this has not been fair. We asked all of those people involved, all three parties, to submit what their definition should be in this bill. We have in my substitute recognized commonwealth. We recognize independence. We set forth a process which will create a State.

Mr. Chairman, if it does become a State, I am one of the few people, along with the gentleman from Hawaii (Mr. ABERCROMBIE) that has gone through this process.

I have heard some statements here today about English language only. When Alaska became a State, that was not a requirement. We had 52 different dialects in Alaska. People speak English. They also speak many other languages. It was not a requirement. Hawaii has two official languages. They have English and Hawaiian. New Mexico has two official languages, English and Spanish.

The concept of the amendments that will be offered to this bill, especially the amendment of the gentleman from New York (Mr. SOLOMON), he is my good friend and we talk about what good friends we are, it is a poison pill amendment. America is a melting pot. It is a group of people coming together under one flag. We all speak different languages at different times. Some of us are more fortunate to speak more than one language, but we must always recognize the cohesive part of the United States, and that is being an American. English will come. But to pick out one part of this bill and to say this is a requirement before it ever happens is a poison pill amendment to this legislation.

Let us talk about history again. This is the last territory of the greatest democracy, America. A territory where no one has a true voice, although our Government does an excellent job, but there are approximately 4 million Puerto Ricans that have one voice that cannot vote. This is not America as I know it. This is an America that talks one thing and walks another thing. This is an America that is saying, if Members do not accept this legislation, "no" to who I think are some of the greatest Americans that have ever served in our armed forces, and are proud to be Americans, but do not have the representation that they need.

This legislation is just the beginning. It is one small step of many steps. It is a step for freedom, it is a small step for justice, it is a small step for America. But collectively, it is a great stride for democracy and for justice.

This legislation should pass. The amendment of the gentleman from New York (Mr. SOLOMON) should be defeated. We should go forth and show the people of America, show the people of Puerto Rico, that our hearts are true, so that the rest of the world will follow the example of the great United States and free their territories and free the people so they can have self-determination. This is what this bill does, and that is all it does.

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

Mr. MILLER of California. Mr. Chairman, I yield 30 seconds to the gentleman from Puerto Rico (Mr. ROMERO-BARCELÓ).

Mr. ROMERO-BARCELÓ. Mr. Chairman, I would love to be able to speak for 30 minutes, an hour, or two hours on this subject, but there are so many other people that want to speak on this subject, and many of my colleagues have heard me over and over on this, that I am going to yield some of the time that I would have been allotted, so that other Members of this Congress can address the House in support of this bill, which is a very, very important bill for the people of Puerto Rico, for the 3,800,000 U.S. citizens in Puerto Rico.

Mr. MILLER of California. Mr. Chairman, I yield myself 4½ minutes.

Mr. Chairman, the Committee on Resources of the House of Representatives had an obligation to report to this floor a fair and accurate plan for the citizens of Puerto Rico to choose their status. I believe that this committee has met that obligation.

Mr. Chairman I thank the gentleman from Alaska (Mr. YOUNG), chairman of the committee, for leading us through what has been a difficult process. I also thank the gentleman from Puerto Rico (Mr. ROMERO-BARCELÓ), our friend, for all of his help in this process.

Mr. Chairman, the people of Puerto Rico, if this bill is passed, will be given the opportunity by the Congress of the United States under the laws of this Nation, to choose their status. They can choose to continue in the commonwealth arrangement, they could choose to become an independent nation, they could choose to become one of the States of the United States of America.

Our obligation was to see that when this process went forward to the people of Puerto Rico, that it was a fair process, that it was an accurate process. We had had an earlier plebiscite where the parties wrote their own definitions and the people voted, and the Congress has done nothing because the Congress knew, in fact, those definitions, whether they were of statehood or of commonwealth, were, in fact, not accurate and would not be supported by the Congress of the United States and did not reflect the laws and the Constitution of this country.

In the committee, I was very distraught at the beginning of this process because I felt that those who support commonwealth were not able to present their definition to the Congress, to the committee. I worked very hard so that that definition could be offered. I offered that definition. It was turned down overwhelmingly on a bipartisan basis. It was something called "enhanced commonwealth." It was sort of a make-believe status of commonwealth.

□ 1230

The suggestion was that if you voted for commonwealth, you would then be empowered to pick your way through the Constitution of the United States, and the laws of the United States, and pick and choose which laws you wanted to apply and not have apply, and that you did not have to live under the power of the Congress of the United States or of the Constitution of the United States. That simply was unacceptable to the overwhelming majority of the committee. I believe it is unacceptable to the overwhelming majority of this House. Someone can certainly come forward and offer that amendment this afternoon, should they choose, and I believe it would clearly be unacceptable to the people of this country.

So what we put forth is a definition of commonwealth that recognizes their current status today, that they live in

a commonwealth arrangement. It says Puerto Rico is joined in relationship 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. That is the situation that we have.

We went on to say that in the exercise of the sovereignty, the laws of the commonwealth shall govern Puerto Rico to the extent that they are consistent with the Constitution of the United States. There is no other way to do business, consistent with the Constitution of the United States, treaties and laws of the United States, and the Congress retains its constitutional authority to enact laws that it deems necessary relating to Puerto Rico.

That is the burden of commonwealth. That is why some people do not like it. Some people would prefer independence over commonwealth, and some people would prefer statehood. There is a certain burden to commonwealth. We cannot pretend that there is not. But the people of Puerto Rico ought to be able to choose that. They have to be able to choose the status that they want.

That is what this legislation does. It enables the people of Puerto Rico to make their choice; not our choice, their choice. And hopefully under this legislation, the Congress would then honor that choice after the President and others have worked out a plan to enable that choice to go forward. That is what this legislation does. Nothing more, nothing less.

I think it is an important piece of legislation. I think it is recognized that the people of Puerto Rico are entitled to and must have a free and fair vote on this matter. I would hope that my colleagues would support this legislation to allow that to happen.

Mr. Chairman, the House today considers H.R. 856, a complex bill that has, at its core, a very basic concept: the right of a free people to determine the political system under which they live.

Puerto Rico has been a part of the United States for a century. Its residents, whether they live in San Juan, Mayaguez, New York or San Francisco, are United States citizens. H.R. 856 gives those 4 million Americans the right to decide their future status relationship to the rest of the United States: to become an independent nation, to become a state, or to remain in commonwealth status.

Unlike some of my colleagues who have worked on this issue over the past decade, I do not have a personal preference. I believe status should be determined by the governed. Our obligation is to present fair and accurate status options to the voters of Puerto Rico—options that reflect Constitutional and political reality—and to honor the choice made by a majority of the voters.

During much of the consideration of this legislation by the Resources Committee in this Congress and the previous Congress, I could not support the legislation because I did not believe that the very sizeable number of Puerto Rican voters who support the Commonwealth option were treated fairly. Originally, this bill did not even contain any Commonwealth option.

But I am pleased to say that Chairman YOUNG worked closely with me and with others to ensure that each of the political parties was heard, and that we ultimately agreed on definitions that are fair and accurate. They are included in Mr. YOUNG's substitute, and I support that substitute strongly.

Rarely have we seen more intense lobbying on an issue. It is obvious that opinions are divided on Puerto Rico's status and on this legislation. But let them address some of the misconceptions and misrepresentations that are being circulated about this bill, because Members should not be confused and should not be deceived into voting on this subject based on inaccuracies.

No one in this Chamber is more qualified than I to speak about how we addressed the Commonwealth issue. I so strongly advocated inclusion of a Commonwealth option that I was accused of being pro-Commonwealth. The definition of Commonwealth supplied by that party, which is similar in many respects to the definition on the ballot during the 1993 referendum in Puerto Rico, is not accurate and is not acceptable to the Congress. It is not acceptable that Puerto Rico would be eligible for full participation in all federal programs without paying taxes; it is not acceptable that Puerto Rico would pick and choose which federal laws apply on the island; it is not acceptable that Puerto Rico would be free to make its own foreign treaties.

I appreciate that this is what the supporters of "enhanced Commonwealth" want. But the Congress is not prepared to give such unprecedented rights to Puerto Rico while denying them to every state in the Union. Nevertheless, I offered that definition in the Resources Committee so that it would be clear what is and is not acceptable to the Congress. It was overwhelmingly, and bipartisanly, defeated. And Congress should not offer an option to the voters of Puerto Rico that we are not prepared to embrace.

The definition of Puerto Rico now included in the substitute by Mr. YOUNG may not be utopian, but it is historically and Constitutionally accurate.

There are some who argue that this bill is unfair because it fails to recognize that Puerto Rico is a "nation." Puerto Rico, like many other areas of the United States, has a unique history and unique culture; that is in part what makes our country so remarkable and enduring. But Puerto Rico is not a nation in any sense under U.S. law or international law. Our refusal to recognize Puerto Rico as a "nation" in H.R. 856 is not a slight; it is accurate.

There are some who oppose this bill because they do not want America to "wake up tomorrow" and find out Puerto Rico is going to be the 51st state. This bill provides for a plebiscite to choose among three options, only one of which is statehood. Even if that option is chosen, there is a transition period of up to a decade during which a plan for achieving statehood would be developed, and then voted on in the Congress and in Puerto Rico. And Congress also will vote on an admissions act. So no one should be under a misimpression that this legislation railroads statehood.

Some have raised concerns that admitting Puerto Rico at some point in the future will cost some states seats in this House. I personally support increasing the size of the House to 441 seats to accommodate the 6 new seats Puerto Rico would occupy. In any event, that is a statutory decision to be made by the Congress, just as Congress increased the size of the House permanently when other multi-Member territories were admitted in the 19th and early 20th century.

There are those who argue that Puerto Rico would cost the federal government money were it to become a state. I would hope that the financial status of citizens would not be an issue in determining whether they are accorded the full rights of citizenship. I thought we had resolved that issue by declaring the poll tax and property ownership unconstitutional. And we should be careful about applying such a standard: as of FY 1996, 29 states—more than half—received more federal expenditures than they paid in taxes. Let's not impose a standard on Puerto Rico that we wouldn't apply to other states.

I also have noted some questions as to why the bill calls for periodic referenda should either permanent status—independence or statehood—not be selected. Let us be clear that the bill authorizes additional referenda, it does not mandate them. The purpose of the referenda is to determine a permanent status, and Commonwealth is generally recognized not to meet that test. Should the voters of Puerto Rico decide to continue as a Commonwealth, they could do so indefinitely.

Lastly, let me address what has unfortunately become a centerpiece of this debate: whether we should, in this legislation, mandate English as the official national language.

The House voted on that legislation in 1996; the leadership could bring it before the full House again at any time. But this is not the time or place to do it. The Solomon amendment declares English to be the national language, but it imposes a series of additional unconstitutional burdens on the people of Puerto Rico, requiring that "all communications with the federal government by the government or people of Puerto Rico shall be in English"; requiring that "English will be the sole official language of all federal government activities in Puerto Rico"; imposing English as the "language of instruction in public schools."

We don't need to single out Puerto Rico like this, to inflame this debate and insult the 500-year-old culture of 4 million Americans. We have a reasonable alternative amendment that is going to be introduced by Congressmen DAN BURTON, BILL MCCOLLUM, DON YOUNG and myself that takes a different, and fairer, approach. The Clinton Administration supports our substitute.

Our amendment says Puerto Rico, if it becomes a state, will be treated exactly like every other state. If Congress decides that English is to be the official language and passes a comprehensive law to that effect, then Puerto Rico will be covered just like every other state. But let's not single out Puerto Rico in a divisive and unconstitutional manner for special treatment.

Our amendment also calls for Puerto Rico to promote the teaching of English because that language is clearly the language that allows for the fullest participation in all aspects

of American life. And we call for inclusion in any transition plan of proposals and incentives for promoting English proficiency in the schools and elsewhere in Puerto Rico. Surely, we can reasonably address this issue in an equitable manner without passing a confrontational and unfair insult to our fellow countrymen and women.

The time has come to tell the people of Puerto Rico that the rest of the nation of which they are a part is prepared to hear their views and respond to their desires. That we will stand by our historic and legal tradition that inclusion in America is not dependent on one's background or ethnicity, but on a common allegiance to this nation and its Constitution. After being a part of the United States for 100 years, after sending its sons to war five times in this century, it is time that this Congress recognized the right of Puerto Rico to determine its future in a democratic fashion. That is the purpose and the policy contained in H.R. 856, and I call on the House today to pass this bill, and defeat the divisive Solomon amendment.

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

In April 1775, hundreds of brave men stormed the bridges of Lexington and Concord, setting in motion a revolutionary struggle for liberty that culminated in my hometown of Saratoga, NY, in the greatest victory for individual freedom and democracy in all of human history. That blood-stained victory of our forefathers has left the legacy that you and I, and all of us, call America.

Liberty and justice and democracy, these are words that do more than describe our Nation's ideals and principles. They are the very essence of this country of ours. These ideals are able to thrive and to dominate the political and economic landscapes of the United States because of the people's devotion to its unit as a Nation, to an idea that there is something unique, something distinct about being an American.

Throughout my military service, my small-business career and the last 31 years in public office, I have dedicated my life to further the principles of freedom and democracy and self-determination throughout this world. Like all of my colleagues, I have been blessed to live in this most free and democratic Nation in the world, and sometimes you ought to travel overseas into the former Soviet Union and see how much they respect this democracy of ours. It was a product of blood and sweat and commitment to principle, of those who have gone before us.

While serving in the United States Marine Corps during the Korean era, I was privileged to serve side by side with so many Puerto Rican Americans, great people, great personal friends of mine, and to be stationed for a time on the island of Viacus in Puerto Rico where I made some of my closest friendships that today still exist, and during that time I was able to gain a personal affection for the people of Puerto Rico and for their love of liberty and their distinct culture. As a result Puerto Rico and its people hold a very warm space in my heart.

Today, the House considers a bill which may lead to a dramatic and permanent change in the lives of these U.S. citizens. It is billed by its supporters as a bill to permanently resolve the political status of Puerto Rico, through a process of self-determination. But, however lofty and worthy the objectives of this bill, it is a flawed measure that flips the very principles of self-determination and democracy on their heads, Mr. Chairman. In establishing a self-determination process for Puerto Rico, Congress, under the U.S. Constitution, must answer to two distinct yet equally important interests, my colleagues should listen to this, the citizens of Puerto Rico and the citizens of the United States. I believe this bill as currently drafted, fails to answer to either interest, either the Puerto Rican citizens or the American citizens on this mainland, for this bill actually violates self-determination. Read the conference, read the report of this bill which was authored by the gentleman from California (Mr. MILLER).

I strongly support allowing the citizens of Puerto Rico to vote on the future of their political status. In fact, they actually do not need to get permission from this Congress of the United States to do so. In fact, they already did in 1952, in 1967, and again in 1993. However, I firmly believe that in order for a political process to deliver self-determination, it must always allow for the participation of all of its citizens, not just some. This bill as currently drafted, not only requires, but listen to this, it demands that Puerto Rico hold a plebiscite before the end of this year, 1998. Who are we to tell them? In that referendum the citizens of Puerto Rico will be asked to choose between commonwealth, between separate sovereignty, and statehood. This seems to be simple enough. However, Mr. Chairman, there is a catch to it.

Members of this House should be aware that the Statehood Party of Puerto Rico supports the ballot definition of statehood in this bill, and the Puerto Rican Independence Party supports the ballot definition of independence in this bill. However, the Commonwealth Party, the party that actually won every past referendum on political status, does not support the definition of commonwealth in this bill. And ask yourself why not?

In fact, the definition of commonwealth was written not just once but twice by the supporters of the statehood option without the approval of the vast majority of the people in Puerto Rico, the Commonwealth Party. What this means is that the largest political party in Puerto Rico is faced with a grave choice under this bill. They can either choose to campaign, to support, to vote for a ballot definition that directly contradicts the very premise of their political party's existence, or they cannot participate in the referendum. They have chosen not to participate, and that is a terrible shame.

So first and foremost, the House is debating a measure designed to determine Puerto Rico's political status in which one of the three local political parties, in fact the largest in Puerto Rico, will not even participate. How is that going to take an accurate and democratic measure of the political choices of those 3.8 million U.S. citizens there? The fact is, it is not.

Mr. Chairman, back in 1990, the last time this House considered similar legislation, all of the parties were supportive of the process and supported that bill because it was a fair bill. I voted for it. It sailed through the House under suspension of the rules only to be stalled in the other body. Today we debate a controversial bill not just here in the United States, but also in Puerto Rico.

One final comment on this bill's self-determination problems, Mr. Chairman. As this bill currently stands, it requires Puerto Rico permanently to hold this referendum every 10 years until statehood gets 50 percent plus 1. Then, the transition and implementation process begins. Since the current support for independence hovers around 5 percent, and for statehood around 45 percent, the likely outcome of a forced decennial vote seems likely to be statehood with hardly half the population supporting it.

This bill also contains certain constitutional pitfalls. Mr. Chairman, Members should listen carefully to what I am about to say because their constituents want to know this. Under this bill, if the citizens of Puerto Rico choose statehood in the first referendum, the constitutional protections given States begin to apply to Puerto Rico upon the President's submission of a transition plan taking Puerto Rico from commonwealth to statehood.

What this means is that the process of integrating Puerto Rico into this Union begins with a vote of the transition bill. Members better remember that. According to the Supreme Court in *Balzac* v. *People of Puerto Rico*, way back in 1922, once the process of integration begins, it is very difficult to reverse, and we will not reverse it.

The catch with this provision is that under this bill, Congress will be required to vote on this transition plan as early as early next year. While Puerto Rico may not officially join the Union for another 5 or 6 or 7 or 10 years, the vote to begin the admissions process could take place as early as next year, and there would be no turning back at that point.

Such a voting strategy is almost identical to that done when we gave away the Panama Canal to Panama and when Great Britain gave Hong Kong back to China. Members better start thinking about that because their constituents are thinking about it. A vote to do it occurs now, while it actually changes hands sometime in the future. That is what we are voting on here today.

Mr. Chairman, our constituents want to know, they want us to listen and to be careful about this. With the referendum required to be held before the end of this year, this bill requires the President to send Congress transition legislation within 180 days of that referendum. That means if that referendum is held in December, as late as December of this year, within 180 days the President is ordered to send us a transition bill. Within 5 days of the receipt of that bill, the majority leaders of the House and the Senate are required to introduce the bill. And within 120 days of introduction, a vote occurs on the bill on the floor of this House of Representatives, which could happen next July or August or September or October or November or December of 1999. That is how close this is.

In essence, this bill sets up a process whereby the citizens of Puerto Rico are forced to vote until they choose statehood, and then the process kicks in to high gear under expedited procedures as I have just outlined.

Yes, it is true that it may take up to 10 years, as the bill says, for the process to run its course, but the bulk of the actual process occurs up front, and Members had better understand it.

The most serious constitutional reservation of this bill involves the treatment of the rights enjoyed by the people of Puerto Rico currently under the commonwealth status. The ballot contained in the bill states that Congress may determine which rights under the United States Constitution are guaranteed to the people of Puerto Rico.

This statement is wrong at several levels. First, it rests upon the remarkable proposition that Congress has the authority to deprive the people of Puerto Rico of any and all of their constitutional rights. This provision of this bill is demonstrably false, Mr. Chairman, because even Puerto Rico, if it were an unincorporated territory, the people of Puerto Rico would be still guaranteed fundamental constitutional rights. That is why so many people in Puerto Rico support commonwealth.

The description of the citizenship rights of Puerto Rico is similarly flawed. It states that Puerto Ricans are merely statutory citizens and implies that their citizenship may be revoked by Congress. Well, the people of Puerto Rico are United States citizens within the meaning of the 14th amendment. Get the amendment out. Read it. The 14th amendment. These points were clearly enunciated yesterday by our colleague, the chairman of the House Committee on the Judiciary, Subcommittee on the Constitution. We have it over here, if Members want to read it.

Third and finally, this bill fails to clearly lay out how assimilation would occur under the bill for either Puerto Rico or the United States, and this is the most important part of this entire debate. As I stated earlier, I have a great deal of respect for the pride and for the culture of the people of Puerto Rico. They are wonderful people. I believe, as do many of my colleagues, that Puerto Rico is a nation, it is unique and distinct in its own right, and Puerto Rico has every right to preserve and enhance this rich heritage of culture and history. That is their right.

But if the citizens of Puerto Rico freely choose to seek statehood, they should understand clearly, and I think my good friend the gentleman from Illinois (Mr. GUTIERREZ) made this point earlier, what are the assimilation expectations of the American people, of the 260 million Americans in this country? Puerto Rico deserves a clear, concise and direct discussion of these issues. They have not had that. They do not know what the assimilation would be. Admitting a State requires the assimilation of a territory within the Union of States, and language differences are the number one barrier to actual assimilation. The bill before us today contains the most vacuous statement of language policy that I have ever seen.

□ 1245

How will the average citizen of Puerto Rico understand what this means if we cannot even understand what it means ourselves? And I would ask every Member back in their offices to pick up the bill and read it. In this regard, the bill's language regarding English is weak, it is inadequate, and must be clarified for the benefit of the people of the island of Puerto Rico because they need to know what they are getting into.

My fellow colleagues, it was Winston Churchill who stated that the gift of common language is a priceless inheritance and, Members, not explicitly stating what role Puerto Rico's inherited Spanish language and our common tongue, English, would play in a State of Puerto Rico, I believe, would be a grave mistake for everyone.

To rectify this, I intend to, later in the debate, offer an amendment regarding the role of the English language, which I believe very clearly explains this issue to both the American people and to the people of Puerto Rico.

Now, some of my friends are going to argue that I have specifically selected the statehood option for the bulk of my criticism with this bill and that it is merely a process bill which includes that as an option. Let me make something perfectly clear. For my constituents in upstate New York, who are wedged between Canada and New York City, between Quebec and New York City, the statehood option for Puerto Rico is the choice with the most far-reaching and permanent consequences. It is a permanent relationship that requires assimilation, and that choice needs to be decided by an overwhelming majority of the citizens of Puerto Rico before my constituents and before my colleagues' constituents will agree to let them join the Union.

It must be clear to our good friends in Puerto Rico that if they choose statehood, it is still within Congress' powers as representatives of this country to say no. Statehood may be an option at some point in the future, but the American people are going to have to examine that situation at that time, and that time is today. We cannot force a decision on the citizens of Puerto Rico and the citizens of Puerto Rico cannot force the United States to accept a decision.

The Puerto Rican people deserve to know exactly what they are voting on and the American people deserve to know the ramifications of each of those options. Until this bill becomes an actual self-determination bill, passes constitutional muster in all of its components, and fundamentally addresses the issue of assimilation, I will oppose this bill. And I hope we can clarify it by adoption of my amendment later on this afternoon.

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

Ms. VELÁZQUEZ. Mr. Chairman, I rise as the designee of the gentleman from Illinois (Mr. GUTIERREZ), and I yield myself such time as I may consume.

Mr. Chairman, I rise today to express my strenuous opposition to H.R. 856, the United States-Puerto Rico Political Status Act. Mr. Chairman, I think that we can all agree that the people of Puerto Rico must be given the right to self-determination. Unfortunately, H.R. 856 does not accomplish this.

This bill is the product of a flawed legislative process that was designed to produce a very specific result. It was written without consulting all the parties that have a very real interest in its outcome.

Proponents of H.R. 856 will try to say that this is a bill about self-determination. They are misleading their colleagues. Instead, H.R. 856 is a one-sided bill that is biased in favor of Puerto Rican statehood. It was written by the party that supports statehood in a way that promotes statehood without consulting all the participants in this very, very sensitive process.

Under H.R. 856, Puerto Ricans will be given the choice between statehood,

Commonwealth status or separate sovereignty, yet the Commonwealth option does not even guarantee citizenship. Why was citizenship not statutory back in 1990 when this House voted for this bill? I do not understand what happened since 1990.

The authors of this legislation have said that our citizenship is statutory. Simply put, this means that our citizenship can be taken away. Tell that to the widows of men who fought and died in foreign wars so that citizenship of all Americans will be guaranteed. Mr. Chairman, tell that to my uncle, who fought valiantly in Korea for my colleagues, and for me, and for all Americans everywhere.

Furthermore, if the people of Puerto Rico were to choose Commonwealth status, the bill will require further plebiscites until either statehood or separate sovereignty wins. This double standard applied to Commonwealth shows how the deck is stacked in favor of statehood. Under those conditions, not even the most forceful defender of Commonwealth status will vote for it.

Many people forget that the original version of this bill did not even include a Commonwealth option. The party that supports Commonwealth status had no input in the drafting of H.R. 856, and has been repeatedly shut out of the process. Amazingly, the president of the Commonwealth Party learned about the bill's definition of Commonwealth from a reporter.

In fact, the Statehood Party had to rewrite the Commonwealth definition after a poll in a major Puerto Rican newspaper showed that 75 percent of Puerto Ricans supported the inclusion of a fair and balanced Commonwealth option, which this bill lacks. Today, and I repeat, today in Puerto Rico, a new poll was released that shows that 65 percent of the people of Puerto Rico reject this bill.

Mr. Chairman, it is an outrage to the democratic process that the definition for Commonwealth status was written by the very party that opposes it. It is like allowing Republicans to decide who could appear on a Democratic ballot.

Five years ago, the people of Puerto Rico held a plebiscite on this issue and chose to maintain their current status. This is a situation that the losers in that contest do not seem willing to accept. Yet the outcome was an important one. It reaffirmed the permanent United States citizenship of the people of Puerto Rico that is guaranteed under the Constitution. It acknowledged the bilateral nature of the United States-Puerto Rico relationship. It confirmed the autonomous status of Puerto Rico, which can only be changed by mutual consent.

The supporters of H.R. 856 are rejecting each and every one of these arguments when they say that citizenship can only be protected under statehood. Puerto Ricans are American citizens and we are proud to be American citizens. We do not need a plebiscite to prove that we are Americans any more than the people of Massachusetts or Virginia do.

This bill is not the result of a democratic process. It does not define all the choices to the satisfaction of the very people who will participate in this plebiscite. By defeating this bill, we will be sending a message that we truly honor the idea of self-definition for the people of Puerto Rico.

Mr. Chairman, I urge my colleagues to not be fooled by the arguments of the other side. A vote for H.R. 856 is a vote for statehood, not a vote for self-determination.

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

Mr. YOUNG of Florida. Mr. Chairman, I yield 5 minutes to the gentleman from Florida (Mr. MCCOLLUM).

Mr. MCCOLLUM. Mr. Chairman, we have embarked on one of the more significant debates this Congress will have in this 2-year period, maybe one of the more significant debates that we can have because we are trying to find a way to resolve concerns we all have about a part of the United States. Make no mistake about it, Puerto Rico is part of the United States.

In my State of Florida, which is right next door, it is a neighbor, it is a very friendly neighbor, the people of Puerto Rico are citizens of the United States. There are no Customs checks or boundaries between our country and theirs or my State and Puerto Rico.

Puerto Rico is a Commonwealth. It is a funny kind of status to most of us because we do not think of it in that way very often, at least I do not. I know that anybody who lives in Puerto Rico can come live at my State or Texas or Minnesota or New York, anywhere, any time they want to. That is fine.

Travel is free. People talk to each other all the time. There is a common bond that is there. And I think it is important for us as we debate this bill today to recognize the depth of this relationship and the importance of it and the tenderness of it.

The people of Puerto Rico have sacrificed many times over for the United States. Many men have given their lives in the service of this country from Puerto Rico over the years. We have been partners for years and years and years.

I believe it is very, very important that we give the people of Puerto Rico, as this bill does, an opportunity to determine what they wish us to consider in this Congress in the coming years regarding their future status.

It is not, as has been said before, that this legislation would determine whether or not Puerto Rico were to be a State or not. It is to give to the people of Puerto Rico a plebiscite, a vote, an opportunity to say yes to statehood, we would like you to consider that, Congress, or, no, we would rather stay in the Commonwealth status, or possibly we would rather be independent.

If this is not resolved in favor of statehood or independence now, it provides a vehicle for there to be future opportunities for the people of Puerto Rico to speak out on this issue and to debate all of those things that have been discussed today that need to be debated. There needs to be that kind of debate. That is what it is all about.

Yes, if Puerto Rico becomes a State, there will be expectations on both sides. We need to have a further airing of that. That is what the plebiscite debate in Puerto Rico would be all about.

Certainly assimilation in that broad sense of the word has always been part of the American tradition. But we assimilate immigrants into this country, and Puerto Ricans are not immigrants. They are citizens. But we assimilate immigrants into this country, and, ultimately, make them citizens every year, every day. We have done it since the beginning of the nations history.

We should not be concerned about the challenges involved in it. I do not think either side should be concerned. But we should be open about it. We should discuss it, and we should have a fair debate about it. But above all else, we need to be sure that the people of Puerto Rico get the chance to have that debate first.

So I urge my colleagues in the strongest sort of way to vote for this resolution today to give the Puerto Rican people that opportunity.

I would like to make a couple of comments, too, about who has supported this in the past. We have heard people debate, what did Ronald Reagan or George Bush say about it? Well, when the Puerto Rican statehood plebiscite was being discussed in November 1993, Ronald Reagan said,

> My friends, as you consider whether or not you wish to continue being a part of the United States, I want you to know one thing, the United States will welcome you with open arms.
>
> We've always been a land of varied cultural backgrounds and origins, and we believe firmly that our strength is our diversity.
>
> There is much Puerto Rico can contribute to our Nation, which is why I personally favor statehood. We hope you will join us.
>
> Thank you and God bless you.

So I think that it is important that we understand that the history has been of this Nation that many, many, many people have urged statehood on Puerto Rico in the past. But, again, that is not the purpose of the plebiscite. It is for the people of Puerto Rico to decide that.

We are also going to hear the question about English being discussed out here. The gentleman from New York (Mr. SOLOMON), a moment ago, was discussing that question.

I favor English as the official language of the United States. I have been

a cosponsor of bills to do that for a long time. All 50 States, and if we get a 51st State, the 51st State, too, should abide by that. That should be our official language. We should put it in the statute of the books of this country to say that. But to attach it to this bill sends the wrong signal.

We are interested in seeing Puerto Rico treated as everybody else. If we actually have an official language statute ever become law, and I hope it does, it should apply to all of the territories, the Commonwealths, the possessions of the United States. It should be known that English is the official language of the United States. But I do not believe it should be adopted on this bill today.

I would urge the support for the substitute amendment that I am helping cosponsor later on.

The CHAIRMAN. Who rises as the designee for the gentleman of California (Mr. MILLER)?

Mr. ROMERO-BARCELÓ. I do, Mr. Chairman.

Mr. SOLOMON. Mr. Chairman, we have a Member that has to get back to a hearing, so I would take him out of order.

Mr. Chairman, I yield 4 minutes to the gentleman from Virginia (Mr. GOODLATTE.)

Mr. GOODLATTE. Mr. Chairman, I rise in strong opposition to H.R. 856 because I have serious reservations about the constitutionality of this legislation which authorizes the Commonwealth of Puerto Rico to hold a referendum to determine Puerto Rico's political future and prescribes the wording of the ballot to be submitted to the voters.

Under the Act, the voters of Puerto Rico purportedly may choose to maintain the current Commonwealth status, to become a State, or to become an independent Nation. The ballot language mandated by the Act, however, severely mischaracterizes and denigates Puerto Rico's current Commonwealth status.

□ 1300

The ballot language mandated by the act, however, severely mischaracterizes and denigrates Puerto Rico's current commonwealth status. These repeated misstatements clearly appear to be designed to ensure that the statehood option prevails. Any doubt on this vanishes when the act's prescribed ballot is read in conjunction with other provisions of the act.

For instance, the act calls for a referendum every 10 years until the statehood option prevails. And the legislative history, the committee report is openly hostile to the current commonwealth status. Thus, a referendum using the prescribed ballot would deny the people of Puerto Rico an informed and accurate choice concerning their future political status and would reveal nothing about the true sentiments of the people of Puerto Rico on this important question.

The most serious misstatements contained in the act relate to its treatment of the rights enjoyed by the people of Puerto Rico under commonwealth status. The ballot contained in H.R. 856 states that Congress may determine the rights under the United States Constitution that are guaranteed to the people of Puerto Rico. This statement is wrong.

The act's description of the citizenship rights of the people of Puerto Rico is similarly flawed. The act states that Puerto Ricans are merely statutory citizens and implies that their citizenship may be revoked by Congress. The people of Puerto Rico, however, right now are United States citizens within the meaning of the 14th Amendment of the United States Constitution.

The ballot language mandated by H.R. 856 also mischaracterizes Puerto Rico's current political status. The act describes Puerto Rico as an unincorporated territory of the United States. Beyond the pejorative connotations associated with this term, which was used to describe the United States' colonial possessions, this description is inappropriate because the United States Supreme Court has held that Puerto Rico, like a State, is an autonomous political entity sovereign over matters not ruled by the Constitution. But these falsehoods are to be right on the ballot, mischaracterizing the commonwealth's status, when Puerto Ricans vote.

The purpose of the proposed referendum is to learn the sentiments of the people of Puerto Rico. In light of the fundamental inaccuracies, any referendum using the prescribed ballot could not be relied upon as an honest reflection of the sentiments of the people of Puerto Rico. Accordingly, the act as currently formulated necessarily fails to accomplish its very purpose.

Equally important, these fundamental inaccuracies in the ballot's description of the commonwealth status option effectively deny the people of Puerto Rico their constitutional right to exercise the franchise in a meaningful way. As the proponents of Puerto Rican statehood well understand, the commonwealth option described in the ballot will attract no significant support among Puerto Rico's voters, including voters who are otherwise ardent advocates of continuing Puerto Rico's commonwealth status.

Thus, the referendum contained in the act infringes on the voting rights of the people of Puerto Rico by presenting them with a factually inaccurate choice, a false choice as to their political future status. In short, H.R. 856 presents the people of Puerto Rico with a ballot that is stacked in favor of the statehood option. From the very start, the election is rigged. The ballot language mandated by the act is designed to ensure this result regardless of the true sentiments of the people of Puerto Rico.

Such a palpably deficient ballot raises serious constitutional issues. Moreover, as a matter of policy, it certainty cannot be justified as an effort to give Puerto Ricans meaningful self-determination. Mr. Chairman, I oppose this legislation and I ask others to do so as well.

Mr. YOUNG of Alaska. Mr. Chairman, I yield myself 30 seconds to respond to the gentleman's comments. I want everybody to understand one thing. As chairman of this committee, we did this job right.

The gentleman talks about constitutionality. He does not know the Constitution from something else. We sent this down to the Justice Department. They reviewed it with the best constitutional lawyers. Everything in this bill is constitutional. I did this job correctly as chairman. To have someone say it is not constitutional or allude it is unconstitutional when it has been thoroughly scrubbed by those that know the Constitution, I think is inappropriate.

Mr. ROMERO-BARCELÓ. Mr. Chairman, I yield 3 minutes to the gentleman from Rhode Island (Mr. KENNEDY).

Mr. KENNEDY of Rhode Island. Mr. Chairman, let me just underscore this. Let us go over it and over it and over it again. If Members do not like the language of this bill, if they do not like the definition of commonwealth in this bill, they do not like commonwealth. If Members find that the language that we use to describe commonwealth is repugnant——

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. The gentleman will suspend.

The Chair will admonish those in the gallery and remind all persons that they are here as guests of the House, and that any manifestation of approval or disapproval of any of the proceedings is a violation of the rules of the House and will not be permitted.

The gentleman may proceed.

Mr. KENNEDY of Rhode Island. Mr. Chairman, the fact is that if everyone is so insulted by this process, I hear the gentlewoman from New York (Ms. VELÁZQUEZ) and the gentleman from Illinois (Mr. GUTIERREZ) say, "I don't like this process because they shut out a political party in Puerto Rico." Let us understand what they are shutting out, although it is not the case, I will argue.

But let us just assume that we are shutting out the PDP, the Populares in Puerto Rico. What do they want? They want the commonwealth status. What is the commonwealth status? It is colonial status. It is saying that this Congress can decide unilaterally, without Puerto Rico's opinion or approval, what we want Puerto Rico to do. End

of story, I say to the gentleman from New York (Mr. SOLOMON).

So when you talk about how we are being unfair, think about it. We are being unfair because we do not like commonwealth. You bet I do not like commonwealth. I do not like the fact that 3.8 million people are disenfranchised, 3.8 million United States citizens who fought in our wars, who died in our wars are not even allowed to vote for their Commander in Chief. Can you imagine?

This country was founded, at the Boston tea party we declared our Revolutionary War, because we did not have representation here. That is what they do not have. Puerto Ricans cannot decide this bill. The gentleman from Puerto Rico (Mr. ROMERO-BARCELÓ) has no vote. He represents 3.8 million United States citizens. This is a bill that affects them, and they have no vote. What is that, other than colonialism?

This bill will give them statehood if they vote for it. Let us say they do not want to vote for statehood now, they still like this quasi-colonial status. We give them an opportunity, because in the final analysis, it has to be the United States.

I think it is so insulting that I have to be up here deciding on something that the people of Puerto Rico should be able to decide with or without my approval, with or without the approval of the gentleman from New York (Mr. SOLOMON), with or without the approval of the gentleman from Alaska (Mr. YOUNG). We represent other States. Why should we have any say in the matter with respect to Puerto Rico? We were not elected by the Puerto Ricans. They deserve their own representation. If we vote for this bill, they will get their own representation.

Mr. GUTIERREZ. Mr. Chairman, I yield myself such time as I may consume. Let me explain to the gentleman from Rhode Island (Mr. KENNEDY) why we are deciding this bill. We are deciding this bill because, unlike the description that the gentleman from Puerto Rico (Mr. ROMERO-BARCELÓ) has given, we did not welcome the United States to Puerto Rico. Puerto Rico was invaded by the United States during the Spanish-American Civil War.

Mr. KENNEDY of Rhode Island. No argument there. No argument there.

Mr. GUTIERREZ. Let us be clear. The gentleman is right. We are making the decisions because that is what is happening.

Mr. Chairman, I rise to strongly oppose H.R. 856 because this is the exact opposite of what its supporters pretend it to be. H.R. 856 is supposed to be a bill for self-determination, not for statehood, which my friend from Rhode Island has every ability, he is for statehood. That is what he wants. If I were for statehood and I was willing to gamble everything for statehood, I would be for this bill because this is a guarantee that statehood is going to win the plebiscite. I can understand that. Let us be clear.

Now I want to be clear about my position, also, Mr. Chairman. I am for independence for Puerto Rico. I am for independence for Puerto Rico. There was a time that the statehooders and the commonwealthers and the whole system would jail people like me for being for independence for Puerto Rico. That is why there are not more people for the independence of Puerto Rico. As they jailed the people of your former fatherland, Ireland, for wishing the independence and the sovereignty of that nation.

I would suggest to everybody what we can oppose, and it is wrong. Supporters of this bill have approached my colleagues on both sides of the aisle, Mr. Chairman, and told them that the passage of this bill only means that Congress authorizes the people of Puerto Rico to express their preference for political status among 3 options.

Some supporters of the bill have played a very cynical game of telling some of my Democrats, "Vote for this bill, and you will have 6 new Democratic Members of the House and 2 new Democratic Senators. That is why we should vote for the bill." That is being and that should be said here, because that is part of the debate and the conversation, and we should fully explain to the people of Puerto Rico how it is that this Congress is arriving at a decision to make their self-determination.

At the same time, some of the very same people have circulated a memorandum full of very strange statistics. Mr. Chairman, beware of strange numbers for they could be telling stranger lies. It is a memorandum entitled "Puerto Rico, Republican Territory," in which some magician tries to convince the uninformed that Puerto Rico will produce 6 Republican Congressmen and 2 Republican Senators.

It sounds strange to me. The gentlewoman from New York (Ms. VELÁZQUEZ), a Puerto Rican; the gentleman from Illinois (Mr. GUTIERREZ), of Puerto Rican descent; the gentleman from New York (Mr. SERRANO); and even the Resident Commissioner has decided to sit on our side of the aisle, the main proponent of this bill, and he is in the Democratic Caucus. Let us not play games with one side or the other getting some advantage over this, because that is not respectful. Mr. Chairman, this is a strange manner in which to conduct a serious debate on the future of a whole people.

Self-determination is a serious matter. The sacred right of self-determination has to be exercised in a totally democratic, open and above-board fashion. The true sovereignty of any nation, and Puerto Rico is indeed a nation, rests with its people. I think that the Members of this Congress should understand what the people of Puerto Rico believe, because this is something that is going to affect them.

They did a poll in Puerto Rico, El Nuevo Dia, that is The New Day, the largest paper of circulation in Puerto Rico; by the way, owned by a statehooder. They asked the people. On the nationality question, 65 percent of the people see themselves as Puerto Rican and not American, 65 percent of the people in Puerto Rico; 62 percent of the people consider their Nation to be Puerto Rico and not the United States.

But at the same time, 75 percent consider their American citizenship to be very important. Strange, you say, that sounds like a contradiction. It is the contradiction of colonialism, obviously. But it is also what the authors of this understand very well. On the one hand, they tell you, Puerto Rico is not a nation, it is just a group of people. It is this little tropical island that sits out there somewhere in the Caribbean.

But let me tell everybody in this room, the people of Puerto Rico which you are deciding today their options, consider themselves as a Nation. They consider to have a nationality, that nationality being Puerto Rican. You should understand that. You should understand that very, very clearly.

At the same time they want to keep their American citizenship. I think that that is very clear. Just March 4, they asked the people of Puerto Rico what they think about the Young bill. They asked the people of Puerto Rico. They said 35 percent reject the Young bill, 33 percent support the Young bill, and another third do not have an opinion on the Young bill. It says if Puerto Ricans within the great diaspora of Puerto Rico, that is Puerto Ricans in the United States, do not get to vote on this, over half of them say we should reject the Young bill.

□ 1315

That is the people of Puerto Rico. But let me go further, Mr. Chairman, because I think it is very, very, very important that we understand what is going on here.

Look, there is a value I hold even dearer than my wish for the independence of Puerto Rico, and that is the respect that I have for the true aspirations of the Puerto Rican people. That is their inalienable right of the people of Puerto Rico to their self-determination.

That is precisely why I oppose this bill so strongly. H.R. 856 is exactly the opposite. It is a bill, read it, it is a bill that is cleverly designed to obtain an artificial majority for statehood for Puerto Rico and to lead Congress down an irreversible path, first through the incorporation of Puerto Rico, and then to the admission of Puerto Rico as the 51st State of this great union. In fact, some opponents of H.R. 856 call this a trap.

Now, Congress makes an offer of statehood to the people of Puerto Rico. The only requirement, the only requirement, is that a simple majority vote in favor of statehood. But the ballot is so stacked in favor of statehood that I am going to read a quote, and, please, listen to this quote:

The Resident Commissioner, CARLOS ROMERO-BARCELÓ, said, "Victory for statehood is guaranteed because the definition of "commonwealth" does not include fiscal autonomy and does not include U.S. citizenship, a guarantee. The definition of Commonwealth in this bill is that of a territory. We just left the word "territory" out." Quote-end quote of the Resident Commissioner of Puerto Rico here.

So I am not saying this bill is stacked in favor of statehood; the very proponent, the Resident Commissioner of Puerto Rico, has stated this publicly, and that is wrong, to play politics, partisan politics.

Mr. Chairman, I want to thank the gentleman from Alaska (Mr. YOUNG), and I want to thank the gentleman from California (Mr. MILLER), because both gentlemen have been decent with me. When I asked to participate in their hearings, they both know that they had to override objections of certain Members to allow me to participate in their committee, but they did. The gentleman from California (Mr. MILLER) and the gentleman from Alaska (Mr. YOUNG) have always listened to me, have always come and said, "Luis, what do you think? Let us talk about this."

I know that the gentleman from California (Mr. MILLER) tried to fix this. I know he did. He did make every attempt to fix this, and I know that he went to everybody and tried to bring people together. He testified so yesterday, and I know it to be a fact. Unfortunately, it was not able to be done. It was not able to be done. This has to be a process of consensus, of building people together.

Mr. Chairman, do you know something? That is why I did not yield, because when I asked for the opportunity to speak about this issue, I was objected to time and time again. I will respect the wishes of those who wish to speak to this issue that have respected the wishes of the people of Puerto Rico and all Members of this House, but do not expect treatment from me which others have disregarded for others.

Once the people of Puerto Rico vote for statehood under this rather unfair game plan, the Commonwealth Party has said it cannot participate in the plebiscite. That is going to be a problem. You have got about 48 percent of the people who say if you do it this way, we are not going to participate in this thing.

Now, I am going to make one last statement and then reserve the balance of my time. Look, this is serious. This is serious. If you approve this Young bill, do you know what you have said? You have said that 3.8 million Puerto Ricans do not have the protection of the 14th Amendment of the Constitution of the United States. You have said that their American citizenship is not guaranteed.

I will tell you what people will say. They will never take it away. This Congress would never take an action.

Do you know something? My dad did not get to see me until I was a year old, I would say to the gentleman from New York (Mr. SOLOMON), because when he was called to duty, he served. He served, Mr. Chairman.

How can we say that my dad and tens of thousands of other Puerto Ricans who have served this Nation, right, that their citizenship is statutory, can be taken away from them at a whim of Congress? I do not believe that.

As a matter of fact, in the 1950 Nationality Act, this Congress approved something that says the 50 states and Puerto Rico, anyone born there, is protected by the 14th Amendment and are citizens of this country. That is what the 1950 Nationality Act says.

So do not come back here and say that commonwealth is statutory citizenship, because, you know something? I want Puerto Rico to be a free and independent nation, and in that I disagree with my colleague, the gentleman from Puerto Rico (Mr. ROMERO-BARCELÓ). The gentleman wants it to be assimilated and a state, but I think it is important, it is important, that the people of Puerto Rico have the definitions that they can have.

Lastly, in 1993, when the Resident Commissioner's party was in power in Puerto Rico, the Statehood Party, they controlled the two houses, the House and the Senate, and they controlled the governorship. They had a plebiscite in Puerto Rico.

Why, when they controlled all the rules in Puerto Rico, was the Commonwealth status not not a territory? Why was not the citizenship not statutory when that came up?

Why is it? As a matter of fact, in 1990 we unanimously accepted some definitions here, 1990, and none of these considerations. Do you want to know why? Because they want to stack the cards.

If the people of Puerto Rico want statehood, I will be the first one to come here and support statehood for Puerto Rico, but it has got to be a fair process. People can laugh and people can chide, because they do not understand the seriousness of this matter. This is about the 14th Amendment. This is about my dad, this is about my wife, Soraida, born in Moca, Puerto Rico; and I do not intend to go back to her tomorrow and say her citizenship is any less than mine. She was born a citizen of this country, and I am going to protect her right. It is not statutory, it is protected.

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

Mr. ROMERO-BARCELÓ. Mr. Chairman, I yield 3 minutes to the gentleman from Missouri (Mr. GEPHARDT), the minority leader.

Mr. GEPHARDT. Mr. Chairman, there is no right more fundamental to our democracy than the right of people to decide their political future. American democracy was conceived in the great struggle of the Revolutionary War, and it originated out of a fight for self-determination by the American colonists to be able to control their own affairs.

We have long asserted this right, not only for Americans, but for people all over the world. We have insisted that this is a universal human right that every human being should enjoy. So certainly it should and must be a fundamental right for people living under the American flag as American citizens. Yet almost 4 million American citizens, the people of Puerto Rico, have not enjoyed this right.

We have the opportunity to ensure today that American citizens who have sacrificed their loved ones in our wars, who serve our country in and out of uniform, and who obey our laws, should have a say in their political future. The people of Puerto Rico deserve an opportunity to vote on their future political status, and this bill simply gives them that opportunity. The choice should be theirs, and this Congress should respect that outcome.

This is a simple issue of basic human rights. The bill should easily become law. But today there are many in this Congress who want to hold this legislation hostage to an extreme agenda.

The Solomon English-only legislation, which House Republicans pushed through 2 years ago, but which died in the Senate and which has laid dormant ever since, would impose English-only restrictions that are unnecessary and divisive. While immigrants from all ethnic groups understand the importance and the necessity of learning English, the Solomon amendment does nothing to make this happen any quicker or easier.

The fact that some have raised this issue today is a slap in the face to the people of Puerto Rico, who love America and love their heritage. Instead of enforcing political rights, this amendment would undermine them by weakening the Voting Rights Act and ending bilingual access. Instead of expanding access to government, the Solomon amendment chills communications between Members of Congress and constituents. It imposes unique requirements on the people of Puerto Rico that Congress has not imposed on citizens of any other State of the United States.

Mr. Chairman, I urge the Members to support the bipartisan substitute that is being put forward by the leadership

of this committee. It recognizes that it is in the best interests of our Nation and our citizens to promote the teaching of English, and it sets the goal of enabling students to achieve English language proficiency by the age of 10. It does not threaten free and open speech and communication of public safety, and it does not single out the people of Puerto Rico for unique, extraordinary requirements that we ask of no other State in the United States of America.

Finally, it is time to get on with the business at hand. It is time to extend the same rights to the people of Puerto Rico that billions of other people around the world take for granted. Puerto Rico has been a member of our American family for over 100 years. The people of Puerto Rico have waited long enough to finally decide their own destiny. More than a half decade ago Franklin Roosevelt said this to Congress. He said, "Freedom means the supremacy of human rights everywhere." Our support, he said, goes to those who struggle to gain those rights or keep them.

Mr. Chairman, we have a magnificent opportunity today, a bipartisan opportunity, an opportunity to extend the magic and the blessing of freedom and human rights and self-determination to the almost 4 million citizens of the United States, the people of Puerto Rico. Vote against the Solomon amendment, vote for the bipartisan substitute, and vote for this legislation for the meaning of America to be brought to the people of Puerto Rico.

Mr. MILLER of California. Mr. Chairman, I yield 1½ minutes to the gentleman from Guam (Mr. UNDERWOOD).

Mr. YOUNG of Alaska. Mr. Chairman, I yield 1 minute to the gentleman from Guam.

The CHAIRMAN. The gentleman from Guam (Mr. UNDERWOOD) is recognized for 2½ minutes.

Mr. YOUNG of Alaska. Mr. Chairman, will the gentleman yield?

Mr. UNDERWOOD. I yield to the gentleman from Alaska.

Mr. YOUNG of Alaska. Mr. Chairman, I would like to apologize to the gentleman. In my passionate plea for Puerto Rico, I forgot the great Territory of Guam. We are working very close together. It slipped my mind. So I do apologize to the gentleman.

Mr. UNDERWOOD. Mr. Chairman, reclaiming my time, I thank the gentleman for entering that into the RECORD.

Mr. Chairman, I stand in strong support of H.R. 856 and urge my colleagues to vote for this very important legislation. I applaud the work of the gentleman from Alaska (Chairman YOUNG), the gentleman from California (Mr. MILLER), and my fellow statutory citizen, the gentleman from Puerto Rico (Mr. ROMERO-BARCELÓ).

H.R. 856 is significant because it establishes Federal responsibility in a process of self-determination for the people of Puerto Rico that would lead to decolonization. The Treaty of Paris, which ceded Puerto Rico and Guam to the U.S. in 1898, clearly gave the responsibility to this body for determining the political status of the inhabitants of these territories. Until this body does this, these areas will continue to remain colonies, 100 years since the end of the Spanish-American War. Until we do this, there will not be clarity in the ultimate political status of these unincorporated territories.

□ 1330

The bill before us clearly states that the Federal Government has the responsibility to act within a specific time frame and in unequivocal terms so that the process itself does not lead to more frustration and uncertainty. The Federal responsibility must be consistent with a modern 21st century understanding of decolonization, and it must lead to a process which forces expeditious action.

Today, 100 years after the Spanish-American War, the U.S. Congress has the unique opportunity and the moral obligation to resolve Puerto Rico's quest for a clear political status for its citizens. It is the right thing to do.

Mr. Chairman, if Members support democracy and the principle of fairness, I urge Members to vote for 856. It is the right thing to do for the citizens of the Caribbean island, to demonstrate that this country is second to none in the exercise of self-determination, that we are second to none in honoring our treaty obligations, and that we are second to none in the full implementation of democracy.

Mr. ROMERO-BARCELÓ. Mr. Chairman, I yield 2 minutes to the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Chairman, I thank the gentleman from Puerto Rico for yielding time to me.

I rise in strong support of this legislation. I rise in strong support for the substitute that will be put forth to the Solomon amendment, and in opposition to the Solomon amendment.

Since 1985 I have served on the Helsinki Commission, which was charged since 1976 to oversee the implementation of the Helsinki Final Act. Within that act it said that the international community ought to respect the self-determination of peoples.

It is one of the most troubling issues that confronts the international community and the emerging democracies around the world. It is difficult because we need to determine what group, what size, how many do you need for self-determination. Does it need to be an identifiable, geographic area? If so, how large? It is an issue that we deal with in Yugoslavia.

Always, always, always the United States is on the side of those who aspire to make their own decisions. On this floor we have heard some very articulate expressions on both sides of this issue, from people who know the politics of Puerto Rico far more than I. But I know that those articulate people will debate this issue vigorously, and it will be the people of Puerto Rico who make this decision, as it should be. But it is important that this Congress express at home, within our own Nation, that same conviction on behalf of self-determination that we express around the world.

I would hope that we would overwhelmingly, in a bipartisan way, pass this legislation. I want to commend the gentleman from Alaska (Mr. YOUNG) for his leadership on this issue, and the gentleman from California (Mr. MILLER), and indeed, the delegate from Puerto Rico, and all of those who participate in this debate.

Mr. ROMERO-BARCELÓ. Mr. Chairman, I yield 2 minutes to the gentleman from Maryland (Mr. WYNN).

Mr. WYNN. Mr. Chairman, I thank the gentleman from Puerto Rico for yielding me this time.

Mr. Chairman, I rise in support of the bill before us today. I rise in opposition to the Solomon amendment. I rise in support of the bipartisan substitute.

Mr. Chairman, the essence of the bill before us today is to allow the people of Puerto Rico to make the decisions about their own destiny, what we like to refer to as self-determination.

For the last few decades we have talked long and often hard about the importance of self-determination in all parts of the world: in Russia, in Cuba, around the globe. It is now time to talk about self-determination for one of our nearest neighbors.

This is not that complicated. That is the beauty of democratic elections. Members have heard here today that there are lots of points of view about this issue within Puerto Rico. Those differences can be resolved by democratic elections. That is what we are here today to do, not to impose any particular form of government, be it statehood, independence, or Commonwealth status, but rather, to let the people, the people themselves decide what form of government they believe is most desirable.

The point is that today Puerto Ricans can fight in our wars but cannot elect the Commander in Chief. They can contribute to Social Security, and they do, but they cannot receive Social Security benefits. We need to change this, and we need to use our time-honored democratic processes to do that.

Mr. Chairman, let me talk for a moment about this notion embodied in the Solomon amendment of English only. We all recognize that English is the common language of our country. It is the dominant language of our country. But who was it that decided that to be an American you had to speak the language of the British Isles? I am not sure that makes sense.

We were a country founded on tolerance, multiculturalism. It seems to me we can make room for those people who speak other languages. We left the Old World to create the New World for precisely this reason, to leave the conformities and traditions of the Old World behind. I think it is time we move forward to true multiculturalism and accept the fact that we do not have to have an ordered language in our society. I urge the adoption of the bill before us.

Mr. YOUNG of Alaska. Mr. Chairman, I yield 3 minutes to the gentleman from Texas (Mr. BONILLA).

Mr. BONILLA. Mr. Chairman, the debate we are hearing today reminds me of the demagoguing we heard back when the new majority took over in January of 1995. We tried to do some things that were right for the country, and we were demagogued as those who were trying to end the school lunch program, as those who were trying to eliminate Medicare, and as those who were trying to hurt the environment. We all knew that was not true, but yet the demagoguing continued.

The demagoguing continues today by those who are opposed to this bill, who say that it is going to somehow create a State, a new State, instantly. That is false. That is demagoguing.

There is also demagoguing about how this bill might be promoting bilingualism. That is not true at all, but nonetheless the arguments continue. They say this is anti-Commonwealth. That is also not true. The demagogues know it but they continue to make these arguments, in spite of the truth and substance of what we are trying to accomplish here today.

For those who think somehow that this is going to end the official language of the world, it is also a case of demagoguing. English is the official language of the world. One hundred fifty seven of 168 airlines have English as their official language. There are 3,000 newspapers printed in English in the country of India. Six members of the European Free Trade Association all conduct their business in English, despite the fact that none of the six members are from English-speaking nations. Three hundred thousand Chinese speak English in their own country. Forty-four countries have English as their official language.

The size of the English language, the number of words in the English language, is about 1 million. If we count the insects, and entomologists say there are a million known insects that could also become words, if we added them to our language, you could make 2 million words that would be part of the English language, compared to other languages, like German, that has about 184,000, and French, that has about 100,000 words.

For those fear-mongers who think we need some kind of amendment on this bill to help us promote English, English is already the official language of the world. We do not need an amendment to tell us that. It is going to continue to be the official language of the world. We should support H.R. 856, and all proudly, because of what it stands for, and not be fear-mongering about what it might do to the great language of English that is used worldwide.

I say to my friends, let us stop the demagoguing, let us stop the fear-mongering that we have injected into this debate. Lighten up and support H.R. 856.

Mr. ROMERO-BARCELÓ. Mr. Chairman, I yield 1½ minutes to the gentleman from Florida (Mr. DEUTSCH).

Mr. DEUTSCH. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, this is truly a historic debate in this Congress. This is my sixth year as a Member of this Congress. It is the first time we are really talking about an issue about the fundamental union of our States. That is really what we are talking about.

In this Chamber over the last 100 years, and before that in the other Chamber just down the hall for 100 years before that, or just about, this is the kind of debates that went on. Unless it was one of the first original 13 colonies, each State went through a process. There were different debates and different things that went through that process. But that is where we are now.

I think part of the acknowledgment of this bill is something that obviously is controversial, but I think the fact, and people can debate it, is that the status of Commonwealth is an unstable equilibrium. In a sense, the bill acknowledges that. It can continue, but it cannot continue indefinitely. The process of the legislation specifically puts that into statute, and that is why it is critical that this legislation pass.

I would mention that the amendment by the gentleman from New York (Mr. SOLOMON), I think we should acknowledge what the amendment offered by the gentleman from New York (Mr. SOLOMON) attempts to do. We need to be direct about this.

This amendment is really not germane to this bill. It is an issue that in and of itself can be discussed and debated, but to turn English into the official language of the United States is not about this bill. It does not deserve to be on this bill, and it is inappropriately on this bill. I think we have to understand the reason it is on this bill is to kill the bill.

However anyone in this Chamber feels about that particular issue, and I know it is a passionate issue, I urge the defeat of the Solomon amendment and the support of the substitute offered by the gentleman from Alaska (Mr. YOUNG) and the gentleman from California (Mr. MILLER) and others to assure that this historic opportunity is taken advantage of.

Mr. Chairman, H.R. 856 will enable Congress to administer and determine the status of Puerto Rico in the same manner this institution has been administering and decolonizing territories since the Northwest Ordinance of 1789. The historical constitutional practice of the United States has been to decolonize non-state territories which come under U.S. sovereignty by either full incorporation leading to statehood (as in the case of Alaska and Hawaii) or separate nationhood (Philippines).

For too long Puerto Rico has been diverted from the historical process of decolonization. Because local self-government was established under P.L. 81–600 in 1952, Congress has pretended that Puerto Rico could be administered permanently as a territory with internal constitutional self-government. However, the local constitution did not create a separate nation as the pro-commonwealth party in Puerto Rico argues. Puerto Rican born Americans are still disenfranchised in the federal political system which is supreme in the territory as long as the U.S. flag flies over the island.

Puerto Rico is not a "free associated state" in the U.S. constitutional sense or under international law as recognized by the United States. Puerto Rico remains a colony. That is not my choice of words, that is the term used by the McKinley Administration to describe Puerto Rico. It is also the term used by the former chief justice of the Puerto Rico Supreme Court who was one of the architects of the commonwealth constitution.

Because H.R. 856 will define the real and true options that the Congress and the people in Puerto Rico have to resolve the status question, I strongly support this bill. Informing the voters in the territory of the real definition of commonwealth, statehood and separate sovereignty including free association is necessary because of the misleading adoption in 1952 of the Spanish words for "free association" by the pro-commonwealth party to describe the current commonwealth status. No wonder people are confused!

Only when people understand the real options can there be informed self-determination, and only when there has been informed self-determination can Congress then decide what status is in the national interest. Then the status of Puerto Rico can be resolved if there is agreement on the terms for status change. If not the status quo continues, but the process to decolonize Puerto Rico will exist. Then Puerto Rico's colonial status will continue only as long as the people of Puerto Rico are unable to choose between statehood and independence on terms acceptable to Congress.

To promote a better understanding of the nature of free association, I would like to share the following background paper on free association written by the U.S. Ambassador who negotiated free association treaties for President Reagan. The U.S. has a free association relationship with three Pacific island nations, and this status is very different from the free association espoused by the so-called "autonomists in Puerto Rico"—who want to be a separate sovereign nation but also keep U.S. nationally and citizenship.

That "have it both ways" approach to free association was attempted in the case of the

Micronesian Compact of Free Association, but the State Department, Justice Department and Congress rejected that model as unconstitutional and unwise. It was an attempt to "perfect" the legal theory of the Puerto Rican commonwealth as a form of permanent self-government, a nation-within-a-nation concept that has always failed and always will because the U.S. constitution does not allow a Quebec-like problem in our Federal system.

Ambassador Zeder's explanation of free association as an option for Puerto Rico makes the ground rules for this form of separate sovereignty very clear and easy to understand. I include his statement for the RECORD.

The statement referred to is as follows:

UNDERSTANDING FREE ASSOCIATION AS A FORM OF SEPARATE SOVEREIGNTY AND POLITICAL INDEPENDENCE IN THE CASE OF DECOLONIZATION OF PUERTO RICO

(By Ambassador Fred M. Zeder, II)

Consistent with relevant resolutions of the U.N. General Assembly, Puerto Rico's options for full self-government are: Independence (Example: Philippines); Free Association (Example: Republic of the Marshall Islands); Integration (Example: Hawaii). See, G.A. Resolution 1514 (1960); G.A. Resolution 1541 (1960); G.A. Resolution 2625 (1970).

For purposes of international law including the relevant U.N. resolutions international conventions to which the U.S. is a party, the current status of Puerto Rico is best described as substantial but incomplete integration. This means that the decolonization process that commenced in 1952 has not been fulfilled.

As a matter of U.S. domestic constitutional law, a territory within U.S. sovereignty which has internal constitutional self-government but is not fully integrated into the national system of political union on the basis of equality remains an unincorporated territory, and can be referred to as a "commonwealth." (Example: Puerto Rico and the Northern Mariana Islands).

For purposes of U.S. constitutional law, independence and free association are status options which are created and exist on the international plane. Thus, instead of the sovereign primacy of Congress under the territorial clause, the sources of constitutional authority with respect to nations with separate sovereignty include the article II, section 2 treaty-making power and the applicable article I, section 8 powers of Congress such as that relating to nationality and immigration law.

Relations between the U.S. and a nation which is independent or in free association are conducted on the basis of international law. Thus, independence and free association are status options which would remove Puerto Rico from its present existence within the sphere of sovereignty of the United States and establish a separate Puerto Rican sovereignty outside the political union and federal constitutional system of the United States.

Instead of completing the integration process through full incorporation and statehood, either independence or free association would "dis-integrate" Puerto Rico from the United States. This would terminate U.S. sovereignty, nationality and citizenship and end application of the U.S. Constitution in Puerto Rico. In other words, the process of gradual integration which began in 1898, and which was advanced by statutory U.S. citizenship in 1917 and establishment of constitutional arrangements approved by the people in 1952, would be terminated in favor of either independence or free association.

Under either independence or free association, the U.S. and Puerto Rico could enter into treaties to define relations on a sovereign-to-sovereign basis. Free association as practiced by the U.S. is simply a form of independence in which two sovereign nations agree to a special close relationship that involves delegations of the sovereign powers of the associated to the United States in such areas as defense and other governmental functions to the extent both parties to the treaty-based relationship agree to continue such arrangements.

The specific features of free association and balance between autonomy and interdependence can vary within well-defined limits based on negotiated terms to which both parties to the arrangement have agreed, but all such features must be consistent with the structure of the agreement as a treaty-based sovereign-to-sovereign relationship. In U.S. experience and practice, even where free association has many features of a dependent territorial status the sources and allocation of constitutional authority triggered by the underlying separation of sovereignty, nationality and citizenship causes the relationship to evolve in the direction of full independence rather than functional re-integration.

Free association is essentially a transitional status for peoples who do not seek full integration, but rather seek to maintain close political, economic and security relations with another nation during the period after separate sovereignty is achieved. Again, this could be accomplished by treaty between independent nations as well. Thus, free association is a form of separate sovereignty that usually arises from the relationship between a colonial power and a people formerly in a colonial status who at least temporarily want close ties with the former colonial power for so long as both parties agree to the arrangements.

Free association is recognized as a distinct form of separate sovereignty, even though legally it also is consistent with independence. Specifically, free association is consistent with independence because, as explained below, the special and close bilateral relationship created by a free association treaty or pact can be terminated in favor of conventional independence at any time by either party.

In addition, the U.S. and the international community have recognized that a separate nation can be a party to a bilateral pact of free association and be an independent nation in the conventional sense at the same time. For example, the Republic of the Marshall Islands is party to the Compact of Free Association with the United States, but has been admitted to the United Nations as an independent nation.

Thus, the international practice regarding free association actually is best understood as a method of facilitating the decolonization process leading to simple and absolute independence. Essentially, it allows new nations not prepared economically, socially or strategically for emergence into conventional independence to achieve separate nationhood in cooperation with a former colonial power or another existing nation.

Under international law and practice including the relevant U.N. resolutions and existing free association precedents, free association must be terminable at will by either party in order to establish that the relationship is consistent with separate sovereignty and the right of self-determination is preserved. This international standard, also recognized by the U.S., is based on the requirement that free association not be allowed to become merely a new form of internationally accepted colonialism.

Specifically, free association is not intended to create a new form of territorial status or quasi-sovereignty. It is not a "nation-within-a-nation" relationship or a form of irrevocable permanent union, but is, again, a sovereign-to-sovereign treaty-based relationship which is either of limited duration or terminable at will by either party acting unilaterally.

In other words, both parties have a sovereign right to terminate the relationship at any time. The free association treaty may provide for the terms and measures which will apply in the event of unilateral termination, but the ability of either party to do so can not be conditioned or encumbered in such a manner that the exercise of the right to terminate the relationship effectively is impaired or precluded.

For that reason, the territory and population of each nation involved must be within the sovereignty, nationality and citizenship of that nation, and the elements and mechanisms of the free association relationship must be defined consistent with that requirement. Separate and distinct sovereignty and nationality must be established at the time of decolonization and preserved under the relationship or the ability of either party to terminate will be impaired.

Thus, the major power may grant to people of the free associated nation special rights normally associated with the major power's own citizenship classifications, such as open immigration and residence rights.

However, these arrangements are subject to the same terminability as the overall relationship, and thus may be either for a limited duration or subject to unilateral termination by either party at any time.

Consequently, there can be no permanent mass dual nationality because this would be inconsistent with the preservation of the underlying separate sovereignty. Any special rights or classifications of the major power extended to the people of a free associated nation are more in the nature of residency rights and do not prevent either nation from exercising separate sovereignty with respect to the nationality of its own population.

Upon termination of the free association relationship by either party, any such classifications or special residency rights will be subject to unilateral termination as well. Both during and after any period of free association, the people of each of the two nations will owe their allegiance to and have the separate nationality of their own country. Any attempt to deviate from these norms of international law and practice would undermine the sovereignty of both nations, and would impair the right of self-determination which must be preserved to ensure the relationship is based on consent rather than coercion.

In summary, the United States recognizes each of the three U.N. accepted status options for Puerto Rico to achieve full self-government. One of those options, integration, is within U.S. sovereignty and the federal political union, the other two, independence and free association, exist without U.S. sovereignty, nationality and citizenship.

Obviously, Puerto Rico can not act unilaterally to establish a new status. This is so not only because of U.S. sovereignty and the authority of Congress under the territorial clause, but also because Puerto Rico seeks the agreement of the U.S. to the terms under which any of these options would be implemented. This means Congress must agree to

the terms under which a new status is defined and implemented.

There is no right on the part of Puerto Rico unilaterally to define its relationship with the United States. Nor would it be consistent with U.S. commitments to respect the right of self-determination for non-self-governing people under U.S. administration to dispose of the territory of Puerto Rico in a manner which does not take into account the freely expressed wishes of the residents.

Thus, as the two parties which must define and carry out a future relationship based on consent and the right of self-determination which each must exercise, Congress, on behalf of the United States, and the people of Puerto Rico, acting through their constitutional process, must decide whether decolonization will be completed through completion of the process for integration into union or separation and nationhood apart from the U.S. for Puerto Rico.

Mr. GUTIERREZ. Mr. Chairman, I yield 2½ minutes to the gentleman from Massachusetts (Mr. KENNEDY).

Mr. KENNEDY of Massachusetts. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I have been impressed in this debate thus far about the determination of us as Members of Congress to provide for real self-determination for the great people of Puerto Rico. I think it is fundamentally important to the Puerto Rican people themselves and to all of us as Americans, when we talk about the most important issue, perhaps, that we can determine in this Chamber, as to whether or not and who we define as American citizens, that we are clearly saying to the Puerto Rican people that they are welcome as not only citizens of this country, but they are in fact welcome as a 51st State.

But, and I mean a serious but, for anyone who has taken the time to visit Puerto Rico, to not just visit there in the sense of getting a nice suntan, but going there and talking with the Puerto Rican people and gaining a better understanding of their own identification, the truth of the matter is there are millions of Puerto Ricans that consider themselves to be Puerto Ricans, Puerto Ricans first.

American citizens, yes. They are willing to fight and die for this country. But I do not consider myself a Massachusettan first and then an American, I consider myself to be an American.

I think that we as American citizens ought to fundamentally be wide enough in the breadth of our knowledge and our sense of other human beings to allow them their own self-identification. That means that we ought to respect those that believe in the Commonwealth party.

I have a great many friends that are commonwealthers and statehooders. But I have great respect for the Commonwealth party, and I believe that this bill unfairly slants the way we define Commonwealth by bringing up issues as to whether or not this means that Puerto Rican people are going to be forever faced with determinations by this body as to whether or not we are going to consider them to be citizens, whether or not we are going to tax them, a whole series of questions that effectively undermines one group of Puerto Ricans that over and over again has stood up for equality status versus statehood.

If the people of Puerto Rico claim and vote for statehood, I would be the first in this Chamber to vote with them and to give them their vote and voice here in the Congress of the United States. But if in fact they choose Commonwealth status, then let us respect that as well, and let us make this an evenhanded debate that does not slight one side or the other, but gives this important issue the respect it is due.

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Mr. SOLOMON. Mr. Chairman, I yield such time as he may consume to the gentleman from New York (Mr. GILMAN), the honorable chairman of the Committee on International Relations.

Mr. GILMAN. Mr. Chairman, I thank the gentleman from New York (Mr. SOLOMON) for yielding me this time. Mr. Chairman, I rise today in support of H.R. 856, the United States-Puerto Rico Political Status Act, allowing Puerto Ricans to determine their future political status.

Mr. Chairman, I rise today in support of H.R. 856, the United States-Puerto Rico Political Status Act, which will allow Puerto Ricans to determine their future political status.

This bill would give the U.S. citizens of Puerto Rico the right to self-determination. I believe every U.S. citizen should be afforded that opportunity.

The right to self-determination is a foundation or our freedoms. By voting against this bill, we would be sending a message that we don't believe other citizens should be given the opportunity and privilege of voting that we enjoy.

Puerto Ricans have served and died in wars defending democracy for years, yet they cannot elect a President or participate in the legislative process. This is unjust and un-American. Voting for H.R. 856 will entrust 3.8 million Hispanic Americans who reside in Puerto Rico with the power of an educated vote on self-determination.

Furthermore, voting for H.R. 856 does not confer statehood to Puerto Rico, but merely establishes a referendum that sets the terms and clarifies the choices to allow Puerto Ricans to determine their future political status. With regard to the language of the island, Puerto Rico recognized English as an official language of the local government in 1902—longer than any other American domain. English is the language of the local and federal governments, courts, and businesses, and is also in the curriculum of all the schools on the island of Puerto Rico.

As chairman of the International Relations Committee, I recognize the importance of supporting democratic principles abroad. Supporting H.R. 856 were enormously help to strengthen U.S. relations with Latin American nations. It is equally important to support these democratic standards here in America, by voting for a non-binding referendum.

For these reasons, I urge my colleagues to join in voting for H.R. 856, and grant Puerto Ricans the right to self-determination.

Mr. ROMERO-BARCELÓ. Mr. Chairman, I yield 1 minute to the gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. Mr. Chairman, I thank the gentleman from Puerto Rico (Mr. ROMERO-BARCELÓ) for yielding me this time.

Mr. Chairman, a matter of self-determination should be a matter that brings unanimous consent in this body, and it pains to me to see divisions and splits. If the bill is imperfect, there are many hurdles yet to go: additional island votes, additional congressional votes provided by the bill. Also, the vote to be taken in Puerto Rico is nonbinding.

Above all, we cannot get ahead of the Puerto Rican people. In 1993, we in the District of Columbia had a historic vote on statehood. That is not what this vote is about. It is about allowing the Puerto Rican people to decide what affiliation they themselves desire. This is what we say we want people around the world to decide.

I represent half a million people in the District of Columbia who identify with Puerto Ricans because we too are treated as less than full Americans, living here right under the noses of the Congress of the United States. We know what it is like to fight and die in wars while suffering denials of concomitant rights.

The District has even fewer rights than Puerto Ricans because we do not have the right to self-government. We in the District feel a deep kinship which demands for self-determination around the world, and especially self-determination among our own in Puerto Rico.

Mr. YOUNG of Alaska. Mr. Chairman, I yield 1 minute to the gentleman from Mississippi (Mr. TAYLOR).

Mr. TAYLOR of Mississippi. Mr. Chairman, as we debate this, there are 20,000 Puerto Ricans serving in the Armed Forces of the United States. In this century, 200,000 have taken the pledge to defend our country. As recently as the Vietnam war, almost as many Puerto Ricans as Mississippians gave their lives for our country. And as recently as the Gulf War, when American casualties were miraculously low, four Puerto Ricans died for the United States of America.

Mr. Chairman, if that is not the price to pay for the privilege of deciding whether or not they want to be a State, then what is? They have paid the price. They deserve the right to make that decision.

Mr. Chairman, I urge my colleagues to please vote in favor of this bill.

Mr. SOLOMON. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. HORN), one of the Members

that would probably be considered the least partisan of all on both sides of the aisle.

Mr. HORN. Mr. Chairman, I thank the gentleman from New York (Mr. SOLOMON), chairman of the Committee on Rules, for yielding me this time.

Mr. Chairman, I feel very strongly in support of the amendment offered by the gentleman from New York. I will support it. But I will also vote against this bill.

We have a wonderful Resident Commissioner here from Puerto Rico. There is excellent representation from Guam, the District of Columbia, Virgin Islands, American Samoa. But I think this is just wrong public policy. We should not be raising false expectations of any group. I think the one way to do it is to say right now, let us not kid ourselves, this is not a good idea.

Puerto Rico is the result of the Spanish-American War. It has a wonderful people. What the gentleman from Mississippi said is absolutely correct. Many of them have given their lives for our country. There are also wonderful people in Guam, Saipan, the Virgin Islands, American Samoa, and the District of Columbia.

Mr. Chairman, I would say to the gentlewoman from the District of Columbia (Ms. NORTON) that we can solve the District's problem very easily and do what Congress did in the Nineteenth Century when it ceded back to Virginia that part of the District of Columbia which had been carved out of Virginia. Give it back to Maryland, and the District would have full representation.

But Puerto Rico should never have been a territory. Cuba was never a territory. Cuba has been independent. Granted, the Marines occupied them and a number of other countries from time to time. But we should have left Cuba independent. We did. We should have left Puerto Rico independent. We did not. And we need not continue that error forever.

We kept our promise to the Philippines that they would be independent in 1946. There is many a Filipino life of the Philippine Scouts, Philippine Army, that helped the United States in the sad, sad days of 1941 when the Japanese Empire extended its military and Naval forces southward in Asia.

Many of the 50,000 Cambodians in my City of Long Beach have talked to me and asked if Cambodia could become a State. Now, that would be a wonderful idea. They are wonderful people. No people except the Jews, the Kurds, the Armenians, and a few others have had to go through the hell that the people of Cambodia have gone through. One million were killed by Pol Pot. But as I have told them, it does not make sense for them to be a State of the United States. We have to draw the line.

And for those who have small States and want the second representative, just forget about it if six representatives come in from anywhere, Puerto Rico or any other territory that seeks statehood.

The niceness of the people and their heroism, we should honor. But we should not be getting ourselves entangled in situations that will be another Quebec, no matter how much we teach the English language. And, frankly, we have to say "no" from the beginning. Let us not make a major mistake. Vote "yes" for the Solomon amendment and "no" on the passage of the bill.

The CHAIRMAN. The gentleman from Illinois (Mr. GUTIERREZ) has 1 minute remaining; the gentleman from Puerto Rico (Mr. ROMERO-BARCELÓ) has 3½ minutes remaining; the gentleman from Alaska (Mr. YOUNG) has one-half minute remaining; and the gentleman from New York (Mr. SOLOMON) has one-half minute remaining.

PARLIAMENTARY INQUIRY

Mr. SOLOMON. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. SOLOMON. Mr. Chairman, I believe under the procedures of the House that it would be appropriate at this time for the gentleman from Illinois (Mr. GUTIERREZ) to use up his time, then the gentleman from Puerto Rico, then myself, and then reserving the close for the chairman of the committee. Would that not be in order? I would suggest it, at any rate.

The CHAIRMAN. The Chair will recognize Members to close general debate in reverse of the order in which the Members opened. Therefore, the Chair will recognize Members to close debate as follows: The gentleman from Illinois (Mr. GUTIERREZ), the gentleman from New York (Mr. SOLOMON), the gentleman from California (Mr. MILLER), and the gentleman from Alaska (Mr. YOUNG).

Mr. GUTIERREZ. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I think the gentleman from Mississippi (Mr. TAYLOR) was very eloquent when he spoke about the thousands of Puerto Ricans that have given their lives in the armed forces. And the gentleman ended his statement by saying they should be able to vote for statehood. Indeed, they should.

That is not the question here. The question is should not they be able to vote for other statuses also, and should we stack the deck against them and in favor of statehood? Listen. I want everybody to understand this. We cannot have self-determination if the people who are going to have the plebiscite do not agree with the definitions, if we say to those people when they walk into the ballot box, and this is what we are asking them to do: statehood, citizenship guaranteed; commonwealth, maybe, including those thousands and thousands that have served in the Armed Forces that are citizens today. That is weighting it against, and it is unfair.

So if we are going to bring up the courage, if we are going to bring up the commitment and the service, let them decide in a fair manner what their future is. And I remind my colleagues, this is not a group of people. It is not a territory. It is a nation. They feel that they are a nation. Puerto Rico is a separate and distinct country.

Mr. SOLOMON. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, briefly, the reason I have opposed this bill in its present form is because it sets in motion a procedure that would possibly bring Puerto Rico into the Union with a simple vote of 50 percent plus 1. When Alaska came in, 83 percent of the people wanted statehood. When Hawaii came in, 94 percent of the people wanted statehood. We cannot have another Quebec on our hands like Canada. If the overwhelming majority of the people of Puerto Rico want statehood, I will be the first to stand up here to fight for their admittance. Until that time, I think we should oppose this bill.

Mr. ROMERO-BARCELÓ. Mr. Chairman, I yield 1 minute to the gentlewoman from Hawaii (Mrs. MINK).

Mrs. MINK of Hawaii. Mr. Chairman, I thank the gentleman from Puerto Rico (Mr. ROMERO-BARCELÓ) for yielding me this time.

Mr. Chairman, I rise in strong support of H.R. 856, and oppose the Solomon amendment and support the Miller substitute.

Mr. Chairman, I commend the gentleman from Alaska (Mr. YOUNG) for his leadership in this matter. His State and my State went through years and years of agony, of pleading with this Congress to be admitted as a complete partner, as a State. We went through much this same type of argument on many side issues. And I regret that my dear friends are in opposition to this proposal on the grounds that they do not feel that the ballot is fairly stated.

The central issue here is that the people of Puerto Rico are being given the decision-making opportunity. They have to cast their ballots one way or another. The issue of statehood versus commonwealth will be clearly debated by the people.

Mr. Chairman, I feel that this is an issue which goes to the very heart of this democracy and the people of Puerto Rico ought to be given the right to vote.

Mr. Chairman, H.R. 856 is the first congressionally recognized framework that establishes a referendum for the people of Puerto Rico to determine whether they choose to be a commonwealth, state, or independent nation.

H.R. 856 is not a bill granting statehood, it is a bill to allow American citizens to determine their political future. Some argue against H.R. 856 because they do not like the definition of commonwealth or simply do not support statehood and do not want to see the

same rights and benefits accorded all states given to Puerto Rico. We do not know how the people of Puerto Rico will vote. However, we owe our fellow Americans the chance to decide for themselves what relationship they wish to have with the United States.

For example, some say the bill's definition of Puerto Rico's current territorial or "commonwealth" status is not attractive as statehood. Each status has its advantages and disadvantages. If a majority of the residents of Puerto Rico were to choose to remain a commonwealth under H.R. 856, their relationship with the United States would not change.

There are some who oppose the possibility of Puerto Rico becoming a state because both Spanish and English are the official languages of Puerto Rico. These opponents wish to "assimilate" Puerto Rico into the United States and believe the only way to "assimilate" these residents is to declare English as the official language. This is not true. At least four territories: Louisiana, New Mexico, Oklahoma, and Hawaii were admitted as states with constitutional provisions protecting the rights of French, Spanish, Native American, and Native Hawaiian speaking residents. How can we impose different standards of Puerto Rico.

Many would have us believe that Puerto Rico residents have no interest in speaking or teaching or conducting business in English. This is simply not true. For example:

85 percent of Post-Secondary school students speak English and Spanish.

English is used in all official communications by federal agencies on the island. All documents presented before the United States District Court for the District of Puerto Rico are in English. Court proceedings in the Federal Court are conducted in English.

Since 1900 the public school system has offered bilingual education. English is taught from Kindergarten through 12 grade.

The Puerto Rico Department of Education is implementing a program to strengthen the bilingual skills of public school students. This program consists of a strong emphasis on reading English and Spanish starting in Kindergarten; English textbooks in math and science; English immersion programs; as well as teacher exchange programs between the continental United States and Puerto Rico to improve English teaching skills.

32 professions in Puerto Rico require their members to take licensing examinations in English. They include Accounting, Architecture, Engineering, Medicine, and Optometry. Puerto Rico's largest weekly newspaper, The Caribbean Business, and the Pulitzer Prize-winning The San Juan Star, the third largest daily newspaper, are both completely in English.

Even with this English foundation already existing in Puerto Rico, H.R. 856 stresses the need for a continued English presence by stating that "English shall be the common language of mutual understanding in the United States."

Proposing an "English-only" amendment to H.R. 856 opens up an issue larger than Puerto Rico. An amendment declaring English as the official language of the United States affects every state. This is an unnecessary amendment that is larger than the bill at hand and should be debated standing alone and not attached to H.R. 856.

English is by far our Nation's common language. According to the U.S. Census Bureau, 95 percent of Americans currently speak English "well" or "very well." It is because English is already the language of the U.S. and its people, and because there is no threat that English will be subsumed by other languages, that I do not think English-Only amendments affecting all Americans should be enacted.

For the past 100 years, the people of Puerto Rico have served America with loyalty, pride and commitment. They have a right to decide what form of relationship Puerto Rico should have with the United States. I support a plebiscite. Hawaii as a Territory also was accorded U.S. citizens status and later voted to become a state. The people of Puerto Rico should also decide this for themselves. H.R. 856 allows them to do so.

I urge the passage of H.R. 856.

Mr. ROMERO-BARCELO. Mr. Chairman, I yield 1 minute to the gentleman from New York (Mr. ENGEL).

Mr. ENGEL. Mr. Chairman, I rise in strong support of H.R. 856. To me this is a question of equity and fairness. There are nearly 4 million Puerto Ricans who are American citizens who are denied the right to self-determination. This bill simply starts a process. It is nothing more, nothing less.

We will be able to find out from this process what Puerto Ricans want. We can then respond to that process. This is only fair. The people of Puerto Rico did not ask to be a part of this country 100 years ago, remember. They became a part by the Spanish-American War, and as was pointed out, they have been loyal citizens. They have the same right to self-determination as all Americans do.

Mr. Chairman, I represent a district in the Bronx, in Westchester County in New York. We have many, many Puerto Ricans living there and the people are positively excited about the fact that their brethren on Puerto Rico will have the opportunity to have this dialogue. As my colleague from Hawaii said, the people of Alaska and Hawaii went through much the same thing. Much of the arguments that were raised against them coming into the Union are being raised now.

We do not favor any one thing. We want the process to start. The people of Puerto Rico deserve nothing less.

Mr. ROMERO-BARCELO. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I guess we should be discussing here an amendment as to whether this Nation should be allowed to invade any country that does not speak English. That is the problem.

Mr. Chairman, there has been so much demagoguery here. When they discuss it they say that we are not allowing the people that support commonwealth to vote because we say that citizenship is statutory. What else is it? There is a Constitution of the United States that says that those born in a State are citizens and also those that are naturalized are citizens. The Constitution does not say anything else.

So it is by law in 1917 that established that those born in Puerto Rico shall be citizens of the United States, so we are citizens by a statute. And that statute cannot be repealed to deny those that are citizens the right of citizenship. But that statute can be repealed to say and amended to say that those that are born from the year 2,000 on will no longer be citizens by reason of birth, and the people of Puerto Rico should know that under commonwealth that could happen. We say it will probably not happen because it is the policy of the Nation to maintain those that are born in Puerto Rico from now on also as citizens, but they must know the truth.

The people of the commonwealth have been voting for lies for many, many years and they have been misled. The United Nations was misled when this country went to the United Nations and said Puerto Rico has achieved a full measure of self-government. All of my colleagues know that I am here and I cannot vote. I cannot even vote for this bill that is so important for the people of Puerto Rico.

Mr. Chairman, all we are asking is give us an opportunity for self-determination. Give us an opportunity to vote whether we want to stay as we are or we want to be a State or we want to be independent. This is self-determination, what we have fought for on foreign soils all over the world.

□ 1400

Mr. YOUNG of Alaska. Mr. Chairman, I yield myself the balance of my time.

Again, this is our opportunity, as we close this debate to thank everybody participating in the debate for their decorum and their honesty and their strong beliefs. I believe that this is the correct way to go. I believe it is the right thing to do. This is justice.

I will strongly oppose the Solomon amendment. I will support the bipartisan amendment of Burton-Young-Miller, and I suggest respectfully that this is the right thing for Congress today. And as we stop this great century and begin a new century, the right thing to do for the Americans of Puerto Rico and the great United States of America.

Mr. LAZIO of New York. Mr. Chairman, I rise in support of the Puerto Rico Political Status Act. The bill would grant the four million

U.S. citizens living in Puerto Rico the right to determine their own future.

This year marks the one hundredth anniversary of Puerto Rico's accession into the United States at the end of the Spanish-American War. Over that time, Puerto Rico has made major contributions to this nation, including the service of more than 200,000 of its young men and women in the armed forces of the United States. More than 8,000 have given their lives in defense of our nation's freedom. Given the many contributions residents of Puerto Rico have made to the United States, I support this initiative for Puerto Rico's self-determination.

The self-determination process of H.R. 856 ensures that the people of Puerto Rico and the people of the United States, through their representatives in Congress, will each have a voice in the three stages of resolving Puerto Rico's political status. As you know, the bill allows residents of Puerto Rico to determine the political status of their island by a democratic referendum process. Under the bill, voters choose either to retain the current commonwealth structure for local self government as a territory, separate sovereignty, or statehood.

This bill does not mandate that Puerto Rico become a state. The bill would leave the decision to the local residents to exercise their collective voice and determine the future of Puerto Rico. However, should residents favor statehood, the bill outlines a transition plan that includes incentives and opportunities for residents to learn English.

Mr. Chairman, the United States is known the world over as the promoter and keeper of political freedom. We must allow the United States citizens living in Puerto Rico to determine their political future as well.

Mr. BUNNING. Mr. Chairman, I rise in opposition to H.R. 856, the United States-Puerto Rico Political Status Act.

Back during my baseball days, I actually lived in Puerto Rico for two years. And I think I have some idea about life on the island. It has a long, rich history, and a vibrant culture. Living there was a wonderful experience.

But, I think that it's this history and culture that dictate that Puerto Rico should be independent from the United States. No matter how hard the proponents of statehood, or those who support continuing commonwealth status, argue their case, I don't think they can reconcile the fact that Puerto Rico has strong traditions that profoundly separates it from America.

It is a separation that cannot be bridged.

I recognize that on the surface there are similarities between America and Puerto Rico. Politically and economically some links have been forged during Puerto Rico's years as an American Commonwealth.

But these connections are only skin deep. Beyond that the customs and culture of Puerto Rico are predominantly their own, or much more closely identified with other Latin or Hispanic cultures.

The vast majority of its residents speak Spanish, not English. And in the most recent referenda, held just five years ago, the residents were profoundly divided over their island's future. None of the options—independence, statehood, or commonwealth status—received even a majority vote, much less a ringing endorsement.

If an overwhelming majority of residents wanted to join the United States that would be one thing. But the indecision among Puerto Ricans simply reflects the fact that the distance between the U.S. and Puerto Rico is much greater than the 950 miles of ocean that separate San Juan from Miami.

Mr. Chairman, I think Puerto Rico should be independent. I don't think it should be a state, and I don't think it should be a commonwealth. And I think that no matter what we do here today, there is no way we can overcome the fact that America and Puerto Rico are separated by profound differences.

The bill before us today claims to present us with a choice for helping Puerto Ricans determine their future. But, it is a false choice because no matter how long we debate this matter in Congress, and no matter how many referenda are held in Puerto Rico, their is only one inevitable outcome—independence.

Mr. FALEOMAVAEGA. Mr. Chairman, I rise today in support of the Young-Miller substitute for H.R. 856, the United States-Puerto Rico Political Status Act.

The political status of Puerto Rico has been a topic of discussion of the Committee on Resources, and its predecessor Committees, for decades. My interest in Puerto Rico began in the 1970's when I was a member of the staff of Congressman Phil Burton of California. I learned then of the political divisions within Puerto Rico, and those political divisions are still in existence.

From my perspective, all three political parties in Puerto Rico make persuasive arguments in support of their respective positions, and I believe all three are viable political options. Additionally, I believe a political status of free association is a possibility for Puerto Rico to consider at some point in the future, but given the present political makeup of the commonwealth, I do not believe it should be included on the ballot at this time.

Before I make my specific comments on H.R. 856, I want to note for the record that I think it is critically important that throughout this process, as an institution, Congress must present itself as fair and as evenhanded as possible. When I speak of self-determination for Puerto Rico, in my mind, that means the people of Puerto Rico choose their own course, and in making that choice all options should be available for the people of Puerto Rico to consider.

Even though Congress has plenary authority over Puerto Rico, I believe it would be a serious mistake for the Congress to impose its will upon the people of Puerto Rico without fair and equitable consultation with the Puerto Rican leaders and the people. I place such high concern on this issue because it is my sense that if Congress is not scrupulously evenhanded in this regard, three things can happen. First, the U.S. citizens in Puerto Rico lose their trust in the process and in Congress as an institution. Second, if events do not go as smoothly as Congress might hope, it will be the Congress that will be blamed for the problems, and rightfully so. Third, we all know political status is an emotional issue in Puerto Rico. The Commonwealth has a long history of fair and impartial elections with voting percentages which are the envy of every state of the United States. If the political status selection process were perceived as unfair, I fear the consequences of even the perception of partiality, and again, I believe Congress would have to take its share of the blame and responsibility.

Mr. Chairman, as I see it, the underlying problem, if it is a problem at all, is that over 90% of the people of Puerto Rico are almost evenly split on which political course they should follow. As a result of this, no one group can obtain a majority of votes. Until that changes, any affirmative action Congress takes will not be in accordance with the wishes of the majority in Puerto Rico. Given those facts, I believe it is neither wise, nor good policy, to tilt the scales, just to acquire a majority.

I do have a few concerns with this legislation I want to note. I have said repeatedly that I do not like the idea of one political group defining another political group's definition of itself. To a certain extent, we have that problem in this bill—the bill contains a definition of Commonwealth status, but it was not drafted and is not supported by the political party which supports that status. It is difficult to ask a political organization to vote for or support a status its members do not support, and that is a serious concern I have with this bill. The situation is complicated by the apparent reluctance of the Popular Democratic Party to provide a definition of "Commonwealth" which could be included in the bill.

Because of the opposition of one of the major political parties to a key definition in the bill, it was not an easy decision for me to support this bill. I support the definitions contained in the Young-Miller substitute, but want to note that I do not consider the definition of Commonwealth as describing a static relationship as some have stated. Rather, I believe it describes the current dynamic relationship between the people of Puerto Rico and the people of the United States, which can and should be changed over time.

Secondly, while some may not consider Puerto Rico's current relationship with the United States to be a permanent one, it does not make sense to force a change on the people of Puerto Rico which they do not want. It would be a serious mistake to encourage the people into a "permanent" political status that will not best serve their long-term interests.

Third, Mr. Speaker, is the issue of the use of the English and Spanish languages in Puerto Rico. Coming from an insular area in which Samoan and English are spoken I see nothing to gain and much to lose by forcing the citizens of Puerto Rico to give up part of their Spanish heritage by prohibiting them from speaking to each other in Spanish.

On the other hand, we will not be well served as a nation if the vast majority of the citizens of one of our states do not speak English, and speak it well. The example of Quebec, Canada has been discussed often these last few weeks, but that is not the only example. I would also point to the problems in the Balkans and in many countries in sub-Saharan Africa. This is a very difficult issue which I believe is appropriately addressed in the Burton-Miller-Young amendment, and I support that amendment.

Mr. RAHALL. Mr. Chairman, I rise in support of H.R. 856, legislation which would provide a framework by which the people of Puerto Rico may determine their political status.

Various speakers during today's debate will discuss a number of aspects of this legislation and the sensitive issues it raises.

However, as the ranking Democratic Member on the Subcommittee on Surface Transportation, I will limit my remarks to how Puerto Rico is currently being treated under the federal highway and transit programs, and what the process of self-determination could mean to the island.

Today, the people of Puerto Rico are the beneficiaries of federal highway dollars even though they do not pay any federal motor fuel taxes into the Highway Trust Fund.

On the surface, that may appear to be a good deal for Puerto Rico and a bad deal for the rest of the country.

Yet, our contribution to the highway infrastructure of the island is relatively small. Indeed, over the six-year life of ISTEA, starting with 1992 and ending with 1997, Puerto Rico received $492 million in federal highway dollars.

It is interesting to note that with a population of about 3.8 million people, Puerto Rico received considerably less than Hawaii, a State with similar characteristics in terms of the factors used to apportion federal highway dollars to the States.

With a much smaller population of 1.2 million, Hawaii received a little more than $1.2 billion in federal highway dollars during ISTEA compared to the $492 million sent to Puerto Rico.

On the other hand, if we simply look to population, Connecticut with about 3.3 million people received $2.2 billion over ISTEA compared to Puerto Rico's $492 million.

As such, while Puerto Rico, which pays no federal motor fuel taxes, receives federal highway dollars, the amount is nowhere near what it would receive if it was a State and its residents contributed into the Highway Trust Fund.

In fact, under existing formulas, if Puerto Rico was a State it would receive back in federal highway dollars far more than what it contributes in motor fuel taxes as is the case with Hawaii, Connecticut and many other States.

Is there a pressing need to make transportation improvements in Puerto Rico, yes, certainly.

Anyone who has driven the streets of Santruce, or Rios Piedras, or Bayamon or anywhere else in San Juan knows of the massive congestion which plagues that city.

This is not to say that the government is not making efforts to make improvements.

For example, Tren Urbano is one of, if not the best new transit start anywhere in the United States. Yet, the federal share currently is only 30% of that project while other, less deserving transit projects, have federal share of at least 50% with some up to 80%.

Why is this? I think in part it is due to the resourcefulness of the governor and his administration. But I also think it is in part because they feel there may be limits to the extent of federal transit dollars they can seek under Commonwealth status.

In conclusion, I would observe that the people of Puerto Rico have shed their blood in defense of the United States. For over 100 years they have been a junior partner in the development of the greatest Democracy in the world that is this country. The relationship has been mutually beneficial.

However, I believe it is time, once again, for the people of Puerto Rico to make a determination as to their political status.

Do they want a full seat at the table that is these United States, to be a full and equal partner, or do they want to continue to sit at that table on a small stool as a commonwealth, or do they want to go their own way as a separate nation.

That is what this legislation is about.

I urge a yes vote on H.R. 856.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the amendment in the nature of a substitute printed in the CONGRESSIONAL RECORD and numbered 1 is considered as an original bill for the purpose of amendment and is considered as having been read.

The text of the amendment in the nature of a substitute is as follows:

Amendment in the nature of a substitute:

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, cosigned 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, located 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 referenda 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 political 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 limits 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

(ii) 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-government 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).

The CHAIRMAN. Before consideration of any other amendment, it shall be in order to consider Amendment number 3 printed in the RECORD, which shall be preceded by an additional period of general debate confined to the subject of that amendment. That debate shall not exceed 1 hour, equally divided and controlled by the gentleman from New York (Mr. SOLOMON) and a Member opposed.

Consideration of Amendment number 2 printed in the RECORD shall be preceded by an additional period of general debate confined to the subject of that amendment. That debate shall not exceed 30 minutes, equally divided and controlled by the gentleman from New York (Mr. SERRANO) and a Member opposed. Amendments specified in section 2(a) and 2(b) of House Resolution 376 shall be considered read and shall not be subject to a demand for division of the question. Consideration of each of those amendments and any amendments thereto shall not exceed 1 hour.

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 any recorded voted 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.

It is now in order to debate the subject matter of the amendment offered by the gentleman from New York (Mr. SOLOMON).

The gentleman from New York (Mr. SOLOMON) and a Member opposed, each will control 30 minutes.

The Chair recognizes the gentleman from New York (Mr. SOLOMON).

Mr. BURTON of Indiana. Mr. Chairman, I and the gentleman from California jointly would like to control the remaining 30 minutes in opposition to be equally divided.

Mr. SOLOMON. Mr. Chairman, reserving the right to object.

The CHAIRMAN. The gentleman from California (Mr. MILLER) would have priority recognition. He could get unanimous consent to give half of his time to the gentleman from Indiana.

Mr. MILLER of California. Mr. Chairman, I ask unanimous consent to do that.

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

Mr. SOLOMON. Reserving the right to object, Mr. Chairman, to whomever is making the unanimous consent request here, I would not object when the time comes, but there will be, as I understand, an amendment offered by the gentleman from Indiana, an amendment, a substitute to my amendment. If we are going to give unanimous consent to manage the time jointly, I would like to ask unanimous consent that I be able to claim the time in opposition to the gentleman's substitute to my amendment.

The CHAIRMAN. The Chair has not determined at this point how that amendment is going to be considered. That amendment may be debated under the 5-minute rule within the time limit.

Mr. SOLOMON. The problem is, we would like to have Members in opposition and for the amendment and not go into the 5-minute rule.

PARLIAMENTARY INQUIRIES

Mr. BURTON of Indiana. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BURTON of Indiana. Mr. Chairman, I just wanted to ask of the Chair how the time on my amendment, when it comes in order, will be divided and how it should be divided?

The CHAIRMAN. As of now, it will be considered under the 5-minute rule.

Mr. YOUNG of Alaska. I have a parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. YOUNG of Alaska. Mr. Chairman, we are discussing the amendment of the gentleman from New York under 1 hour of the rule. The time should be divided equally between the gentleman from New York (Mr. SOLOMON) 30 minutes and the gentleman from California (Mr. MILLER) 30 minutes, yielding 15 minutes to the gentleman from Indiana; is that correct?

The CHAIRMAN. That could happen. Once the amendment is pending, we may then proceed under the 5-minute rule.

Mr. SOLOMON. Reserving the right to object, Mr. Chairman, that would take unanimous consent, and that is why I am reserving the right to object, because when the Burton amendment is offered, I would ask agreement that we be able to not proceed under the 5-minute rule, but to divide the time equally 15 minutes for the substitute and 15 minutes opposed. We could have done this in the rule, but we did not do it because we wanted to get the unanimous consent on the floor.

Mr. MILLER of California. Mr. Chairman, will the gentleman yield?

Mr. SOLOMON. I yield to the gentleman from California.

Mr. MILLER of California. Mr. Chairman, my understanding is there may be additional amendments. So the person who offers a perfecting amendment or whatever to the gentleman's amendment to the substitute would get time, I assume, to explain their amendment or something.

Mr. SOLOMON. Mr. Chairman, continuing my reservation of objection, I yield to the gentleman from Illinois (Mr. GUTIERREZ) for some input on this subject.

Mr. GUTIERREZ. Mr. Chairman, I believe I have the only other amendment. I have a perfecting amendment. Obviously the Burton substitute would go first, but I have a perfecting amendment. So if we could reach an agreement so that my perfecting amendment would get 10 minutes of time, I would not ask for an extraordinary amount of time, so that I could have the perfecting amendment and reserve at least 10 minutes of time outside of the gentleman's hour that he already has. Then we could all have a unanimous consent, and I think we might be able to figure this out.

Mr. SOLOMON. Continuing my reservation of objection, might I inquire of the Chair whom would be recognized first to offer an amendment either in the form of a substitute or a perfecting amendment to my amendment?

The CHAIRMAN. The Chair would not wish to anticipate recognition at this time. The Chair would grant recognition to the Member that would rise first and seek recognition and if both rise, grant priority of recognition to the appropriate Member.

Mr. SOLOMON. Would it not be done by seniority, Mr. Chairman?

The CHAIRMAN. The Chair would obviously take into account seniority and committee membership.

Mr. SOLOMON. Mr. Chairman, I withdraw my reservation of objection. We will cross that bridge when we come to it.

PARLIAMENTARY INQUIRIES

Mr. BURTON of Indiana. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BURTON of Indiana. A perfecting amendment, Mr. Chairman, precedes the determination of an amendment. A substitute comes after the amendment or at the end of the amendment process. Am I not correct?

The CHAIRMAN. The two amendments may be pending at the same time.

Mr. BURTON of Indiana. I thank the Chair.

Mr. GUTIERREZ. Reserving the right to object, Mr. Chairman, I would like to sit down and let the Members figure out the rest of it. My only concern is that because of the gentleman's ranking and seniority here that I be allowed, if the gentleman just says, "Congressman, I will make sure you get your 10 minutes," and the gentleman will allow me, and I will limit my perfecting amendment to 10 minutes, and then we can proceed with the rest of this. The gentleman's word is very valuable to me, and I will just take that. Then I can sit down and let these gentlemen figure out the rest of it.

Mr. BURTON of Indiana. Mr. Chairman, as I understand it, we are going to be under the 5-minute rule which would govern the time distribution; is that correct?

The CHAIRMAN. As of now, that is correct.

Mr. BURTON of Indiana. Mr. Chairman, should we ask unanimous consent that each one of the amendments, since there is only two, be given 15 minutes for each amendment for debate, equally divided among proponents and opponents? I will make a unanimous consent request to that effect.

The CHAIRMAN. The gentleman may make that request by unanimous consent.

Mr. MILLER of California. Reserving the right to object, currently under the rule there will be 1 hour on the amendments to Solomon; is that correct?

Mr. SOLOMON. Mr. Chairman, will the gentleman yield?

Mr. MILLER of California. I yield to the gentleman from New York.

Mr. SOLOMON. Under the rule there would be 1 hour of general debate on the Solomon amendment before it is called up. After the 1 hour has expired, then I would call up the amendment and then it would be subject to amendment by the two gentlemen.

Mr. MILLER of California. With 1 hour of total time to all amendments?

Mr. SOLOMON. That is correct.

PARLIAMENTARY INQUIRY

Mr. YOUNG of Alaska. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. YOUNG of Alaska. May I make a suggestion to all my good friends. Why do we not begin the debate, general debate, and then let us work out the timeframe of the amendments that will be offered.

The CHAIRMAN. The gentleman from New York (Mr. SOLOMON) will be recognized for 30 minutes, and a Member opposed will be recognized for 30 minutes.

The Chair recognizes the gentleman from New York (Mr. SOLOMON).

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

From the very beginning our Nation has recognized that the prosperity of

the people of America depended on their continuing firmly united, and the wishes and the prayers and the efforts of our best and wisest citizens have been constantly directed to that object. These are the words of the wisdom of The Federalist papers of John Jay, our country's first Chief Justice of the Supreme Court.

Justice Jay went on to say, I have often taken notice that providence has been pleased to give this one connected country to one united people, a people descended from the same ancestors, speaking the same language, attached to the same principles of government, very similar in their manners and their customs, and who, by their joint councils and arms and efforts, fighting side by side throughout a long and bloody war, have nobly established their general liberty and their independence.

That is the history of our country.

Based on this premise, for the past two centuries we have forged a Nation out of our different peoples by emphasizing our common beliefs, our common ideals and, perhaps most importantly of all, our common language.

Our English language has permitted this country to live up to our national motto, E Pluribus Unum, which means out of many, one.

Mr. Chairman, it is in this spirit that I offer the English language empowerment amendment to the U.S.-Puerto Rico Political Status Act. In short, this amendment is based on two very simple principles. It is based on unity, and it is based on opportunity. My devotion to unity and the English language is premised on the belief that our strength in unity can best be preserved through the prevention of divisions along linguistic or cultural lines. Such cultural divisions have been encountered by Canada with Quebec and could be with the U.S. and Puerto Rico today.

Now, what do I mean by this division of linguistic lines? These divisions are not between people, but they are between opportunities. Americans who do not know English are segregated. They are segregated from those who do, separated from everything the United States and its precious Constitution stands for.

A reaffirmation of English as the official language is absolutely necessary to demonstrate that the Federal Government's goal is to desegregate all Americans. This is because America is composed of people who have for centuries pulled themselves up by their bootstraps with courage and a vision to pursue the opportunity that America has to offer. Consequently my amendment is intended to ensure that no American citizen, no matter what their cultural background, no matter whether they live in Puerto Rico or Iowa, has to be trapped in a linguistic box, kept away from those tools of opportunity.

This is the land of opportunity and the land of language, the land of opportunity and English. There should be no ambiguity about this fact. The usage and understanding of English is the key to economic and educational opportunity in this country of ours. Therefore, we as the Federal Government must do everything we can to promote and to enhance the ability of all Americans no matter what their heritage to read, to speak and understand this language of opportunity.

Based on this visionary premise during the 104th Congress, the House of Representatives voted, and the gentleman from California (Mr. CUNNINGHAM) will speak to that in a minute, voted 259 to 169 in favor of the bill which declared English the official language of the United States. However, the provisions of this bill before us today undermine the principles of that empowerment act, and they deny opportunities to the children and the people of Puerto Rico, make no mistake about it. Furthermore, this bill does not address how the omission of Puerto Rico as an official Spanish State would affect English as the official language of the United States Government. Nor does it protect the rights of English-speaking Americans in Puerto Rico or the rights of the children of Puerto Rico to learn English.

These are crucial, important questions to answer because according to the 1990 U.S. census, and this is so important, less than 24 percent of the U.S. citizens in Puerto Rico speak English fluently, while 98 percent do actually speak Spanish. All children in the public schools are taught only in Spanish from kindergarten through the high school, while English is taught as a second language.

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To correct these weaknesses of the underlying bill, my amendment basically does two things, and this is exactly what it does:

First, it replaces the language in this bill, the nebulous language policy which states that "English is the common language of mutual understanding in the United States." It replaces it with the clearer and simpler statement that "English is the official language of the Federal Government," applicable to the entire Nation, as done in the Empowerment Act in the last Congress which overwhelmingly passed this House with strong Republican and Democratic support.

Secondly, it addresses Congress' fundamental responsibility to ensure that any State meet certain standards and provide certain fundamental rights and protections. In 1845 and again in 1911 our United States Supreme Court held that Congress may require a new State to meet certain standards before it would be admitted. As a result, my amendment tailors the statehood ballot to reflect this national official English policy. It states that the Congress expects that a future State of Puerto Rico would promote English as the official language of the State government, of its courts and agencies, and that English would be the language of instruction in public schools but would not bar the teaching of Spanish in those same public schools. These provisions will guarantee current and future generations of Puerto Rico unfettered access to the tools with which to successfully assimilate into this Union of ours, should they choose to become a State at a later date.

Today can be a historic day, my colleagues, a day in which Congress not only debates the future political status of 3.8 million U.S. citizens, but also a day which will focus and strengthen those things which unite us as a Nation and which expand the horizons of opportunity for all our citizens.

This is an amendment of opportunity, my colleagues. It is a vision of unity and compassionate measures. It deserves all of America's support, from the young dairy farmer in Argyle, New York, to the logging family in Olympia, Washington, to the schoolteacher in San Juan, Puerto Rico. I urge my colleagues to support my amendment.

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

Mr. MILLER of California. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. EDWARDS).

Mr. EDWARDS. Mr. Chairman, what America needs is English plus, not English only. What America needs is to teach English, not preach it. What America needs is to respect diversity, not divisiveness. The last time I visited the Statue of Liberty, that eloquent lady did not say "Spanish-speaking people not accepted here."

The blood spilled and lives lost by thousands of Spanish-speaking American veterans has not been limited to English only, and it is wrong to deny those veterans the very rights for which they fought. Whether intended or not, this debate on English only is divisive and insults the culture of millions of Hispanic Americans, Asian Americans, Korean Americans and others.

Mr. Chairman, the brightest days of America's history have come when we were inclusive, when we added women and racial and religious minorities to the rights enumerated in our Declaration of Independence and Constitution. The darkest days of America's history have come when we excluded our citizens from full participation in our democracy; for example, when black veterans were allowed to die for the very freedoms they were denied right here at home. I hope this will be a bright day for all of America's citizens, not a dark day that will turn us backwards into a quagmire of divisiveness.

The 3 percent of American citizens that do not speak English, many of them seniors living with their children

in their homes, hardly pose a threat to the greatest democracy in the history of the world. If Hispanics and other Americans, such as Korean Americans in my district, are willing to work hard and pay taxes and serve us in uniform, then surely we should show them the brightest, the best of America today.

Vote "no" on the Solomon amendment.

Mr. SOLOMON. Mr. Chairman, I yield 5 minutes to the gentleman from Louisiana (Mr. LIVINGSTON), one of the Members of this body that has been harassed by Members in his own party, and Members on both sides of the aisle, but is one of the real stand-up Members in this House.

Mr. LIVINGSTON. Mr. Chairman, I thank my friend for yielding me this time. The other gentleman from Louisiana was disappointed the gentleman was not speaking about him. He thought, and I thought, the gentleman from New York was speaking about him.

Mr. Chairman, I rise today in strong support of the amendment by the gentleman from New York, the Solomon amendment to H.R. 856, the United States-Puerto Rico Political Status Act. Regardless of how we feel about the ultimate bill, the fact is that this bill's current provision on English is weak and inadequate and needs to be strengthened. H.R. 856 says that English will be the common language of mutual understanding in the United States. That means really nothing. Common language is not an official language.

That facts are that less than half of all the citizens of Puerto Rico can speak English. Less than half can speak English. And according to the New York Times, fully 90 percent of the island's 650,000 public school students lack basic English skills by the time they graduate. If Puerto Rico becomes a State, this situation will be intolerable. A youngster growing up in Puerto Rico will speak Spanish, will not speak English. And, in my opinion, a youngster growing up in the United States needs to speak the common language.

If my wife and I take a child to Spain and raise the child in Spain, we will raise the child speaking Spanish so that he can communicate, or she can communicate in the language of the Nation. We will not expect Spain to teach our kid English if we are going to live in their country. Likewise, we ought to expect people growing up in this Nation to speak English so that they can communicate for their own good and become productive citizens.

Our common language is the tie that binds us all. The motto of this Nation, "E Pluribus Unum," "out of many, one," should remind us that we are a Nation of different peoples and cultures but we are united. The ability to communicate in a common tongue is the key to success that unites us in our democracy.

We see in Canada that different languages can seriously impair the unity of a nation, and that nation is about to come apart at the seams because they speak a different language.

The Solomon amendment is only common sense. By establishing English as the official language of the Federal Government, the Solomon amendment will make it perfectly clear that English will be the language of the Federal Government across the Nation. Not just in Puerto Rico, across the Nation.

Under Solomon, Puerto Ricans may freely speak Spanish at home or anywhere they please, but the State of Puerto Rico will promote English as the official language of the State government, of the courts, of the agencies, and in the schools teaching in English will be mandated in public schools. This will make citizens of the island full and equal partners in America, in a fashion our Founding Fathers envisioned and it will make them productive citizens of the United States of America.

I urge the adoption of the Solomon amendment and the defeat of all the perfecting and the substituting amendments which will delete it and attempt to nullify the provisions of the Solomon amendment. English is the American language.

Mr. MILLER of California. Mr. Chairman, I yield 2 minutes to the gentleman from Puerto Rico (Mr. ROMERO-BARCELÓ).

Mr. ROMERO-BARCELÓ. Mr. Chairman, right now, in Puerto Rico, more people are watching this C–SPAN on a per-capita basis than in any State of the Nation. That belies the statements that have been made here that the people of Puerto Rico do not understand English.

More than about 50 percent of the people know and understand English. Twenty-five percent are proficient in English. But how many children are proficient in English when they graduate from high school in the 50 States of the Nation? There is a very low proficiency in English from graduates in the 50 States. But all of those people in Puerto Rico, if they cannot understand, they have somebody in their family or a friend that is translating what is going on here, and they know what is going on.

When they say that in order to vote that we have to be proficient in English, my God, why was that not decided when we were granted citizenship? A person who asks for naturalization, he takes a test in English. Now, 95 percent of the people of Puerto Rico can pass that test without any problem; that is a citizenship test.

So the test that we give people who ask for citizenship has less requirements than what we are trying to require in this amendment from the people of Puerto Rico who have been citizens since 1917, for 81 years, who fought together, who worked together to make this Nation what it is today. They fought in the foreign soils defending the right to self-determination.

They say, oh, this bill tells the people of Puerto Rico the wrong things. It does not allow the people of Puerto Rico to understand that they must speak English. We know we must speak English. Everybody in Puerto Rico knows that. We know that English is the language of the world. What is anyone here afraid of?

We should be in the country, instead of trying to impose English, promoting the learning of English by providing opportunities to learn English, providing more opportunities for people who understand the language and to speak it and to write it. That is what this should be all about, not about trying to impose. This is not a dictatorship. This is a democracy. Let us not belie what we are.

Mr. BURTON of Indiana. Mr. Chairman, I yield myself such time as I may consume.

The CHAIRMAN. Is the gentleman from Indiana using the time of the gentleman from New York?

Mr. BURTON of Indiana. Mr. Chairman, I have 15 minutes, and the gentleman from California (Mr. MILLER) has 15 minutes in opposition. That is what was decided.

The CHAIRMAN. The Chair's understanding is the gentleman from Indiana was going to make that unanimous consent request.

Mr. SOLOMON. Mr. Chairman, we have no objection.

The CHAIRMAN. But as of now, we are under the 60 minutes divided for the underlying subject.

Mr. MILLER of California. Mr. Chairman, the gentleman from Indiana (Mr. BURTON) has 15 minutes of our 30 minutes because the gentleman from New York (Mr. SOLOMON) withdrew his objection.

The CHAIRMAN. The Chair had made an announcement that the hour would be divided 30 minutes and 30 minutes under the rule. The Chair would now entertain a unanimous consent request to further divide the time.

Mr. MILLER of California. Mr. Chairman, I ask unanimous consent that 15 minutes of the time allocated to me under the rule be allocated to the gentleman from Indiana (Mr. BURTON) at this time.

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

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from Indiana (Mr. BURTON.)

Mr. BURTON of Indiana. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am one of the 165 cosponsors of H.R. 123, which was a bill to declare English as the official language of the Government of the United States. I strongly believe that that is a good piece of legislation.

However, after having said that, I do not believe that that particular piece of legislation belongs in this bill. This bill is a bill that is designed to give the people of Puerto Rico the right to let the Congress of the United States know whether they want to be an independent nation, whether they want to remain a Commonwealth, or whether they want to become a State.

It does not mean that they will become a State, because any decision that they make in this referendum will have to come back to the Congress of the United States for final determination. And the process is going to take about 10 years if the process is followed according to the legislation that we have before us.

So the fact of the matter is this bill is designed to find out what the people of Puerto Rico really want.

Why are we doing this, because there was a plebiscite in Puerto Rico just a few years ago? A few years ago, there was a plebiscite; and each of the parties, the Commonwealth party, the statehood party, and the independent party were able to define for themselves what Commonwealth meant, what statehood meant, and what independence meant. Because of that, the people of Puerto Rico, when they voted, were voting based upon the determination that was being made by the party who wanted their vote.

What we decided to do was, we decided to find out from leading legal authorities what statehood meant, what Commonwealth meant, and what independence meant so that the people of Puerto Rico, when they voted on the plebiscite, would be voting on the facts and not on what some party said.

We have contacted the legislative counsel of the Congress of the United States for their input. We have contacted the Congressional Research Service for their input. We have contacted the Department of Justice of the United States for their input, and other constitutional experts.

What we have determined in this bill is what is constitutionally defined as statehood, independence, and Commonwealth status.

□ 1430

And so the people of Puerto Rico, when they vote on this plebiscite, will be voting on what the facts are and not what some party says in Puerto Rico who has a reason to define their party in a certain way. The Commonwealth Party, in the definition that was on the plebiscite a few years ago, was not defined correctly. What we are doing is clarifying that in the language that is in this bill, that will go on the ballot if we pass this legislation.

Like I said earlier, I am for the English legislation that was before this body some years ago. I was a cosponsor of that. I do not believe the Solomon amendment as written has any place in this legislation. Because there is some confusion about this, this is becoming an English-only bill, which it should not be.

I have a perfecting amendment or a substitute amendment which will, effective immediately, allow for English proficiency in Puerto Rico by the age of 10. I think that the people of Puerto Rico, when they read the substitute that I have, will be very happy with that because it encourages learning English in all the schools and all the institutions down there by the age of 10. We think that that will happen.

Let me just add one more point. That is, the people of Puerto Rico already are citizens of the United States of America. We are not talking about some country out there in the middle of nowhere. Those people have citizenship already. For us to deny them the ability to decide whether they want to be a commonwealth or if they want to become independent or a State I think is just dead wrong.

Let us not muddy up the waters by adding the Solomon language to this, which is a pervasive issue. He is talking about English for the entire United States of America. We are talking about a plebiscite bill for Puerto Rico. Let us decide the Puerto Rico issue with the amendment that I am going to add which will encourage English as the language down there, proficiency by the age of 10. And then later on if we want to, let us go back to the English-only bill that we had before this body some time ago and debate that as a separate issue, but not on the Puerto Rico bill.

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

Mr. MILLER of California. Mr. Chairman, I yield 1½ minutes to the gentleman from Minnesota (Mr. VENTO).

Mr. VENTO. Mr. Chairman, I rise in strong opposition to the Solomon amendment. It is a clear example of a solution to a problem that does not exist. It may seem to some that this requirement is a laudable goal but the fact is that the proponents of this bill, the delegations and so forth that support it, are against this amendment. It is an unnecessary, ineffective and divisive amendment.

It is unnecessary because English and Spanish have been the official languages of Puerto Rico since 1902. To put that in perspective, STROM THURMOND was born way back in 1902. That is a long time ago. Furthermore, this bill already has a provision highlighting the importance of English as a common language. It states, and I quote, "English is the common language of mutual understanding in the United States, and that this policy shall apply in all of the States. That is all that is needed to accomplish the stated goal of the Solomon amendment's proponents."

Furthermore, of course, our Nation is a melting pot. My grandparents were of German and Italian ancestry. I am proud of my parents and the wonderful heritage we share. But I am and we are all Americans, and as such I believe the strength of our Nation is derived not from laws that mandate our American patriotism and demand our fidelity but from core values and common beliefs that define and guide our rights and responsibilities. Whatever language we speak, write or think in, our freedom and liberties are not bound by but rather transcend the limits and the boundaries of such language.

The Solomon amendment strikes at the core value of such American belief and practice. It says that we must do to Puerto Rico that which we did not do to the Scandinavian and German Midwest territories to achieve statehood, to superimpose a language requirement and condition statehood consideration upon what is in essence the denial of that heritage, culture and history. Vote no on this Solomon amendment.

This Solomon amendment is big government, and big brother, at its worst.

This Solomon amendment would require the English language to be the official language of all government functions in the United States. It is possible that, if the current version of this legislation passes, the people of Puerto Rico will vote to join the Union as the 51st state and that the Congress would respond by enacting legislation which would grant Puerto Rican statehood. What this amendment requires, then, is that English will be the official language of Puerto Rico. English would be the official language in all of the affairs of state government, including teaching in public schools. Supporters of this amendment say its passage will empower the citizens of Puerto Rico. Their goal is the "long term assimilation of Puerto Ricans into American society."

Now that may seem to many upon its face to be a pretty laudable goal. The problem is that the main supporter of this legislation, Mr. ROMERO-BARCELO, is deeply opposed to such a provision. The Congressional Hispanic Caucus opposes it as well. They say, and I agree, that this amendment is unnecessary, ineffective and divisive.

It's unnecessary because English and Spanish have been the official languages of Puerto Rico since 1902. To put that into perspective, STROM THURMOND was born way back in 1902. Furthermore, H.R. 856 already has a provision highlighting the importance of English as a common language. H.R. 856 states, and I quote, "English is the common language of mutual understanding in the United States, and that this policy shall apply in all of the states." This is all that is needed to accomplish the stated goal of the Amendment proponents.

The Solomon amendment iteration of this matter is ineffective because far from empowering people, it would make government in

Puerto Rico work far less efficiently. Around half of all people in Puerto Rico over the age of five are bilingual. That means the other half don't speak English or Spanish. Passing this amendment means that this close to 50% of people will not be able to vote because they won't understand the English-only ballots. They'll have some trouble in courts of law, because they won't be able to understand the proceedings. They'll have one heck of a time trying to file Federal taxes—which is, as we all know, pretty complicated even if you know the English language. And they may not even be able to speak with 911 operators in emergencies. That doesn't sound like empowerment to me, Mr. Chairman. That sounds like a bad idea.

Now the one thing you hear people who support this amendment say again and again is that H.R. 856 will create an American Quebec. Quite the contrary, it would be the Solomon amendment that creates a situation similar to that which has ripped Canada apart in recent years. The lesson from Canada should be that you should never, ever legislate a language requirement. Far from creating an atmosphere that would ease assimilation, this amendment would create an atmosphere of division, suspicion and mistrust.

Finally, as we approach the 21st Century, multilingualism is something we need to encourage. As the reach of the global economy increases, the ability to speak more than one language will be an important and marketable skill. If this bill passes, and citizens of Puerto Rico choose to join the Union as the 51st state, their impressive ability to use English and Spanish will be something we could all be proud of and respect, not denigrate.

America is a melting pot. My grandparents were German and Italian, and I am proud of my parents and the wonderful heritage we all share. But I am and we are all Americans, and as such I believe that the strength of our nation is derived not from laws that mandate our American patriotism and demand our fidelity, but from core values and common beliefs that define our rights and responsibilities. Whatever language we speak, write or think in, our freedom and liberty are not bound by but rather transcend the limits, the boundaries of such language. The Solomon amendment strikes at the core value of such American belief. It says that we must do to Puerto Rico that which we didn't do to the Scandinavian and German Midwest territories to achieve statehood: superimpose a language requirement and condition statehood consideration upon what is in essence the denial of a heritage, culture and history. This amendment results in a price we should not place on statehood. Join me in opposing the Solomon amendment!

Mr. SOLOMON. Mr. Chairman, I yield 5 minutes to the gentleman from California (Mr. CUNNINGHAM), the sponsor of the official English bill that passed this House overwhelmingly with bipartisan support 2 years ago.

Mr. CUNNINGHAM. Mr. Chairman, one thing I think the members of Puerto Rico will see, I think this is one of the most healthy debates that I have seen on this floor in 7 years. It is issue-oriented. I have got conservatives for and against, I have got liberals for and against, and each with individual ideas. I commend both sides of this.

I did not have time to speak on the floor. I would like to speak to the amendment but I would also like to speak to the bill.

Teddy Roosevelt, Rough Rider, San Juan Hill, and yes, many, many members from Puerto Rico have shed their blood to support democracy and fight communism and socialism around the world just like many Americans have. I think you know how most of us feel about that.

I would also say that the people, now nearly 4 million Puerto Ricans, have voted on several occasions on these issues. I know for me, and I will say this and I will give you my support, it is not required by Congress that they vote on what their determination wants to be. If you have at least two-thirds instead of 50 plus one on a very important issue like this, this gentleman will support it, but not on a 50 plus one vote.

I think if we look, the Puerto Rican people themselves are divided on this particular issue. Quebec has been mentioned. I am not going to let the gentleman from Indiana (Mr. BURTON) give me any more golf bags after this, but I would say that if he wants to encourage them to learn English, if we ask the people of Quebec and encourage them to learn English instead of French, look at the problems they have had, it would not happen. I think it takes stronger.

Mr. Chairman, I was disappointed in the minority leader at his representation of the English provision in this. Let me tell my colleagues why. First of all, there were 259 votes. I went from the very extreme portion of a bill as chairman of the committee and down to the lower portions and moderated the bill to where even States had the right, after this body had said English is the common language of our government, that each individual State had a right to change that. It gave them that option. There was no mandatory thing there. I thought that that was very fair. I think that is why we got such bipartisan support for it. I think the misrepresentation was not well proposed in the bill.

I think another big issue, it fails to follow the precedents of other U.S. territories that joined the Union, Hawaii, Alaska, with the great percentages. They really want it. It should be something very special to the great majority of a country. Puerto Rico, as the gentleman said, they feel they are a country. It should be the great expectation of a great majority of that group before they become an American citizen. I do not want another Quebec here. I do not want in Puerto Rico that kind of division and that divisiveness. I think that that is a legitimate issue.

They said it is a poison pill. The former Governor of Arkansas had a bill similar to this, Governor Clinton, 23 States in our Union. That is not extreme, as the minority leader said. I just think if we are going to speak, I think we need to speak not disingenuously but purport what the bill says. It is English as a common language, not English only.

When I was in the Philippines, the Philippines was going to have Tagalog as its official language. I recommended to President Ramos that that was a disservice because it has no root in math or science. I speak a little Tagalog. They would do themselves a disservice internationally.

I went to Vietnam. They are carrying computers, they are learning English and they are studying business because they understand. That is all we are asking for Puerto Rico, that they do that. Instead of speaking Spanish first in their classrooms and English second, it should be turned around, if they want a bite of the American dream. I think that is very, very important.

I would ask my colleagues, think carefully about this. If we can have a vote from Puerto Rico, where the majority of them say we want to be an American citizen, I think only a very small percentage of the group that are opposed to this would say no. But we do not have that. I ask my colleagues to take a look at that.

I would say, Mr. Chairman, as I mentioned, the bill by both sides of the aisle has been represented well with the issues. I thank my colleagues for that. But this is more serious than most bills we have coming up here. I think that is the reason we have given it so much time. Give yourself the time, look at the issues on both sides of it, and I think you will not support the bill and you will not support the substitute but you will support the Solomon amendment.

Mr. BURTON of Indiana. Mr. Chairman, I yield myself 1 minute.

First of all let me point out to my colleague from California, the people of Puerto Rico are citizens of the United States. They already are citizens. He says if they want a bite of the American dream. They already are Americans. The only problem is they are Americans without representation. They do not have any Congressmen. They do not have any Senators. They do not have any representation in this body. Yet they are American citizens. They are like orphans out in a storm walking around saying, "Where are my parents?" It does not make any sense.

This plebiscite is an advisory plebiscite, I will say to my colleague from California. This is an advisory plebiscite. What is he afraid of? All we are asking for is an opinion from the people of Puerto Rico on what they want. If they come back and only 51 percent say that they want statehood or they want commonwealth, we decide in this body whether or not we want to proceed any further. I think if it was that

close, we probably would not. But let us say they come back and that 70 percent want statehood and only 10 percent or 20 percent want commonwealth. At that point I think that we as a body ought to make that determination.

But make no mistake about it, these are American citizens without representation in the Congress of the United States, and that is wrong.

Mr. Chairman, I yield 3 minutes to the gentleman from Hawaii (Mr. ABERCROMBIE).

Mr. ABERCROMBIE. Mr. Chairman, I am speaking on the time of the gentleman from Indiana (Mr. BURTON). I am speaking from the majority side of the aisle because I am speaking on his time. I am looking at the gentleman from California (Mr. MILLER) right now who is smiling at me, and trying to get over the hush that came over the crowd as someone moves to this side. I am looking for the gentleman from Alaska (Mr. YOUNG), my very able chairman.

I point that out because this is a nonpartisan issue and is being cast, I am very sorry to say, in somewhat partisan terms, not necessarily by party but partisan terms, as if there is a right side and a wrong side. As the gentleman from Puerto Rico (Mr. ROMERO-BARCELÓ) has indicated, as the gentleman from Indiana (Mr. BURTON) has indicated, as the gentleman from California (Mr. MILLER) has indicated, and the gentleman from Alaska (Mr. YOUNG), what we are trying to do here today is to aid and assist, as Members of the House of Representatives, the self-determination of fellow citizens.

The gentleman from Indiana (Mr. BURTON) has been adamant on this. I do not think we are going to find a more partisan person in the House with respect to the question of English and its being used as common language throughout the United States. But that issue will be debated in another venue, at another time.

What we are talking about here is something that I ask Members, as a representative from the last State to come into the Union. We have only been a State for 38 years. We have been a State for less years than many people in this body have been alive and serving in public office.

□ 1445

So it is very, very particularly poignant in some respects to me today to stand here as someone who was not born in Hawaii and has the privilege to serve in Hawaii.

I was born in the east of the United States, in Buffalo, New York, in the area represented by the gentleman from New York (Mr. PAXON) today. It never occurred to me that one day I would have the privilege and honor of standing in the well of this House to serve the people not only of Hawaii, but of the United States of America.

That will happen in Puerto Rico. We cannot determine ahead of time what is going to happen there. The conventional wisdom, as some will recall, when Hawaii and Alaska came into the Union, was that Hawaii would be a Republican State, and, indeed, we elected a Republican Governor in our very first State election, and that Alaska would be a democratic State.

As you know, that has worked differently. We have had Republican office holders here, we have had Democratic office holders here. This is not a partisan issue.

Mr. Chairman, I appeal to my Republican friends, please, take into account that our fellow citizens are merely asking for the opportunity to determine their future. Join Democrats and Republicans all together and vote for the bill and against this particular amendment.

Mr. MILLER of California. Mr. Chairman, I yield 1 minute to the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I rise in strong opposition to the Solomon amendment and in strong support of the substitute language.

Mr. Chairman, English is fast becoming the language of the world. It is not we English speakers who need to fear the integrity of our language; it is, indeed, others who have concerns.

We, as I said earlier in this debate, who support so strongly the principles of the Helsinki Act, have advocated in country after country after country that they give to people within their country respect of their cultural and their national identities. Of course, language is a critical component of that.

The Soviet Union, my friends will recall, tried to have everybody speak Russian on the concept that if everybody spoke Russian, there would be a sense of unity within the Soviet Union. But that unity was at the point of a sword. It will not get you what you want.

Mr. Chairman, I urge support of the substitute, and opposition to the Solomon amendment.

Mr. CUNNINGHAM. Mr. Chairman, I yield 2 minutes to the gentleman from Arizona (Mr. HAYWORTH) for the purpose of entering into a colloquy with me.

Mr. HAYWORTH. Mr. Chairman, I do rise for the purpose of entering into a colloquy with the gentleman from California (Mr. CUNNINGHAM), who will be speaking for the sponsor of the amendment, the gentleman from New York (Mr. SOLOMON).

First let me compliment my friend from New York for introducing this important amendment. This amendment will save precious taxpayer dollars, while reaffirming that English should be the official language of the government. A common language of government is essential to our health as a Nation.

Let me turn to the gentleman from California (Mr. CUNNINGHAM). It is my understanding it was the intention of the gentleman from New York (Mr. SOLOMON), the author of this amendment, to include the entire text of H.R. 123, the Bill Emerson English Language Empowerment Act of 1997, as this amendment. Is that correct?

Mr. CUNNINGHAM. Mr. Chairman, will the gentleman yield?

Mr. HAYWORTH. I yield to the gentleman from California.

Mr. CUNNINGHAM. Mr. Chairman, it was the intention of the gentleman from New York (Mr. SOLOMON) to include the text of H.R. 123 in this amendment.

Mr. HAYWORTH. Mr. Chairman, reclaiming my time, as the gentleman knows, I worked with the authors of H.R. 123 to include certain sections of the bill that recognize the unique status of Native Americans under our Constitution and various treaties. Section 167 of H.R. 123 explicitly states, "Nothing in this chapter shall be construed to limit the preservation or use of Native Alaskans or Native American languages as defined in the Native American Languages Act." Section 169 of the bill further states that the measure does not apply to "the teaching of these languages." These provisions were added at my behest to protect the unique obligations we have to Native Americans.

Again, asking the gentleman from California, was it the intention of the gentleman from New York (Mr. SOLOMON) to protect the various obligations of our native people?

Mr. CUNNINGHAM. Mr. Chairman, if the gentleman will yield further, it was the full intention to protect Native American languages, as these sovereign tribes have a unique relationship with the Federal Government. Unfortunately, the Parliamentarian ruled that adding these sections would not be germane to the bill we are debating. I look forward to working with the gentleman in seeing that the Native American languages are protected as the bill works its way through the legislative process.

Mr. MILLER of California. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. FARR).

Mr. FARR of California. Mr. Chairman, I was sitting in my office listening to this debate, and really the question is what does the 105th Congress have to fear? It really sounds like two things.

First of all, we are fearful of Puerto Rico having an election, which is essentially a public opinion election. Since when did Congress fear elections?

The other thing we have is we are fearing people that speak other languages. Why? One hundred four sessions that went before us did not fear

that. In fact, our forefathers who admitted Louisiana, New Mexico, Oklahoma and Hawaii, allowed those states to come in and protected the rights of those people to speak French, Spanish, Native American and Hawaiian, Aloha, a language that everybody uses in business.

What about our forefathers who rebuilt this room we are all sitting in, in 1949 and 1950. If you look around, there are 23 lawgivers that we respect. These are the people who historically gave us the under-law for American law. These were the lawmakers, lawgivers, as we call them. There are 23 of them. Only three of them spoke English, and one of those, Thomas Jefferson, also spoke French.

Mr. Chairman, what are we afraid of? Defeat this amendment and pass the bill.

Mr. CUNNINGHAM. Mr. Chairman, I yield two minutes to the gentleman from South Carolina (Mr. GRAHAM).

Mr. GRAHAM. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, I know this is an emotional issue to many folks. The commonwealth status of Puerto Rico has been a long-standing status and it confers upon its people certain rights of citizenship.

This body is about to take it to a new level. I do not believe the American people are any closer to understanding this issue than when we started. It is taking everybody in the country by surprise.

It is a big deal to me. I think we are rushing into it. But if we are going to do it, we need to recognize certain things.

Three out of four people in Puerto Rico are not fluent in the English language, and we are setting in motion the possibility of Puerto Rico becoming a State in a couple or three years.

The legislative affairs of the Commonwealth of Puerto Rico are conducted in Spanish. The Federal Court system requires that jurors speak English to sit as jurors, but the State court system, or the equivalent thereof, is conducted in Spanish, so if anybody finds themselves in Puerto Rico as a State, chances are you are going to be tried in a language you do not understand.

What the gentleman from New York (Mr. SOLOMON) is trying to do is bring unanimity to the 50 or 51 states, saying the common language that unites us is English, and it would apply to all states, not just the Commonwealth of Puerto Rico.

If we are going to go down this road, we certainly need this piece of legislation. But I believe it is ill-advised to do this without the goodwill of the American people behind us and without exactly understanding where the people of Puerto Rico are.

I do not understand why we are doing it, but if we are going to do it, the English component of the Solomon amendment is essential to integrating Puerto Rico into the United States in a viable way. When 3 out of 4 people cannot speak English, that is a road map for disaster, if you are going to be a part of the United States.

Mr. MILLER of California. Mr. Chairman, I yield 1 minute to the gentleman from Rhode Island (Mr. KENNEDY).

Mr. KENNEDY of Rhode Island. Mr. Chairman, I rise in strong opposition to this English only amendment. The gentleman from New York says that we need this amendment to empower the citizens of Puerto Rico to be full and equal partners in this Union.

What will empower the people of Puerto Rico to be full participants in this Union is if we get about voting this bill through and allowing them the right to finally have self-determination on the island, so that they can have all the rights and privileges of their American citizenship status which they are currently denied because they are under Commonwealth status, which, if I need to remind Members, means they are under the territorial clause of the United States.

Ironically, we could pass English only requirements for the people of Puerto Rico under the current territorial status, because that is our power. If they become a State, which I hope they will, they will retain the 10th Amendment power to decide what their own language will be.

So it is interesting. If they become a State, they will be able to decide for themselves; if they remain a Commonwealth, it is up to us to decide what their language is going to be.

Vote against the Solomon amendment, and vote for the passage of the bill.

Mr. MILLER of California. Mr. Chairman, I yield myself 1½ minutes.

Mr. Chairman, earlier in the debate the gentleman from California (Mr. CUNNINGHAM) got up and spoke about his legislation dealing with English as an official language. The point was made that all states would be treated the same, and the states had a right to change some requirements under the 10th Amendment, should they decide to do so.

The problem with the Solomon amendment is that in fact in this legislation it treats Puerto Rico differently than any other State in the Union, because it goes on and declares that English is the official language of the United States. But it then goes on to say the people of Puerto Rico can only communicate with the Federal Government in English and that the Federal Government can only communicate with the people of Puerto Rico in English.

This means if you are a DEA agent, you can only speak English if you are engaged in an activity. If you are the FBI, you can only speak English if you are engaged in an activity. If you are engaged in a search and rescue and the people do not speak English, you can only speak to them in English.

I do not think that is what we want to do. There is a legitimate debate to be had under the Cunningham legislation. We had it two years ago. I suspect we will have it again before this year is out. That would apply to all of the states equally and the states would retain their rights.

But the Solomon amendment goes far beyond those requirements and singles out Puerto Rico for special burdensome treatment. People can only write to their member of Congress, should they choose statehood and have Members in the Congress of the United States, they could only write to them in English. It would be against the law to write to them in Spanish or in another language. It would be against the law to petition the President of the United States or the Congress in any other language. That is not true anywhere else in this country.

We ought to make sure that if we deal with this issue, that we treat all of the states on an equal footing. This says if Puerto Rico becomes a state, it would be singled out for much more burdensome treatment than the general debate on English as an official language.

Mr. BURTON of Indiana. Mr. Chairman, I yield two minutes to my good friend, the gentleman from New York (Mr. SERRANO).

Mr. SERRANO. Mr. Chairman, let me first say that I rise in strong opposition to the Solomon amendment and in favor, strong support, of the substitute language.

Let me say that the gentleman from Indiana (Mr. BURTON) is very courageous in taking this stance. He supports English only, but he knows it does not belong in this bill. That is what this issue is all about.

Why not be fair? Why single Puerto Rico out? If it decides to become a State and if we allow it to become a State, it shall be governed by the law of the land. Everyone knows that. But why single it out now? Why try to make a statement that is unfair and a statement that is not necessary?

The issue on the whole is one that is not necessary. Everyone knows that everyone learns to speak English both in Puerto Rico and here. As an Hispanic American, a Latino and Puerto Rican, I can tell you, we do not go around spending time figuring out how not to learn English. Do I not sound like a person who tries every day to improve on the language? I am going to get it right one of these days.

This is a bad amendment, and it should not be here.

Let me close with this: When Latinos or Hispanics sit around the dinner table and the issue of language comes up, it is never a plot against the English language.

□ 1500

It is usually a lament about the fact that the children and the grandchildren no longer speak Spanish. So with that recognition, what is the fear? Let us go forward. Let us allow this bill to take place. Let us make this vote possible.

Let us not muddy the waters any more. Let the people of Puerto Rico, the Puerto Rican people, have a vote on this issue. Let us not single them out for anything that you do not single other States out for.

Mr. CUNNINGHAM. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. BILBRAY).

Mr. BILBRAY. Mr. Chairman, I rise in support of the Solomon amendment. I would like to clarify an issue. The minority leader, the gentleman from Missouri (Mr. GEPHARDT) stated that we have never placed any language condition on any territory that was considering statehood.

I want to clarify that that is false, that in fact in 1811 Congress specifically required that Louisiana adopt English as the official language of their proceedings, of all government writings, and all government functions. They not only required Louisiana in 1811 to do it, they required Oklahoma and New Mexico to specifically have to teach in English as a primary language. In fact, Arizona was required to guarantee that its executive and legislative officials would conduct business in the English language.

So let us not talk about singling out anyone. The fact is this has a historical record that says that when the issue of language has become a question, English is the common language of these United States; that has been clarified by Congress again and again, and has been placed as a requirement on any territory wishing to gain statehood that they must, too, adopt English as their official common language.

Mr. Chairman, I appreciate the fact that the gentleman from Illinois and the gentlewoman from New York proposed a substitute to the substitute, which really shows where some people may be coming from on this issue. That is, their substitute to the substitute says let us make Spanish the official language of Puerto Rico.

I think what we are saying is let us be up front about it. We should clarify to the people of Puerto Rico that part of the transition from territory to State is going to be transition from Spanish to English. That is de facto. Let us do it up front, be truthful to the people of Puerto Rico, let us not promise them State and local government we cannot deliver.

The fact is the assimilation of any territory into the greater Union is going to happen not just politically but culturally, socially, and linguistically.

Mr. BURTON of Indiana. Mr. Chairman, I yield 2 minutes to the gentleman from Guam (Mr. UNDERWOOD).

Mr. UNDERWOOD. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I stand in support of the substitute and in opposition to the Solomon amendment. We are making a language issue out of a self-determination issue.

People understand that the use of English in Puerto Rico is something that is essential to understand here. But there is no one that I know of that does not want to learn English to fully function in American society. There are very few people in Puerto Rico that I know of who do not want to learn English. In fact, in Puerto Rico there is a clear educational policy which fosters English, and indeed, English can be used for official purposes. If Puerto Ricans choose statehood under this framework, those policies would be strengthened. I think this is understood and acceptable.

But what is not acceptable is to allow Puerto Ricans the right to self-determination and in the same process to decide in advance of their choice that they not be treated the same way as other States.

The Solomon amendment tries to use the language issue to deliver a blow to the possibility of Puerto Rican statehood by putting a restriction on their possible admission, which other States have not had in their history. The Burton substitute is a responsible, coherent, moderate statement about the realities of American life, the necessity of English, but also recognizes that the tolerance of differences is a cornerstone of American democracy, that education is better than coercion, that knowing more is better than knowing less, that addition is better than subtraction, that knowing more languages is not un-American.

Thank you, all of you.

Mr. MILLER of California. Mr. Chairman, I yield 1 minute to the gentleman from Texas (Mr. GREEN).

Mr. GREEN. I thank the gentleman for yielding me the time, Mr. Chairman.

I also join with my colleague, the gentleman from New York (Mr. SERRANO) who says he is working every day to speak English, and so am I, to improve on our use of the language. But I will never speak English like they do in New York or Boston or even other parts of our country.

I oppose the Solomon amendment and support the substitute amendment. To make English our official language limits our Nation. English is our official language. It is our common language. We always have used English. It did not take a law in this Congress to do that. It has not taken 200 years to do it. We do it because we want to.

To file a document in court in the United States, or a public record, it has to be in English or an English translation. Our citizenship ceremonies are in English, even though we did have one aberration of a Federal judge doing it in Arizona. But it has to be in English, by statute.

Furthermore, English only is unwarranted because two of our States, New Mexico and Hawaii, have two official languages. In Hawaii it is English and Hawaiian, and in New Mexico it is English and Spanish. I hope the Puerto Rican voters would choose statehood and integrate English into their language.

Mr. BURTON of Indiana. Mr. Chairman, I yield 1½ minutes to the gentleman from Georgia (Mr. LEWIS).

Mr. LEWIS of Georgia. Mr. Chairman, I want to thank my friend and colleague for yielding time to me.

Mr. Chairman, this is a bad amendment. We do not need it. English is the predominant and common language of this Nation. English is used in government and courts throughout Puerto Rico. We must encourage everyone to speak English, but we must not discriminate against those who speak other languages.

Puerto Ricans are citizens of the United States. We must not deny the people of Puerto Rico their heritage. They contribute to the diversity and richness of our country. This amendment will make government more difficult. It will make communication more difficult.

Mr. Chairman, we should encourage everyone to learn English, but we should not deny Spanish-speaking Americans their tradition. English is the primary language of our Nation. In almost every corner of the world English is the language of international affairs, of international politics and business. We do not need this amendment. This amendment tells our citizens, deny your heritage, forget your roots. That is the wrong message for a great Nation, for a great people, a proud people to send.

Let us embrace diversity and learn from each other. This is how we have grown and prospered as a great Nation and a great people. I urge all of my colleagues, Democrats and Republicans, to vote no on the Solomon amendment.

Mr. SOLOMON. Mr. Chairman, I yield 3 minutes to the gentleman from Virginia, Mr. BOB GOODLATTE, a distinguished member of the Committee on the Judiciary.

Mr. GOODLATTE. Mr. Chairman, I thank the chairman for yielding time to me, and for his leadership on this issue.

Mr. Chairman, it has been said that the Solomon amendment is not constitutional. Nothing could be further from the truth. Let me read right from the language of the amendment. It says, "English is the official language of all business and communication of the Federal Government of the United

States, and all communications with the Federal Government will be in English unless generally applicable Federal law provides otherwise.''

Puerto Rico as a State promotes English as the official language of the State government, courts, and agencies. English is the language of instruction in public schools. This is not a mandate, this is similar to what we have required of Louisiana, Oklahoma, and other States in the past, and it is simply not correct that this is inappropriate.

In the last Congress, this body overwhelmingly passed similar language to apply to the entire country, and should do so with regard to Puerto Rico today. English is the language used by our government. It is the language of commerce, and it is the common language of the overwhelming majority of the American people.

Language differences are the number one barrier to full assimilation, and Puerto Rico is certainly no exception. According to the 1990 U.S. census, less than 24 percent of Puerto Ricans speak English fluently, and a 1997 survey found that 76 percent of Puerto Ricans think it unacceptable to have English as their official language. It is no coincidence, therefore, that a recent poll concluded that only 16 percent of Puerto Ricans consider themselves to be Americans.

Before the people of the United States accept Puerto Rico into their Union, they expect the people of Puerto Rico to want to be a part of it. Make no mistake, H.R. 856 will create an American Quebec. If Puerto Rico gains statehood under this bill, it is likely to declare Spanish as the official language, which could then force the U.S. Government to make Spanish the quasi-official language to accommodate the needs of Puerto Ricans.

Not only would this significantly undermine the long-term assimilation of Puerto Ricans into American society, but it would also increase the pressure for the rest of the United States to become officially bilingual.

Language is the common bond that holds our Nation together. A common language allows the children of Virginia to communicate with and learn from the children of California. Without this amendment, the same will not be true for the children of Puerto Rico. Without this amendment, children will never have the opportunity to participate fully and equally with their fellow citizens.

Mr. Chairman, pro-statehood forces have stated on many occasions that their language and culture are not negotiable. Congress is not asking anyone to negotiate away their culture, but the Constitution grants Congress the power to determine the rules for statehood, and that Constitution was established to create a more perfect Union, not a more divided Nation.

We must make clear that Puerto Rico must be prepared to be an equal partner. Support the Solomon amendment and oppose the Burton substitute.

If Congress passes H.R. 856 without this amendment, we will embroil ourselves in a divisive debate that will last for years to come. When we welcome a new state into our great union, we should do so by building bridges that unite us, not roads that divide us. Puerto Rico statehood without English as the official language is a bad idea that is sure to create tension between the states, enormous administrative nightmares, and huge costs to the American people. Our states are united, and they should remain so. The American people do not want, and cannot afford, another Quebec.

I urge my colleagues to vote yes on the Solomon amendment.

Mr. MILLER of California. Mr. Chairman, I yield 1 minute to the gentlewoman from New York (Ms. VELÁZQUEZ.)

Ms. VELAZQUEZ. Mr. Chairman, I rise in strong opposition to the Solomon amendment. This amendment would outlaw elected officials from communicating with their constituents in Spanish. It will hamper the efforts of Federal agencies to collect taxes, inform citizens of their rights, and ensure due process, and it will endanger lives by making illegal anything but English to be used, even by police department and paramedics responding to life-threatening situations.

This amendment is guaranteed to make government inefficient and ineffective and jeopardize the civil rights of some of society's most vulnerable members.

I represent one of the highest non-English-speaking populations in the country. Under the Solomon amendment, I will be barred from communicating with the people of the Twelfth District of New York in a second language. This will keep me from doing what they elected me to do. This amendment is divisive and unnecessary. It does not belong on this legislation.

Mr. SOLOMON. Mr. Chairman, I yield such time as he may consume to the gentleman from Georgia (Mr. BOB BARR), a distinguished member of the Committee on the Judiciary.

(Mr. BARR of Georgia asked and was given permission to revise and extend his remarks.)

Mr. BARR of Georgia. Mr. Chairman, I rise in support of the Solomon amendment.

Mr. Chairman, I rise in support of the Solomon English Language Empowerment Amendment. The English language portion of 856 is meaningless. The Solomon amendment will clarify this vague language by designating English as the official language of the United States; requiring that English be the sole official language of all federal communication in Puerto Rico and; making English the official language of state government courts and agencies; making English the language of instruction in public schools.

Americans speak English. Many Americans speak more than one language. In fact, many of my colleagues on both sides of the isle are bilingual. But everyone in this chamber understands the importance of speaking English. In fact, I believe that every member in this House who would be called upon to counsel a foreign speaking immigrant, would tell them that the most important thing that this immigrant could do to begin to assimilate and become successful in America is to learn English.

If Puerto Rico became a state, the citizens of Puerto Rico would send to us Representatives and Senators. Now Puerto Ricans might be given a choice between candidate A who doesn't speak English and candidate B who is bilingual. Hopefully, they would elect the bilingual candidate. The business of this body and the business of America is conducted in English.

Currently, in America, you can go from state to state and understand the laws, the government, the courts, from New Hampshire to Hawaii. This notion would fundamentally change if Puerto Rico were to be admitted without the Solomon Amendment. Puerto Rico conducts its official business in Spanish. This is even after 100 years of influence by the United States. Puerto Ricans are essentially saying that we do not recognize America. We do not want to assimilate. We want to be Puerto Rico, and we want to be Spanish.

Mr. Chairman, 63% of Puerto Ricans can't recite the Pledge of Allegiance. Sixty Six percent do not know the words to the Star Spangled Banner. This makes sense when you learn that only 16% of Puerto Ricans consider themselves to be American. By themselves, these polling numbers don't trouble me. I don't want to force anyone to be American who doesn't want to. However, just as Puerto Ricans have every right to maintain their Spanish heritage and their Spanish language, so too does America have every right to maintain its English language tradition. This is a fundamental building block of our nation, and the basic fiber that binds this great country together.

Mr. Chairman, English has been and hopefully always will be the common link between the melting pot of cultures in our nation. We have many different cultures in our nation, from the woods of Maine to the shores of the Pacific north west, from 10,000 lakes of Minnesota to Georgia's Golden Isles. The cultures, the religions, the traditions vary as greatly as the miles. Yet, the English language binds these people together in a proud tradition that we have come to know, as being American.

Mr. SOLOMON. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. RIGGS), chairman of the Committee on Education and the Workforce that has jurisdiction over the English language issues, and a very valuable Member of this body.

Mr. RIGGS. Mr. Chairman, I thank the distinguished chairman of the Committee on Rules and sponsor of this amendment for yielding time to me.

Mr. Chairman, let me say first of all, I support the right of Puerto Rico residents, American citizens, to have self-

determination, to choose statehood over the current status as a Commonwealth. But I believe as a condition of statehood those voting in any kind of referendum or plebiscites should acknowledge and accept English as the official common and commercial language of our country.

I have a little bit different perspective on this issue, as the chairman of the Subcommittee on Early Childhood, Youth and Families. My concern is twofold: too often bilingual education fails our young people, and the alarming dropout rate of Hispanic students in America.

Too many of our young people are not getting the education and the job training that they need to live successful and productive adult lives, to take advantage, if you will, of all these high-tech jobs that our economy continues to create every day. For them, the have-nots of tomorrow, it is a personal tragedy. For our country it is a very serious, it is a very real challenge, because we need a skilled work force to remain competitive.

I mentioned the bilingual education. The statistics are appalling. One-third of all Hispanic students nationwide, according to the U.S. Department of Education's own report, drop out, and that figure is closer to 50 percent in my home State of California. In fact, if Members really want to boil the debate down, last year only 6.7 percent of limited English proficient students in California public schools have learned enough English to move into mainstream classes.

We have the largest school district in the State, the Los Angeles School District, suing the Governor because the Governor wants to administer tests in reading, writing, and math to all students in the second through 11th grades, but only in English.

□ 1515

Bilingual education is too often a failure. It does not promote a transition to English fluency, but it traps youngsters in a dependency on non-English languages and special help. "Bilingual" has become a misnomer. English as a second language should not mean second-class citizenship.

Mr. Chairman, I urge Members to support the Solomon amendment, and let us reform bilingual education.

Mr. BURTON of Indiana. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania (Mr. GEKAS).

Mr. GEKAS. Mr. Chairman, when I served in the Armed Forces, I was stationed for a while in Puerto Rico. I was eager to learn Spanish so that I could communicate with the people of Puerto Rico. So I walked into a restaurant, after studying my Spanish to an n'th degree, and I said proudly, after I saw a picture of a hot dog on the back of the counter, "Hagame el favor de darme un perro caliente." And so the youngster looks at me, turns around to the cook and says, "One hot dog with everything."

The point is that he knew English. That he knew that I knew English. He was helping me with my Spanish, but I learned that first lesson there, that most of the people either speak English in Puerto Rico or want to speak English in Puerto Rico.

Our fellow citizens in Puerto Rico in time will be 100 percent able to speak English. By that time, they will blend in perfectly to our English language customs for the entire country.

Mr. Chairman, I support the substitute.

Mr. MILLER of California. Mr. Chairman, I yield 1 minute to the gentleman from Rhode Island (Mr. WEYGAND).

Mr. WEYGAND. Mr. Chairman, I rise today in opposition to this amendment. I remember talking with my grandparents about their parents who came to this country from Ireland and Germany. And many of my colleagues' ancestors came from Portugal or France or from other places where they really learned what it was that was great about this country.

We never required them to come into this country and learn English before they got here. What they came for was the great thing that they saw in this country: the opportunity for them and their children to have a better world. They learned English because they wanted to learn English, not because the Congress told them they had to.

Our children today are all over the world on computers. Businesses are all over the world. Do my colleagues know what the common language is? English. The Congress did not have to tell them that it should be English. They learned it. They made it that way.

Yet this Congress sees fit here today to try to impose something they have never imposed upon any other State, making sure that English is the official language. It is unnecessary. It is an imposition that should not be condoned. We should vote down this amendment.

Mr. BURTON of Indiana. Mr. Chairman, I yield 1 minute to the gentleman from Florida (Mr. DEUTSCH), my good friend.

Mr. DEUTSCH. Mr. Chairman, I think it is important to point out that this is a bipartisan issue in terms of people rejecting the Solomon amendment and supporting the substitute.

Mr. Chairman, I wish the gentleman from California (Mr. RIGGS) was still here just in terms of responding to his comments. If the amendment was just what the gentleman said he wanted, it probably would not be so bad. It would be at least a relevant debate. But this amendment is not limited to Puerto Rico. This amendment really has no place in this debate.

This amendment is an issue which should have been debated on its own, not on this bill. The Solomon amendment's purpose is to kill the bill. That is its purpose.

We can debate the issue of Puerto Rico's ability to determine its future outside of that. The substitute allows us to do that. When we want to, we can talk better requirements for statehood, requirements for issues on Puerto Rico outside of the requirements for the entire country. That is what the debate needs to be about.

Mr. Chairman, I urge my colleagues on both sides of the aisle to vote strongly in favor of the substitute and against the Solomon amendment, and to give the people of Puerto Rico the opportunity to decide their own future.

Mr. MILLER of California. Mr. Chairman, I yield 1 minute to the gentleman from Illinois (Mr. GUTIERREZ).

Mr. GUTIERREZ. Mr. Chairman, I rise in strong opposition to the Solomon amendment. I think we have heard here time and time again that when called to duty, drafted, called to serve, there is no litmus test, there is no test of language for people. Indeed, the 65th Infantry served with distinction and honor and valor in the Korean conflict, and almost everybody spoke one language as the troops were ordered into battle, and that language was Spanish.

We should not raise this as an issue here today. The language of the people of Puerto Rico is Spanish. We should respect that.

Just as I have said before, it would be detrimental, it would be detrimental to attach to statehood an English language requirement, because then people who would want to become a State would say, well, I cannot accept it that way. It is wrong.

We understand what the language of our people is. Look in Puerto Rico today. From kindergarten through 12th grade of high school, English is taught, but people have preserved their Spanish language. Let us respect them.

Mr. BURTON of Indiana. Mr. Chairman, how much time do I have remaining?

The CHAIRMAN. The gentleman from Indiana (Mr. BURTON) has one-quarter of 1 minute remaining.

Mr. BURTON on Indiana. Mr. Chairman, I reserve the balance of my time.

Mr. SOLOMON. Mr. Chairman, I yield 1 minute to the gentleman from Virginia (Mr. GOODE), an outstanding Member of this body on the other side of the aisle.

Mr. GOODE. Mr. Chairman, I rise in support of the Solomon amendment because I fear a Quebec-type situation in this country. Now is the time to establish English as the official language. If we do that in this bill and if we follow suit in 123, we will not have problems cropping up like in Canada and across the world.

Mr. Chairman, I can tell my colleagues that if we have that up front, everybody knowing it, it is better. My

great-grandmother was German and she never learned to speak English. She was at a disadvantage her whole time in this country, and I think we need to start with English first.

Mr. BURTON of Indiana. Mr. Chairman, will the gentleman yield?

Mr. GOODE. I yield to the gentleman from Indiana.

Mr. BURTON of Indiana. Mr. Chairman, I would just like to know what language the gentleman from Virginia speaks. He sounds like he is from down South some place.

Mr. GOODE. Mr. Chairman, it is "Southern" English.

Mr. SOLOMON. Mr. Chairman, how much time does the gentleman from Indiana have remaining?

The CHAIRMAN. One-quarter of one minute.

Mr. SOLOMON. Mr. Chairman, I yield 15 seconds to the gentleman from Indiana (Mr. BURTON) out of the goodness of my heart.

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

Mr. SOLOMON. Mr. Chairman, I yield 2 minutes to the very distinguished gentleman from California (Mr. ROHRABACHER).

Mr. ROHRABACHER. Mr. Chairman, I rise in support of the Solomon amendment. This bill is aimed at admitting a State to the Union that is overwhelmingly populated by Spanish-speaking people who have a proud culture and are proud of their language and view themselves as a separate nation.

The people of Puerto Rico have no intention of giving up their language or their culture or their Olympic teams or their Miss Universe contestants, and there is no reason they should have to give these things up if they do not want to become part of a State, residents of a State of the Union.

However, if they expect to be residents of a State of the Union and to be Americans first, they must speak the common language and English is the common language; and to become part of our culture, not to maintain their separate culture, to root for our Olympic teams and have our Miss Universe contestant as their contestant.

Mr. Chairman, I support the Solomon English language amendment to this bill because it takes the appropriate steps to put Puerto Ricans on notice that statehood means becoming part of our Nation and no longer being part of a separate culture and a separate nation, especially as reflected by a separate language.

We should make sure that no one is fooled into thinking that the United States is becoming a bilingual society, a bilingual Nation trying to accommodate itself to this nation within a nation. And that nation within a nation, there are people there who believe in independence. In the past we remember when there were independence people who violently wanted independence for Puerto Rico.

The fact is they have a proud culture and a proud nation. They are not part of the United States unless they are willing to become part of the United States.

Mr. Chairman, H.R. 856 is wrong for the people of Puerto Rico and it is wrong for the people of the United States. "E pluribus unum." We are one people and that is fine. Let us be one people. But if a people expect to be part of the United States, they should be part of the United States.

Mr. MILLER of California. Mr. Chairman, I yield 1 minute to the gentleman from Puerto Rico (Mr. ROMERO-BARCELÓ) to close our side on this debate.

Mr. BURTON of Indiana. Mr. Chairman, I yield 30 seconds to the gentleman from Puerto Rico (Mr. ROMERO-BARCELÓ), the balance of my time, so that the gentleman will have 1½ minutes to close.

The CHAIRMAN. The gentleman from Puerto Rico is recognized for 1½ minutes.

Mr. ROMERO-BARCELÓ. Mr. Chairman, if the English-first or English-only amendment were really meant to be for improvement of the bill, at least we could understand it. But the English-first supporters have distributed a paper here where it says even if this bill passes, this amendment passes, that Members should vote against H.R. 856. In other words, they are against the bill and this amendment is being used merely as a way to put a poison pill on the bill.

In Puerto Rico, as I have said over and over again, we are not rejecting English. We are embracing English. We were the first jurisdiction to approve English as an official language in 1902, but we also want Spanish as an official language. Both languages. We want to be bilingual. What is wrong with that?

This morning, earlier today, we had the gentleman from Illinois saying that in Puerto Rico the movies were dubbed. The majority of the movies shown in Puerto Rico are not dubbed. They are in English and the movie houses are full.

At the Blockbusters, the majority of the films that are rented out are not subtitled and neither are the movies subtitled. And in Puerto Rico the people who are watching these proceedings now on C-SPAN understand what is going on.

As the gentleman said a little while ago, when he asked for the "perro caliente," that is one of the problems that people who go to Puerto Rico to learn to speak Spanish have. The Puerto Ricans speak English.

Mr. Chairman, they say Puerto Ricans do not feel that they are a part of a Nation. We have to take a look at that. Why is that? There are 50 stars, not 51 stars. We still have not been admitted into the family. Once we are admitted into the family, not 50 percent, 60 percent, but 100 percent of the people of Puerto Rico will feel that they are part of the Nation.

PARLIAMENTARY INQUIRY

Mr. SOLOMON. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. SOLOMON. Mr. Chairman, is there no further time outstanding other than mine?

The CHAIRMAN. The gentleman may close debate.

Mr. SOLOMON. And the Chairman is recognizing me for that purpose?

The CHAIRMAN. The gentleman is correct.

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

Mr. Chairman, I urge Members to listen to this in their offices. If the Solomon amendment is defeated, or if the Solomon amendment is watered down and this bill becomes law and Puerto Rico becomes a State, any citizen of the State of Puerto Rico can bring an action against the United States of America Government or against any one of the other 50 States and demand bilingual equal treatment under the Equal Footing Doctrine. Members better think about that when they cast their votes in half an hour from now.

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

The CHAIRMAN. Pursuant to section 2(a) of House Resolution 376, it is now in order to consider Amendment No. 3 printed in the CONGRESSIONAL RECORD.

Mr. SOLOMON. Mr. Chairman, I ask unanimous consent that the hour of debate on the Solomon amendment, the Gutierrez amendment thereto, if offered, and the Burton substitute, if offered, be divided and controlled as follows: 30 minutes to the gentleman from New York (Mr. SOLOMON), 6 minutes to the gentleman from Illinois (Mr. GUTIERREZ), 12 minutes to the gentleman from Indiana (Mr. BURTON), and 12 minutes to the gentleman from California (Mr. MILLER), subject to equitable reductions, if necessary, to remain within the 1 hour of consideration permitted under this rule. I think this is an agreed-to unanimous consent request.

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

There was no objection.

AMENDMENT NO. 3 OFFERED BY MR. SOLOMON

Mr. SOLOMON. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. SOLOMON:

At the end of section 2, add the following paragraph:

(16) In 1996, the United States House of Representatives overwhelmingly declared

that "the official language of the Federal Government is English". According to the 1990 United States Census, less than 24 percent of the citizens of Puerto Rico speak English fluently. The enhancement of English as the official language of Puerto Rico is consistent not only with this statement of policy, but also with the preservation of our Nation's unity in diversity and the prevention of divisions along linguistic lines. Proficiency in the English language is necessary for all citizens to enjoy the full rights and benefits of their citizenship as guaranteed by the Constitution and to contribute most effectively to the Nation in all aspects. Conducting the business of Federal and State governments in English is the best way to promote efficiency and fairness to every citizen. Only proficiency in English can provide all Americans the enjoyment of the rights and benefits of full participation in the American economy and union.

Strike subsection (b) of section 3 and insert the following new subsection:

(b) OFFICIAL LANGUAGE.—The official language of the Federal Government is English. The legislature of Puerto Rico has established a bilingual policy by making both Spanish and English official languages of Puerto Rico, but has continued to operate its government solely in Spanish, as the majority of the people in Puerto Rico are not proficient in English. In the event that the referenda held under this Act results in approval of a request to Congress that Puerto Rico be admitted to the Union as a State and the Congress approves such statehood, English will be the sole official language of all Federal Government activities in Puerto Rico and, unless otherwise provided by generally applicable Federal law, all communications with the Federal Government by the Government or people of Puerto Rico will be in English. This Act, the procedures authorized by this Act, and the possible accession of Puerto Rico to statehood do not create or alter any rights of a person to government services in languages other than English.

In section 4(a), strike paragraph (7) of subparagraph C of the referendum language and insert the following new paragraph:

"(7) English is the official language of all business and communication of the Federal Government of the United States and all communications with the Federal Government will be in English unless generally applicable Federal law provides otherwise. Puerto Rico, as a State, promotes English as the official language of the State government, courts, and agencies. English is the language of instruction in public schools.".

Strike subparagraph (C) of section 4(b)(1) and insert the following new subparagraph:

(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 that the Federal and State governments implement programs and incentives to promote the acquisition and usage of English by the citizens of Puerto Rico, including but not limited to, teaching in English in public schools, the availability of fellowships and scholarships to increase the opportunities of the people of Puerto Rico to learn to speak, read, write, and understand English, and the provision of educational instruction in English to persons not in schools.

AMENDMENT OFFERED BY MR. GUTIERREZ TO THE AMENDMENT OFFERED BY MR. SOLOMON

Mr. GUTIERREZ. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. GUTIERREZ to the amendment offered by Mr. SOLOMON:

In the amendment proposed to section 4(a) of the bill, in lieu of the text proposed to be inserted as paragraph (7) of subparagraph C of the referendum language, insert the following:

"(7) Spanish is an official language of Puerto Rico and its only vernacular language and as such is the official language of business and communication—

"(A) in the State government, courts, schools, and agencies; and

"(B) in Federal courts and agencies when such courts and agencies are acting in or with regard to Puerto Rico.".

□ 1530

Mr. GUTIERREZ. Mr. Chairman, I yield myself 2 minutes and 30 seconds.

Mr. Chairman, this bill is supposed to be about self-determination. Self-determination should be informed. The Statehood Party in Puerto Rico has promised statehood. This means that under statehood, Puerto Rico gets to keep its culture and its language, and I agree with the gentleman from Puerto Rico (Mr. ROMERO-BARCELÓ) that that is the kind of statehood that we should have.

As a matter of fact, and I quote from a book, "Statehood is for the Poor," published in 1978 by the current Resident Commissioner, the gentleman from Puerto Rico (Mr. ROMERO-BARCELÓ): Our culture and our language are not negotiable.

That is published in "Statehood is for the Poor" by the Resident Commissioner. And, I believe that the people of Puerto Rico have come to understand and to accept that that is the way that statehood would be proposed and that their culture and their language would be something that is protected.

Puerto Rico has spoken Spanish for over 500 years. When I get to Puerto Rico and see my parents, we speak in Spanish. When I go to a courtroom in Puerto Rico, it is in Spanish. When I register a deed, it is in Spanish. When a police officer pulls somebody over for going a little too quickly, the citation is in Spanish, and the subsequent sentencing, I assure my colleagues, is in Spanish, and you better have a lawyer that can speak Spanish.

When you to go school and you graduate, your diploma is printed in Spanish. Every record, including your birth certificate, is in Spanish. Spanish is the language of the people.

Are we talking about civil rights? Let us not talk about imposing another language. Go to Puerto Rico today. Go to the Veterans Administration or Social Security Administration office in Puerto Rico today, and everyone will speak to you in Spanish, unlike Chicago or New York or Oklahoma, because Spanish is the language there. And since statehood has been proposed in Puerto Rico, the culture and the language are nonnegotiable. I think we should guarantee that to the gentleman from Puerto Rico (Mr. ROMERO-BARCELÓ), the Resident Commissioner.

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

Mr. ROMERO-BARCELÓ. Mr. Chairman, I ask unanimous consent to oppose the amendment offered by the gentleman from Illinois (Mr. GUTIERREZ).

Mr. GUTIERREZ. I object, Mr. Chairman.

The CHAIRMAN. The time has been allocated pursuant to the unanimous-consent request that was agreed to earlier.

Mr. BURTON of Indiana. Mr. Chairman, I yield 2 minutes to the gentleman from Puerto Rico (Mr. ROMERO-BARCELÓ).

Mr. ROMERO-BARCELÓ. Mr. Chairman, I rise in opposition to this amendment submitted by the gentleman from Illinois (Mr. GUTIERREZ) because this amendment is intended to be a poison pill against those that are for the bill. It is supposed to be intended as a poison pill, because in Puerto Rico the law is that both English and Spanish are official languages, and you can have documents in English, and the agencies in Puerto Rico are by law obligated to give those documents in English if a citizen requests for those documents in English. You can register property and deeds drafted in the English language.

So what has been said here is not true. We want to maintain that right of all citizens to have their documents and their business with government transacted in either Spanish or English. Those that do not understand will be provided with a translation. We will provide people to translate their business for them. This would be an imposition upon Puerto Rico and will be against the laws of Puerto Rico.

The gentleman from Illinois (Mr. GUTIERREZ), who lives in Chicago and would like to have independence, now he is acting like a colonial power imposing laws in Congress that would repeal the laws that we have, that would amend the laws without the people of Puerto Rico voting for it, without the legislature participating. We oppose this amendment very strongly.

Mr. GUTIERREZ. Mr. Chairman, I yield 2 minutes to the gentlewoman from New York (Ms. VELÁZQUEZ).

Ms. VELAZQUEZ. Mr. Chairman, I rise in strong support of this amendment. Mr. Chairman, this amendment will make Spanish the official language of Puerto Rico. It will protect what already exists. If supporters of this bill are voting for self-determination for the Puerto Ricans, they will support allowing them to speak their own language. They will support allowing them to do business and operate their courts as they have for almost 500 years.

Mr. Chairman, I have sat on this floor and listened to the arguments of my colleagues on the other side of this issue. I have heard many distinguished Members of this body argue, some passionately, some angrily, that by supporting this bill they are protecting

the people of Puerto Rico. They say that we must allow self-determination for Puerto Rico because they respect our culture, our history and our right to control our destiny.

I have argued that this bill does not provide self-determination, but I will accept that the supporters of this bill think they are promoting the wishes of the people of Puerto Rico. Well, if that is the case, they will have to make their argument in Spanish because the majority of the people of Puerto Rico do not speak English. And why should they? The fact is that our culture, our history, our essence is rooted in the Spanish language. More than that, it is the language of the legal system, the Commonwealth Government and all non-Federal official business. If the supporters of this bill really respect the people of Puerto Rico, they will support this amendment which makes Spanish the official language of Puerto Rico.

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

I will close by making the following arguments. I think they have not been refuted here today. In a book written in 1978, "Statehood is for the Poor," written and authored by the Resident Commissioner of Puerto Rico, the gentleman from Puerto Rico (Mr. ROMERO-BARCELÓ), he stated clearly and unequivocally that language and culture are nonnegotiable.

Now, when the campaign goes to Puerto Rico, I want to make sure that if that is what they are saying to the people of Puerto Rico, that that is what this Congress is guaranteeing them. Let us not let them be under any illusions about what is going to be. Since that is exactly what has been proposed by the Statehood Party and repeated so many times, I want those statehooders who have applauded, who have cheered, who have cherished statehood, and want to preserve their language and culture, to have exactly what they have demanded and asked and rallied for. So, therefore, in the name of self-determination, I ask that this amendment be adopted so that we respect the wishes of the Statehood Party. We should do no less.

Mr. Chairman, I ask for a recorded vote on this perfecting amendment and make a point of order that a quorum is not present.

The CHAIRMAN. Pursuant to the unanimous-consent request, debate will take place on all three of the amendments that are being discussed, and then they would be held.

PARLIAMENTARY INQUIRY

Mr. GUTIERREZ. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. GUTIERREZ. Mr. Chairman, we will be able to ask for a vote on this perfecting amendment later on. I have not relinquished my right.

Mr. SOLOMON. Mr. Chairman, will the gentleman yield?

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

Mr. SOLOMON. Mr. Chairman, I would be glad to assist the gentleman in seeing to it that he gets his vote at the appropriate time.

The CHAIRMAN. The Chair will put the question at the appropriate time.

Mr. GUTIERREZ. I thank the Chair.

AMENDMENT OFFERED BY MR. BURTON OF INDIANA AS A SUBSTITUTE FOR THE AMENDMENT OFFERED BY MR. SOLOMON

Mr. BURTON of Indiana. Mr. Chairman, I offer an amendment as a substitute for the amendment.

The Clerk read as follows:

Amendment offered by Mr. BURTON of Indiana as a substitute for the amendment offered by Mr. SOLOMON:

In section 3, amend subsection (b) to read as follows:

(b) OFFICIAL ENGLISH LANGUAGE.—In the event that a referendum held under this Act results in approval of sovereignty leading to Statehood, upon accession to Statehood, the official language requirements of the Federal Government would apply to Puerto Rico in the same manner and to the same extent as throughout the United States.

Add at the end of section 3 the following new subsection:

(c) ENGLISH LANGUAGE EMPOWERMENT.—It is in the best interest of the Nation for Puerto Rico to promote the teaching of English as the language of opportunity and empowerment in the United States in order to enable students in public schools to achieve English language proficiency by the age of 10.

In section 4(a), in the referendum language for Statehood, amend paragraph (7) to read as follows:

"(7) Official English language requirements of the Federal Government apply in Puerto Rico to the same extent as Federal law requires throughout the United States.".

In subparagraph (C) of section 4(B)(1), strike "(C) Additionally," and all that follows through "(ii) the effective date" and insert the following:

(C) Additionally, in the event of a vote in favor of continued United States sovereignty leading to Statehood, the transition plan required by this subsection shall—

(i) include proposals and incentives to increase the opportunities of the people of Puerto Rico to expand their English proficiency in order to promote and facilitate communication with residents of all other States of the United States and with the Federal Government, including teaching in English in public schools, awarding fellowships and scholarships, and providing grants to organizations located in various communities that have, as a purpose, the promotion of English language skills;

(ii) promote the use of English by the United States citizens in Puerto Rico in order to ensure—

(I) efficiency in the conduct and coordination of the official business activities of the Federal and State Governments;

(II) that the citizens possess the language skill necessary to contribute to and participate in all aspects of the Nation; and

(III) the ability of all citizens of Puerto Rico to take full advantage of the opportunities and responsibilities accorded to all citizens, including education, economic activities, occupational opportunities, and civic affairs; and

(iii) include the effective date.

Mr. BURTON of Indiana (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 Indiana?

There was no objection.

Mr. BURTON of Indiana. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise today to offer a reasonable substitute to the Solomon English only amendment. Although I agree that we need to debate and pass an English only bill or a constitutional amendment making English the official language of our government, holding U.S. citizens hostage in Puerto Rico, not allowing self-determination to take place is against my strongly held beliefs in democracy.

English has been made an issue to kill this Puerto Rico plebiscite bill. H.R. 856 is a process bill to advance the democratic cause, to advance the Founding Fathers' idea that freedom and democracy demand self-determination.

That is what this debate is really about. Nevertheless, English has been brought into the debate, forcing me and others to offer an alternative. Supporters of H.R. 123, the Bill Emerson English Language Empowerment Act, share Mr. SOLOMON's English language policy goals, but should not support this amendment to H.R. 856. I supported strongly Mr. Emerson's bill when it was on the floor.

The Solomon amendment is not faithful to H.R. 123. Instead the Solomon amendment does two things the House has never endorsed. Number one, the Solomon amendment requires ballot language on the statehood option which confuses voters to believe that Congress has imposed English as the exclusive official language of Puerto Rico's potential State government, which is not the case. And two, it also confuses the voters that English is the exclusive language of instruction in Puerto Rico's public schools, which is not the case.

The Solomon amendment does not empower the 3.8 million United States citizens of Puerto Rico by promoting English under the current commonwealth territory status. Instead, the Solomon amendment would promote continuation of an enclave of disenfranchised Spanish-speaking U.S. citizens, a recipe for creating a Quebec-style separatism under the American flag, which none of us wants.

We can avoid this by passing the Burton-Miller-McCollum-Young substitute. Our amendment would be effective immediately, immediately. English proficiency by age 10 is the Federal policy standard for school students in American's largest and most

populous territory if my amendment passes. Our amendment eliminates ambiguity and constitutional flaws in the Solomon amendment with clear and constitutionally sound provisions applying to Puerto Rico, if it becomes a State, the same national English policy applicable to all other States.

The irony of the Solomon amendment is that it would isolate Puerto Rico from the purpose the amendment wants to establish when it wants to establish English as the official language of the United States. The Solomon amendment would apply English to all of the 50 States, but would carve out a territory, Puerto Rico, under the U.S. flag without the benefit of English as the official language until, and only if, Puerto Rico became a State after 10 years. However, under my substitute, there would be an immediate effect by a new national policy to promote the teaching of English to enable students in public schools to achieve English language proficiency by the age of 10, right now. In other words, 50 States would be required to have English as the official language, but not Puerto Rico, until they became a State. So you fortified the position that that is going to be a Spanish-speaking State for at least 10 years.

My amendment would make sure that English would be a proficiency, there would be proficiency in English by age 10 in Puerto Rico immediately, not waiting 10 years.

The last couple of evenings I was able to watch "Braveheart" on television. This heroic story of the freedom fighters of Scotland led by William Wallace over their British rulers resonates even to this day.

□ 1545

Like Scotland, Puerto Rico desires a chance at true freedom. However, rather than take the debate to the battlefield, they ask us simply for the opportunity to take the debate to the ballot box.

Yes, they have local self-government, but under their current status Puerto Ricans are, in effect, ruled by the United States Congress but without any representation in Congress. Puerto Ricans have no vote in the Congress, but yet, can be called into battle in a war on behalf of the United States at a moment's notice.

Yes, freedom and democracy are at the heart of this debate over H.R. 856. Do we believe in a free people exercising their right to self-determination or do we not? That is the real question we are debating today.

We should, in my opinion, do the right thing and give Puerto Rico the opportunity to let Congress clearly know if they want to be a State, a Commonwealth, or an independent country. And, once we find out, and my colleagues need to know this, the final determination on the status of Puerto Rico rests with this body.

The plebiscite we are talking about is advisory only. We are just asking that the people of Puerto Rico be able to let us know in the Congress, in a clearly defined way, what they want. Once we know that, then the Congress makes the final determination.

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

Mr. SOLOMON. Mr. Chairman, I yield myself such time as I may consume, and I would tell this body that back in 1983, I was sitting in front of my locker in the gym when a young man from Indianapolis, IN, came by and sat next to me in the gym and we began to talk, and we have been talking since 1983.

And I said to myself, "There is another Jerry Solomon coming along here. He sounds to me like a true traditional doctrinaire conservative and, therefore, when I retire in a few years, I would feel safe that he was here." My beliefs have been shattered. I cannot believe he is offering this gutting amendment to the Solomon amendment, the true conservative position in this body, and that is why I rise so much against his amendment.

This amendment enshrines, my colleagues, the language right of the Puerto Ricans in statute in a way that will spark years of litigation in States across this country. Remember this, because sure as I am standing here, it is going to happen.

Any Puerto Rican anywhere in the U.S. could challenge Federal and individual State laws and declarations of English as the official language. No State would be able to protect its official English law until all States pass English as the official language, and that will not happen if they are being sued, Mr. Chairman. The amount of lawsuits that will come about will be unbelievable if the Solomon amendment is gutted by this amendment.

This amendment deletes my amendment's finding and declaration of English as the official language. It deletes the protections for English-speaking citizens. It deletes protections for States which have declared English their official language until all States have done so.

The Burton amendment adds a new English proficiency standard that conflicts with the Equal Educational Opportunity Act and other language provisions in current law. And the liberals on the other side of the aisle should think about that.

The Burton amendment misleads voters as to what Congress will require as a minimum standard for the admission of a State. Do we want to mislead the Puerto Rican people? If there is really a 10-year period before admission, why should the people of Puerto Rico know that they are voting on something which Congress will not accept?

And finally, my colleagues, the Miller-Burton amendment limits the President's ability to deal with the language issue and to protect English, which was recognized in the official English bill that passed this House overwhelmingly 2 years ago with bipartisan support.

If my colleagues understand the issue, they will come over here and vote down the Burton-Miller amendment and support the Solomon amendment, and then Puerto Rico will have a chance when the overwhelming majority of those people understand that English will be the official language and will not divide this country.

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

Mr. MILLER of California. Mr. Chairman, I yield 1½ minutes to the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Mr. Chairman, I thank the gentleman for yielding me this time and commend the gentleman from Indiana (Mr. BURTON), the gentleman from Alaska (Mr. YOUNG) and the gentleman from California (Mr. MILLER) for the bipartisan substitute they are offering to the Solomon amendment. I rise in support of the underlying legislation to grant self-determination to the people of Puerto Rico and in opposition to the Solomon amendment, and in support of this amendment.

English and Spanish are already the official languages of the Government of Puerto Rico and have been since 1902. English is taught in public schools from kindergarten through high school. And it is my understanding that 95 percent of Puerto Ricans who achieve education beyond high school are fluent in both languages.

I want to be clear to my colleagues and read directly from the Burton amendment: In the event that a referendum under this act results in approval of sovereignty leading to statehood, upon accession to statehood the official language requirements of the Federal Government would apply to Puerto Rico in the same manner and to the same extent as throughout the United States.

Let us support this amendment, which treats Puerto Rico the same as every other State, if Puerto Rico chooses to become a State. The Burton substitute also recognizes that it is in the best interest of the United States and Puerto Rico to promote the teaching of English and sets the goal of enabling students to achieve proficiency by the age of 10.

Mr. Chairman, my friend, the gentleman from New York (Mr. SOLOMON), whom I hold in the highest regard, is acting in a very unSolomon like mode with this amendment today. It is not wise and it is not fair. I urge my colleagues to oppose this amendment.

Mr. BURTON of Indiana. Mr. Chairman, I yield 1 minute to the gentleman from Alaska (Mr. YOUNG), the chairman of the Committee on Resources and my great friend and colleague.

Mr. YOUNG of Alaska. Mr. Chairman, I rise in strong support of the substitute to the Solomon amendment.

For those that are listening to this great debate, in order to help the public know about what Congress has been doing about Puerto Rico for the past 4 years, all hearings, testimony, reports, amendments and the bill can be found on the Committee on Resources' home page at www.house.gov/resources/.

I have just read an editorial in the Washington Times that said there were no hearings on this legislation. We have spent 4 years having hearings and input from everybody participating in this legislation. To have a leading newspaper be that irresponsible is no call for true journalism in this great Nation of ours. Talk about propaganda. It is wrong when a leading newspaper can, in fact, promote something that is incorrect to the general public.

So remember, www.house.gov/resources/ to hear the history of how this came to the floor today.

Mr. MILLER of California. Mr. Chairman, I yield 2 minutes to the gentleman from Michigan (Mr. BONIOR).

Mr. BONIOR. Mr. Chairman, I thank the gentleman for yielding me this time.

When my grandfather first set foot in this country, he was a young man from Ukraine, and he did not speak a word of English. Not a single word. He came here for a better future. Like millions of immigrants before him and millions who have come after him, my grandfather set out to work. He got a job, he raised a family, and he learned the language. There was no law telling him that he had to learn English. There was no need for a law. He learned English because it was practical; because he wanted to.

My grandfather's story is not unique. In this country, a country built by immigrants from around the world, 95 percent of the people speak English. That is right, 95 percent, according to the latest census.

So I ask my colleagues, what is the purpose, what is the purpose of this English-only amendment and what benefits will it bring? Well, the answer is none. This amendment will only interfere with business, it will impede the efficient function of government, it will deny people their constitutional rights, and it could conceivably and possibly even endanger their lives.

What purpose is served if a public health worker, perhaps a doctor who is trying to stop the spread of a deadly disease, is only allowed to speak with people who know English? None. But that is what this amendment could lead to.

In fact, this English-only amendment could effectively prevent thousands of citizens, American citizens, from voting by denying them their rights under the Voting Rights Act. That is going too far.

This country is successful because millions of people, people from hundreds of countries, have chosen to throw in their lot together to build a common future. Our democracy thrives because it is built on a foundation of freedom.

Passing a law telling people what language they have to speak is akin to telling them what words they must say.

So in closing, Mr. Chairman, I urge my colleagues to vote for this substitute, the Miller-Young substitute, and against the Solomon amendment.

Mr. SOLOMON. Mr. Chairman, I yield myself such time as I might consume.

Just to set the record straight, most people around here can read bills. If they read the bill, they will know that the Solomon English language empowerment amendment only affects those things that the government does that are binding and enforceable. It does not affect things such as the information gathering operations of the government such as the census forms and welfare forms. It does not do that. It does not affect public health issues or politicians campaigning in their district. It does not do that.

Mr. Chairman, I yield 4 minutes to the gentleman from Georgia (Mr. BARR), one of the constitutional lawyers in this body. He is an outstanding member of the Committee on the Judiciary.

Mr. BARR of Georgia. Mr. Chairman, I thank the gentleman from New York (Mr. SOLOMON) for yielding me this time.

Although I have not had the honor and pleasure of talking since 1983 with the gentleman from Indiana, I do know him as a man of great courage and honor and have enjoyed serving with him on his Committee on Government Reform and Oversight.

I know him to be a gentleman who is constantly waging battles against government mismanagement, against government waste, against government bureaucrats. I know him as a gentleman who inevitably and constantly is speaking the truth bluntly and does not suffer government bureaucrats and fools at all.

I must, therefore, express some surprise at the amendment that the gentleman from Indiana is offering and would respectfully urge my colleagues to vote against it.

There are such things as wolves in sheep's clothing. This is a sheep in sheep's clothing. If one looks behind the facade of the rhetoric here, flowery and lengthy as it is, one finds absolutely nothing, zero, zip, nada.

Not only is there nothing in this amendment in terms of requiring the English language in any way, shape, or form in Puerto Rico if it is admitted to statehood, but it actually, I believe, by its terms, would set us back. One has to read simply from page 2.

Additionally, in the event of a vote in favor of continued United States sovereignty leading to statehood, the transition plan required by this subsection shall include proposals and incentives to increase the opportunities of the people of Puerto Rico to expand their English proficiency in order to promote and facilitate communication with residents of all other States of the United States and the Federal Government, including teaching in English in public schools, awarding fellowships and scholarships, and providing grants to organizations located in various communities that have as a purpose the promotion of English language skills.

This will set up more bureaucrats. Who is going to monitor this? Where is the money going to come from for these proposals and incentives to increase the opportunities? We are going to be paying for it.

Mr. Chairman, this is a bad amendment. What we ought to do is have an up or down vote on the Solomon amendment. I believe it is a good, solid, and worthy, and constitutionally sound amendment that is not violative of any provisions in our Constitution, including the 10th amendment.

This amendment to the Solomon amendment offered by the gentleman from Indiana sounds good. It sounds nice. It sounds like there is substance there. But in reality, it is not there.

There is nothing here other than language that will get us involved in a morass of additional grants and money programs and bureaucrats trying to determine whether or not these monies are being spent to truly incentivize, as they say now days, to promote and facilitate communication, et cetera.

I urge our colleagues to look behind the fancy rhetoric here, to an empty amendment, to vote it down, and vote in favor of the Solomon amendment.

Mr. MILLER of California. Mr. Chairman, I yield 1½ minutes to the gentleman from Texas (Mr. RODRIGUEZ).

Mr. RODRIGUEZ. Mr. Chairman, I rise in support of this bipartisan substitute which brings some common sense and fairness to the debate.

No one doubts the importance of English for all Americans. It is our common language. I tell my students and my constituents back home that to succeed in this global economy, in this modern world, we must learn English, and not only learn, but master in English. English is the key for opportunity. This amendment allows this opportunity to provide that instruction and that training in English.

□ 1600

It would treat Puerto Rico in a just manner, as it would treat all the other existing States. I would like to remind all the Members in this House that the territories prior to being accepted, such as Hawaii, we also allowed them the opportunity to be able to keep their native language. When we dealt with the Territory of Oklahoma, we

also recognized the Native Americans in that area. When we looked at New Mexico, we also took into consideration the Spanish in that particular community.

The Solomon amendment would prevent millions of Americans and would discriminate against a lot of individuals in Texas and others and in Puerto Rico itself. This is not fair. It is not right. I would ask that Members vote for this particular amendment. Mr. Chairman, in the age of increasing global competition, we should be nurturing some of our Nation's most valued treasures, our culture, our language and our skills, not curtailing them.

Mr. BURTON of Indiana. Mr. Chairman, I yield myself such time as I may consume. I would just like to say to my colleague from New York and my colleague from Georgia, my very good friends, if they will look on page 2 of my amendment, the second paragraph, it says, in section 4(a) in the referendum language for statehood, amend paragraph 7 to read as follows: "Official English language requirements of the Federal Government apply in Puerto Rico to the same extent as Federal law requires throughout the United States." The law will be the same for Puerto Rico, the same English language law for Puerto Rico as it is for the rest of the United States.

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

Mr. SOLOMON. Mr. Chairman, I yield myself such time as I may consume. I would just point out to the gentleman from Indiana (Mr. BURTON), so does my amendment.

Mr. Chairman, I yield 3 minutes to the gentleman from Savannah, Georgia (Mr. KINGSTON).

Mr. KINGSTON. Mr. Chairman, I thank the gentleman from New York for yielding me this time.

Mr. Chairman, I rise in opposition to the Burton, Miller and company amendment. I think it is just a fig leaf designed to put us all in court and take away a lot of power from States. If Members are for English first as a language, as an issue, then they need to oppose it and they need to support Solomon.

It is not unusual for us to demand such things and try to amend bills and so forth to do what we want to. There is nothing unusual about it. Oklahoma and New Mexico were both required to have State constitutions providing that public school education be conducted in English. Arizona was required to guarantee that its executive and legislative officials could write, speak and understand English.

That is all the Solomon language is trying to do. Culturally it is trying to go a little bit beyond the language question. I think one of the things that has inspired the Solomon language is the situation with Quebec, north of our border. In 1995 Quebec had a vote and came very close to receiving a majority for independence. It was a vote of 49.4 percent, 10 percent higher than it had been 15 years earlier. It is very possible that in the future, Quebec will secede from Canada.

Is there any correlation between Puerto Rico and Quebec? Let us look at it. What do they have in common? Both had their own languages and cultures long before becoming part of English-speaking majority nations, should that happen. Both had populations in which the overwhelming majority speak a language different from that of the majority of the rest of the Nation, and both have political movements that focus on independence as the key to maintaining a separate culture and linguistic identity. Both have economic elites that speak English while the more economically disadvantaged citizens do not.

It is quite possible that if we look at the number, 82 percent of the people of Quebec are French speakers, 98 percent of the people of Puerto Rico are Spanish speakers. The strong cultural identity which we are all aware of in this House, and the strong cultural identity that we want the good American citizens of Puerto Rico to maintain, is at risk here.

This is a statehood vote. This is not just let us see how you feel about it. This is starting the car and pulling it out in the driveway. You do not do that unless you are going to take a trip, Mr. Chairman. This is a statehood vote. It will radically change the culture in Puerto Rico and lead to a lot of division in the United States over it.

Mr. ROMERO-BARCELO. Mr. Chairman, I yield 1 minute to the gentleman from Massachusetts (Mr. KENNEDY).

Mr. KENNEDY of Massachusetts. Mr. Chairman, simply put, we ought not hold the issue of Puerto Rico's political status hostage to the question of making English the official language of all government functions across the United States. Mr. Chairman, if that happened a lot of us here in the Congress would be barred from speaking on the House floor. I have been accused of a lot of things in my career in politics, but speaking English has not always been one of them. I once remember hearing a colloquy between Jamie Whitten and Kika de la Garza on this House floor, and I could not understand a thing anybody said.

In fact, I heard the remarks of the gentleman from New York (Mr. SOLOMON) as he introduced his amendment and if I was not mistaken, he employed a foreign phrase from the language of a dead empire. Along with the gentleman from New York (Mr. SOLOMON), I believe deeply in the principle of "e pluribus unum," out of many, one. But I think the gentleman from New York ought to be allowed to enunciate the principle in the original language. Whether it is Hawaiian or Cajun French, Polish or even Gallic, there are millions of Americans who speak languages other than English and there is no reason to reduce their first tongues to second-class linguistic citizenship.

Mr. ROMERO-BARCELO. Mr. Chairman, I yield 1 minute to the gentlewoman from the Virgin Islands (Ms. CHRISTIAN-GREEN).

Ms. CHRISTIAN-GREEN. Mr. Chairman, I rise in strong opposition to the Solomon amendment and in support of the Burton-Young-Miller-McCollum substitute. The Solomon amendment is patently unfair to the people of Puerto Rico and does not belong in this process of self-determination.

Mr. Chairman, the people of Puerto Rico have been loyal American citizens for more than 100 years. It is high time that they be given the opportunity to make a choice once and for all on what their political relationship will be. To allow the Solomon amendment to pass would pollute the current bill and its intent, causing possibly the entire process to be derailed.

We need to remain focused and clear. H.R. 856 is not supposed to be a statehood bill. There are actually 4 options. The people of Puerto Rico can choose any one. But if their choice is to become the 51st State of the Union, we should vote that choice on its merits.

We are a country noted for its rich cultural diversity. Let us not dishonor that history. Reject the Solomon amendment.

I urge my colleagues to support the Burton-Miller-Young-McCollum substitute and the right of the people of Puerto Rico to self-determination. I commend my colleagues for bringing this substitute to the floor.

Mr. SOLOMON. Mr. Chairman, I yield myself such time as I may consume. We can bring this to a head at any point now. I think it has been a very good debate. Certainly Members have stated their feelings.

I want to ask Members this question one more time: Will Congress have to begin conducting House and Senate floor proceedings in both Spanish and English? Will the CONGRESSIONAL RECORD, Federal Register and Uniform Commercial Code need to be printed in Spanish and English? The answer is it may be. Will a State of Puerto Rico be able to force other States to conduct their official business in a language other than English? The answer is very likely.

It will result in many lawsuits all across this country. I suppose if you are a lawyer or if you have got children who are entering the law profession, perhaps you ought to vote for this bill because you are certainly going to generate a lot of work for them.

Mr. Chairman, I could go on and on and on. But I am going to say one more time that if this amendment, the Solomon amendment, is defeated, or if it

is watered down, anyone in this country can bring an action anywhere in the United States and could challenge Federal and individual State laws and declarations of English as the official language. No State would be able to protect its official English language.

Again, these are very, very important matters. I am going to just reiterate one more time the procedures that are going to take place. I have already said what would happen if the Solomon amendment is defeated or watered down. But if this bill becomes law without the Solomon amendment, within the next 9 months, before the end of 1998, we are ordering, demanding, requiring the island of Puerto Rico to conduct a plebiscite, and we are ordering, demanding and requiring them to do this until they finally vote for statehood. Mr. Chairman, that is absolutely wrong.

If we pass this bill and if the President signs it within over the next several weeks, that plebiscite will be held because it will be mandated by this Congress on the Puerto Rican people. Within 180 days after that, which takes us towards midyear of 1999, the President must give us his transition plan. Then written into this law in section 6 is a requirement that this Congress will have to vote on that within 120 days.

That, Mr. Chairman, is the turning point. It is the turning point when we no longer can deny Puerto Rico statehood, no matter what the percentage of approval is by the Puerto Rican people. Mr. Chairman, that is wrong. If we do not have the kind of overwhelming support that we had in Hawaii and that we had in Alaska, we are going to end up in a situation almost identical to what we have in Quebec, Canada today, and we cannot allow that to happen.

The one major issue that has held this country together for all these 200 years as a melting pot of all ethnic backgrounds throughout the entire world, it does not matter whether it is the Pacific, it does not matter whether it is Europe, wherever it is, it is the common language of English that has kept us together. That keeps our esprit de corps, it keeps our patriotism alive, because we all speak that one language. That is what is at stake on the voting on this amendment in a few minutes.

Mr. BARR of Georgia. Mr. Chairman, will the gentleman yield?

Mr. SOLOMON. I yield to the gentleman from Georgia.

Mr. BARR of Georgia. Mr. Chairman, I would like to point out and reiterate to the membership in voting on the Burton amendment the language previously cited by its author, that "the official English language requirements of the Federal Government apply in Puerto Rico to the same extent as Federal law requires throughout the United States," does nothing but simply lock in the status quo. English is already required for Federal purposes in Puerto Rico. Yet notwithstanding that, the overwhelming majority of Puerto Ricans do not understand English, do not speak English. This language in the Burton amendment, which its author cites as a strengthening amendment, simply maintains the status quo. It goes no further and cannot go further by its terms.

I thank the gentleman from New York for yielding.

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

Mr. BURTON of Indiana. Mr. Chairman, I yield myself 1½ minutes.

Mr. SOLOMON. Mr. Chairman, I yield 1 minute to the gentleman from Indiana (Mr. BURTON).

Mr. BURTON of Indiana. Mr. Chairman, let me just say that I think the amendment, my substitute, the gentleman from California's substitute, solves the English language issue if you want to have it attached to this bill. But this bill is not about the English language, nor should it be. It is about whether or not the people of Puerto Rico have a right to let the Congress of the United States know if they want to be a State, a commonwealth or independent.

□ 1615

This English issue is a red herring that has been put into the bill to try to drive a stake through the heart of the bill to kill it. That is what they want to do. They want to kill the bill. It should not even be here in here. We should be debating the English only issue in a separate piece of legislation as we have in the past.

This is a plebiscite bill to find out from the people of Puerto Rico what status they want. Do they want to be a State, do they want to be a commonwealth, or independent? If they want to be a State, for instance, it has to come back to the Congress and a process of about 8 or 10 years is going to take place before they become a State. So the Congress is going to make the final determination anyhow. This is a red herring.

The other thing I want to say is that I have great respect for my colleagues, but I think that every one of my colleagues who are opposing this bill, I hope every one of my colleagues who are sitting in their offices will focus on the main issue at hand today, and that is do people who are American citizens, and that is the people of Puerto Rico, do the people who are American citizens have the right to say, we want representation if we are going to be paying the price in wars and taxes and everything else for this country. Do they have that right? They should. They are American citizens.

Mr. SOLOMON. Mr. Chairman, will the gentleman yield?

Mr. BURTON of Indiana. I yield to the gentleman from New York.

Mr. SOLOMON. Mr. Chairman, the gentleman is standing up and saying, "JERRY SOLOMON brought this English debate into this bill." Here is the bill. It is not my bill. This is the committee bill. On page 10, line 1, section B, language, "English shall be the common language of mutual understanding in the United States." It goes on for pages. I did not introduce this into the bill, you folks did.

Mr. BURTON of Indiana. Mr. Chairman, reclaiming my time, I would say to the gentleman from New York (Mr. SOLOMON), the reason we did was because we knew the gentleman as the chairman of the Committee on Rules was going to put this amendment into the process. That is why we did it, and the gentleman knows it.

Mr. SOLOMON. Mr. Chairman, I yield myself such time as I might consume.

With the Parliamentarians sitting up there I went to the Parliamentarians and said, I do not want to go beyond the germaneness of this bill. I will not do it. I will not use the power of our Committee on Rules to do that. I could have done it, Mr. Chairman, as the gentleman knows. Instead, we wrote an amendment germane to the bill. So I think the gentleman misspoke.

Mr. BURTON of Indiana. Mr. Chairman, if the gentleman will yield, I do not think I owe the gentleman an apology. First of all, the bill only authorizes that language, authorizes the English provisions in that bill. It does not mandate them, if the gentleman reads that.

Mr. SOLOMON. Mr. Chairman, reclaiming my time, nor does my amendment.

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

Mr. MILLER of California. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the coauthor, the sponsor of this amendment, the gentleman from Indiana (Mr. BURTON) has quite properly stated what this amendment is about. This amendment is about should at the end of this process the people of Puerto Rico decide to choose statehood as an option and a condition under which they want to live, the language in the Burton substitute says they will be treated the same as any other State. They will be treated the same as the citizens of Nebraska or California or New York or Florida or Louisiana or anywhere else.

If this Congress should decide that English is the official language of this country and wants to add a lot of requirements about that at some future date, if Puerto Rico is a State, Puerto Rico will live under those requirements the same as the citizens of any other State.

If Puerto Rico petitions to become a State, and we agree to that, and they vote for that and we vote for that, they are petitioning to become a State on

coequal terms of every other citizen of every other State. The Solomon amendment goes beyond that. It goes beyond that to require, require, that the communications be only in English and people can only communicate with the Federal Government in English, far beyond what is required today in any law that we have.

So what we said was not knowing yet what the people of Puerto Rico will determine, let us just level the playing field, so, again, this debate cannot be used, because in the politics of the campaign, statehood versus commonwealth versus independence, people want to argue you are going to lose your right to speak Spanish, you are going to be forced to speak only English, you are not going to have citizenship. This campaign gets way out of control. So we tried to put language here which is very simple. You will be treated, should you vote for statehood, the same as any other citizen in any other State, period, with respect to the requirements of the English language of the Federal Government.

That is fair, and I think it is proper, when people are going to engage in a historical vote about their status from that point forward.

That is what this committee owed them, that is what this Congress owes them, and the Burton amendment allows that to happen. It simply levels out the playing field with respect to English. They will know that they will not be discriminated against because they speak Spanish; they will not be burdened because they do not have full compliance with English. They will simply be treated the same as all other American citizens.

Many people have risen on this floor today to testify as to the contributions the Puerto Rican people, the citizens of this country, have made to the growth of this country in every aspect of our history. All we are saying to those people is, you will be treated the same as everyone else who has made that contribution. And when you make the decision to choose statehood or commonwealth, you will know that the playing field is level here.

That is what the Burton amendment accomplishes. That is not what the Solomon amendment does. The Solomon amendment puts a series of conditions beyond that level playing field, that in the text of his amendment apply only to Puerto Rico and only to those communications between the citizens of Puerto Rico and the government. That we should reject.

If later we want to do that, and Mr. CUNNINGHAM indicated that maybe the English as an official language bill will come back, if that prevails and passes and is signed into law, that will be the law of the land with respect to the people in Puerto Rico and the people in California. But we should not be trying to guide that determination here, because this is about a plebiscite, and this is about what people can expect to happen and not happen should they choose one of the three alternatives outlined in the legislation.

This committee worked very hard. Mr. YOUNG held a whole series of hearings in Puerto Rico and here to try and determine the fairest way to present these three options. We ought not now try to put our thumb on one side of the scale one way or the other with respect to the outcome of that vote.

The people of Puerto Rico ought to be able to make their choice in this plebiscite about their status, and then it will be incumbent upon the Congress to either accept or reject that or to condition that. But we will then know what the choice of the people of Puerto Rico is.

Mr. Chairman, I believe the Burton amendment maintains the integrity of this process so that we will know when that vote is taken, that we have provided free and fair options with respect to the status for the people of Puerto Rico to choose.

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

Mr. BURTON of Indiana. Mr. Chairman, I yield 1 minute to the gentleman from Texas (Mr. GREEN).

Mr. GREEN. Mr. Chairman, I thank the gentleman from Indiana for yielding me time.

I would also thank the gentleman from Indiana (Mr. BURTON), the gentleman from California (Mr. MILLER), the gentleman from Florida (Mr. MCCOLLUM) and the gentleman from Alaska (Mr. YOUNG) for bringing not only the bill, but this amendment here, because this is what is going to bring us together, I hope.

Mr. Chairman, I would say to the gentleman from New York (Mr. SOLOMON), I understand that English language does bring us together, but we have more in common than just our language. As a Nation we are held together by love of liberty and freedom, no matter what language we speak and no matter how we speak English, because we speak English in different ways, from Texas to Maine, to Boston to Florida and everywhere else. But that is what this amendment talks about.

Let me read the language for the Members who are maybe watching in their offices. "The official language requirements of the Federal Government shall apply to Puerto Rico in the same manner as and the same extent as throughout the United States."

If the citizens of Puerto Rico make a decision for statehood, they will come in on the same level as the citizens of Texas. You can come to Texas and speak Spanish, you can come and speak English; but if you go into a courtroom, you are going to speak English or have a translator.

They could speak whatever language they want, because that is the freedom we enjoy. I have people in Texas who are proud to be German and speak German, but when they go to court they have to have an English translation.

Mr. Chairman, I urge support for the Burton amendment.

Mr. BURTON of Indiana. Mr. Chairman, I yield the balance of my time to the gentleman from Rhode Island (Mr. KENNEDY).

The CHAIRMAN. The gentleman from Rhode Island is recognized for 30 seconds.

Mr. KENNEDY of Rhode Island. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, ultimately this is a political football. The Solomon amendment is meant to kill this bill. To think that we are asking the Puerto Rican people to be forced to speak English. I would ask the gentleman from New York (Mr. SOLOMON), how often did we ask the 200,000 Puerto Ricans who served in our Nation's military and were putting their lives on the line in defense of this liberty how well they spoke English? And why is it right for us now to say they have to speak English? When they were good enough to die for this country, they were good enough to serve for this country, now we are going to impose the English language on them, when it was never the case when it happened to come to them serving in our Nation's military.

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

Mr. Chairman, I am going to try to hold myself down a little bit after the remarks from my friend, the gentleman from Rhode Island (Mr. KENNEDY) over there. It seems like he and I always get into it about this time. I will just tell my good friend that I helped teach the Puerto Ricans in the military how to speak English, and I am very proud of it.

We are going to close this out, and it has been a good debate, up until the last couple of speakers. The Solomon amendment does nothing different than what we have done for Oklahoma, for Louisiana, for New Mexico and for Arizona. But now it becomes even more important, because I will state once again that if the Solomon amendment is defeated, if the Burton amendment allows the Solomon amendment to be watered down, we are going to jeopardize the future of this democracy of ours, because it means that Puerto Rico could possibly be brought in within the next 24 months into this Union with only a very, very small majority of people wanting citizenship. We should never, never let that happen. As we did with Hawaii, as we did with Alaska, we should always have overwhelming support, not only of those areas that want to come into the United States, but also of the American people.

The polls show that the American people are opposed to this legislation

in its present form. It shows that the Puerto Rican people in the last plebiscite were opposed to statehood, and we should clear these up before this matter ever becomes law. But, just as a safeguard, we ought to pass the Solomon amendment.

Mr. Chairman, let me say in closing that the Solomon amendment has the support of U.S. English, it has the support of English First, it has support of the English Language Advocates, it has support of the Center for Equal Opportunity. All grassroots English groups in this country support the Solomon amendment and oppose the watering down of the amendment, whether it be by MILLER-BURTON or by anyone else. So I urge support of the Solomon amendment and defeat of the Miller-Burton amendment.

Mr. TOWNS. Mr. Chairman, I rise today to express my vehement opposition to H.R. 856, the United States-Puerto Rico Political Status Act, and to the English-only language amendment offered by the gentleman from New York.

At the outset, I want to extend my full support to my fellow colleagues, NYDIA VELÁZQUEZ (D–NY) and JOSE SERRANO (D–NY), in their efforts to ensure that the people of Puerto Rico have a "voice" in this process. As Congresswoman VELÁZQUEZ stated earlier today, "Why don't we let Puerto Rico decide what's best for Puerto Rico."

For close to one hundred years, Puerto Rico has been a Commonwealth of the United States. Puerto Rican citizens have abided by the laws of the United States; they have participated in defending the United States in various wars; and even joined the military during peaceful times. Both English and Spanish are the official languages of Puerto Rico. They clearly are an integral part of our representative government. We should take extreme caution and listen to their concerns.

Moreover, we should not, as some of our colleagues are trying to do, force them to abide by a stringent English-only language requirement. How can we force such an arbitrary requirement on the citizens of Puerto Rico when none exists for any of the 50 states? As the bridge to Latin America, already over 85% of Puerto Ricans are fluent in both English and Spanish. Further, the United States does not have an official language law, and we should not start by imposing one on a geographic area as diverse as Puerto Rico. For over four hundred years, our country has been a "melting pot" for people of all racial and ethnic backgrounds. In fact, we pride ourselves on this unique aspect of our history. We are a nation founded on the principles of freedom and equality for all.

Mr. Chairman, I hope that my colleagues will remember these principles and support the right of self-determination for the citizens of Puerto Rico.

Mr. ORTIZ. Mr. Chairman, I rise today to oppose the English-only provisions being offered to this bill to define the political status of Puerto Rico.

I have consistently opposed English-only provisions to bills that have been before the House and do so again today. While I understand my friends who advocate these changes, we simply disagree. As the representative of a border district—as a man who has grown up speaking two languages every day of my life—I understand the dynamics of this proposal.

People on one side see the English language as the defining and unifying element of the United States. Those who believe as I do, that the English language is the most important element of economic development in our country, also realize that it is the democratic institutions and history of the United States that define us as a country and a community.

This policy, while well intentional, will make some untenable changes. It will rescind the use of bilingual education, a valuable program to children of new immigrants. It will prohibit the use of bilingual voting materials and ballots. In a democracy, su voto es su voz—your vote is your voice. We would be stifling a deep democratic tradition if we kept voting and balloting information out of the hands of those who speak a language other than English.

Probably the most insidious thing an English-only policy would do would prohibit the use of dual language public health notices. Now, it has been our experience in South Texas that health care knows no single language, and it has been our experience that diseases know no border. This would be a profoundly bad idea, and it would only hurt everyone, not just those who do not speak English.

I would like to associate myself with the remarks of my friend CHET EDWARDS who said that we need to teach English, not preach it. Spanish is the language of commerce in most countries of the Americas. The Spanish-speaking countries are the largest potential market for U.S. goods—we must not let the opportunity to sell them our products go by. Our schools, and this government, must learn the language of world commerce—which is primarily English, but is also increasingly Spanish.

Let us not take a bad idea and make it worse. Please join me in opposing the English only provisions of this bill.

Mr. GILMAN. Mr. Chairman, I rise in support of the Burton-McCollum-Young substitute to the Solomon English amendment to H.R. 856.

Under this amendment, the English language would be immediately fostered in Puerto Rico—unlike the Solomon amendment, which applies the English language requirements only if the U.S. citizens of Puerto Rico choose to become a State. The Burton substitute would allow all students to be proficient in the English language by age 10.

Please join me in supporting the Burton substitute to the Solomon English amendment. This bipartisan substitute provides an impartial and equitable alternative.

Ms. JACKSON-LEE of Texas. I rise in opposition to the amendment to HR 856, offered by Representative SOLOMON, requiring English to be the official language of all government functions across the entire United States and support the substitute amendment offered by Representatives BURTON, MILLER, and YOUNG, which would treat Puerto Rico the same as every other state; which recognizes the primary role of English in our national affairs; and which would not preclude the use of other languages in government functions when appropriate.

As a member of the House Judiciary Committee, it comes as no surprise to me that yet again the proponents of the English-only movement are attempting to divide this country with English-only legislation.

While we in this country do not always agree, we share a common set of democratic ideals and values—a commitment to freedom, equality, tolerance and opportunity. This is what holds us together—not language.

On the same principle, I want to make my position clear that there is no place for English-only legislation in this country. English-only is nothing more than a political tactic. Why else would we be seeking to implement English-only policies when 95 percent of the U.S. population already speaks English?

What the Solomon amendment really does is effectively to disenfranchise a large population of citizens for the purely political reason that they traditionally vote Democratic rather than Republican.

Specific to this bill, the real fear of the Republicans is that in the event that Puerto Rico joins the Union as a state, the majority of the voting population may turn out voting Democratic. Puerto Ricans see through this veiled political attempt. So do current registered voters.

English-only alienates ordinary citizens. Let's face the reality of the 21st century—we live in a multicultural and multilingual society, and this is America's strength. We are a proud nation of immigrants. Many immigrants recently have become citizens, and embrace the opportunity which many were deprived in their native country to vote.

Many immigrants also are learning English faster than ever, as indicated by increased enrollment in English classes. By abolishing bilingual ballots, the English-only measure seeks to undermine standing law—the Voting Rights Act of 1965—and to frustrate the participation of U.S. citizens in the political process.

We need to keep out English-only legislation and retain bilingual voting materials not only to allow voters to engage meaningfully in our democracy, but also to permit voters to participate on an informed basis. They need to know who is running for office and also to understand more complex voting issues such as constitutional amendments.

Republicans may misguide the American people with the argument that empowering voters with bilingual assistance costs tax dollars. Nothing could be farther from the truth. Studies show that the cost of bilingual assistance for voting is either nominal or causes no additional costs. A GAO report shows that of 295 responding jurisdictions, written assistance costs less than 8 percent of election expenditures and it estimates that costs 18 states nothing. Oral language assistance is even less burdensome.

As important as voting, ordinary citizens need access to our government. We do not want to cripple government with English-only mandates, lest the police, 911 operators and Emergency Medical Service technicians would be unable to do their jobs in life threatening situations involving an individual with little fluency in English.

Conversely, the government needs to continue to provide services to ordinary citizens. Restricting the ability of agencies to dispense information to the public in a language other than English would undermine important government functions such as collecting taxes, informing citizens of their fundamental rights, promoting equal educational opportunity and public health and safety, and ensuring due process under the law.

English-only isolates the U.S. from the rest of the world. Similar to the evolving society in which we live, our world is also changing. We live in a global economy, requiring Americans to be more cognizant of the language, the cultural norms and sensitivities and business practices of our international trading partners. The time calls for us to adapt—which does not mean imposing that our government functions in one language—English only.

The majority of federal documents are already in English. According to the General Accounting Office, only 0.06 percent of federal documents are printed in non-English languages. Rather than restrict the use of non-English languages, we should be expanding our fluency in several different languages. Thirty-two million Americans speak a second language. They are competitive with the rest of the world.

I urge my colleagues to vote against the Solomon amendment, and resist this latest attempt to divide our country, and weaken its position globally and vote in favor of the substitute to the Solomon amendment offered by Representatives BURTON, MILLER, and YOUNG.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. GUTIERREZ), to the amendment offered by the gentleman from New York (Mr. SOLOMON).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. GUTIERREZ. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

PARLIAMENTARY INQUIRY

Mr. SOLOMON. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. SOLOMON. Mr. Chairman, I understood that we were going to try to reduce the second vote down to 5 minutes. How do we do that? How do we propound a recorded vote at this time?

The CHAIRMAN. The Chair has the authority to do it. Pursuant to the rules, the Chair will announce the subsequent two votes if ordered will be 5 minute votes.

Mr. GUTIERREZ. Mr. Chairman, before we vote, there have been some pretty scandalous things occurring.

The CHAIRMAN. A recorded vote is ordered. The gentleman from Illinois is out of order.

Mr. GUTIERREZ. If the Chairman will, please, I do have a very good point. This is very serious. We are violating the rules of the House, Mr. Chairman. This is being handed out against our rules.

The CHAIRMAN. Does the gentleman have a parliamentary inquiry?

PARLIAMENTARY INQUIRY

Mr. GUTIERREZ. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. GUTIERREZ. Mr. Chairman, can this be handed out to Members of the House of Representatives as they are walking in here, to ask people to vote yes or no on different amendments as they walk in here, without having the letterhead of the U.S. Congress and without it being signed by some Member of Congress?

The CHAIRMAN. Handouts handed out to the membership must indicate who authorized them.

Mr. GUTIERREZ. Mr. Chairman, then I bring to the attention of the Chair that this is being handed out amongst us without signature, without the letterhead, not in accordance with our rules, and I would ask that the Chair protect in any way possible the integrity of the rules of the House.

The CHAIRMAN. The Chair will do everything possible so that the rules of the House are adhered to and complied with.

Pursuant to clause 2(c) of rule XXIII, the Chair may reduce to not less than 5 minutes the time for any recorded vote, if ordered, on the Burton substitute amendment to the Solomon amendment or on the Solomon amendment without intervening business or debate.

The vote was taken by electronic device, and there were—ayes 13, noes 406, answered "present" 1, not voting 10, as follows:

[Roll No. 28]

AYES—13

Conyers
Davis (IL)
Gutierrez
Kennedy (MA)
McKinney
Meeks (NY)
Owens
Pastor
Payne
Rush
Serrano
Towns
Velázquez

NOES—406

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Borski
Boswell
Boucher
Boyd
Brady
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Foley
Forbes
Ford
Fossella
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (RI)
Kennelly
Kildee
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McDermott
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Paul
Paxon
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Redmond
Regula
Reyes
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Ryun
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Scott
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu

Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Traficant
Turner
Upton
Vento
Visclosky
Walsh
Wamp
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)

ANSWERED "PRESENT"—1

Waters

NOT VOTING—10

Doolittle
Gonzalez
Harman
Kilpatrick
Luther
Poshard
Schiff
Schumer
Shimkus
Torres

□ 1651

Messrs. JACKSON of Illinois, BECERRA, SMITH of Texas, SMITH of Michigan, MALONEY of Connecticut, BATEMAN, and RANGEL changed their vote from "aye" to "no."

Ms. MCKINNEY and Messrs. OWENS, KENNEDY of Massachusetts, and CONYERS changed their vote from "no" to "aye."

So the amendment to the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana (Mr. BURTON) as a substitute for the amendment offered by the gentleman from New York (Mr. SOLOMON).

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. SOLOMON. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The CHAIRMAN. Pursuant to the Chair's prior announcement, this will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 238, noes 182, not voting 10, as follows:

[Roll No. 29]

AYES—238

Abercrombie
Ackerman
Allen
Andrews
Baldacci
Ballenger
Barcia
Barrett (WI)
Barton
Becerra
Bentsen
Berman
Berry
Bishop
Blagojevich
Blumenauer
Boehlert
Bonilla
Bonior
Borski
Boswell
Boucher
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Burton
Buyer
Camp
Campbell
Cannon
Cardin
Carson
Castle
Clay
Clayton
Clement
Clyburn
Condit
Cook
Costello
Coyne
Cramer
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Ehlers
Ehrlich
Engel
English
Ensign
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Foley
Forbes
Ford
Fox
Frank (MA)
Frost
Furse
Gallegly
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gilman
Gordon
Granger
Green
Greenwood
Hall (OH)
Hamilton
Hansen
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Hooley
Hostettler
Houghton
Hoyer
Hulshof
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
Kind (WI)
Kleczka
Klink
Klug
Kolbe
Kucinich
LaFalce
Lampson
Lantos
Lazio
Leach
Levin
Lewis (GA)
Lofgren
Lowey
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McHale
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Mica
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran (VA)
Morella
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pombo
Pomeroy
Portman
Price (NC)
Rahall
Rangel
Redmond
Reyes
Riggs
Rivers
Rodriguez
Roemer
Ros-Lehtinen
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Scott
Serrano
Shaw
Sherman
Skaggs
Skeen
Skelton
Slaughter
Smith (NJ)
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stokes
Strickland
Stupak
Tanner
Tauscher
Tauzin
Taylor (MS)
Thompson
Thornberry
Thurman
Tierney
Turner
Vento
Visclosky
Walsh
Waters
Watt (NC)
Waxman
Wexler
Weygand
Wise
Woolsey
Wynn
Yates
Young (AK)

NOES—182

Aderholt
Archer
Armey
Bachus
Baesler
Baker
Barr
Barrett (NE)
Bartlett
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blunt
Boehner
Brady
Bryant
Bunning
Burr
Callahan
Calvert
Canady
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Conyers
Cooksey
Cox
Crane
Crapo
Cubin
Cunningham
Davis (VA)
Deal
DeLay
Dickey
Dreier
Duncan
Dunn
Emerson
Everett
Ewing
Fawell
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Ganske
Gillmor
Goode
Goodlatte
Goodling
Goss
Graham
Gutierrez
Gutknecht
Hall (TX)
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Holden
Horn
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones
Kasich
King (NY)
Kingston
Knollenberg
LaHood
Largent
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lucas
Manzullo
McCrery
McDade
McHugh
McIntosh
Menendez
Metcalf
Miller (FL)
Moran (KS)
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Packard
Pappas
Parker
Paul
Paxon
Pease
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Porter
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Riley
Rogan
Rogers
Rohrabacher
Roukema
Royce
Ryun
Salmon
Sanford
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shays
Shuster
Sisisky
Smith (MI)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stenholm
Stump
Sununu
Talent
Taylor (NC)
Thomas
Thune
Tiahrt
Towns
Traficant
Upton
Velázquez
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (FL)

NOT VOTING—10

Doolittle
Gonzalez
Harman
Kilpatrick
Luther
Poshard
Schiff
Schumer
Shimkus
Torres

□ 1701

Messrs. BOB SCHAFFER of Colorado, HASTERT, BAESLER, ROGAN, and HALL of Texas changed their vote from "aye" to "no."

Mrs. KELLY and Mr. SMITH of New Jersey changed their vote from "no" to "aye."

So the amendment offered as a substitute for the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. SOLOMON), as amended.

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. SOLOMON. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The CHAIRMAN. Pursuant to the Chair's prior announcement, this will be a 5-minute vote.

PARLIAMENTARY INQUIRY

Mr. ROMERO-BARCELÓ (during the vote). Mr. Chairman, I have a parliamentary inquiry. I was standing here, and the Chairman did not see me.

The CHAIRMAN. The gentleman will state it.

Mr. ROMERO-BARCELÓ. Mr. Chairman, I have to explain to everyone what this second vote is. There is confusion in the hall as to what this second vote is.

The CHAIRMAN. The Chair has explained to the Members what this vote is.

The vote was taken by electronic device, and there were—ayes 265, noes 153, not voting 12, as follows:

[Roll No. 30]

AYES—265

Abercrombie
Ackerman
Allen
Andrews
Baldacci
Ballenger
Barcia
Barrett (NE)
Barrett (WI)
Barton
Becerra
Bentsen
Bereuter
Berry
Bishop

Blagojevich
Boehlert
Bonilla
Bonior
Borski
Boswell
Boucher
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Burton
Buyer
Camp
Campbell
Canady
Cannon
Cardin
Carson
Castle
Christensen
Clay
Clayton
Clement
Clyburn
Condit
Cook
Costello
Coyne
Cramer
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Duncan
Edwards
Ehlers
Ehrlich
Engel
English
Ensign
Eshoo
Etheridge
Evans
Ewing
Farr
Fattah
Fazio
Filner
Foley
Forbes
Ford
Fossella
Fox
Frank (MA)
Frost
Gallegly
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gordon
Granger
Green
Greenwood
Hall (OH)
Hamilton
Hansen
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
Kind (WI)
King (NY)
Kleczka
Klink
Klug
Kolbe
Kucinich
LaFalce
Lampson
Lantos
Lazio
Leach
Levin
Lewis (GA)
Lofgren
Lowey
Lucas
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McDermott
McGovern
McHale
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Mica
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Nadler
Neal
Northup
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Pickering
Pombo
Pomeroy
Portman
Price (NC)
Quinn
Rahall
Ramstad
Rangel
Redmond
Reyes
Riggs
Rivers
Rodriguez
Roemer
Ros-Lehtinen
Rothman
Roybal-Allard
Rush
Ryun
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schaffer, Bob
Serrano
Shaw
Sherman
Skaggs
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stokes
Strickland
Stupak
Tanner
Tauscher
Tauzin
Taylor (MS)
Thomas
Thompson
Thornberry
Thurman
Tierney
Turner
Vento
Visclosky
Walsh
Wamp
Waters
Watt (NC)
Waxman
Wexler
Weygand
Wise
Woolsey
Wynn
Yates
Young (AK)
Young (FL)

NOES—153

Aderholt
Archer
Armey
Bachus
Baesler
Baker
Barr
Bartlett
Bass
Bateman
Bilbray
Bilirakis
Bliley
Blumenauer
Blunt
Boehner
Brady
Bryant
Bunning
Burr
Callahan
Calvert
Chabot
Chambliss
Chenoweth
Coble
Coburn
Collins
Combest
Conyers
Cooksey
Cox
Crane
Crapo
Cubin
Cunningham
Davis (VA)
Deal
DeLay
Dickey
Dreier
Dunn
Emerson
Everett
Fawell
Fowler
Franks (NJ)
Frelinghuysen
Ganske
Goode
Goodlatte
Goodling
Goss
Graham
Gutierrez
Gutknecht
Hall (TX)
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Horn
Hutchinson
Hyde
Inglis
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kingston
Knollenberg
LaHood
Largent
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Manzullo
McIntosh
Menendez
Metcalf
Miller (FL)
Myrick
Nethercutt
Neumann
Ney
Norwood
Packard
Pappas
Parker
Paul
Paxon
Petri
Pickett
Pitts
Porter
Pryce (OH)
Radanovich
Regula
Riley
Rogan
Rogers
Rohrabacher
Roukema
Royce
Salmon
Sanford
Scarborough
Schaefer, Dan
Scott
Sensenbrenner
Sessions
Shadegg
Shays
Shuster
Sisisky
Smith (MI)
Smith (OR)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stenholm
Stump
Sununu
Talent
Taylor (NC)
Thune
Tiahrt
Towns
Traficant
Upton
Velázquez
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf

NOT VOTING—12

Berman
Doolittle
Furse
Gonzalez
Harman
Kilpatrick
Luther
Poshard
Schiff
Schumer
Shimkus
Torres

□ 1711

Mr. SALMON, Mr. COOKSEY, and Ms. DUNN changed their vote from "aye" to "no."

Mr. PASCRELL and Mr. BERRY changed their vote from "no" to "aye."

So the amendment, as amended, was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. The Committee will rise informally in order that the House may receive a message.

The SPEAKER pro tempore (Mr. HASTERT), assumed the Chair.

SUNDRY MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. Sherman Williams, one of his secretaries.

The SPEAKER pro tempore. The Committee will resume its sitting.

UNITED STATES-PUERTO RICO POLITICAL STATUS ACT

The Committee resumed its sitting.

□ 1715

Mr. SERRANO. Mr. Chairman, it is my intention to offer amendment number 2 that was printed in the RECORD at this time.

The CHAIRMAN. It is now in order to debate the subject matter of the amendment by the gentleman from New York (Mr. SERRANO). The gentleman from New York (Mr. SERRANO), and a Member opposed, each will control 15 minutes.

The Chair recognizes the gentleman from New York (Mr. SERRANO).

Mr. GUTIERREZ. Mr. Chairman, I would like to claim the 15 minutes in opposition.

PARLIAMENTARY INQUIRIES

Mr. ROMERO-BARCELÓ. Mr. Chairman, parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. ROMERO-BARCELÓ. Mr. Chairman, would a member of the committee, would he have an opportunity to be the first recognized in opposition, too?

Would a member of the committee that is sponsoring this bill, would I not be entitled to be recognized in opposition, too, to control the time?

The CHAIRMAN. The gentleman is correct; the priority of recognition would grant to the gentleman from Puerto Rico (Mr. ROMERO-BARCELÓ) recognition previous to the gentleman from Illinois (Mr. GUTIERREZ).

Mr. ROMERO-BARCELÓ. I would like to be recognized in opposition, Mr. Chairman.

The CHAIRMAN. So the gentleman is claiming the time in opposition?

Mr. ROMERO-BARCELÓ. That is correct.

Mr. SOLOMON. Mr. Chairman, parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. SOLOMON. Mr. Chairman, no one on this side of the aisle is going to have any time on this amendment, and I would like to ask the gentleman if he would yield me half of his time in opposition.

Mr. ROMERO-BARCELÓ. Mr. Chairman, I ask unanimous consent to yield half of my time to the gentleman from New York (Mr. SOLOMON) in opposition.

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

There was no objection.

PARLIAMENTARY INQUIRY

Mr. GUTIERREZ. Parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. GUTIERREZ. Mr. Chairman, I want to make sure how this all works. I understand that the gentleman from New York has an amendment and I also have an amendment to his amendment. When does that happen in terms of the procedure here today?

The CHAIRMAN. The subject matter of the amendment offered by the gentleman from New York (Mr. SERRANO) is going to be generally debated now for 30 minutes. After that time the gentleman from New York will offer his

amendment, and then the amendment of the gentleman from Illinois (Mr. GUTIERREZ) may be offered to the amendment of the gentleman from New York, if the gentleman from Illinois would have one.

Mr. GUTIERREZ. And in order for me to offer an amendment to the amendment, I would need to get someone who controls time within that 30 minutes or I would never be able to offer it? And I am sorry, Mr. Chairman.

The CHAIRMAN. No. If the gentleman offers a substitute amendment at that time, debate on that substitute amendment would be under the 5-minute rule.

Mr. GUTIERREZ. So I would get my own 5 minutes? So it is my understanding, and I thank the Chairman for his indulgence, and excuse my lack of knowledge of the procedures here.

I want to make sure, because what I would like to do is make sure that the gentleman from New York can have his amendment. I just want to make sure that at some point, because of the half hour, I either get to introduce this as an amendment or as a substitute, and that that will be guaranteed by the House that I can do that.

The CHAIRMAN. The gentleman will be able to propose his substitute or perfecting amendment if offered within the one hour of permitted consideration.

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

Mr. Chairman, the amendment that I present today, amendment No. 2, would provide for American citizens born in Puerto Rico, who reside outside the island, to participate in this vote.

Let me, as I begin, Mr. Chairman, note that this amendment has been agreed to by the chairman of the committee and chief sponsor of the bill, the gentleman from Alaska (Mr. YOUNG), and he will speak to this issue in a few minutes.

The gentleman from Alaska supports our amendment because he feels that it is a fair amendment that speaks to a legitimate issue. Mr. Chairman, those of us born on the island of Puerto Rico, and indeed all Puerto Ricans, feel very much a part of the island of Puerto Rico regardless of where we are living. Regardless of where we find ourselves, we very much feel a part of the island and, therefore, we feel very much that any vote taken in Puerto Rico on the political status of the island should include us.

Let me be clear that this bill does not say, nor do I believe, that I should be involved in electing the Governor of Puerto Rico or the mayor of my hometown of Mayaguez or anything like that. This bill comes about because many of us understand the fact that the relationship between the U.S. and Puerto Rico created certain situations throughout our history which made a lot of us, either through our parents or as adults, leave the island. We left the island physically but we never did leave the island in many other aspects. In addition, so many of us travel back and forth to the island that the union between the two places or the two communities has remained one.

My original amendment, Mr. Chairman, included not only those born on the island, but included the children of at least one parent born on the island who were born anywhere outside the island. That amendment, in all honesty, had about six votes. And since I can count a little better than that, I began to deal with that issue. It was based on the fact that we removed that part from the amendment that the gentleman from Alaska, the author of the bill, agreed to the amendment. This then allows thousands of Puerto Ricans who live throughout the 50 States to vote in the plebiscite.

Now, in addition, Mr. Chairman, there is precedence throughout the world, in different votes that have been taken, for this kind of involvement. This is not a new idea. What I do want my colleagues to understand is that if we face this vote, and I know this is going to sound funny, thinking in terms of States, the idea of one person living in one State voting in another State, we would never agree to this. But this is not about voting in another State, this is about the future of a territory, of a colony.

And when that future is decided forever, and statehood is forever, and independence is forever, and an associated republic is forever, and those three could be the options that come in at the end, then all of the children of the territory, all of the children of the colony, should be allowed to vote.

I want to close with this. I want to thank the chairman of this committee not only for the bill, but for consenting to my amendment, and I would implore Members on both sides to take his lead in accepting an amendment that has been around 8 years. I may be the only Member of the House who had an amendment before there was a bill, and now there is a bill to attach the amendment to.

This is a good amendment, it maximizes the number of people who will participate and, in my opinion, makes this plebiscite truly an American plebiscite because it includes more than just the people who live on the island.

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

Mr. ROMERO-BARCELÓ. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in opposition to this amendment very, very reluctantly. Very reluctantly, because my fellow Member, the gentleman from New York (Mr. SERRANO), has been a very great supporter of our H.R. 856, our bill for United States-Puerto Rico political status, and I feel very grateful for everything he has done.

I know the gentleman does this because he believes in it, otherwise he would not do it. I know he believes in this very, very dearly. I stand up almost regretfully to oppose it, but I must oppose it because I am convinced that were this to pass, we are including an element into the result of the elections that could really create a serious situation.

If Puerto Ricans were to vote in Puerto Rico, which is as it always has been, and we have had two plebiscites and the referendum for the approval of the Constitution, and in none of them the Puerto Ricans who reside in the mainland have been allowed to vote. The rule that residents control, you have to be a U.S. citizen and a resident of Puerto Rico has always controlled all elections and all referenda in Puerto Rico.

To change this, the majority that voted here in the mainland who do not reside in Puerto Rico and who are not going to receive the favorable or negative impact of that vote will then impose their will on the people of Puerto Rico.

I think this is for the people of Puerto Rico who live in Puerto Rico to decide and not for those brothers and sisters of ours that have moved to the mainland.

Many times, as the gentleman from New York (Mr. SERRANO) says, it was against their will. Economic conditions forced them to move. So be it. But they have moved. People like the gentleman from New York (Mr. SERRANO) have their families here. Their children were born here. Eventually they might go visit Puerto Rico, but they are going to stay here forever, for the rest of their lives. They are not planning to go back to Puerto Rico.

So I repeat again that the results of the vote, whether good or bad, will affect directly the people that live in Puerto Rico. It will affect emotionally those that live here in the mainland. But just the fact that we have an emotional attachment and a feeling emotionally about the results is not a sufficient right to vote and create something that is of impact to the people of Puerto Rico.

One example, the gentlewoman from New York (Ms. VELÁZQUEZ) is against this bill. And she does not want the Puerto Ricans to vote and have the opportunity to vote on this bill. Yet, if she were to vote, she would be voting against statehood. She would be depriving the people of Puerto Rico the right to vote and the right to representation. But she has that right to vote, and she has that right to representation. We do not have that.

Someone that has that right, how can they be voting in an event to deprive those citizens that do not have that right and looking for that right? I

think this is something that would create a confusion. It would create unfairness and an injustice to the people of Puerto Rico. I must oppose this bill.

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

Mr. SOLOMON. Mr. Chairman, I yield 1 minute to the gentlewoman of New York (Ms. VELÁZQUEZ).

Ms. VELÁZQUEZ. Mr. Chairman, I want to make a clarification. It is important for Puerto Ricans in the mainland to participate, because, in fact, Puerto Ricans in the United States, they go back and forth to Puerto Rico. But there are many Puerto Ricans here who have suffered political persecution in Puerto Rico, and they are in the United States because of the political environment in Puerto Rico.

In fact, when I was a professor at the University of Puerto Rico, I was politically persecuted. I decided to leave the island. I should have the right. This is not any State election. This is a unique and special election on the future and the political destiny of Puerto Rico. Of course I should have the right to have a say in that determination.

Mr. SERRANO. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, the gentleman from Puerto Rico says we are not effected. The fact of life is my 40 years in this country have been affected by the relationship between Puerto Rico and the United States.

Secondly, the gentleman understands that his citizenship and mine are statutory. This vote may change that relationship. My child's citizenship is constitutional. I have a stake as to what decision is made on the island because I may be affected in the future.

Mr. Chairman, I yield 3 minutes to the gentleman from Alaska (Mr. YOUNG), my leader on this issue.

Mr. YOUNG of Alaska. Mr. Chairman, I rise in support of this amendment, and I do so reluctantly, although my good friend, the gentleman from Puerto Rico (Mr. ROMERO-BARCELÓ), and I have been working very close.

But I thought about this after the gentleman from New York (Mr. SERRANO) testified before the committee, and I tried to put myself in place of a young man or young woman who had to, either for economical reasons or other reasons, had to go to the United States, because they are citizens now by statute, had to go to the United States to get employment and to work.

□ 1730

This is a very serious system where we may set forth here an independent nation. I would like to know, I would like to participate, because I am still a citizen of Puerto Rico although I have gone to the United States. I would like to know if it becomes a State then everything is equal, or it remains the original commonwealth that it is now.

But more than that we have to understand, these persons have a role to play because they were born on the island. They were born on the island. Keep that in mind. They had not left the island other than for economic reasons or for family, but they were born on the island.

I will not support grandchildren, aunts, uncles and all the rest of them because they are citizens of the United States, because they were born here, in the United States. But I think it is imperative that we allow that individual who for some reason had to leave the island, as beautiful as it is, and now he is being asked to not make a decision, not participate in a decision that will affect his or her life.

After many hours of debate and discussion with myself, and that sometimes gets awful boring, I decided in favor of the Serrano amendment. I want to compliment him for offering it. I am going to urge the gentleman from Puerto Rico who has been the horse in this whole program to be very careful in what he offers, and if he offers something, to please not ask for a vote on it. Because what will happen in the long run, people are going to be tired, and we never know what might happen.

Let us say we do what is correct for the Puerto Rican people today. Although we can voice our opinion, let us keep this to the minimum of mechanical efforts to make sure this bill comes to fruition and a vote tonight.

Mr. ROMERO-BARCELÓ. Mr. Chairman, I yield myself such time as I may consume. I take the advice of the chairman of our committee very seriously. I will consider it very, very, very seriously.

I want to again repeat that it hurts me very much really to take any kind of opposite position to the gentleman from New York (Mr. SERRANO), my colleague here on this issue. I know how deeply he feels about it. But as deeply as he feels about it, I also feel deeply about the fact that in Puerto Rico, the people who are going to be voting would not like to see the results of their vote affected by the vote that is taken outside of Puerto Rico, by people that even though they were born in Puerto Rico, reside somewhere else, they have a right to vote, and are residing there and are going to die there and probably live there for the rest of their lives. Whatever happens in Puerto Rico is going to, yes, affect them directly, there is no doubt about it.

But I want to clarify something for the record. The fact is that the gentleman from New York (Mr. SERRANO) has a statutory citizenship, the same as I have, that we are citizens because in 1917 a law was passed that said all persons born in Puerto Rico shall be citizens of the United States. But the results of the plebiscite or the referendum will not affect his citizenship or my citizenship. It will not affect the citizenship of any of those that are born, only of those that are born after the status change occurs.

If Puerto Rico opts for statehood, once Puerto Rico becomes a State, then those that are born in Puerto Rico as a State will be constitutional citizens because its constitution says that only those that are born in the State shall be citizens and also those that are naturalized. It does not talk about anything else. Then we are citizens because the law provides us citizenship.

That is why in the definition of commonwealth in the bill we say that the citizenship is statutory under commonwealth. That means that the Congress may in the future if it feels like it say from this day on, or from the future day on, those born in Puerto Rico shall no longer be citizens. They can do that if we are a commonwealth. They cannot do that if we are a State. That is why I say the citizenship is statutory.

Also, the citizenship of the children in Puerto Rico will not be constitutional until Puerto Rico becomes a State. Our citizenship will remain the same. The citizenship of his children will remain the same.

Even to be more clear to the people of Puerto Rico, we are not pushing this or misguiding anybody. When we said that citizenship is statutory, we also added a statement that says that it is the policy of Congress to keep granting citizenship to people born in Puerto Rico under commonwealth. That is specified in the bill. When people talk about the unfairness of the bill, no, no, the definition of commonwealth is about as fair as it can be, the only thing, it is true. How can a territory be better than a State?

That is why they are at a disadvantage. Because when people read the definition of commonwealth as what it is, a territory, they realize that there are much more advantages to statehood, even though those in the territory do not pay Federal income taxes and will not be paying Federal income taxes as long as Puerto Rico is a territory. But we also want to assume our responsibility and pay our share. We now have a commonwealth which is a welfare commonwealth, a welfare territory, because we are not contributing and not paying our share.

As a State Puerto Rico not only would pay their share but we would be paying over $4.5 billion in taxes if we were a State right now. The additional cost at this point in time would be about $3.1 billion, a net benefit of about $1.4 billion to the Treasury of the United States.

So all of these things that have been flying around against Puerto Rico, against Puerto Rico being a State, all of them are misguided. They are half-truths, some of them, some are completely erroneous, some are completely false. I beseech everybody here on this

amendment to, yes, we will have to listen to Serrano, but please let us vote against it.

Mr. SOLOMON. Mr. Chairman, I yield 3 minutes to the gentleman from Illinois (Mr. GUTIERREZ).

Mr. GUTIERREZ. Mr. Chairman, I think this is a very enlightening and interesting debate, because as so eloquently has been stated by the chairman of the Committee on Resources, he has basically paraphrased that there are nationals, that there is a nationality, that Puerto Rico is a nation and that the people born in that nation should determine the future of that nation.

I think if for no other reason, this has accomplished very, very much. Because when the Serrano amendment, which I hope is adopted later on, and I have an amendment to it, when it is adopted, it will say that the people of Puerto Rico are a duly constituted people born on that island and born on that island of a nation of people, and so they should participate, much as the Algerians who lived in France participated, much as the Irish who lived in Great Britain participated, much as the people of all of the other countries colonized.

What we have stated here is Puerto Rico is a colony of the United States. Therefore, that all members of that colony. So Puerto Rico is a nation. That by accepting, and I want to thank the gentleman from Alaska (Mr. YOUNG) for finally so eloquently stating that point here today, because I think that that is an important part. Remember, that that is what we are doing, bringing two nations together. We should do it very, very carefully, with consultation and making sure that each partner understands what we are doing.

Let me just take exception once again, because I see that there is one thing that the gentleman from Alaska (Mr. YOUNG) and the gentleman from Puerto Rico (Mr. ROMERO-BARCELÓ) and the gentleman from New York (Mr. SERRANO) all agree with in unison. That is, that Puerto Rican citizenship if you are born on the island of Puerto Rico is statutory. I think that is wrong. I think that is wrong.

Let me just state for the record that the Immigration Nationality Act of 1945 tracked from the language of the 1940 act, it says that all those who live in the United States, including Alaska, Hawaii and Puerto Rico, are nationals of that country and born in the United States. Once again what we are saying is that if you are born in Puerto Rico, like my dad, like my wife, that her citizenship if you adopt this Young bill can be taken away.

Let me just make two points. A, does anybody really believe in this room that this Congress would ever take away the citizenship of 3.8 million people? Does anybody in this room think that will ever happen? Absolutely not. No President would ever sign that legislation. If no one would ever do it and no court would ever sanction it, why is it that we are saying it is statutory?

On the one hand we say it is statutory. On the other hand I am sure that we will all dive on the blade so that that citizenship would never be taken away. I am sure every Member here would say, "But I would never allow that to happen." If you are never going to allow it to happen and no President would sign it, then let us not make it statutory.

Mr. SERRANO. Mr. Chairman, I yield 2 minutes to the gentlewoman from the Virgin Islands (Ms. CHRISTIAN-GREEN), a person who well understands what the discussion is about.

Ms. CHRISTIAN-GREEN. I thank the gentleman from New York for yielding me this time. Mr. Chairman, I am pleased to rise today in support of the amendment offered by the gentleman from New York (Mr. SERRANO) which would allow the persons born in Puerto Rico but who do not currently reside on that island to vote in the referendum authorized by H.R. 856.

Mr. Chairman, H.R. 856, if enacted, would allow the people of Puerto Rico to exercise their rights to self-determination. The principle of self-determination as stated in Article 2 of the United Nations charter declares that, and I quote, all peoples have the right to self-determination; by virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.

Like the gentleman from New York (Mr. SERRANO), I believe the right of a people to determine their political status is a fundamental one. And unlike local elections, a referendum on the final political status of Puerto Rico would affect the future of all Puerto Ricans, whether they live in or out of Puerto Rico. And so it is only right that on an election that will have such profound consequences on the future of their island, all Puerto Ricans who were born in the islands be given the opportunity to exercise their right to self-determination. I ask my colleagues to vote "yes" on the Serrano amendment.

I also want to take this opportunity to thank and commend the gentleman from Alaska (Mr. YOUNG) for his leadership on H.R. 856 and his willingness to listen to all sides, as well as his commitment to all of the United States territories.

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

Mr. Chairman, a lot has been said here almost in disagreement but yet speaking about statutory citizenship and constitutional citizenship. Make no mistake about it, I have no doubt that my citizenship is different than the one my son who was born in the Bronx has. I do not have a doubt about that. I do not have to be a constitutional lawyer to know that I became a citizen on the island of Puerto Rico when I was born there, because it was a law in 1917 that said so. That law was passed by Congress. The Constitution is not amended by Congress. There is a whole process to change that.

And so I am clear on the fact that my son's citizenship is one that is protected by the Constitution of the United States and if I am not mistaken, there are only a few ways in which he can lose that citizenship. One, for instance, he could be found guilty of treason, but it has to be some extreme circumstance by which he would lose that citizenship.

But I have no doubt that this Congress can pass a law to take away from me my citizenship and the citizenship of the gentleman from Puerto Rico (Mr. ROMERO-BARCELÓ), the gentlewoman from New York (Ms. VELÁZQUEZ), and the people who live on the island of Puerto Rico. Would they do it? Probably not. Would a court uphold it? Possibly not. Can they do it? Absolutely. One thing is clear, this Congress has the right on this kind of citizenship to pass a law here saying that beginning next Monday, every person born in Puerto Rico is no longer a citizen, an American citizen.

The outcome of this plebiscite does affect people like myself who were born on the island. I understand the concern of the gentleman from Illinois (Mr. GUTIERREZ) and the gentlewoman from New York (Ms. VELÁZQUEZ). I would have wanted to include in this amendment all Puerto Ricans regardless of where they were born, but I am also a practical person who understands that it is better to accomplish this tremendous victory that the gentleman from Alaska (Mr. YOUNG) has accepted than to go with something I could not get and would not be able to gather any support.

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

Mr. SOLOMON. Mr. Chairman, I yield myself such time as I may consume, just to talk about the precedent that we might be setting here. I worry somewhat with the changeover that has happened in the United States House of Representatives, where two-thirds of the Members are new in the last 4 years. But some of us have to look back institutionally and look at situations like this.

□ 1745

I know of no other precedent that we have ever set where we allowed voters in one part of the United States to cast votes in other parts. I have a situation representing the Adirondack Mountains and the Catskill Mountains in New York State, and we have a lot of people who live in Connecticut, live in New Jersey, live in Westchester County

or live in New York City, and they cannot come up, although they used to do it, but it was illegal, they cannot come up to the Adirondacks and cast votes up there. This is a similar situation.

Now, those people, if they live in Connecticut and they want representation up there, one of the two spouses will change their registration and vote in my congressional district up in the mountains. This seems to me a similar situation, because really we are letting some U.S. citizens cast votes twice that really affect the entire United States of America.

I just think we have to be very careful about the precedent we are setting here. It is because of that I will probably oppose the amendment.

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

Mr. SERRANO. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, I would just clarify what my colleague, the gentleman from New York (Mr. SOLOMON), said. This is a different kind of vote. I would not propose on this floor to vote for Governor of Puerto Rico or mayor of Mayaguez, my hometown. This is a special and unique vote.

In addition, the gentleman may be surprised to know there were constituents of yours who did set perhaps a precedent you do not want by voting in Polish elections. There is a bill in the Dominican Republic to allow Americans of Dominican descent to vote in those elections; Colombians; Peruvians. This is happening in other places.

I am not proposing that. I am proposing a one-time vote on this very unique situation about a status question.

Mr. Chairman, I yield 3 minutes to the gentleman from Guam (Mr. UNDERWOOD), who understands what I am going through here today.

Mr. UNDERWOOD. Mr. Chairman, I want to reiterate for those of us who are statutory citizens, i.e., citizens by virtue of congressional action, we represent a unique category of human beings that are under the American body politic, proud Americans, but recognizing that we have a unique status.

That is why this amendment is necessary, because it speaks to the issue not just of political self-determination, but ultimately to the issue of who has that right to self-determination.

This is not the same kind of election that one has when one votes for elected officials. We have fought long and hard in this country to make sure that that kind of voting is extended to all those people who are represented by elected officials. But this is an issue of political self-determination.

When you are born in Wisconsin or born in Idaho, you cannot get up in the morning and decide that Idaho or Wyoming should have one day an election which gives them the full range of choices about whether they should be independent or have a special relationship with the United States. They are a State. They are full and equal partners in the American body politic. The Civil War has settled that issue once and for all.

But what do we have here? We have here a unique group of individuals, of people who have been subsumed into the American flag through conquest, and by virtue of that they have always been extended citizenship through congressional action. It is their status that is at stake. It is their individual status that is at stake. That is why it makes perfectly good sense that when we deal with the issue of self-determination, we must deal with the issue of who has a right to self-determination.

Any piece of legislation which deals with the self-determination of Puerto Rico, or even in the case of my own home island of Guam, must always deal in a serious and thoughtful way with who actually has this right to self-determination. Whomever was colonized should be the participants in decolonization. In the case of Puerto Rico, it is Puerto Ricans. In legal terms, it must be the people whose citizenship is in control of Congress.

If we value Puerto Rican self-determination, and if we really value the meaning of the vote, we would deal with the issue of voter eligibility. Mr. SERRANO has offered an amendment which deals with this issue in a thoughtful and meaningful way. The gentleman wants all Puerto Ricans to be allowed participation. The people who became citizens by virtue of congressional action are the people whose lives and political futures are at stake. Those people must be the ones to make the choice about their homeland, about their future. It is their future which is at stake. Anything less would make a mockery of the process and compromise the meaning of self-determination.

Mr. Chairman, I must reiterate again, a self-determination election is very different from any other kind.

Mr. SOLOMON. I yield 1 minute to the gentleman from Illinois (Mr. GUTIERREZ).

Mr. GUTIERREZ. Mr. Chairman, this is academic debate we are having here. We are asked to believe the following: That Mr. SERRANO, who was born in Puerto Rico, who came to the United States of America, who was allowed into the halls of this Congress with full voting privileges, that his citizenship can be revoked; that there is a court in this Nation, a Congress, a President and a court in this Nation, that will affirm that.

We know that that is just never going to happen. Let us face it. Raise your hand anyone who believes that will ever, ever happen. It will not. Think about it. You have tens of thousands of men and women who served in the Armed Forces with honorable discharges. What court in this Nation would take away their citizenship? They paid taxes, they were born, their birth certificates. Think about it. It is not going to happen.

So let us not play the game of fear with the people of Puerto Rico and inject fear. That is what is wrong with this bill, that we put them into fear. It is never going to happen, and we all know it.

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

Mr. Chairman, we have debated the amendment. I understand we are going to go on to the amendment process now. The gentleman from Puerto Rico (Mr. ROMERO-BARCELÓ) has an amendment, I believe, and I believe the gentleman from Illinois (Mr. GUTIERREZ) does as well.

Mr. Chairman, I yield back the balance of my time so we can move on to the amendment process.

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

Mr. Chairman, let me close by saying that I do not function out of fear, in terms of putting fear on anyone else. I function out of fact.

The fact of life is that we would not be here dealing with this very good bill unless we understood that there is a unique relationship between Puerto Rico and the United States. If everything was fine and dandy, we would not be here passing this bill.

Mr. Chairman, I do not try to bring fear into people, but I know what this country is capable of doing. We are a great Nation, but at times we are governed in a behavior that may make changes.

I do not want to run the risk of finding out what kind of citizenship I have. I think I already know. Is that good? Is that bad? How do I live with it? I dealt with it. I worked my way up the system and became a member of the U.S. Congress. Sometimes I try to do a pretty good job at it.

Mr. Chairman, I think it is important to note that this amendment today speaks to the fact that so many of us who left the island did so as a result of a relationship between the U.S. and Puerto Rico, a relationship that started off with a military invasion and which, at this date, has not ended with anything which brings either independence or statehood.

Puerto Rico remains in limbo, and, as Puerto Rico remains in limbo and we try to solve that situation by bringing forth this bill, then I continue to put before you that this vote belongs to all of the children of that colony, all of the children of that territory. Yes, I am affected by the results of that vote.

Mr. Chairman, I would hope that everyone takes the lead of the gentleman from Alaska (Chairman YOUNG), and accepts this amendment without a vote.

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

The CHAIRMAN. Pursuant to section 2(b) of House Resolution 376, it is now in order to consider amendment 2 printed in the CONGRESSIONAL RECORD.

AMENDMENT NO. 2 OFFERED BY MR. SERRANO

Mr. SERRANO. Mr. Chairman, I offer Amendment No. 2.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 Offered by Mr. SERRANO:

In section 5(a), add at the end the following paragraph:

(3) UNITED STATES CITIZENS BORN IN PUERTO RICO ELIGIBLE TO VOTE.—Notwithstanding paragraphs (1) and (2), an individual residing outside of Puerto Rico shall be eligible to vote in the referenda held under this Act if that individual—

(A) is a United States citizen because of that individual's birth in Puerto Rico; and

(B) would be eligible to vote in such referenda but for that individual's residency outside of Puerto Rico.

The CHAIRMAN. Pursuant to the rule, consideration of this amendment and any amendments thereto shall not exceed 1 hour.

The Chair recognizes the gentleman from New York (Mr. SERRANO) for 5 minutes in support of his amendment.

PARLIAMENTARY INQUIRY

Mr. GUTIERREZ. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. GUTIERREZ. Mr. Chairman, will I still be able to offer my substitute amendment after the gentleman from New York (Mr. SERRANO) finishes with his amendment?

The CHAIRMAN. The gentleman from Illinois may offer his amendment at any time during the pendency of the amendment offered by the gentleman from New York (Mr. SERRANO).

Mr. GUTIERREZ. Mr. Chairman, there is not a limit of time anymore for amendments?

The CHAIRMAN. The amendment offered pursuant to the rule by the gentleman from New York (Mr. SERRANO) will be pending for no longer than one hour. At any point during that pendency, the gentleman from Illinois may offer his substitute.

Mr. GUTIERREZ. Mr. Chairman, further parliamentary inquiry. I had asked earlier of the Chairman if I would be guaranteed an opportunity to offer my amendment, and the Chairman said yes. I hope that that will still stand.

The CHAIRMAN. Is the gentleman from Illinois offering his amendment at this time?

Mr. GUTIERREZ. I do not think I can proceed. The gentleman is amending his amendment, am I correct?

Mr. SERRANO. Mr. Chairman, if the gentleman will yield, if I may, I would like to clarify this unique rule, where we debated my amendment before I officially presented it. Is that correct?

The CHAIRMAN. The last period of debate was general debate on the subject matter of the amendment of the gentleman from New York (Mr. SERRANO). Now the gentleman has offered his amendment, and it is in order for a substitute amendment to be offered for the gentleman's amendment.

AMENDMENT OFFERED BY MR. GUTIERREZ AS A SUBSTITUTE FOR THE AMENDMENT OFFERED BY MR. SERRANO

Mr. GUTIERREZ. Mr. Chairman, I offer an amendment as a substitute for the amendment.

The Clerk read as follows:

Amendment offered by Mr. GUTIERREZ as a substitute for the amendment offered by Mr. SERRANO:

In section 5(a), add at the end the following new paragraph:

(3) ELIGIBILITY TO VOTE.—Notwithstanding paragraphs (1) and (2), an individual residing outside of Puerto rico shall be eligible to vote in the referenda held under this Act if that individual—

(A) is a United States citizen because of that individual's birth in Puerto Rico, or satisfies requirements that shall be prescribed by the Electoral Commission of Puerto Rico (which shall include methods, provisions to include Puerto Ricans who have at least one parent who was born in Puerto Rico) for registering and voting in absentia in referenda held under this Act; and

(B) would be eligible to vote in such referenda but for that individual's residency outside of Puerto Rico.

The CHAIRMAN. Without objection the substitute was entertained prior to the 5 minute speech on the underlying amendment by the gentleman from New York (Mr. SERRANO). The gentleman from New York is now recognized for 5 minutes on the underlying amendment, after which it will be in order for the gentleman from Illinois (Mr. GUTIERREZ) to proceed for 5 minutes on the substitute.

There was no objection.

□ 1800

Mr. SERRANO. Mr. Chairman, I want to reiterate the fact that when the gentleman from Alaska (Chairman YOUNG) accepted my amendment, and as we heard, he spoke in favor of that amendment, he did it with the full understanding that what he was accepting was an amendment that he could not only explain but that both of us could actually argue in favor of, without anyone being able to raise any questions about it.

Both the gentleman from Alaska (Mr. YOUNG) and I have had concerns way before this about who constituted and what constituted the body of Puerto Ricans that should vote.

I repeat once more, I personally would have wanted to include everyone that the gentleman from Illinois (Mr. GUTIERREZ) would like to include. But the fact of life is that that amendment, bringing it to that point, would have had very little support not only in committee, in negotiations, but on the House floor. I feel that my amendment accomplishes 95 percent of the mission that we set out years ago to accomplish, which was to enlarge the vote and bring in more Puerto Ricans into this decision-making process.

I understand clearly my colleague, my brother, the gentleman from Chicago, my fellow Puerto Rican brother from Chicago's desire to include more people. I had to explain to my son why my amendment did not include him. But I feel confident that I can explain it, as I have here today, and I feel confident that if we move forward with the amendment as is, that we will in fact allow for a large body of people who would be affected directly to participate.

What we need to do here today is to do whatever we have to do, but not put into jeopardy the underlying amendment which is accepted by Chairman YOUNG. In other words, in proposing any other amendment to my amendment, please keep in mind that we could throw out everything that we have gained up to this moment.

So I respect the amendment before us now, but I would hope that in no way this amendment takes away the importance of the underlying amendment, and I would hope that the gentleman from Chicago would actually consider retiring his amendment in favor of the one we have worked on for so long.

The CHAIRMAN. The gentleman from Illinois (Mr. GUTIERREZ) is recognized for 5 minutes on his substitute amendment.

Mr. GUTIERREZ. Mr. Chairman, first let me say to my good and distinguished friend, the gentleman from New York, that I would not offer this amendment if I thought it was frivolous, if I thought it was silly, if I thought it was somehow just something that I woke up in the morning and thought it was the right thing to do. No, I say to the gentleman from New York, I think this amendment is very appropriate.

But I want to thank the gentleman. He has been here for a long time. I went to a hearing back in New York when the gentleman first got elected to Congress, and I traveled from Chicago to New York City, and I remember the gentleman was chairing that meeting. The interesting thing about that meeting that the gentleman from New York (Mr. SERRANO) was chairing was that it was bilingual, it was both in English and Spanish, something unfortunately that these proceedings are not, because he wished at that time for everybody to understand, because I know that the gentleman understood that Puerto Ricans spoke Spanish and that was their language.

So we do not do that for that purpose. I will say one thing, we will ask for a vote on this, but we will ask for a voice vote on this amendment. We will ask—I told the gentleman from

New York when we were in the back that I would do that, that I would ask for a voice vote, so we can debate it.

Now, having said that, and I hope any trepidation that the fine gentleman from New York might have that we could somehow stir this away, because the gentleman feels he has it, and I hope that at least, I really, sincerely hope that we get at least what the gentleman wants. Let me now refer back.

Mr. Chairman, I think it is interesting. The gentleman from Alaska (Mr. YOUNG) said something that was really interesting. He said that when it came to Puerto Rico, they were born there. I do not remember that in Alaska we looked for former Alaskans that got to vote whether Alaska should become a State. I do not remember that we looked for everybody born in Hawaii in order for Hawaiians to make a decision whether we should become a State, or that we looked for former people that may have even fought at the Alamo before we said that those are all the people from Texas, before they become a State.

But we are doing it, and rightfully so, for the people of Puerto Rico, because it is a Nation and it is different. That is why, I say to the gentleman from Alaska (Mr. YOUNG), by his very words, I continue to tell him, he cannot treat this merely as a territory, as another group of people, some chattel that happened to have come to the United States because of a victory during the Spanish-American war. It is a people, it is a Nation, and we should be careful and diligent in ensuring that as we proceed, we make sure that the decisions that we make are going to be good for all of us. That is why I suggest that we extend the amendment.

What does my amendment do? My amendment says the following. Let me explain it as simply as I can say it. See, the gentleman from New York (Mr. JOSE SERRANO), if he has a brother, because his parents moved to the United States of America from the nation of Puerto Rico, his brother's birth certificate says the same mom, same dad, Puerto Rico, Puerto Rico, just as his, except, of course, his would have been in the Bronx, maybe his brother, and his would have been in Puerto Rico. So you would have two brothers who have an exact same claim, and using your very expressions, that they came here because of political persecution, the one brother who came here because of political persecution and may have returned and be living in Puerto Rico today, something that the gentleman from New York (Mr. SERRANO) has decided not to do, he may be living there today, right? We cannot figure this out.

So I am simply saying, let the family, and I know that the gentleman from Alaska (Mr. YOUNG) said that every cousin, uncle, but no, that is not what I am saying. In my family, I married Soraida and she has 14 brothers and sisters. Nine of them were born on the island of Puerto Rico. Because of economic and social conditions, the nine of them moved with mom and dad to Chicago. The other five subsequently were born. Their birth certificates are identical. They are Puerto Rican nationals, both born in Puerto Rico. The only difference is five birth certificates say Cook County. So we can prove it.

It is not like I am saying anybody. In order to vote, you have to have a birth certificate, and where it says "Mom born in Puerto Rico, dad born in Puerto Rico," you get to vote; not the children, not like my daughter and the children of other generations. Just so that those generations, that immediate generation that has such close ties can vote. Let me just tell the Members why. Many Puerto Ricans move back to the island of Puerto Rico.

Mr. ROMERO-BARCELÓ. Mr. Chairman, I move to strike the last word.

Mr. Chairman, this amendment to the amendment makes the amendment even less acceptable. Let us think about what would happen. A person born in Puerto Rico, but his parents were there because they were on a contract working for 5 years from the State of Wisconsin, and they have two children born in Puerto Rico during those 5 years, then they move back to Wisconsin. They never go back to Puerto Rico. The children never go to Puerto Rico. They never learn Spanish. They would be qualified to vote under the amendment offered by the gentleman from New York (Mr. SERRANO).

However, somebody born in Puerto Rico, or somebody born in New York, and at an early age his parents got divorced and somehow he ended up back in Puerto Rico living with his grandparents, or aunt and uncle, and he grew up in Puerto Rico, and he got married in Puerto Rico, went to school in Puerto Rico, got married in Puerto Rico, he had children in Puerto Rico, and then he got a good job in Pennsylvania so he moved to Pennsylvania.

Now he is living in Pennsylvania, and he is planning in 20 years, he is going to go back to Puerto Rico, but he has not demonstrated it, he is just thinking about it. He cannot vote, because he was born in New York, not in Puerto Rico. Yet, he has much more relationship with Puerto Rico, much more emotional attachments with Puerto Rico than the one that was born there and obviously now lives in Wisconsin and is not even concerned about Puerto Rico. Yet the other one can vote. So that could bring constitutional challenges to this vote.

The way that the gentleman from Illinois is proposing, then that multiplies, that kind of situation, with the parents and the children and the grandchildren. If you have the children of those who were born in Puerto Rico, then you get somebody who was born in Puerto Rico and moved to the United States and he is living somewhere else, in Wisconsin, Wyoming, in Iowa, and his sons were born over there and they were raised over there, they have never been in Puerto Rico, and they can vote in Puerto Rico because one of their parents was born in Puerto Rico? This is just carrying the thing to an absurdity.

These people who have no attachments to Puerto Rico, either emotionally or otherwise, would be allowed to vote and change the results of the vote to be held in Puerto Rico. That is why I think we have to oppose this. It would set a tremendous precedent.

They say, well, this is not an election. Right, this is not an election to elect a Governor or to elect a candidate, candidates to come to the House or the Senate. No. But then this is a referendum. Now, if that precedent was established, it would mean that in Texas or in Maine or in Illinois or in California, if there is a referendum and there is an amendment to the Constitution, and those that were born in that State are living somewhere else, then they should also be allowed to vote in that referendum. That might change the situation in their State where they are from, where they have family.

We have established rules of law. Only those that are U.S. citizens and who have residence in the place where they are, they are allowed to vote. Those Puerto Ricans who cannot vote in Puerto Rico in national elections when they move to a State, then they acquired residency in the State and then they can vote in the national elections for the President, they can vote for Congressmen, they can vote for a Senator, they can vote for Governor, they can vote for the State legislature, they can vote for mayors. They have a full vote.

We cannot vote in their States. We cannot vote in anything that affects them, and we have family and relatives in the States. We cannot vote in their States, even though we feel attachments to something that may affect them, but they can vote in Puerto Rico.

That is a very, very, very bad precedent. As I said, I hate to oppose the proposal offered by the gentleman from New York (Mr. SERRANO), because he has worked so strongly on this bill, like we all have, and he is a good friend, and I know he sincerely believes in this. He is emotional about it. But this is my conviction. I have worked, when I started in politics, I was working in my party within electoral affairs, and I know the impossibility of putting this into effect.

Ms. VELÁZQUEZ. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to acknowledge the gentleman from New

York (Mr. SERRANO) for his leadership on this issue. This amendment, the Gutierrez amendment, builds on his excellent work. The Gutierrez amendment to the amendment offered by the gentleman from New York (Mr. SERRANO) would allow all Puerto Ricans to participate in this historic plebiscite.

The problem that the gentleman from Puerto Rico has, it seems like he does not understand, this is about self-determination. This is not about a State election. We know that the people from New York have to vote on any election in New York and that they cannot vote on any election that takes place in Pennsylvania.

But this is not about any State election, this is about the political future of Puerto Rico. In fact, we Puerto Ricans, we are only 3 million Puerto Ricans in the United States. For the most part Puerto Ricans have not participated in the electoral process here in the United States. Because of the close ties that they still have with Puerto Rico, they follow more closely the political situation in Puerto Rico than they do in terms of what is going on in the United States.

So it is important that Puerto Ricans in Puerto Rico participate and the Puerto Ricans in the mainland and their children participate. Some of them are here because they left the island because of economic reasons. Some Puerto Ricans are here not because they wanted to be here, but because of political persecution. If that is the case, they are entitled to have a say in this self-determination process.

It will be unfair to deny it, to the entire Puerto Rican community, to participate in this process. We are a nation. The United States recognizes that Puerto Rico is a nation, that what happens there affects us, and this is an important process for all the Puerto Ricans here and in Puerto Rico.

I would say, I would urge my colleagues to allow this to be a fair process for all Puerto Rican Americans living in Puerto Rico and in the mainland. They should have a right to determine the political future of Puerto Rico. At least let us make this legislation better by allowing them to participate in the final outcome of Puerto Rico.

□ 1815

This is a legislation that has been drafted so that we push one side of the political formulas in Puerto Rico. It is a legislation that supports statehood for Puerto Rico.

Allow all Puerto Ricans to participate and to say "no" to statehood and "yes" to the democratic process.

Mr. SOLOMON. Mr. Chairman, I move to strike the requisite number of words.

Mr. GUTIERREZ. Mr. Chairman, will the gentleman yield?

Mr. SOLOMON. I yield to the gentleman from Illinois.

Mr. GUTIERREZ. Mr. Chairman, I thank the gentleman from New York (Mr. SOLOMON) very much for yielding me this time.

Mr. Chairman, let us think about this a moment. We want all the people to be able to participate in this process that can participate in this process. I think we all really want that. Think about it one moment. Someone is born on the island. They spend 30 years there. They move because of economic reasons. They do not get to vote. But if they show up on the island 3 months before the elections, register there and have no emotional tie until their next promotion or their next job transfer, they get to determine the future of that island.

Mr. Chairman, think about it. Think about it. Mr. Chairman, I say to the gentleman from Puerto Rico (Mr. ROMERO-BARCELÓ), the Resident Commissioner who is an ardent strong supporter of statehood, that I would think he would wish to cherish the fact that people born on the island of Puerto Rico who live in the United States of America, and who live statehood and who understand statehood, would be allowed to participate because he is such an ardent supporter of statehood. And since they live in a State, it seems to me they would be voting for statehood because that is what they want, because they already live in a State and they want everything that he already wants for the people of Puerto Rico.

Why deny those very Puerto Ricans born on that island the opportunity to participate when they live in the United States already in a State and understand this better? Let us bring the community together. Let us bring us all together, because I think that that is what is really vitally important.

Mr. Chairman, I stand here today to speak for the 100,000-plus Puerto Ricans that live in my district in Chicago who really want to participate in this process.

Let me end by saying that I think the work that the gentleman from New York (Mr. SERRANO) has done has raised a lot of other issues. We will disagree, however, and I must state this, that it is not statutory. That the 14th Amendment of our Constitution applies to the gentleman, applies to all of those Puerto Ricans, and that we should not use any tactics in order to do that.

With that, Mr. Chairman, I would like to ask that if there is no objection, that we vote on my amendment to the Serrano amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. GUTIERREZ) as a substitute for the amendment offered by the gentleman from New York (Mr. SERRANO).

The amendment offered as a substitute for the amendment was rejected.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. SERRANO).

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. SOLOMON. Mr. Chairman, I demand a recorded vote, and pending that I make the point of order that a quorum is not present.

The CHAIRMAN. Evidently, a quorum is not present.

Pursuant to clause 2, rule XXIII, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the pending question following the quorum call. Members will record their presence by electronic device.

The call was taken by electronic device.

The following Members responded to their names:

[Roll No. 31]

ANSWERED "PRESENT"—405

Abercrombie	Chenoweth	Forbes
Ackerman	Christensen	Ford
Aderholt	Clay	Fossella
Allen	Clayton	Fowler
Andrews	Clement	Fox
Armey	Clyburn	Franks (NJ)
Bachus	Coble	Frelinghuysen
Baesler	Coburn	Frost
Baker	Collins	Furse
Baldacci	Combest	Gallegly
Ballenger	Condit	Ganske
Barcia	Conyers	Gejdenson
Barr	Cook	Gephardt
Barrett (NE)	Cooksey	Gibbons
Barrett (WI)	Costello	Gilchrest
Bartlett	Cox	Gillmor
Barton	Coyne	Gilman
Bass	Cramer	Goode
Bateman	Crane	Goodlatte
Becerra	Crapo	Goodling
Bentsen	Cummings	Gordon
Bereuter	Cunningham	Goss
Berman	Danner	Graham
Berry	Davis (FL)	Granger
Bilbray	Davis (IL)	Green
Bilirakis	Davis (VA)	Greenwood
Bishop	Deal	Gutierrez
Blagojevich	DeGette	Gutknecht
Bliley	Delahunt	Hall (OH)
Blumenauer	DeLauro	Hall (TX)
Blunt	DeLay	Hamilton
Boehlert	Deutsch	Hansen
Boehner	Diaz-Balart	Hastert
Bonior	Dickey	Hastings (FL)
Borski	Dicks	Hastings (WA)
Boswell	Dixon	Hayworth
Boucher	Doggett	Hefley
Boyd	Doyle	Hefner
Brady	Dreier	Herger
Brown (CA)	Dunn	Hill
Brown (FL)	Edwards	Hilleary
Brown (OH)	Ehlers	Hilliard
Bryant	Ehrlich	Hinchey
Bunning	Emerson	Hobson
Burr	Engel	Hoekstra
Burton	English	Holden
Buyer	Ensign	Hooley
Callahan	Eshoo	Horn
Calvert	Etheridge	Hostettler
Camp	Evans	Houghton
Campbell	Everett	Hoyer
Canady	Ewing	Hulshof
Cannon	Farr	Hunter
Cardin	Fattah	Hutchinson
Carson	Fawell	Hyde
Castle	Fazio	Inglis
Chabot	Filner	Istook
Chambliss	Foley	Jackson (IL)

Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E.B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McDermott
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paul
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Redmond
Regula
Reyes
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryun
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer, Bob
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Towns
Traficant
Turner
Upton
Velázquez
Vento
Visclosky
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)

□ 1837

The CHAIRMAN. Four hundred five Members have answered to their name, a quorum is present, and the committee will resume its business.

RECORDED VOTE

The pending business is the demand of the gentleman from New York (Mr. SOLOMON) for a recorded vote.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 57, noes 356, not voting 17, as follows:

[Roll No. 32]

AYES—57

Ackerman
Blagojevich
Bonior
Brown (CA)
Carson
Cox
Davis (IL)
Delahunt
DeLauro
Diaz-Balart
Engel
Furse
Gejdenson
Gilman
Gutierrez
Hinchey
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson, E. B.
Kennedy (MA)
Kennelly
Lewis (GA)
Maloney (CT)
Markey
McGovern
McKinney
McNulty
Meehan
Meeks (NY)
Menendez
Miller (CA)
Moakley
Nadler
Neal
Obey
Olver
Owens
Pallone
Pastor
Payne
Rangel
Rohrabacher
Ros-Lehtinen
Rush
Sanders
Serrano
Shays
Tierney
Towns
Velázquez
Waters
Weller
Wynn
Young (AK)

NOES—356

Abercrombie
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Borski
Boswell
Boucher
Boyd
Brady
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Cardin
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (VA)
Deal
DeFazio
DeGette
DeLay
Deutsch
Dickey
Dicks
Dixon
Doggett
Dooley
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Foley
Forbes
Ford
Fossella
Fowler
Fox
Frank (MA)
Frelinghuysen
Frost
Gallegly
Ganske
Gephardt
Gibbons
Gilchrest
Gillmor
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hilliard
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
John
Johnson (WI)
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (RI)
Kildee
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Maloney (NY)
Manton
Manzullo
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McDermott
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
Meek (FL)
Metcalf
Mica
Millender-McDonald
Miller (FL)
Minge
Mink
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Ortiz
Oxley
Packard
Pappas
Parker
Pascrell
Paul
Paxon
Pease
Pelosi
Peterson (MN)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Redmond
Regula
Reyes
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rothman
Roukema
Roybal-Allard
Royce
Ryun
Sabo
Salmon
Sanchez
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer, Bob
Scott
Sensenbrenner
Sessions
Shadegg
Shaw
Sherman
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Traficant
Turner
Upton
Vento
Visclosky
Walsh
Wamp
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Yates
Young (FL)

NOT VOTING—17

Dingell
Doolittle
Franks (NJ)
Gekas
Gonzalez
Harman
Kilpatrick
LaTourette
Luther
Peterson (PA)
Portman
Poshard
Schaefer, Dan
Schiff
Schumer
Shimkus
Torres

□ 1848

Mr. SNYDER changed his vote from "aye" to "no."

Mr. COX of California changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. SCHUMER. Mr. Chairman, I was unfortunately absent for rollcall votes 28 through 32. Had I been present, I would have voted yes on rollcall votes 29 (Burton) and 32 (Serrano), no on rollcall votes 28 (Gutierrez) and 30 (Solomon), and present on rollcall vote 31, a quorum call.

In particular, I am disappointed that the House has silenced the voice of Puerto Ricans living on the mainland by denying them a vote in this historic referendum.

If you have ever been to New York City's Puerto Rican Day Parade, you have seen firsthand the pride that Puerto Ricans living on the mainland have in their rich heritage. Their links to the island—their economic, cultural, political, and family connections—make them

intensely interested in Puerto Rico's political identity.

The referendum established by H.R. 856 is no typical election. It is the most momentous decision the people of Puerto Rico have ever made. We should have ensured that all Puerto Ricans were able to participate in their people's choice.

For that reason, I filed an amendment to expand voting eligibility to all Puerto Ricans living on the mainland—both those who were born on the island and those who have at least one parent who was born here. This amendment was very similar to one offered by my colleagues Mr. GUTIERREZ and Ms. VELÁZQUEZ, which was unfortunately defeated on a voice vote.

Even with this serious flaw, Mr. Chairman, I still believe it is important for Congress to allow the people of Puerto Rico to determine their own future. For that reason, even though the bill has its shortcomings, I want to give the people of Puerto Rico this historic opportunity to determine their own destiny, and am voting in favor of H.R. 856.

Mr. YOUNG of Alaska. Mr. Chairman, I move to strike the last word.

Mr. BUNNING. Mr. Chairman, will the gentleman yield?

Mr. YOUNG of Alaska. I yield to the gentleman from Kentucky.

Mr. BUNNING. Mr. Chairman, I thank the gentleman for yielding to me, and I rise in opposition to H.R. 856.

Mr. YOUNG of Alaska. Mr. Chairman, I do not want the full 5 minutes, but I do want to suggest to the Members on the floor that it is my intention to entertain the amendments that will be offered by the gentleman from Illinois (Mr. GUTIERREZ) and the gentlewoman from New York (Ms. VELÁZQUEZ) and that we will roll the votes until 9 o'clock. At that time, I hope the gentleman and the gentlewoman, and whoever is offering amendments, will have come to a fruition, finalization, of these amendments so that we can bring this legislation to the end of the day very quickly.

That is my intent, to have no more votes until, I believe, 9 o'clock.

Mr. GUTIERREZ. Mr. Chairman, will the gentleman yield?

Mr. YOUNG of Alaska. I yield to the gentleman from Illinois.

Mr. GUTIERREZ. Mr. Chairman, I thank the gentleman from Alaska for yielding to me. I want to say two things on behalf of the gentlewoman from New York (Ms. VELÁZQUEZ) and myself.

We do not intend to call for any recorded votes, at least on our amendments, any subsequent recorded votes on our amendments. Just so that the gentleman will know, we will debate them but not ask for recorded votes on them, A.

Although we promised the gentleman from New York (Mr. SOLOMON) and the gentleman from Massachusetts (Mr. MOAKLEY) that we would offer no more than 12, we will offer no more than 5 additional amendments.

Mr. YOUNG of Alaska. Mr. Chairman, I thank the gentleman, and I thank the chairman of the Committee on Rules.

There will be an amendment offered by the gentleman from Georgia (Mr. BARR). I understand that will be debated. But I would suggest that everybody will have at least an hour if they wish to go to dinner or go to the office to do some work, and then after 8 o'clock all holds are barred and we hope to bring this to finalization by 9 o'clock.

AMENDMENT NO. 36 OFFERED BY MR. GUTIERREZ

Mr. GUTIERREZ. Mr. Chairman, I offer an amendment numbered 36.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment number 36 offered by Mr. Gutierrez: At the end of section 2, add the following paragraph:

(16) By providing for the people of Puerto Rico to express their preference as to its permanent political status, Congress is aware that Puerto Rico is sociologically and culturally a Caribbean and Latin-American nation, formed by a blend of European, African, and native ethnics with distinctive culture which, unlike the several States, has Spanish as a common language. According to the 1990 decennial census of population, only 21,000 persons born in the several States live in Puerto Rico.

Mr. GUTIERREZ. Mr. Chairman, first, before I begin, and I do not know if we can do something, but I figure with the will and the ability and the knowledge that the gentleman of New York (Mr. SOLOMON) has, and the gentleman of California (Mr. MILLER) has, and the goodwill, that we can figure some way, because they keep referring to all of these amendments as mine when, indeed, Mr. Chairman, I just want to make it clear for the record that every last amendment is a Gutierrez-Velázquez amendment.

Apparently, we did not do the right thing when we introduced them, but if somehow along the way that could be clarified, I think that is very important, because the gentlewoman from New York and I are working together on each one of these amendments.

I rise to offer my amendment to section 2 of the bill, the findings section. My amendment adds language to the bill to clarify that Puerto Rico is, instead, a nation.

I offer this amendment because I think it is very important that both the people of Puerto Rico and the people of the United States understand clearly what the United States Congress is doing in relation to the people of Puerto Rico.

The people of Puerto Rico consider themselves a nation. I think that should be made abundantly clear to all the Members of this House. They consider themselves a nation, a separate and distinct people.

They love their American citizenship. Some of my colleagues say that is a contradiction. That is the contradiction we get with colonialism. It is not their contradiction. It is a contradiction that we have. But everyone should understand that.

They love their American citizenship. But yet if you ask them, where are you from, they say Puerto Rico, not in the same sense that maybe the Chairman, when you say where are you from, and he would say from Florida, or I might say from someplace, or the gentleman from New York (Mr. SOLOMON) might say from New York, from the Empire State of New York.

No, I suggest to all of my colleagues, if they go to a Puerto Rican Day celebration anywhere in the United States of the America, in the United States of America, you have what you have, and it is the reality. If we walk up to those people and they are celebrating their nationality, and you say what are you, they say I am Puerto Rican. What are you? They say, I am Puerto Rican. That is the way they feel.

Then if you ask them, what are you a citizen of? They say the United States of America. That is the distinct difference that we must understand. That is why I must offer this amendment so that people understand it is not another territory. It is not another group of people. It is not. It is very different and distinct.

I think we should remind ourselves of that as we proceed with these deliberations. The people of Puerto Rico have an ethnicity, have a language, have a culture. Excuse me, strike the word ethnicity, have an idiosyncracy of their own.

There are words in Spanish—(The gentleman from Illinois spoke in Spanish). I mean, if you are from Mexico or Colombia or from Cuba, they say you are from Puerto Rico—(The gentleman from Illinois spoke in Spanish). That is the way it works, because those, indeed, are from here.

We may wish, as my mother many times said—(The gentleman from Illinois spoke in Spanish), which means you may wish to hide yourself from the skies with your hand, but you cannot.

The fact is that Puerto Rico is a nation, and we should recognize this here in this bill. It is a nation of people who are citizens of the United States.

Remember something. President Clinton said, oh, but in America, we have people from Poland, and they are Polish Americans. We have people from Ireland, and they are Irish Americans. We have people from Germany, and they are German American, and on, and on, and on. He said, we all blend here together in the United States of America. That is true.

The difference is, I would say to President Clinton, there is a Germany, a Poland, and an Ireland. When you make Puerto Rico a State, is there a Puerto Rico as a State or as a nation?

Let us understand this is different. All of those people came here as immigrants to this country with the intent

of staying here forever. The people of Puerto Rico want to have a special relationship with this Nation. Let us try to see if we cannot do that and achieve that together. I end my comments with that.

□ 1900

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. The Chair will remind all Members that remarks in languages other than English cannot be transcribed by the Official Reporters of Debate and cannot be printed by the Government Printing Office. Members may, however, submit translations of their remarks in other languages and such translations will appear in the RECORD in the distinctive type associated with an extension or revision of remarks.

Ms. VELÁZQUEZ. Mr. Chairman, I move to strike the last word.

Mr. Chairman, Puerto Rico is a nation, a Latin American nation and a Caribbean nation. It is a historically constituted stable ethnic community with a common culture, a common history, a common economic life, and its own language, Spanish. But more importantly, there is a common psychology of a people who are unique in their customs, traditions, music and way of being. We call it Boricua. It is unfortunate that the sponsors of this bill have ignored this fact.

Puerto Rico has been long recognized by the courts, Congress and international countries as being a distinct nation. Puerto Rico's special status as a separate nation under the sovereignty of the United States derives from an extensive history of legal precedents. The Supreme Court recognized Puerto Rico as a distinct nation when, in the early part of the century, it decided that Puerto Rico was in fact an unincorporated territory which never intended to become a State. Congress recognized Puerto Rico as a distinct Nation in 1917 when it extended U.S. citizenship to Puerto Rican nationals.

This is a national issue which deals with the rights of the Puerto Rican nation to self-determination. The island existed as its own nation well before they were annexed in 1898 by the United States. The people of Puerto Rico who are the subject of this pending legislation already consider themselves a nation and are in fact a nation who are not willing to renounce their own culture, their own heritage and, most of all, their own language in order to join the Union.

Our amendment to the "findings" section makes Congress aware that Puerto Rico is sociologically and culturally a Caribbean and Latin American nation. It is made up of people of European, African and native ethnicities with a distinct culture which, unlike several States, has Spanish as a common language.

I would like to correct the gentleman from Puerto Rico who said that we embraced the English language in 1902. No, that was not so. Let us set the record straight. English was imposed upon the people of Puerto Rico in 1902 and still to this day, even with that imposition, the large majority of the people of Puerto Rico do not speak English.

Mr. Chairman, Puerto Ricans are very proud of their cultural heritage and of their Puerto Rican national identity. This pride for the homeland transcends barriers and oceans. As Puerto Ricans leave the island, they take with them the intense pride they feel for their nation. Puerto Rico, the nation, shares common geographical spaces, a long history, its own economic life and its very distinct Caribbean, Latin American culture, but above all a common language, Spanish. Puerto Ricans have been speaking Spanish for 500 years, the first 100 under Spanish rule and the last century under American rule. Its closest neighbors in the Caribbean all speak Spanish.

Language, history and culture are distinct characteristics that all point to Puerto Rico being a nation. This amendment will make Congress appreciate and adopt that reality. I urge my colleagues to support the amendment.

Mr. ROMERO-BARCELÓ. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I want to define the word "nation". It has several meanings, but the meaning that is accepted throughout the world and the meaning we first find in the dictionary is a self-containing body politic that has a relationship with other countries and other nations and has representation in worldwide organizations.

Puerto Rico is not a nation. Puerto Rico is a community. That we are definitely, a community, a community that has its own characteristics like communities throughout the world and communities throughout this Nation have their characteristics. Our language is Spanish. But we also are able to speak English.

Everyone in Puerto Rico recognizes the importance of English. We not only recognize it in Puerto Rico, I think the whole world recognizes it. A group of members of the Hispanic Caucus went over to Spain recently, 5 of us, on a trip, a good will trip. We had meetings with the King and the President, the President of the Chamber of Deputies, the President of the Senate. One thing we realized in Spain is that they study English from the first grade on, and they accept and they realize that English is the lingua franca. Throughout the world, everyone is coming to recognize that.

At home, when I was governor, I visited every single high school in Puerto Rico. When I asked them about the issues, the students that stood up, they always infallibly, the students, the parents, the teachers said that they wanted to have better opportunities to learn English. That was in every high school in Puerto Rico.

If you pick up a newspaper in Puerto Rico, in the job offers on Sunday, 90 percent or more of the job offers say bilingual, bilingual, bilingual. Everyone realizes that they have to speak English. There is no resentment against English. On the contrary.

When they talk about this Nation, there is no such thing as a nation in Puerto Rico. We are a community. We have no international standing. We are part of the United States. It was mentioned a little while ago, the Irish Americans, the English Americans, the Italian Americans, the French Americans, but the Puerto Ricans are Puerto Ricans. Do Texans call themselves Texan Americans or Californian Americans or New Yorker Americans? No, they are New Yorkers, Texans, Californians, and we are Puerto Ricans, because we are part of the Nation.

Part of our culture is the American democracy and the values for which it stands. That is what the people of Puerto Rico and everyone has accepted here, they realize it, they want their U.S. citizenship, and they will not change their U.S. citizenship for anything and they will not trade it, they will not accept anything else.

Some of them might be misguided as to what it means to be a U.S. citizen and might not realize that they do not have all the privileges and all the rights and all the responsibilities that other citizens do. But one thing the people want to do, they want to be self-supporting and we want to pay into the fiscal system and share alike, like brothers and sisters, with the rest of our citizens.

Mr. MILLER of California. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, our two colleagues in support of their amendment described, I think accurately, a history of Puerto Rico but they did not accurately describe the nation. It is that history, that is the reason why we are here today, so that the people of Puerto Rico can freely and openly choose the status which they desire. Because of that history, because of how this relationship has evolved, that is why we are here today, to pass this legislation and then the people in Puerto Rico can make the decision about their status. I oppose this amendment.

Mr. ENGLISH of Pennsylvania. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment. I think it arises out of the justified pride of the authors, but I do not think we need to really define here the nationhood of Puerto Rico.

The real issue before us is Puerto Rican self-determination. I strongly support the underlying bill, H.R. 856, which would allow us to move forward and allow Puerto Rico to make a strong and clear decision on its own destiny.

Since the founding of our Nation, the concept of self-determination has been a central value of how we define ourselves as Americans and what we expect of other nations. As our Nation has grown, we have championed these values abroad. Today, we ask the developing democracies in Eastern Europe and the former Soviet Union to empower their citizens. We demand similar rights for communities like Taiwan and Tibet where the national right of self-determination has been challenged. We confront those nations like North Korea and Cuba that actively repress the natural right of self-determination by their own citizens.

I believe that we must now extend this same principle to Puerto Rico, a territory of the United States since 1917 and a commonwealth since 1952. As a commonwealth, the citizens of Puerto Rico exist in political twilight. They are not incorporated as a U.S. State and are not represented in Congress as such. But, they do not exist as a separate nation either. The U.S. flag proudly flies over San Juan and its citizens have fought alongside of us in war.

Today, the U.S. House of Representatives has an historic opportunity to express how much we appreciate the rich and positive contributions by the citizens of Puerto Rico. I sincerely believe we are a better nation due to their presence. To show our gratitude and our respect, we must pass H.R. 856. The legislation provides a non-biased, three-way ballot allowing the residents of Puerto Rico to choose between the current commonwealth status which is not permanent or to move towards independence or statehood. It is important to note that this bill does not create a self-executing process towards statehood. I also want to emphasize that the U.S. Congress would be the ultimate authority in deciding whether to ratify a possible choice of statehood by the citizens of Puerto Rico.

I join House Resources Committee Chairman DON YOUNG and the bill's bipartisan list of cosponsors in support of the referendum since it serves the national interest and begins the end to Puerto Rico's ambiguous territory status. Historically, the United States has advanced democratic self-determination procedures in its territories on terms acceptable to the U.S. Congress. The referenda enabled the residents to achieve the equality of full citizenship, through either statehood or independence. Since World War II, Congress has fulfilled this responsibility with respect to the Philippines, Hawaii and Alaska, but not with respect to Puerto Rico—the largest and most populous U.S. territory.

Much confusion and misinformation has been deliberately raised by the bills opponents in hopes of dooming its passage. If you listen to the opponents of H.R. 856 and those who oppose a fully self-governing Puerto Rico, they would have you believe that this bill is a vote on statehood. Nothing could be further from the truth. Chairman DON YOUNG, the primary author of the bill, went to great lengths to make any change in Puerto Rico's political status gradual and subject to terms acceptable to Congress.

As the United States strives to uphold the responsibility of being a beacon of democracy, we must undo the last vestiges of colonialism. After 100 years since Puerto Rico joined us in association, the United States should let the people of Puerto Rico exercise the liberty and independence of decision that our flag represents.

The time to do the right thing is now. We cannot forget that 3.8 million citizens—the residents of Puerto Rico—have second-class status within our democracy. I call on my colleagues to support H.R. 856, the United States-Puerto Rico Political Status Act, and to respect the rights of the people of Puerto Rico.

Mr. YOUNG of Alaska. Mr. Chairman, I move to strike the requisite number of words. The hour is getting late and it gets more difficult to participate.

I oppose this amendment, as Puerto Rico is not a nation. This bill will enable Puerto Rico to become a nation as a separate sovereignty if a majority of the U.S. citizens of Puerto Rico vote to be independent. This provision is potentially confusing and should not be accepted, and I oppose the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. GUTIERREZ).

The amendment was rejected.

AMENDMENT OFFERED BY MR. STEARNS

Mr. STEARNS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. STEARNS: In paragraph (2) of section 5(c)—

(1) strike "sovereignty or statehood, there is" and insert the following (and adjust the margins accordingly):

sovereignty or statehood—

(A) there is

(2) strike the period at the end and insert "; and"; and

(3) add at the end the following new subparagraph:

(B) not later than 90 days after such referenda, there shall be a second referendum held in accordance with this Act which shall be on the approval of 1 of the 2 options which received the most votes in the first referendum. Such 2 options shall be presented on the ballot using the same language and in the same manner as they were presented in the first referendum.

Mr. STEARNS. Mr. Chairman, I wanted the amendment to be read because a lot of Members will not know what it is about and I thought they could hear the amendment itself. Basically, this is an amendment to provide for a runoff referendum if the first referendum required in the bill does not result in a 50-plus percent vote for independence or statehood. My amendment is a simple method of improving H.R. 856 to make the self-determination process more fair for the Puerto Rican people.

My amendment seeks to abbreviate this self-determination process by holding a runoff referendum no more than 90 days after the first referendum. Because there would be only two choices at this point, voters could more easily achieve a binding majority vote for statehood, commonwealth, or independence in my proposed runoff. Such a process would avoid the lengthy process we have in the bill.

Let us review this again. First, should the runoff referendum result in a majority for one of the 3 processes, yet it did not have a full 51 percent, then we would have another election, 90 days later, and the top 2 would be voted on to see which one would be the winner. The runoff would serve to coalesce the interests of the voters because those who first voted for the third option would then be forced to vote for the first or second options in the runoff. This knowledge of Puerto Rico's preference on the issues could help us here in Congress tailor future referenda to their preferences.

I am introducing this amendment to H.R. 856 because I think it is important to expedite the process. What the current polls show is that 45 percent of the Puerto Rican voters support commonwealth and only 35 percent support statehood. Nevertheless, should Puerto Rico choose commonwealth, H.R. 856 mandates continued referenda until either statehood or independence gains the majority.

Would it not be nice within 90 days after the first referendum to have the top two voter preferences voted again and we decide immediately what the Puerto Rican voters support? They would be subjected to the same thing we have here in Congress. When people run for Congress during the primary, the first two in the primary run for a final runoff before the general election. Why keep having the same vote over and over on such a protracted time frame? In the alternative, why not consider the desires of the Puerto Ricans when allowing them to hold future votes and tailor future referenda to achieve a concrete result?

Mr. Chairman, my amendment seeks to abbreviate the lengthy process outlined in the bill and to clarify immediately, within 90 days, the desires of the Puerto Rican people for future referenda, both through a runoff referendum in 90 days. Supporting this amendment will produce an improved bill for Puerto Rico's self-determination. I urge my colleagues to support my amendment.

□ 1915

Mr. YOUNG of Alaska. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I am a little confused, because we have heard a lot of debate today about the Congress forcing people to do things, and I am afraid that what this will do is put the pressure on two groups to have the vote within 90

days. To my knowledge, this never happened in any other case in the United States if there was not a majority. In fact, there have been other areas that did not have a majority, and they had to wait and wait and wait until they did it again. I am a little confused why it is necessary to do this on this bill.

It is very clear in my bill, it says you have to have a majority. The gentleman from Georgia (Mr. BARR) will offer an amendment that I will not support that wants a super majority. This says we are going to have a vote on the two top ones in 90 days.

This adds confusion to the bill and is not necessary. I reluctantly oppose the amendment. I just heard about it, and the gentleman talked to me a moment ago, and I do not really know what it is going to try to accomplish, so I do oppose the amendment.

Mr. MILLER of California. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I am not sure that this approach works. I think after looking at a number of different approaches, the committee decided that all three options ought to be on the ballot; that the people, given the political cultural history of people on the islands, they ought to be able to express it along those lines.

I am sure there are many people that might vote for independence, which historically has been the third party out. The notion of a runoff to many of these people, that is not an option to them. They would not go from independence to saying they are looking for statehood. It does not work.

This is a political process where people have very, very strong convictions. We may want to transport the mainland system, where people kind of wander around between Republicans and Democrats and different options and do not seem to hold the same kind of convictions. On this issue, people have very strongly held positions, and the fact that you lose the runoff does not mean you then convert that position immediately to one of the other options, because that is not how your political positions have evolved or have been articulated over the many years of this relationship.

Mr. STEARNS. Mr. Chairman, will the gentleman yield?

Mr. MILLER of California. I yield to the gentleman from Florida.

Mr. STEARNS. Mr. Chairman, for example, let us say it turns out commonwealth gets 46 percent, statehood gets 43 percent, and the remaining goes for a sovereign nation. Then you would have the runoff of the commonwealth and the statehood. Those people who believe in independence would probably support Commonwealth, and it would move to probably 53 or 54 percent. So then we in Congress would know immediately that they prefer the commonwealth or independence alternative rather than statehood.

I think that information is very important for the people in Puerto Rico to know and important for Members of Congress to know when we determine whether this country should move forward to statehood. It is another critical piece of information. It gives democracy a chance to work, and gives the people who support independence an opportunity to vote again.

Mr. MILLER of California. Mr. Chairman, reclaiming my time, I am not sure that is a real option to many of the people who support independence. They will have to determine that. I remain opposed to the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida (Mr. STEARNS).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. STEARNS. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 376, further proceedings on the amendment offered by the gentleman from Florida (Mr. STEARNS) will be postponed.

Are there further amendments to the bill?

AMENDMENT NO. 5 OFFERED BY MR. GUTIERREZ

Mr. GUTIERREZ. Mr. Chairman, I offer Amendment No. 5.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows.

Amendment No. 5 offered by Mr. GUTIERREZ: In section 2, in paragraph (2), strike "Consistent with establishment of United States nationality for inhabitants of Puerto Rico under the Treaty of Paris,".

Mr. GUTIERREZ. Mr. Chairman, the gentleman from Alaska (Mr. YOUNG) spoke earlier about the hour being late and how people do not listen and do not pay attention, but I have got to tell you, we got to. This is a very important issue.

Why do I want to strike these words? I hope that the gentleman from Alaska (Mr. YOUNG) and others would participate in this debate, because I think it is important.

Mr. Chairman, I rise to present an amendment and to move the first three lines of the findings under the word "Paris," because that statement is false.

I have there at my desk a complete copy and text of the Treaty of Paris signed by both the United States of America and Spain, in Paris, France, on December 10, 1898. I have read, and I hope all of the Members before they enter into a decision read the Treaty of Paris.

Mr. Chairman, the only, I repeat, the only mention of the word "nationality" is found within Article IX of the treaty, and it refers to the future Spanish subjects residing in the newly acquired territories. Because this issue goes directly to whether Puerto Ricans not only are a distinct people, but also to whether this fact has always been recognized by our Congress, our government, and the people of the United States, Mr. Chairman, I am going to quote it in full.

Article IX. Listen. You will learn a little bit of history tonight.

"Spanish subjects, natives of the Peninsula, residing in the territory over which Spain by the present treaty relinquishes or secedes her sovereignty, may remain in such territory or may remove therefrom, retaining in either event all their rights of property, including the right to sell or dispose of such property or its proceeds, and they shall also have the right to carry on in their industry, commerce and professions, being subject in respect thereof to such laws that are applicable to other foreigners. In case they remain in the territory, they may preserve their allegiance to the Crown of Spain by making before a court of record, within a year from the date of the exchange of ratification of this treaty, a declaration of their decision to preserve such allegiance; in default of which declaration they shall be held to have renounced it and adopted the nationality of the territory in which they may reside," Puerto Rico.

So when we talk about the issue of nationality, it is right in the Treaty of Paris.

"The civil rights and the political status of the native inhabitants of the territories hereby ceded to the United States shall be determined by the Congress."

Let me repeat that. "The civil rights and political status of the native inhabitants of the territory," that is Puerto Rico, "hereby ceded to the United States shall be determined by the Congress."

Mr. Chairman, I challenge any of my colleagues to prove me wrong and to find another place in the text of the Treaty of Paris in question the word "nationality." It is nowhere else to be found in the treaty.

Now, let us go back to the treaty. "In default of which declaration they shall be held to have renounced it and adopted the nationality of the territory in which they may reside."

"The nationality of the territory in which they may reside."

What nationality? Of Puerto Rico.

Now, Mr. Chairman, as I understand it, treaties are in essence contracts between two or several nations. Treaties tend to be specific and clear. The failure of a treaty between two or several nations to be clear about its terms has led on more than one occasion to dispute.

Mr. Chairman, this is serious business. If the United States Congress wished to grant Puerto Ricans the nationality of the United States, as it is claimed in the so-called findings of the Young bill, why is it not spelled out

clearly and specifically in the Treaty of Paris?

Let me go back and read to you other relevant parts of the treaty which I think will shed light on this article. In Article I of the treaty, it says, "Spain relinquishes all claims of sovereignty over the title of Cuba."

In Article II it says, "Spain cedes to the United States the island of Puerto Rico and other islands now under Spanish sovereignty in the West Indies, and the island of Guam in the Marianas or Ladrones."

In Article III it says, "Spain cedes to the United States the archipelago known as the Philippine Islands."

Mr. Chairman, I ask, where in this Treaty of Paris did the Congress of the United States expressly extend United States nationality?

Ms. VELÁZQUEZ. Mr. Chairman, I move to strike the last word.

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

Ms. VELÁZQUEZ. I yield to the gentleman from Illinois.

Mr. GUTIERREZ. Mr. Chairman, I ask, where in the Treaty of Paris did the Congress of the United States expressly extend United States nationality, think about that, to the people of Cuba, to the people of Guam, to the people of the Philippines or Puerto Rico? It is nowhere to be found in the Treaty of Paris.

This so-called finding is a lie. It implies that the failure to declare allegiance to the Crown of Spain by a specified date meant the establishment of United States nationality for the inhabitants of Puerto Rico. In other words, they interpret the Treaty of Paris to say, hey, if you did not renounce your sovereignty under Spain, you became nationals. But we did not say that. The United States of America did not grant that to those people. It says, of nationals of that territory, the only territory being Puerto Rico.

The terms of the treaty are very clear. Spanish subjects who fail to declare their allegiance to the Spanish Crown by a specified date became, in the words of the Treaty of Paris, not Americans or American citizens, but nationals of the territory in which they reside. In the case of Puerto Rico, clearly they became nationals of Puerto Rico, because they were not citizens of the United States, and we did not grant them United States nationality.

I ask anybody to look at that treaty and find something different.

Mr. Chairman, I think it is very clear, they became Cuban nationals, Guam nationals, Philippine nationals, and Puerto Rican nationals. And you know something, Mr. YOUNG, the Cubans became independent. Guam, the Philippines. So think about it, they were nationals of a nation, along with other people of other territories.

Mr. Chairman, Puerto Rico is a separate and distinct nation with its own culture, language and history. But the proponents of H.R. 856 seek to deny the existence of the Puerto Rican nation with its very defined terms.

Mr. Chairman, this fact of the existence of a clearly defined Puerto Rican nationality is exactly the reason why Congress has not once in 100 years since the Treaty of Paris incorporated Puerto Rico as a territory.

Mr. Chairman, there is very extensive public available research which will substantiate each and every one of my assertions.

Finally, I will limit my presentation to the following: Think about it. After the Treaty of Paris, what is the next document that we have in relationship between Puerto Rico and the United States? You know what it was, Mr. YOUNG? It was the act of Congress in 1900 known as the Foraker Act, the first organic act of Puerto Rico. And guess what? Under the section General Provisions of that act of Congress, it puts to rest any notion that the Treaty of Paris established United States nationality for inhabitants of Puerto Rico, as is alleged in this false finding, because I am going to quote it to you. This is an act of Congress, 1900 Foraker Act, section 7:

> All inhabitants continuing to reside therein who were Spanish subjects on the 11th day of April, 1899, and their children born subsequent to them, shall be deemed and held to be citizens of Puerto Rico, and as such entitled to the protection of the United States, except such as have elected to preserve their allegiance to the Crown of Spain in accordance with the provisions of the treaty of peace between the United States and Spain; and they, together with such citizens of the United States as may reside in Puerto Rico, shall constitute the body politic under the name people of the people of Puerto Rico.

□ 1930

Puerto Rico is a nation, under the Foraker Act of Congress. We did not give them nationality, we did not give them anything. We signed a treaty. So please stop saying that it is a group of people; the Foraker Act in 1900 and every subsequent piece of legislation. I am not, and I ask anybody to stand up and find where in the Foraker Act it says that Puerto Ricans were granted American nationality. It is not there in the Treaty of Paris.

I would think that King George III, he must have just turned. I can just see him. If he would just show up for a second, I could just see him, because King George must have said, God, did I just hear a Member of Congress say that Puerto Rico is not a nation, that it is just a group of people? Because I think, as the King of England, I once said that about the 13 colonies.

They said those 13 colonies are not a nation. That is not a group of people, that is just a group of colonies that we got out there that we own. They would have been cheering and applauding the English throne. They would have said, God, we have Members of Congress who say to us today, in 1998, after 1776 declaring our independence from the King and England, that still people dispute that there are nations out there. They are there. The facts are clear.

Mr. ROMERO-BARCELÓ. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I had a teacher in law school who said that when you had the facts, you harped on the facts. When you had the law on your side, you harped on the law. When you did not have the facts or law on your side, you made a hell of a mess, and pleaded all over the place.

That is precisely what the gentleman from Illinois is doing. He is trying to confuse the issues here. I repeat once more, Puerto Rico is not a nation, as we understand nations to be, and they have no participation in international organizations as a separate nation. The United States represents Puerto Rico and all the 50 States in all international organizations.

Mr. Speaker, I want to submit, if the gentleman from Illinois and the gentlewoman from New York feel that they belong to a different nation, a different nation than the United States, I would recommend that perhaps they should renounce their seats and let some Americans occupy their seats.

Mr. YOUNG of Alaska. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the Congress is given the responsibility to determine the civil rights and status of the inhabitants of Puerto Rico under the Treaty of Paris. I have the Treaty of Paris in front of me. I do not want to get into a great debate with my friend, the gentleman from Illinois, but Congress extended U.S. sovereignty to Puerto Rico and U.S. nationality to its residents.

Consequently, I oppose the amendment, and I think that we ought to have a vote on the amendment.

The CHAIRMAN. Is there further debate on the amendment?

If not, the question is on the amendment offered by the gentleman from Illinois (Mr. GUTIERREZ).

The amendment was rejected.

The CHAIRMAN. Are there further amendments?

AMENDMENT OFFERED BY MR. BARR OF GEORGIA

Mr. BARR of Georgia. Mr. Chairman, I offer an amendment, the short version.

The Clerk read as follows:

> Amendment offered by Mr. BARR of Georgia: In section 4(c)(3)(B), strike "Approval must be by a majority of the valid votes cast." and insert "Approval of the separate sovereignty option must be by a majority of the valid votes cast, and approval of the statehood option must be by a super-majority of 75 percent of the valid votes cast.".
>
> In section 5(c)(2), strike "majority vote for" and insert "in the approval of".

Mr. BARR of Georgia. Mr. Chairman, we have heard a lot of proponents of H.R. 856 argue that this bill is necessary in order to offer the people of

Puerto Rico the opportunity to determine their own political destiny. This is not right. This is not correct.

No one disputes that Puerto Rico should have the right to self-determination. As a matter of fact, they already have that right. Nothing prevents the Puerto Rican people from petitioning Congress for admission to the Union without the necessity of a federally-mandated plebiscite. But Puerto Rico has not done so. Why not? It may very well be that because ever since the first plebiscite was held in 1952, the majority of Puerto Ricans have never asked for statehood.

In the last plebiscite, held in 1993, none of the status options received a majority of the vote. In fact, only 46 percent of Puerto Ricans chose statehood, while an even larger number, 49 percent, voted to retain Commonwealth status. Concerning the permanent, irrevocable nature of statehood, it does not make sense to grant it unless the overwhelming majority of Puerto Ricans favor such a step.

Recent national polls show that American and Puerto Ricans alike support a requirement that statehood be approved by a supermajority of Puerto Rican voters. According to an April 1997 Public Opinion Strategies poll, 61 percent of mainland Americans favored a requirement that statehood be approved by a supermajority of at least 75 percent of the popular vote.

Likewise, a June 1997 poll of Puerto Rican voters conducted by American Viewpoint demonstrated that 57 percent of Puerto Ricans also supported such a requirement.

The amendment I am offering follows the will of the people, both in the United States mainland and in Puerto Rico, a 75-percent supermajority for the Puerto Rican approval vote, which in the later step is a completely reasonable requirement when one considers the fact that Alaskans gave 83 percent approval to statehood and Hawaii gave 94 percent.

Why is a supermajority requirement necessary? Let us look at the big picture. English is the common language of the United States. It is not the common language of Puerto Rico. Spanish is an official language of Puerto Rico. It is the language of its courts and its legislature and its schools.

According to the 1990 census, less than a quarter of all Puerto Ricans speak English. In 1996 this House voted overwhelmingly to make English the official language of the United States. Eighty-six percent of Americans favor making English the official language of the United States and 74 percent of Americans favor a requirement making Puerto Rico accept English as its official language prior to becoming a State.

Puerto Rican statehood and the overwhelming mandate for making English the official language of the United States will inevitably generate a contentious debate over issues of language and culture. If this friction translates into political turmoil similar to the bitter separatist struggle in Quebec, it could undermine the long-term assimilation of Puerto Rico, or even worse, provoke resentment, violence, or acts of terrorism against mainland U.S. and supporters of Puerto Rican statehood.

This is why I say to my colleagues, let the will of the people be heard, but let us make sure it truly is the will of the people, consistent with the historical standards that were maintained with regard to the admission of the last two States of the Union, Alaska and Hawaii, during which or in both of which votes, well over 80 percent of the people voted for statehood.

What we are simply saying in this case, with regard to Puerto Rico becoming a State, is that before that becomes a reality, and in order to ensure a true plebiscite, we ought to require and should require through this amendment a 75-percent supermajority.

I ask adoption of this amendment.

Mr. YOUNG of Alaska. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I ask the question of the gentleman, if I understand the gentleman correctly, he has modified his amendment from the original text where it only applies to the admission stage; is that correct?

Mr. BARR of Georgia. Mr. Chairman, will the gentleman yield?

Mr. YOUNG of Alaska. I yield to the gentleman from Georgia.

Mr. BARR of Georgia. That is correct.

Mr. YOUNG of Alaska. This does not apply to the plebiscite that will be taken in the first stage?

Mr. BARR of Georgia. That is correct.

Mr. YOUNG of Alaska. That does not apply to the second stage?

Mr. BARR of Georgia. To the Puerto Rican approval after congressional consideration?

Mr. YOUNG of Alaska. This is not necessary, except only in the case where the plebiscite voted for statehood and they made the application to the Congress, the Congress votes, there is a transition stage, this goes back, and they have to reach the 75 percent?

Mr. BARR of Georgia. That is correct.

Mr. YOUNG of Alaska. The only question I have, what other States required that in the title or in the text of the statehood act? Were there any other States that ever required that?

Mr. BARR of Georgia. I think this is a unique situation. The gentleman is certainly correct in his implication that this has not been required before, but I do not think that is necessarily a reason why, in this particular case, given the language difficulties and the very strong feelings; I mean, the gentleman is sitting at a desk where there is a bullet hole by some Puerto Rican separatists. Tempers can run very high on this.

This amendment was intended so that it truly reaches the vast majority of people, and I think will be a tempering amendment as well.

Mr. Chairman, to those who say that this is nothing but rhetoric; that it couldn't happen here, well, I have news for you. It has already happened here. Right here in this very Chamber. On March 1, 1954, Puerto Rican nationalists ascended to the House gallery, drew pistols, and opened fire. Before they were subdued, five Congressmen lay wounded on the House floor. To this very day, we can see the evidence of their handiwork. Inside that desk, is a drawer with a bullet hole.

Mr. MILLER of California. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I think the gentleman from Georgia (Mr. BARR) is correct in one aspect of his amendment. That is, I think that ultimately for this act to succeed, the vote to change the status in Puerto Rico to State should be by a supermajority.

In the past, that has happened in other States because of the enthusiasm by the end of the process for statehood, and when they in fact voted on the admission, as the proponents of this amendment pointed out, they voted by 79 percent and other supermajorities, but there was no requirement that they voted. Had Alaska voted by 50.1 percent, it would have been a State. It voted by 79, but there was no requirement. This would be the first time that we have placed this requirement on this.

I agree with that requirement, but I am deeply disturbed by the fact that we have a 75 percent threshold here. I just think that we have raised the bar where in fact this amendment, in all likelihood, could torpedo this act; or should the people in Puerto Rico choose to go forward with the process of adopting statehood, that this in fact could be a defeat of that aspect.

I think a reasonable higher percentage, above 50 percent, is understandable, but I do not believe that 75 percent is it, and for that reason I would oppose this amendment.

Mr. KINGSTON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I just rise in support of the amendment offered by the gentleman from Georgia (Mr. BARR) that would require the supermajority of 75 percent. The reason is that we have heard many times that no other States have had to have this requirement. But no other States have been so apparently divided on the question of becoming a State; no other territories, if you will.

Mr. Chairman, I believe that 75 percent is conservative. I believe it is a minimum level. It would bother me that we would have a territory that

wants to become a State with less than 75 percent. I would think, Mr. Chairman, that it would be 90 or 95 percent of the people wanting to join officially as a State into the great United States of America.

I believe that the 75 percent is there because the gentleman from Georgia (Mr. BARR) and many Members of Congress realize that this is a controversial measure. It is a measure that is dividing the island of Puerto Rico. We do not know if it is going to be yes, we do not know if it is going to be no, but both sides agree that it is going to be a very, very close vote.

I think it would be a shame to admit a new State to the Union where we do not have at least 75 percent of the people who enthusiastically are willing and want all the rights and privileges of being a State.

Mr. ROMERO-BARCELÓ. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I oppose the amendment on the basis that this 75 percent on the final vote the third time is excessive. Today with the mass media and the use of the mass media in any kind of election, it is easy to reach 25 percent or more. Just by one 26 percent, all of a sudden something stops. And 74 percent, a majority in Puerto Rico, then if the opposition gets 26 percent, the whole thing stops.

I think the requirement of 75 percent is extremely high. I think it would dampen the spirits of the people themselves, to say, why should we be required 75 percent when nobody else was required more than 50 percent? Some States were even admitted to the Union with less than 50 percent. They voted for statehood less than 50 percent, yet they were admitted into the Union. With Puerto Rico it is 75 percent. I think this is too exaggerated, and I would oppose it.

Mr. YOUNG of Alaska. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, there is a lot of information being disseminated by members of this committee that this is a stacked deck against Commonwealth. I would respectfully ask them to read the bill. In fact, it enhances the Commonwealth position. I am a little bit concerned that the type of information being displayed and disseminated by other members of this House to those that did vote in favor of the Young-Miller-McCollum-Burton amendment ought to understand that this bill has been carefully crafted contrary to what people may say, and only the Congress has the right to define what Commonwealth is.

□ 1945

Only the Congress. And so, Mr. Chairman, those who will be watching this debate on television should reconsider some of the information they have received in the very few minutes since the last vote. I just ask Members to do that as they watch this debate, to understand that we have crafted this bill very balanced and very straightforward.

Those who say the bill has not seriously considered commonwealth, look at the original text. I did not even include commonwealth in it. But because supporters of commonwealth came to me, we wrote with the gentleman from California (Mr. MILLER) a definition that does give them advantage. I would just like to suggest that we stick to the script.

Mr. KENNEDY of Rhode Island. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, once again I would like to commend the gentleman from Alaska (Mr. YOUNG), chairman of the Committee on Resources, for his work on this bill. It is a historic bill. I feel very privileged to be a member of this committee, to have been able to work on this legislation, to have had the chance to travel to Puerto Rico many times over the course of the last 2 years to hear the voice of the people of Puerto Rico.

Initially when I came to Puerto Rico I was sympathetic to the commonwealth cause because that is the cause that has been historically identified with the Democratic Party of which I am a Member. And yet I felt from the testimony of the people in Puerto Rico that there is a transformation going on in Puerto Rico, because the people of Puerto Rico have finally come to the realization that commonwealth status is no longer the best of both worlds. It does not mean, as many people thought it meant, that there was a bilateral agreement between the people of Puerto Rico and the United States.

Mr. Chairman, I wish that we had had that bilateral agreement. I wish the people were right when they said that they had an equal voice as the United States when it came to determining the laws of Puerto Rico. But unfortunately, Mr. Chairman, that is not the case right now in Puerto Rico.

If we need evidence of it, all we need to do is go back to the 103rd Congress, last Congress, and see that this Congress unanimously, without the support of the people of Puerto Rico, did away with 936, the tax status in Puerto Rico. The reason we did away with it is, guess what, it is up to this Congress to choose; not the people of Puerto Rico. I find that very upsetting. I find that very troubling that we in this Congress can decide arbitrarily what the law is going to be for Puerto Rico, and yet they have no voice in the matter. So that is why we have come to this bill and that is why we need to support this legislation.

Mr. Chairman, in conclusion let me just say those who say commonwealth is not favored in this legislation are right, because when we define commonwealth status we understand that it can be nothing more than territorial status. Like it or not, that is the legal opinion of the Supreme Court, of the constitutional experts. Even the United Nations know that commonwealth status is not a recognized final status.

So when people say we leave it up for another vote and another vote and another vote when there is not a majority who vote for statehood, the reason is that some day the people of Puerto Rico have to choose between the constitutionally accepted choices of final status, i.e. independence which is recognized, or full assimilation with the United States with respect to statehood for the people of Puerto Rico.

Now, in conclusion, let me just say anybody who has been to the Puerto Rican community in my State should know that simply because they are in Rhode Island does not mean they have taken away any of their Puerto Rican identity. I know for sure that, having been to Puerto Rico, even if they become an "estado," it is not going to change the people of Puerto Rico. They will still be the shining star of the Caribbean and will still have their own culture and identity. There is nothing that will take that away from them.

But ultimately they will have the right of every other American citizen to vote for a Congressman who will represent them in the halls of this Congress when we choose to make decisions that affect the people of Puerto Rico. That is why we need to pass the Young bill as is and let a majority of the public decide, which has always been the case: a majority decides.

Mr. GUTIERREZ. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to say to the gentleman from Rhode Island (Mr. KENNEDY), my friend, that number one, I think it would be good for us if the gentleman could please offer to us the Supreme Court decision sometime that states that the commonwealth does not exist, because I would like to read it.

Mr. Chairman, I would like to also see something from the United Nations, since the gentleman referred to the United Nations, where the United Nations says that the autonomous status is somehow also something that is not acceptable in international law. Because I would really like to see that for my own edification.

I think that that is important because I think that that is the process that we are about here today, is learning from one another. Because I can bring the gentleman the Foraker Act that was passed in 1900 that says this Congress gave Puerto Ricans Puerto Rican citizenship. I have here the Treaty of Paris which says that those members of that territory will be nationals of that territory. Complete, complete

disregard for these findings that we have here.

So there is a lot to be debated and I think that we really do have to understand something. Let us have a debate about some constructive questions. Unfortunately, because of the way the rules are worked out, we only could debate it today. It seems interesting.

I always wondered, as I said yesterday, if we were determining our future relationship with Israel, if the 40-some-odd Jewish Members and others of us here who care about that relationship would want to limit it to one day; if it were about Ireland, if the gentleman from Rhode Island and others would say, "God, Luis," if I came to them and said we have to limit it to one day; if it was about South Africa and the African-American Members would say, "We have to limit it to one day?" It is sad. So much to discuss. So much to debate. So much to learn about. And yet so little time to make this momentous decision.

That is what I really think. No one hears about the Foraker Act. Did my colleagues read the Jones Act of 1917? Did they read Law 600 of 1950? No, it is like the complete history is in these findings. Findings that were prepared.

Mr. Chairman, I want to repeat something. I think that the gentleman from California (Mr. MILLER) did a great job, but let us understand something. The gentleman said before the Committee on Rules yesterday that when he could not reach an agreement with the "commonwealthers," he took that definition from the commonwealthers, took it to them and it was rejected. Then do my colleagues know what he did next? He said he sat down with the gentleman from Puerto Rico (Mr. ROMERO-BARCELÓ) and the two of them made an agreement of what that definition should be.

I do not think that is an exactly fair and equitable manner of arriving at definitions that are going to determine the future of Puerto Rico. I thought we had a democracy here, bipartisan. Mr. Chairman, can my colleagues imagine if I got to write the platform for the Democratic Party and said here it is, go run on it?

Mr. KENNEDY of Rhode Island. Mr. Chairman, will the gentleman yield?

Mr. GUTIERREZ. I yield to the gentleman from Rhode Island.

Mr. KENNEDY of Rhode Island. Mr. Chairman, I appreciate the gentleman's frustration that we have only had a day. I have enjoyed the fact that we could pack a lot into this day, even more than the time that we have.

Let me just say that consistent with the Principles 6, 7, 8, and 9 of the Annex Resolution 1541 of the United Nations General Assembly, the U.N., statehood is the decolonizing status option for decolonization.

Mr. GUTIERREZ. Mr. Chairman, reclaiming my time for a moment, because that is interesting, the United Nations. And what about section 748?

Mr. KENNEDY of Rhode Island. Independence also.

Mr. GUTIERREZ. It is also independence, and also autonomy is in there. Is it not interesting that the gentleman says that the United Nations says that self-determination is statehood, the ultimate assimilation of one country by another?

My only point is the Supreme Court has ruled on this thing invariably differently. There is no definite decision about that. All I am saying is that Cabot Lodge went down there, made the agreement. We went before the Committee on Decolonization. We went before them, before the world community, and said the people of Puerto Rico and the United States have reached a compact. We came back here to Congress and we said this is what we are going to respect.

Now I know the gentleman is going to go back and say that did not exist and it was a big lie. The Congress lied. Cabot Lodge lied. We were all one big liar. Is that what we are saying here today? Eisenhower lied. Everybody lied. I do not think quite we can say that.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia (Mr. BARR).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. BARR of Georgia. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 376, further proceedings on the amendment offered by the gentleman from Georgia (Mr. BARR) will be postponed.

AMENDMENT NO. 29 OFFERED BY MS. VELÁZQUEZ

Ms. VELÁZQUEZ. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 29 offered by Ms. VELÁZQUEZ: At the end of section 2, add the following new paragraph:

(16) On November 18, 1997, the Supreme Court of Puerto Rico decided in Ramirez de Ferrer v. Mari Bras, CT-96-14, that there exists a Puerto Rican citizenship which is "separate and distinct" from the United States citizenship and that persons born in Puerto Rico who are Puerto Rican citizens may not be denied the right to vote in Puerto Rico even if they are not United States citizens.

Ms. VELÁZQUEZ. Mr. Chairman, this amendment adds a new finding to the bill. It recognizes the separate and distinct nature of Puerto Rican citizenship.

The amendment provides that on November 18, 1997, the Supreme Court of Puerto Rico decided that there exists Puerto Rican citizenship which is separate and distinct from the United States citizenship. The court further found that persons born in Puerto Rico who are Puerto Rican citizens may not be denied the right to vote in Puerto Rico if they are not United States citizens.

Juan Mari Bras, the subject of this lawsuit, has challenged us to take a close look at the nature of Puerto Rico nationality and citizenship. The proponents of the bill insist that the Puerto Rican people have no rights other than what Congress has granted them. This reading of history is outright wrong and deceiving. This deliberate omission of fact from the findings is yet another example of the misleading hand behind the drafting of this bill.

By omitting this finding, we are ignoring the fundamental protections of international human rights as well as the U.S. Constitution. Almost 50 years ago, several years after the creation of the United Nations, the Universal Declaration of Human Rights, a treaty signed and ratified by the United States Congress, provided under Article 15 that everyone has a right to nationality.

Furthermore, Article 19 of the American Declaration of the Rights and Duties of Man, as well as article 20 of the American Convention of Human Rights, recognized this fundamental international right and protection.

The existence of a separate and distinct Puerto Rican citizenship and that the Puerto Rican people form a Nation cannot be questioned. The Puerto Rican people have a distinct language and culture and a defined geographical territory, and it has been self-governing since the 1950's through the commonwealth relationship entered with mutual consent with the United States.

Neither the Jones Act nor the Puerto Rican Federal Relations Act took Puerto Ricans' inherent right to their own nationality and to be citizens of their nation. The Supreme Court, the Puerto Rico Supreme Court's recent ruling confirms this historical and legal interpretation.

Mr. Chairman, we should not approve a bill with such a misinterpretation of Puerto Rico's nationality and citizenship rights. I urge my colleagues to support my amendment.

Mr. GUTIERREZ. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in support of this amendment. I propose to add this finding because I think it is very important for Congress to understand the reality of the Puerto Rican people. This bill makes a formal offer of statehood, too.

This amendment informs Congress and the American people about a very recent and very important decision made by the Supreme Court of Puerto Rico of the Commonwealth of Puerto Rico, of which the Resident Commissioner was once Governor.

□ 2000

In the case of Miriam J. Ramirez de Ferrer, a great supporter of statehood in Puerto Rico, against Juan Mari Bras, somebody who wishes independence for Puerto Rico, in this momentous decision the Supreme Court of Puerto Rico, not Luis Gutierrez, the Congressman from the Fourth District of the State of Illinois, but the Supreme Court of Puerto Rico determined that Puerto Rican citizenship is a birthright of all persons born on the island, borne of the natural right of all persons guaranteed under the Constitution of the Commonwealth of Puerto Rico. I did not make this up. This is a recent decision of the Supreme Court of Puerto Rico. Talk about self-determination.

Are we simply going to disregard that decision, the same Supreme Court where there is a statehood Governor currently in Puerto Rico? This Supreme Court decision based both on Federal law and precedent as well as the Constitution of the Commonwealth was that Puerto Rican citizenship is, and I quote, separate and distinct from United States citizenship.

A very well known and respected leader of the movement for Puerto Rican independence, Mr. Juan Mari Bras traveled to Venezuela and in accordance with U.S. law went to the U.S. Embassy in Venezuela and filed an application to renounce his American citizenship. He returned to Puerto Rico and resumed his law practice. A year later he received a formal certificate accepting his resignation of American citizenship. When he registered to vote in Puerto Rico, his right to vote in the Puerto Rican election was challenged. The case went all the way to the Puerto Rican Supreme Court, which upheld his right to vote in Puerto Rican elections. The court decided also that while it was constitutional for the Puerto Rican Legislature to require U.S. citizenship to vote in Puerto Rico, along with residence and other requirements, native-born Puerto Ricans are guaranteed their right to vote in Puerto Rican elections by sole virtue of their Puerto Rican citizenship conferred to them by their birth in Puerto Rico. So states the Supreme Court of Puerto Rico.

This is very important because it highlights the important fact that Puerto Rico is indeed a nation, that citizenship and nationality are two different things. It is in the Treaty of Paris. It is in the Foraker Act. It is in this recent decision, because I know that some of my colleagues are saying, why are you going so far back? Well, I went back 90 years, and now I am coming present.

Members should know this, this Congress, that the Supreme Court Justices, all American citizens, had decided, what do you do with Juan Mari Bras? He was born in Puerto Rico. He renounces his American citizenship. What country do you send him to? Where do you get rid of him to? The Supreme Court said he was born on this island, there is nothing we can do. He renounced it, and he has no other country because he is a national of this nation, Puerto Rico.

I suggest to anybody to please explain to me what you do with people in the circumstances of Juan Mari Bras.

Now, I think it is important that we discuss and debate all these issues. Unfortunately, we will not have enough time today.

Mr. ROMERO-BARCELÓ. Mr. Chairman, I rise in opposition to the amendment, and I move to strike the requisite number of words.

Mr. Chairman, we have been hearing about the nation of Puerto Rico, and once again I repeat, Puerto Rico in geopolitical terms is not a nation. One might consider Puerto Rico a nation in sociological terms, but not in geopolitical position.

We are a community. What the gentleman from Illinois and the gentlewoman from New York are trying to do here is trying to confuse the issue by saying Puerto Rico is a nation, a different nation; therefore we have to treat it differently from what we treat all the other U.S. citizens. But the issue before us is clear. The issue before us is, are we going to allow self-determination or not to the U.S. citizens in Puerto Rico. All this extraneous material that is being brought up here today is for the purpose of confusing. There is no legitimate purpose on this issue to have to consider what happened in 1900, what happened in 1902.

What we are trying to do is what happens now, what happens in the future. The decision in the case of Juan Mari Bras was by a Supreme Court in Puerto Rico where five out of the seven members were appointed by the Governor, who is of the Commonwealth Party, and all of them had been active politically before they were appointed to the bench. The Chief Judge of the Supreme Court of Puerto Rico was a lawyer of the Commonwealth Party in electoral matters, in matters of election. He is the Chief Judge of the Supreme Court.

The decision by the Supreme Court very carefully kept away from all Federal laws and the U.S. Constitution very carefully so the decision could not be questioned in the Federal forum. It has been highly criticized as a horrendous judicial decision by many outstanding attorneys in Puerto Rico.

So those things happen in this issue of the status. This is why it is necessary to bring before Congress and Congress allow the people of Puerto Rico to vote to see if we can put an end and decide finally which road Puerto Rico is going to take.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from New York (Ms. VELÁZQUEZ).

The amendment was rejected.

The CHAIRMAN. Are there further amendments?

AMENDMENT NO. 4 OFFERED BY MR. GUTIERREZ

Mr. GUTIERREZ. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. GUTIERREZ:

Strike section 2 and redesignate the succeeding sections accordingly.

In section 1(b), in the table of contents, strike the item relating to section 2 and redesignate the succeeding items accordingly.

Mr. GUTIERREZ. Mr. Chairman, this amendment seeks to address the grave injustice done to the independence and to the commonwealth versions of Puerto Rican history that are included in these findings. As I have shown previously in the debate on the findings sections, the findings sections to be included in this bill have been chosen to provide a distorted pro-statehood version of Puerto Rican history, beginning with the very denial that Puerto Rico ever existed as a nation and as a people.

It is unfair to present such an unbalanced view of the Puerto Rican history if the true objective of this bill were truly self-determination. Rather than attempt a superficial discussion on historical facts on which those of us with a little knowledge of Puerto Rican history find it very hard to agree upon, and upon which, in all truth, the majority of my colleagues unfortunately know little of the details, and of the interpretation of those historical details, we are asked to subscribe to with our vote.

This bill is so slanted in favor of statehood, especially in the findings section, that it is really an overkill. The purpose of this very conveniently selected presentation of Puerto Rican history is to provide political ammunition to the Statehood Party during the plebiscite campaign. Adoption of this amendment will make this bill less unfair and less skewed in favor of statehood.

I have just shown you clearly, I think, when we spoke about the Treaty of Paris, that nowhere in the Treaty of Paris, and I asked the gentleman from Puerto Rico if he has found in the Treaty of Paris where it says United States nationality, because if he finds it, then you know I will take it back, because then maybe I missed it somewhere, but he has not responded to that. Where it is in the Foraker Act of 1900, I asked the gentleman from Puerto Rico to please find. And it says there, Puerto Rican citizenship. It exists. It existed as a nation of people.

There is a difference between nationality and citizenship. That has already been determined throughout the world. Yes, Puerto Ricans are nationals. I

know that some of them feel less Puerto Rican than others and that there may be degrees to which people feel. I am sure that when we had the great war of independence from Great Britain, there were many of those who said, oh, God, I do not want to be a member of that new emerging Nation of those 13 colonies. I kind of like King George. He is okay. And there were others who felt as Thomas Paine, as Jefferson and as others, that it was time to incorporate into a new Nation and to make that Nation valid. That is what we have got in Puerto Rico.

Let us understand it. Let us not skew the issue. I ask that the findings just simply be eliminated because what you are doing, if you allow these findings, is a blank check, because they will take these findings, convert them into 30-second commercials and distort the reality of the congressional intent.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. GUTIERREZ).

The amendment was rejected.

The CHAIRMAN. Are there further amendments?

AMENDMENT NO. 21 OFFERED BY MR. GUTIERREZ

Mr. GUTIERREZ. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 21 offered by Mr. GUTIERREZ:

In section 4(a), insert after paragraph (6) of the referendum language for Statehood the following new paragraph (and redesignate the succeeding paragraphs accordingly):

"(7) Notwithstanding the Amateur Sports Act of 1978. Puerto Rico retains its separate Olympic Committee and ability to compete under its own flag and national anthem in international athletic competitions, even against the United States."

Mr. GUTIERREZ. Mr. Chairman, under statehood, according to the International Olympic Committee and the Amateur Sports Act of 1979, the United States Olympic is the sole representative in the Olympic games and Pan American games, of which Puerto Rico participates in both the Olympics, sending its own team from Puerto Rico to the Olympics and Pan American games. No other body or organization can represent the U.S. or any part thereof if they become a State of the Union. If Puerto Rico becomes a State, it is extremely unlikely that they may compete in Olympic games separately from the U.S. as an Olympic team, as has been the long history of the people of Puerto Rico. To the end the International Olympic Committee granted the National Olympic Committee of the United States exclusive powers for their representation for their respective countries at the Olympic games and all other OIC-sanctioned events.

Evidently, if Puerto Ricans are pushed to vote in favor of statehood, they are going to lose one of their most treasured traditions of representation in the sports arena. Furthermore, Puerto Rico would no longer be able to participate in the Olympics as a separate entity. Puerto Ricans would be forced to lose one of their richest and treasured sources of patriotic pride.

I want to remind my fellow colleagues that Puerto Rico is such a proud nation that when President Carter called for a boycott of the Moscow games in 1990, the Puerto Rican national Olympic team sent two athletes with a Puerto Rican flag. Think about it. Puerto Rico as a nation will never give up its Olympic representation that ties them with the U.S. because they could not disappoint their national athletes that train so hard. Think about it. The President of the United States says, we are going to boycott, and yet the people of Puerto Rico send their own Olympic team, American citizens, to go and participate while other citizens. You see how they are different. You see how there is a separate relationship. Let us understand that.

I just want to make one last point. I did have an amendment to pardon Bobby Knight because Bobby Knight went out to Puerto Rico in 1976, this is true, just to make the point, 1979 during the Pan American games, probably the Resident Commissioner remembers, and in the final for the gold medal it was the United States and Cuba, and there were 20,000 fans there, and they were all chanting, Cuba, Cuba, Cuba, not because they believed in Communism, not because they believed in Fidel Castro, but because they had a sense of the great andeano, the Jose Marti. They were applauding the athletes from another Spanish-speaking country. Unfortunately, he did not get it and he made some obscene gestures, was arrested and said, how can these citizens of the United States not be cheering for the American team? Why? Because they loved their American citizenship, but they are a different and a special kind of people.

Let us treat them specially in accordance with their fine tradition. That is why I present this amendment. Let us allow them to continue to have their Olympic team even if they are a State of the Union, because we want to respect their great history and pride.

Mr. ROMERO-BARCELÓ. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, we must have seen a different Pan American games in Puerto Rico because I certainly, the event that he talked about Bobby Knight did not happen with Cuba. It was something that happened during the practice, and then it was very, he pushed an officer of the law and he said some very, very unfavorable remarks about Puerto Rico, insulting remarks about Puerto Rico and Puerto Ricans. Therefore, he earned the hatred and the bad will of the people of Puerto Rico. And they took it out on the team, and it had nothing to do with Cuba.

Always there are people in Puerto Rico that feel, members of the pro-Communist party, which has never been registered as a voting party, did not maintain a registration as a voting party, and they got about half a percent of the vote when they went into elections. Yes, they went there and cheered Cuba, but it was not everyone that was there. I was there at those games.

To say that Puerto Rico cannot participate, well, Puerto Rico can participate if that would be the desire of the people of Puerto Rico, and that was the decision of the Olympic Committee. The International Olympic Committee is a private organization. It is not an official government organization. As a matter of fact, they say, government, stay out. In the International Olympic Committee bylaws it is specifically stated that any province, any State, any jurisdiction that has been allowed to have a committee, a team representing them in the Olympics, if they become integrated with another nation, become a State of or a part of another nation, they can maintain their own Olympic committee. And that is what has happened with Hong Kong.

□ 2015

However, whether or not we participate in the Olympic games every 4 years for 2 weeks cannot be put in the same table of consideration as the economic welfare of the people of Puerto Rico and the political equality of the people of Puerto Rico; the right to vote, the right to representation and the right to participate in a democratic system. We believe in democracy. We cannot put that aside in order to participate in the games every 4 years for 2 weeks. That is not in the same table of consideration.

So this, again, is another issue that is brought in just to confuse and to try to tell people they should not vote for this bill because, after all, this is self-determination and this is what America is all about.

Ms. VELÁZQUEZ. Mr. Chairman, I move to strike the last word.

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

Ms. VELÁZQUEZ. I yield to the gentleman from Illinois.

Mr. GUTIERREZ. Mr. Chairman, I certainly do not want to make this the kind of issue that the resident commissioner wants to make it. I just want to make the point the fact is Bobby Knight had a few problems in Puerto Rico. He was arrested. And he did say some very disparaging words, and those disparaging words had a direct relationship between the games that were being played there and the reaction.

He could not understand how 10 American citizens, if we want to make

it, it was more than 10 I assure the resident commissioner, could cheer for a team other than the United States when it was going for a gold medal. And subsequently he got into some trouble about that. But it just talks about the special nature of the relationship.

I want people to understand. It did not happen in Alaska and it did not happen in Hawaii and it did not happen in Texas. Why can we bring up all these issues, and it happened in Puerto Rico, of language and culture? And the resident commissioner said it was not geopolitical. Okay. But he said it was sociological. That is pretty incredible. That is an admission here. Sociological nationality. Let us examine what that means. That means it is a separate and distinct people.

That is our point here. Our point here is let us have a fair referendum. Look, there was a referendum in 1993. The party of the resident commissioner was the party that wrote the script and the rules. Everyone voted. The resident commissioner, that if statehood would have won that plebiscite, that he was going to come here and demand statehood for Puerto Rico. So the gentleman thought that was a good plebiscite then and those were good rules and regulations then. Why is it today that the gentleman comes with this other version when he would have taken that version and asked us to have adopted it back 5 short years ago?

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

The CHAIRMAN. Is there further debate on the amendment?

If not, the question is on the amendment offered by the gentleman from Illinois (Mr. GUTIERREZ).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. GUTIERREZ. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 376, further proceedings on the amendment offered by the gentleman from Illinois (Mr. GUTIERREZ) will be postponed.

Are there further amendments?

Mr. GUTIERREZ. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

Which amendment is the gentleman proposing?

PARLIAMENTARY INQUIRY

Mr. GUTIERREZ. Parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. GUTIERREZ. Mr. Chairman, is there going to be any time allotted to close this debate after the end of all of the amendments?

The CHAIRMAN. After voting on the amendments, Members can strike the last word, after which the Committee will rise and report.

Mr. GUTIERREZ. There will be an additional 5 minutes then at the end so we can all close, those who wish to close; is that true?

The CHAIRMAN. We are proceeding under the 5-minute rule. This amendment that the gentleman proposes, though the gentleman has not stated which amendment——

Mr. GUTIERREZ. Let me explain, and the Chair can help me. I really do not want to propose an amendment, I just want to be able to close. And I was informed that there would be no opportunity after all the amendments were exhausted to say anything in closing.

Mr. YOUNG of Alaska. Mr. Chairman, does the gentleman mean to close on the whole bill?

Mr. GUTIERREZ. Yes, on the whole.

Mr. YOUNG of Alaska. There will be an opportunity to close on the whole bill after the amendments are voted on. We can move to strike the last word.

The CHAIRMAN. Members will be able to offer pro forma amendments and move to strike the last word.

Mr. YOUNG of Alaska. Pro forma amendments, move to strike the last word and speak on the bill itself.

AMENDMENT NO. 24 OFFERED BY MR. GUTIERREZ

Mr. GUTIERREZ. Mr. Chairman, I offer amendment number 24.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment number 24 offered by Mr. GUTIERREZ:

In section 4(a), after paragraph (6) of the referendum language for statehood, insert the following new paragraphs (and redesignate the succeeding paragraphs accordingly):

"(7) Section 30A of the Internal Revenue Code of 1986 will continue in effect for 20 years after Puerto Rico becomes a State or until the State of Puerto Rico achieves the same per capita income as the State with the next lowest per capta income.

"(8) The internal revenue laws of the United States will not apply to residents of the State of Puerto Rico until such time as the State of Puerto Rico achieves the same per capita income as the State with the next lowest per capita income.

Mr. GUTIERREZ. Mr. Chairman, we have had a good long day here of debate and discussion and I think that people should understand something. This is a very serious decision that we are entering into. I know we have had this debate about statutory citizenship all day and it is just very important to me.

It is important because I think that we have shown that the 14th amendment should apply to all the people of Puerto Rico. Think about it. The 14th amendment of the Constitution of the United States will be simply thrown up in the air if we adopt this. That is wrong. It is wrong to all those citizens on the island of Puerto Rico.

I want a fair process. I want a process that says here is independence, and a version of independence a little kinder and gentler and a little more realistic than the one offered here; a version of statehood, a realistic version of statehood, the kind of statehood that I lived in Puerto Rico.

I would like to tell everybody that in 1972, when I was 19 years old, I registered to vote. The first time I voted was in San Sabastian, Puerto Rico, so take it from me, I know what the statehooders propose, what the independence people propose, what the commonwealthers propose, because I was there listening for many years. I went to the University of Puerto Rico. I graduated from high school in Puerto Rico. Politics, politics and the national questions and status is something that we debate and discuss everyday.

Let me tell my colleagues, if we do not clarify some of these things, here is what we will get: the 30 second spot that is going to scare the living daylights out of anybody. I see it already. Vote for statehood or your citizenship will be taken away. And you know, whoever pays, my mother said—(the gentleman spoke in Spanish)—I am sorry, I am not supposed to say. Basically what that means is that a paper will hold whatever you write on it. And whoever has the money to write those 30-second scripts and to put them up on the TV set, that is wrong for us to allow something like that. That is wrong for people to go in.

Let us not force a vote on any issue. That is what we are doing here. It is wrong to talk about citizenship which we all know will never be taken away from a people. And if we know it will never be taken away, let us not let it be used in this plebiscite.

And let us have a plebiscite. And I reiterate once again, whoever wins fair and square, we can all come together and move forward, move forward as a people.

I would like to say this last thing. Look, when Members of this Congress talked about South Africa and Nelson Mandela, nobody ever said they should just move back to South Africa if they thought that was so important. When Members of this Congress talk about Ireland and the importance of Ireland and its independence, nobody says they should go back to Ireland if they want to talk about that. When Members in this Congress talk about Israel and talk about their proud Judaism, nobody says they have to go back. When people talk about Cuba, nobody says go back to Cuba. Why is it that when people want to raise issues because I am of Puerto Rican descent that I am told go back to Puerto Rico or do not have anything to do with it.

The resident commissioner is invited to come to my district any day, as he has often done. I think we should all be invited to speak to one another as brothers and sisters in the quest for justice, equality and a fair and reasonable solution to this very critical status question.

Mr. MILLER of California. Mr. Chairman, I move to strike the last word.

In closing I again want to reiterate that I think that the committee has brought to the floor of the House a fair procedure for determining the future status of Puerto Rico, should the citizens of Puerto Rico decide to engage in that process.

There is no question that these choices are difficult choices, and that is why the process is set forth in the manner it is so that the Puerto Rican citizens can be best informed as they proceed down this path as to whether or not they want to choose independence, statehood or Commonwealth status.

And there is a very real difference between these three statuses. People like to pretend that they can argue that they are sort of the same, enhanced Commonwealth; that is, to pretend like you have all of the same rights as the citizens of the United States of America, but they know, in reality, they do not. So Commonwealth will have some burdens.

Statehood, because it puts them in the same status as all of the rest of the citizens, there will be people in Puerto Rico that think that that brings burden to the selection, to the plebiscite. They will make those decisions, and they will argue about them back and forth.

But the fact is that if you vote to become a State, you become a State. You share all of the benefits and all of the liabilities. If you vote to continue in Commonwealth, you are something less than that. You do not share equally with the citizens of California in public assistance payments and education payments and education to the handicap and food stamps and nutrition programs, because you are not a State.

The representatives of Puerto Rico historically have tried to boost those allotments, to boost those payments, to argue that these are citizens who are treated unfairly. But that has not been how the Congress has responded.

So those citizens are deprived the full benefits, but they are deprived the full benefits because the Congress has decided that they are not the same as citizens of the States. That is a burden of Commonwealth. People do not like to talk about that.

Another burden a Commonwealth has is it does not want to acknowledge that it has to live under the laws of this country as put forth by the Congress of the United States, but it does.

If this was, in fact, a nation today, then what are we doing here today? We are here because, under the current arrangement, they are forced to live under Federal laws of this country, and some people do not like that. They believe they would rather be a separate nation, or they believe that, if they have to live under these laws, they also want to participate in the benefits of everything else that goes along with being a State.

The definition of Commonwealth is an accurate description of the status of Puerto Rico today. That is the status that we would ask the people to vote on. That is Commonwealth today. Not what they hope Commonwealth would be, not what they would like it to be, but what it is under the laws of this country and the Constitution of the United States of America.

If you cannot, if that is not a winning hand in the election, so be it. But that is the laws of this country. That is the Constitution of this country. Yes, it is different. It is different than being a citizen of the State of the United States of America.

Now, many people have come to my office, and they have argued to me how really it is not different. Folks, it is different. That is what this election will be about. We treat them differently every day. That is what upsets so many people, that citizens of the United States of America can be treated in this fashion as this Congress deliberates action after action after action.

The remedy for that is statehood, or the remedy for that is independence, or the status quo, which would be Commonwealth. Those are the choices at the end of the day that the people of Puerto Rico will have to decide. Those are the choices in a fair and open and just manner that this committee presents to the plebiscite.

The people of Puerto Rico will make a determination of which status they want to determine. If the Olympic team is so important, then I guess they can take Commonwealth. They can continue that. But then they have to look the citizens in the eye and say, but by the same token, you cannot share in the benefits of all the other citizens of the United States.

If it is less important, they might decide that the great athletes of Puerto Rico can run on the American team and participate, and they can share in equal benefits. That is what this is about. And at the end of the day, this bill presents that in a fair and open fashion.

□ 2030

Ms. VELÁZQUEZ. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, today has been an education for a lot of Americans watching this debate. Perhaps some people have learned about the passions surrounding this debate. Maybe some people have come to understand at least a little bit how proud the people of Puerto Rico are to be American citizens, how proud we are to live in a democracy in which the concept of free and open debate not only survives but thrives.

Of course, Mr. Chairman, I am a product of that freedom. I am an American citizen born on the island of Puerto Rico, came to the mainland, was elected to Congress and stand before this body a full-fledged voting Member of this great legislative body. I have a great respect for this institution, but I am concerned that a process is about to be imposed on the people of Puerto Rico that is anything but democratic.

I appreciate the intention of my colleagues on both sides of the aisle to allow for the self-determination of the people of Puerto Rico. I have said this before and I will say it again. This bill is not about self-determination. It is about statehood. This bill is the product of a process that did not consult the very people it affects the most.

In 1990 a commonwealth status definition was agreed to by the authors of H.R. 856 that was acceptable to the interested parties. The chairman of the Committee on Resources voted for the definition at the time. The current ranking member of the committee voted for the definition at that time. The definitions were acceptable to the parties that represented the statehood, commonwealth and independent options.

But now it seems that the very definitions that were agreed to unanimously in the House of Representatives are not good enough. My colleagues seem intent now on forcing a vote on Puerto Rico that includes new definitions that many Puerto Ricans strongly disagree with. I will tell my colleagues that if they truly want self-determination for Puerto Rico, they will vote against this bill.

I have heard my colleagues whom I have great respect for tell me that I should vote for independence. I have heard my colleagues tell me that I should vote for statehood. The fact is that I do not really have a choice, because if this plebiscite is held under this bill, we will see a 51st State, not because the people of Puerto Rico want to be a State. If they wanted that, they would have voted that way in the plebiscite of 1993. No, they will vote for statehood because under the definitions in this bill, commonwealth is not really an option.

The authors of this bill have already said that their intention was to eliminate commonwealth status as a viable option and they were successful. In fact, the authors of this bill did not even offer commonwealth as an option in the plebiscite when they originally wrote this bill.

Mr. Chairman, many people in this Chamber will tell us that they know what is best for the people of Puerto Rico. My response is why do we not let Puerto Rico decide what is best for Puerto Rico? Why do we not give our participants equal input in determining how a status bill should be written? Why do we not give all Puerto Ricans the right to vote on that question?

I do not think that this House should be in the business of telling the people of Puerto Rico what is best for the people of Puerto Rico. They should make that decision. That is what self-determination is all about. That is why I ask my colleagues today to oppose this legislation.

Mr. KENNEDY of Rhode Island. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I think this is a really complicated debate for people who are just learning about it for the first time over the course of today. I have had the benefit of having the last couple of years in the Committee on Resources to listen to this testimony consistently, and to have had the chance to visit Puerto Rico, as I said earlier.

What really came about from my many hours of listening to testimony on this issue that I think is something that makes the gentlewoman from New York (Ms. VELÁZQUEZ) and the gentleman from Illinois (Mr. GUTIERREZ) so upset, and that is, this Congress decides what the fate of Puerto Rico is whether the people of Puerto Rico like it or not.

The thing about it is, I am in total agreement with the sympathies and concerns of the gentleman from Illinois (Mr. GUTIERREZ) and the gentlewoman from New York (Ms. VELÁZQUEZ). I am as outraged as anyone else, as the gentlewoman just said, that this Congress should think that it could make any decision affecting Puerto Rico without the opinions and the people of Puerto Rico being part of that decision-making process. That is why I am for statehood. That is why I am for this bill.

Mr. Chairman, the gentlewoman from New York said that this commonwealth definition was decided by the committee very unfairly. Let us understand, if we decided what the commonwealth definition was based upon the way the commonwealth party wanted it decided, we would have had a little bit of everything we wanted.

I heard this commonwealth definition. I said, "This commonwealth definition sounds pretty good." I said, "It sounds so good I want Rhode Island to have commonwealth status." I bet every other Member in this place would like to have commonwealth status the way the commonwealth party in Puerto Rico wants it to be defined.

But, Mr. Chairman, we have a responsibility not to define commonwealth status in any partisan terms but to define commonwealth status based upon the laws of what commonwealth means. As much as my good friends say that commonwealth status means that we are a nation, that commonwealth status means this or that, or guess what the United Nations said, the proof is in the pudding.

Whenever a bill comes up that relates to Puerto Rico, it is referred to the Committee on Resources. Why? Because the Committee on Resources has jurisdiction over Indian and insular affairs, meaning territories. Meaning no matter what we may say about the Supreme Court decisions, no matter what we may say about U.N. resolutions, the proof is in the pudding.

We are sitting here debating this. We would not be debating this if there was a bilateral pact. If Puerto Rico really had the say in this matter, they would have said, "Hey, U.S. Congress, we don't need you to give us the right to vote. We have the right to vote."

Puerto Rico could not do that because they are under the Territorial Clause of the United States Constitution, like it or not. Mr. Chairman, there is the old Snickers ad that says, "No matter how you slice it, it still comes up peanuts." The fact of the matter is, no matter how you define commonwealth, it still comes up Territorial Clause. That is the bottom line here.

That is why I think this is a good bill, because ultimately the people of Puerto Rico will have a say in their final determination and finally get some representation on this floor.

I want to conclude by saying the gentleman from Puerto Rico (Mr. ROMERO-BARCELÓ) has taken on this issue singularly, being the Resident Commissioner who has not had the chance to vote but who has taken his position very seriously and has been a tireless advocate on behalf of the people he represents. On the eve of this historic vote, I want to salute the gentleman from Puerto Rico for the job that he has done on behalf of the people of Puerto Rico; the gentleman from Alaska (Mr. YOUNG), as well as the gentleman from California (Mr. MILLER).

Let us support this bill, and let us end colonial status for 3.8 million people and finally make them full citizens of this country with voting representation in this United States Congress.

Mr. ROMERO-BARCELÓ. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I first of all would like to thank the gentleman from Alaska (Mr. YOUNG), the chairman of our committee, for the dedicated amount of work that he has put into this bill. He lived the frustrations of being a territory, so he really believes in it and feels it. The people of Puerto Rico, not only the people of Puerto Rico, the people of this Nation will be grateful for the steps that we are taking here today, and I hope we take this step in the final passage of the bill.

I want to thank the gentleman from California (Mr. MILLER), our ranking member, also for the dedication that he too has put into this bill, for being instrumental in doing away with all the suspiciousness that reasonable people would have about this bill and the definitions. We worked hard and we feel that our chairman, our ranking member and all of the members of the committee were very careful in making this bill a very, very serious and very objective bill.

I want to make also a special mention, when we started this bill, I had my very serious differences with the gentleman from New York (Mr. SOLOMON), the chairman of the Committee on Rules. But as we have dealt with this bill, the gentleman from New York has been a real gentleman. He has always kept his word. He has been a formidable opponent in this bill, but I must recognize that he has been a real gentleman. I would thank him for his dedication, also, to his job.

The gentleman from Rhode Island (Mr. KENNEDY) and all the others that have worked hard on this bill, I want to thank them all.

In Puerto Rico, as I mentioned earlier, they are watching this on C-SPAN. I think this probably will be one of the most watched programs in Puerto Rico for a long, long, long, long time. Everybody is understanding what is happening here. Those who do not understand English, believe me, some relative or some friend or some fellow workers there are translating the proceedings for them. They are hoping that their faith in this Congress, their faith in their Nation, in the United States, will be confirmed today.

Because, as we have spoken before, this bill is about self-determination. This bill is about the opportunity of 3.8 million U.S. citizens who have been disenfranchised for 81 years, for 81 years disenfranchised, where they have not been able to participate in the democratic process of their Nation. We have been part of the United States for 100 years it will be July 25, the American troops first landed in Puerto Rico in 1898. This Monday was precisely the 81st anniversary of our citizenship.

As we take a look at the procedures here today, one of my greatest sorrows and I am sure one of the greatest sorrows of the people of Puerto Rico is to find that the most adamant and vociferous opponents of this bill have been, one, a gentlewoman that was born in Puerto Rico and the other, a gentleman that was not born in Puerto Rico but is from Puerto Rican extraction, that they are opposing it at every instance, that the people of Puerto Rico have a chance for self-determination.

They have given a lot of reasons why this should not happen but it all boils down that they oppose this bill. They say that this bill is tilted toward statehood. That is not correct. This bill is not tilted toward statehood. This bill spells out the differences between statehood, between independence and between commonwealth.

For the first time, for the first time since Puerto Rico has been involved in plebiscite and their status, they are going to be voting on a bill that defines

commonwealth as what it is. I want to read the definition of commonwealth because so much has been said. No one will disagree with this definition:

"Commonwealth. Puerto Rico should retain commonwealth in which 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."

That is a correct and precise statement that was carefully drafted by our chairman and by the gentleman from California (Mr. MILLER). Yes, I participated in the conversations. However, my decisions were not what made the final wording of this bill.

"Two. Under this political relationship, Puerto Rico, like a State, is an autonomous political 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, the treaties and laws of the United States."

□ 2045

Congress retains its constitutional authority to enact laws it deems necessary relating to Puerto Rico.

What is false? That is exactly as it is. Everything in this bill is the truth, and that is what the people of Puerto Rico should be given a choice to vote on.

Mr. Chairman, I hope that all Members will vote for this bill, not only for Puerto Rico, but for the sake of this Nation.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. GUTIERREZ).

The amendment was rejected.

The CHAIRMAN. Are there further amendments to the bill?

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to House Resolution 376, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order:

An amendment offered by the gentleman from Florida (Mr. STEARNS); an amendment offered by the gentleman from Georgia (Mr. BARR); and Amendment No. 21, offered by the gentleman from Illinois (Mr. GUTIERREZ).

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT OFFERED BY MR. STEARNS

The CHAIRMAN. The pending business is the request for a recorded vote on the amendment offered by the gentleman from Florida (Mr. STEARNS) on which further proceedings were postponed, and on which the noes prevailed by a voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 28, noes 384, not voting 18, as follows:

[Roll No. 33]

AYES—28

Bachus
Campbell
Carson
Combest
Cubin
Duncan
Herger
Horn
Hunter
Istook
Jones
Kingston
McIntosh
Moran (KS)
Paul
Petri
Radanovich
Rohrabacher
Sanford
Schaffer, Bob
Sensenbrenner
Shadegg
Sherman
Smith, Linda
Snowbarger
Souder
Stearns
Taylor (NC)

NOES—384

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berry
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Borski
Boswell
Boucher
Boyd
Brady
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Cardin
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Dreier
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Forbes
Ford
Fossella
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Hostettler
Houghton
Hoyer
Hulshof
Hutchinson
Hyde
Inglis
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
Kind (WI)
King (NY)
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHale
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Mollohan
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Rahall
Ramstad
Rangel
Redmond
Regula
Reyes
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryun
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schumer
Scott
Serrano
Sessions
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith, Adam
Snyder
Solomon
Spence
Spratt
Stabenow
Stark
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Towns
Traficant
Turner
Upton
Velázquez
Vento
Visclosky
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

NOT VOTING—18

Berman
Bilbray
Doolittle
Foley
Gonzalez
Granger
Harman
Kilpatrick
Luther
McDade
Poshard
Riggs
Schaefer, Dan
Schiff
Shimkus
Smith (OR)
Torres
Yates

□ 2105

Mr. BASS and Mr. WISE changed their vote from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Pursuant to House Resolution 376, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on each amendment on which the Chair has postponed further proceedings.

AMENDMENT OFFERED BY MR. BARR OF GEORGIA

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Georgia (Mr. BARR) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 131, noes 282, not voting 17, as follows:

[Roll No. 34]

AYES—131

Aderholt
Archer
Armey
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bateman
Bereuter
Boehner
Brady
Bryant
Bunning
Callahan
Canady
Castle
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Crane
Crapo
Cubin
Cunningham
Danner
Deal
Dickey
Dreier
Duncan
Emerson
Everett
Ewing
Fawell
Fossella
Fowler
Gibbons
Gilchrest
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Greenwood
Gutknecht
Hall (TX)
Hastings (WA)
Hayworth
Herger
Hill
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Hunter
Hyde
Inglis
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones
Kingston
Klug
Knollenberg
Lazio
Lewis (KY)
Linder
Lipinski
Livingston
McCrery
McHugh
McIntosh
Metcalf
Miller (FL)
Myrick
Neumann
Ney
Northup
Norwood
Oxley
Paul
Paxon
Pease
Peterson (PA)
Petri
Pitts
Porter
Portman
Pryce (OH)
Regula
Rogan
Rogers
Rohrabacher
Royce
Ryun
Salmon
Sanford
Scarborough
Schaffer, Bob
Sensenbrenner
Shadegg
Shaw
Shays
Sherman
Shuster
Sisisky
Smith (MI)
Smith (TX)
Snowbarger
Solomon
Souder
Spence
Spratt
Stearns
Stump
Sununu
Taylor (NC)
Thornberry
Tiahrt
Upton
Wamp
Weldon (PA)
Weller
Wicker
Wolf

NOES—282

Abercrombie
Ackerman
Allen
Andrews
Bachus
Baesler
Baker
Baldacci
Barcia
Barrett (WI)
Bass
Becerra
Bentsen
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Bonilla
Bonior
Borski
Boswell
Boucher
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Burr
Burton
Buyer
Calvert
Camp
Campbell
Cannon
Cardin
Carson
Chabot
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Cummings
Davis (FL)
Davis (IL)
Davis (VA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Dunn
Edwards
Ehlers
Ehrlich
Engel
English
Ensign
Eshoo
Etheridge
Evans
Fattah
Fazio
Filner
Foley
Forbes
Ford
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gillmor
Gilman
Gordon
Green
Gutierrez
Hall (OH)
Hamilton
Hansen
Hastert
Hastings (FL)
Hefley
Hefner
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Houghton
Hoyer
Hulshof
Hutchinson
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
Kind (WI)
King (NY)
Kleczka
Klink
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (GA)
LoBiondo
Lofgren
Lowey
Lucas
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McHale
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Nadler
Neal
Nethercutt
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pickering
Pickett
Pombo
Pomeroy
Price (NC)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Redmond
Reyes
Riley
Rivers
Rodriguez
Roemer
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schumer
Scott
Serrano
Sessions
Skaggs
Skeen
Skelton
Slaughter
Smith (NJ)
Smith, Adam
Smith, Linda
Snyder
Stabenow
Stark
Stenholm
Stokes
Strickland
Stupak
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Thomas
Thompson
Thune
Thurman
Tierney
Towns
Traficant
Turner
Velázquez
Vento
Visclosky
Walsh
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Wexler
Weygand
White
Whitfield
Wise
Woolsey
Wynn
Young (AK)
Young (FL)

NOT VOTING—17

Berman
Doolittle
Farr
Frost
Gonzalez
Harman
Kilpatrick
Luther
McDade
Poshard
Riggs
Schaefer, Dan
Schiff
Shimkus
Smith (OR)
Torres
Yates

□ 2112

Mr. ENSIGN changed his vote from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

□ 2115

AMENDMENT NO. 21 OFFERED BY MR. GUTIERREZ

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Illinois (Mr. GUTIERREZ) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 2, noes 413, answered "present" 1, not voting 14, as follows:

[Roll No. 35]

AYES—2

Gutierrez
Velázquez

NOES—413

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Borski
Boswell
Boucher
Boyd
Brady
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Foley
Forbes
Ford
Fossella
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson

Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paul
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Redmond
Regula
Reyes
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryun
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer, Bob
Schumer
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Torres
Towns
Traficant
Turner
Upton
Vento
Visclosky
Walsh
Wamp
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

ANSWERED "PRESENT"—1

Waters

NOT VOTING—14

Berman
Doolittle
Gonzalez
Harman
Kilpatrick
Luther
McDade
Poshard
Riggs
Schaefer, Dan
Schiff
Shimkus
Smith (OR)
Yates

□ 2122

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. Are there any other amendments?

Mr. SOLOMON. Mr. Chairman, I move to strike the last word.

Mr. Chairman, we have been on the floor since 10 o'clock this morning. We have had a very, very good debate. The amendment process is over. The committee is about to rise. I just wanted to alert the body that there will be a re-vote on the Solomon amendment as amended by Miller-Burton. That vote has been requested by U.S. English and those of us who do not want to see this thing die.

Mr. Chairman, I would just read a couple of paragraphs out of this letter from U.S. English. It says, "There has been much confusion over U.S. English's position concerning the amendment introduced by Representatives Burton, Miller, and Young. U.S. English wishes to clarify this matter."

Mr. Chairman, they go on to say that the Burton-Miller amendment is meaningless and has absolutely no legal effect. They go on to say that U.S. English strongly supports the Solomon amendment as originally introduced, and should the Solomon amendment be re-voted on in the full House, that they would ask for a "no" vote on the Solomon amendment as amended, and I too will ask for a "no" vote on that when it is re-voted.

At the same time, I would rise in opposition to the bill. I think Members all must revisit it one more time. Without the Solomon amendment language in the bill, anyone anywhere in the United States can challenge Federal and individual State laws and declarations of English as the official language. This opens up Pandora's box, should the bill ever become law without that amendment. I think we all should consider that.

Mr. YOUNG of Alaska. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I want to thank all of my colleagues that participated in the debate. They have worked from 10 o'clock this morning until the night on this historical moment. Much has been said about this bill. A lot of it true; some of it not so true.

But I would ask Members in your hearts to think about one thing for one moment. We are being asked to re-vote on an amendment that was offered by the gentleman from New York (Mr. SOLOMON). And if Members defeat the Solomon amendment, they are left with the language in the bill. Keep that in mind.

Mr. Chairman, I started this process over 4 years ago. I have had the hearings. I have done it the right way. I want to thank the leadership on my side of the aisle and the leadership on that side of the aisle for allowing this debate to begin. This is just one small step, as I said earlier in the day. This is one small step to bring justice to America and to the Puerto Rican people. I believe it is crucially important as we go into the year 2000.

Mr. Chairman, I think it is the best thing we can do for democracy and for this great Nation. I thank you for the indulgence. I gave my word. I gave my commitment that we would bring this bill to the floor for America and the Puerto Rican people. This is the legislative process. This is how this House should work. Not behind closed doors, not by secret meetings, but open debate, discussing the merits, the cons and the pros of legislation that decides the destiny of this great Nation.

I am asking my colleagues to vote "yes" on the Burton-Miller-Young bill as they voted before.

□ 2130

I am asking my colleagues to vote yes on the amendment offered by the gentleman from New York (Mr. SOLOMON), my good friend, as he asked you to do. I am asking them to vote yes on final passage so we can begin this venture into future generations.

The CHAIRMAN. The question is on the amendment in the nature of a substitute, as amended.

The 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. BONILLA) having assumed the chair, Mr. DIAZ-BALART, 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. 856) to provide a process leading to full self-government for Puerto Rico, pursuant to House Resolution 376, 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 amendment in the nature of a substitute adopted by the Committee of the Whole?

Mr. SOLOMON. Mr. Speaker, I demand a vote on the so-called Solomon amendment, as amended.

The SPEAKER pro tempore. The Clerk will report the amendment on which a separate vote has been demanded.

The Clerk read as follows:

Amendment:

In section 3, amend subsection (b) to read as follows:

(b) OFFICIAL ENGLISH LANGUAGE.—In the event that a referendum held under this Act results in approval of sovereignty leading to Statehood, upon accession to Statehood, the official language requirements of the Federal Government would apply to Puerto Rico in the same manner and to the same extent as throughout the United States.

Add at the end of section 3 the following new subsection:

(c) ENGLISH LANGUAGE EMPOWERMENT.—It is in the best interest of the Nation for Puerto Rico to promote the teaching of English as the language of opportunity and empowerment in the United States in order to enable students in public schools to achieve English language proficiency by the age of 10.

In section 4(a), in the referendum language for Statehood, amend paragraph (7) to read as follows:

"(7) Official English language requirements of the Federal Government apply in

Puerto Rico to the same extent as Federal law requires throughout the United States.".

In subparagraph (C) of section 4(B)(1), strike "(C) Additionally," and all that follows through "(ii) the effective date" and insert the following:

(C) Additionally, in the event of a vote in favor of continued United States sovereignty leading to Statehood, the transition plan required by this subsection shall—

(i) include proposals and incentives to increase the opportunities of the people of Puerto Rico to expand their English proficiency in order to promote and facilitate communication with residents of all other States of the United States and with the Federal Government, including teaching English in public schools, awarding fellowships and scholarships, and providing grants to organizations located in various communities that have, as a purpose, the promotion of English language skills;

(ii) promote the use of English by the United States citizens in Puerto Rico in order to ensure—

(I) efficiency in the conduct and coordination of the official business activities of the Federal and State Governments;

(II) that the citizens possess the language skill necessary to contribute to and participate in all aspects of the Nation; and

(III) the ability of all citizens of Puerto Rico to take full advantage of the opportunities and responsibilities accorded to all citizens, including education, economic activities, occupational opportunities, and civic affairs; and

(iii) include the effective date

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

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

There was no objection.

The SPEAKER pro tempore. The question is on the amendment.

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

RECORDED VOTE

Mr. SOLOMON. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 240, noes 177, not voting 13, as follows:

[Roll No. 36]

AYES—240

Abercrombie
Ackerman
Allen
Andrews
Baldacci
Barcia
Barrett (NE)
Barrett (WI)
Barton
Becerra
Bentsen
Bereuter
Berry
Bishop
Blagojevich
Blumenauer
Boehlert
Bonilla
Bonior
Borski
Boswell
Boucher
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Burton
Campbell
Cannon
Cardin
Carson
Castle
Christensen
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Cook
Costello
Coyne
Cramer
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Ehlers
Ehrlich
Engel
English
Eshoo
Etheridge
Evans
Ewing
Farr
Fattah
Fazio
Filner
Foley
Forbes
Ford
Fossella
Fox
Frank (MA)
Frost
Furse
Gallegly
Gejdenson
Gekas
Gephardt
Gilchrest
Gillmor
Gilman
Gordon
Granger
Green
Greenwood
Hall (OH)
Hamilton
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Hooley
Hostettler
Houghton
Hoyer
Hulshof
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
Kind (WI)
King (NY)
Kleczka
Klink
Kolbe
Kucinich
LaFalce
Lampson
Lantos
Lazio
Leach
Levin
Lewis (GA)
Lofgren
Lowey
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McHale
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Mica
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran (VA)
Morella
Murtha
Nadler
Neal
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Quinn
Radanovich
Rahall
Rangel
Redmond
Reyes
Rivers
Rodriguez
Roemer
Ros-Lehtinen
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schumer
Scott
Serrano
Shaw
Sherman
Skaggs
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stokes
Strickland
Stupak
Tanner
Tauscher
Tauzin
Taylor (MS)
Thompson
Thurman
Tierney
Torres
Turner
Vento
Visclosky
Walsh
Waters
Watt (NC)
Waxman
Wexler
Weygand
Wise
Woolsey
Wynn
Young (AK)

NOES—177

Aderholt
Archer
Armey
Bachus
Baesler
Baker
Ballenger
Barr
Bartlett
Bass
Bateman
Bilbray
Bilirakis
Bliley
Blunt
Boehner
Brady
Bryant
Bunning
Burr
Buyer
Callahan
Calvert
Camp
Canady
Chabot
Chambliss
Chenoweth
Coble
Coburn
Collins
Combest
Cooksey
Cox
Crane
Crapo
Cubin
Cunningham
Davis (VA)
Deal
DeLay
Dickey
Dreier
Duncan
Dunn
Emerson
Ensign
Everett
Fawell
Fowler
Franks (NJ)
Frelinghuysen
Ganske
Gibbons
Goode
Goodlatte
Goodling
Goss
Graham
Gutierrez
Gutknecht
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Holden
Horn
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kingston
Klug
Knollenberg
LaHood
Largent
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lucas
Manzullo
McCrery
McIntosh
Menendez
Metcalf
Miller (FL)
Moran (KS)
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Packard
Pappas
Parker
Paul
Paxon
Pease
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Porter
Portman
Pryce (OH)
Ramstad
Regula
Riley
Rogan
Rogers
Rohrabacher
Roukema
Royce
Ryun
Salmon
Sanford
Scarborough
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shays
Shuster
Sisisky
Smith (MI)
Smith (OR)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stenholm
Stump
Sununu
Talent
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Towns
Traficant
Upton
Velázquez
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (FL)

NOT VOTING—13

Berman
Doolittle
Gonzalez
Harman
Kilpatrick
Luther
McDade
Poshard
Riggs
Schaefer, Dan
Schiff
Shimkus
Yates

□ 2147

Mr. BENTSEN and Mr. HILLIARD changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. BONILLA). The question is on the amendment in the nature of a substitute.

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

The SPEAKER pro tempore. The question is on 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 noes appeared to have it.

RECORDED VOTE

Mr. BURTON of Indiana. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 209, noes 208, not voting 13, as follows:

[Roll No. 37]

AYES—209

Abercrombie
Ackerman
Allen
Andrews
Baldacci
Barcia
Barrett (WI)
Becerra
Bentsen
Bishop
Blagojevich
Blumenauer
Boehlert
Bonilla
Bonior
Borski
Boswell
Boucher
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Burton
Buyer
Calvert
Cannon
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Cooksey
Coyne
Cummings
Davis (FL)
Davis (VA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Ehlers
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner

Foley
Forbes
Ford
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Gejdenson
Gekas
Gephardt
Gilchrest
Gilman
Granger
Green
Hall (OH)
Hamilton
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Kanjorski
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
King (NY)
Klink
Kolbe
Kucinich
LaFalce
Lampson
Lantos
Lazio
Leach
Levin
Lewis (GA)
Lofgren
Lowey
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McHale
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Mica
Millender-McDonald
Miller (CA)
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Mink
Moakley
Mollohan
Moran (VA)
Morella
Murtha
Nadler
Neal
Oberstar
Olver
Ortiz
Owens
Pallone
Parker
Pascrell
Pastor
Payne
Pelosi
Peterson (PA)
Pombo
Pomeroy
Price (NC)
Quinn
Rahall
Rangel
Redmond
Reyes
Rodriguez
Roemer
Ros-Lehtinen
Rothman
Roybal-Allard
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schumer
Scott
Serrano
Skaggs
Skeen
Slaughter
Smith (NJ)
Smith, Adam
Snyder
Spratt
Stark
Stenholm
Stokes
Stupak
Tauscher
Tauzin
Taylor (MS)
Thompson
Thurman
Tierney
Torres
Turner
Vento
Visclosky
Walsh
Waters
Watt (NC)
Waxman
Wexler
Weygand
Wise
Woolsey
Wynn
Young (AK)

NOES—208

Aderholt
Archer
Armey
Bachus
Baesler
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Berry
Bilbray
Bilirakis
Bliley
Blunt
Boehner
Brady
Bryant
Bunning
Burr
Callahan
Camp
Campbell
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Cook
Costello
Cox
Cramer
Crane
Crapo
Cubin
Cunningham
Danner
Davis (IL)
Deal
Dickey
Dreier
Duncan
Dunn
Ehrlich
Emerson
Ensign
Everett
Ewing
Fawell
Fossella
Fowler
Fox
Ganske
Gibbons
Gillmor
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Greenwood
Gutierrez
Gutknecht
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
Johnson (CT)
Johnson (WI)
Johnson, Sam
Jones
Kaptur
Kasich
Kind (WI)
Kingston
Kleczka
Klug
Knollenberg
LaHood
Largent
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lucas
Manzullo
McCrery
McHugh
McInnis
McIntosh
McIntyre
Menendez
Metcalf
Miller (FL)
Moran (KS)
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Obey
Oxley
Packard
Pappas
Paul
Paxon
Pease
Peterson (MN)
Petri
Pickering
Pickett
Pitts
Porter
Portman
Pryce (OH)
Radanovich
Ramstad
Regula
Riley
Rivers
Rogan
Rogers
Rohrabacher
Roukema
Royce
Rush
Ryun
Salmon
Sanford
Scarborough
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Shuster
Sisisky
Skelton
Smith (MI)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stabenow
Stearns
Strickland
Stump
Sununu
Talent
Tanner
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Towns
Traficant
Upton
Velázquez
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (FL)

NOT VOTING—13

Berman
Doolittle
Gonzalez
Harman
Kilpatrick
Luther
McDade
Poshard
Riggs
Schaefer, Dan
Schiff
Shimkus
Yates

□ 2207

The Clerk announced the following pair:

On this vote:

Mr. McDade for, with Mr. Riggs against.

Mr. FOSSELLA and Mr. RUSH changed their vote from "aye" to "no."

Mr. PETERSON of Pennsylvania and Mr. POMEROY changed their vote from "no" to "aye."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. BONILLA). The Chair will remind all persons in the gallery that they are here as guests of the House and that any manifestation of approval or disapproval of proceedings are in violation of the rules of the House.

REPORT ON PAYMENTS TO CUBA PURSUANT TO CUBAN DEMOCRACY ACT OF 1992—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 105–221)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, without objection, referred to the Committee on International Relations and ordered to be printed:

To the Congress of the United States:

This report is submitted pursuant to 1705(e)(6) of the Cuban Democracy Act of 1992, 22 U.S.C. 6004(e)(6) (the "CDA"), as amended by section 102(g) of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996, Public Law 104–114 (March 12, 1996), 110 Stat. 785, 22 U.S.C. 6021–91 (the "LIBERTAD Act"), which requires that I report to the Congress on a semiannual basis detailing payments made to Cuba by any United States person as a result of the provision of telecommunications services authorized by this subsection.

The CDA, which provides that telecommunications services are permitted between the United States and Cuba, specifically authorizes the President to provide for payments to Cuba by license. The CDA states that licenses may be issued for full or partial settlement of telecommunications services with Cuba, but may not require any withdrawal from a blocked account. Following enactment of the CDA on October 23, 1992, a number of U.S. telecommunications companies successfully negotiated agreements to provide telecommunications services between the United States and Cuba consistent with policy guidelines developed by the Department of State and the Federal Communications Commission.

Subsequent to enactment of the CDA, the Department of the Treasury's Office of Foreign Assets Control (OFAC) amended the Cuban Assets Control Regulations, 31 C.F.R. Part 515 (the "CACR"), to provide for specific licensing on a case-by-case basis for certain transactions incident to the receipt or transmission of telecommunications between the United States and Cuba, 31 C.F.R. 515.542(c), including settlement of charges under traffic agreements.

The OFAC has issued eight licenses authorizing transactions incident to the receipt or transmission of telecommunications between the United States and Cuba since the enactment of the CDA. None of these licenses permits payments to the Government of Cuba from a blocked account. For the period July 1 through December 31, 1997, OFAC-licensed U.S. carriers reported payments to the Government of Cuba in settlement of charges under telecommunications traffic agreements as follows:

AT&T Corporation (formally, American Telephone and Telegraph Company)	$11,991,715
AT&T de Puerto Rico	298,916
Global One (formerly, Sprint Incorporated)	3,180,886
IDB WorldCom Services, Inc. (formerly, IDB Communications, Inc.)	4,128,371
MCI International, Inc. (formerly, MCI Communications Corporation)	4,893,699
Telefonica Larga Distancia de Puerto Rico, Inc.	105,848
WilTel, Inc. (formerly, WilTel Underseas Cable, Inc.)	5,608,751
WorldCom, Inc. (formerly, LDDS Communications, Inc.)	2,887,684
	$33,095,870

I shall continue to report semiannually on telecommunications payments

to the Government of Cuba from United States persons.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *March 4, 1998.*

CONTINUATION OF NATIONAL EMERGENCY WITH RESPECT TO IRAN—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 105–222)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice, stating that the national emergency declared with respect to Iran on March 15, 1995, pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701–1706) is to continue in effect beyond March 15, 1998, to the *Federal Register* for publication. This emergency is separate from that declared on November 14, 1979, in connection with the Iranian hostage crisis and therefore requires separate renewal of emergency authorities.

The factors that led me to declare a national emergency with respect to Iran on March 15, 1995, have not been resolved. The actions and policies of the Government of Iran, including support for international terrorism, its efforts to undermine the Middle East peace process, and its acquisition of weapons of mass destruction and the means to deliver them, continue to threaten the national security, foreign policy, and economy of the United States. Accordingly, I have determined that it is necessary to maintain in force the broad programs I have authorized pursuant to the March 15, 1995, declaration of emergency.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *March 4, 1998.*

CONTINUATION OF NEED FOR U.S. ARMED FORCES IN BOSNIA AND HERZEGOVINA—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 105–223)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and the Committee on Appropriations and ordered to be printed:

To the Congress of the United States:

I hereby certify that the continued presence of U.S. armed forces, after June 30, 1998, in Bosnia and Herzegovina is required in order to meet the national security interests of the United States, and that it is the policy of the United States that U.S. armed forces will not serve as, or be used as, civil police in Bosnia and Herzegovina.

This certification is presented pursuant to section 1203 of the National Defense Authorization Act for Fiscal Year 1998, Public Law 105–85, and section 8132 of the National Defense Appropriations Act for Fiscal year 1998, Public Law 105–56. The information required under these sections is in the report that accompanies this certification. The supplemental appropriations request required under these sections is being forwarded under separate cover.

America has major national interests in peace in Bosnia. We have learned from hard experience in this turbulent century that America's security and Europe's stability are intimately linked. The Bosnian war saw the worst fighting—and the most profound humanitarian disaster—on that continent since the end of the Second World War. The conflict could easily have spread through the region, endangering old Allies and new democracies alike. A larger conflict would have cast doubt on the viability of the NATO alliance itself and crippled prospects for our larger goal of a democratic, undivided, and peaceful Europe.

The Dayton framework is the key to changing the conditions that made Bosnia a fuse in a regional powder keg. It is decisively in American interests to see Dayton implemented as rapidly as feasible, so that peace becomes self-sustaining. U.S. leadership is as essential to sustaining progress as it has been to ending the war and laying the foundation for peace.

I expect the size of the overall NATO force in Bosnia and Herzegovina will remain similar to that of the current SFOR. However, the U.S. contribution would decline by about 20 percent, as our Allies and partners continue to shoulder an increasing share of the burden.

Although I do not propose a fixed end-date for this presence, it is by no means open-ended. Instead, the goal of the military presence is to establish the conditions under which Dayton implementation can continue without the support of a major NATO-led military force. To achieve this goal, we have established concrete and achievable benchmarks, such as the reform of police and media, the elimination of illegal pre-Dayton institutions, the conduct of elections according to democratic norms, elimination of cross-entity barriers to commerce, and a framework for the phased and orderly return of refugees. NATO and U.S. forces will be reduced progressively as achievement of these benchmarks improves conditions, enabling the international community to rely largely on traditional diplomacy, international civil personnel, economic incentives and disincentives, confidence-building measures, and negotiation to continue implementing the Dayton Accords over the longer term.

In fact, great strides already have been made towards fulfilling these aims, especially in the last ten months since the United States re-energized the Dayton process. Since Dayton, a stable military environment has been created; over 300,000 troops returned to civilian life and 6,600 heavy weapons have been destroyed. Public security is improving through the restructuring, retraining and reintegration of local police. Democratic elections have been held at all levels of government and hard-line nationalists—especially in the Republika Srpska—are increasingly marginalized. Independent media and political pluralism are expanding. Over 400,000 refugees and displaced persons have returned home—110,000 in 1997. One-third of the publicly-indicted war criminals have been taken into custody.

Progress has been particularly dramatic since the installation of a pro-Dayton, pro-democracy Government in Republika Srpska in December. Already, the capital of Republika Srpska has been moved from Pale to Banja Luka; media are being restructured along domestic lines; civil police are generally cooperating with the reform process; war criminals are surrendering; and Republika Srpska is working directly with counterparts in the Federation to prepare key cities in both entities for major returns of refugees and displaced persons.

At the same time, long-standing obstacles to inter-entity cooperation also are being broken down: a common flag now flies over Bosnia institutions, a common currency is being printed, a common automobile license plate is being manufactured, and mail is being delivered and trains are running across the inter-entity boundary line.

Although progress has been tangible, many of these achievements still are reversible and a robust international military presence still is required at the present time to sustain the progress. I am convinced that the NATO-led force—and U.S. participation in it—can be progressively reduced as conditions continue to improve, until the implementation process is capable of sustaining itself without a major international military presence.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *March 3, 1998.*

GENERAL LEAVE

Mr. BURTON of Indiana. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 856, the bill just passed.

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

There was no objection.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 856, UNITED STATES-PUERTO RICO POLITICAL STATUS ACT

Mr. BURTON of Indiana. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill, H.R. 856, the Clerk be authorized to make technical and conforming changes as may be necessary to reflect the action of the House just taken.

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

There was no objection.

PERMISSION FOR MEMBER TO BE CONSIDERED AS FIRST SPONSOR OF H.R. 1232

Mr. CONDIT. Mr. Speaker, I ask unanimous consent that I may hereafter be considered as the first sponsor of H.R. 1232, a bill originally introduced by Representative Bono of California, for the purposes of adding cosponsors and requesting reprints pursuant to clause 4 of rule XXII.

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

There was no objection.

APPOINTMENT OF INDIVIDUALS TO AMTRAK REFORM COUNCIL

The SPEAKER pro tempore. Without objection, and pursuant to the provisions of section 203(b)(1) of Public Law 105–134, the Chair announces the Speaker's appointment of the following individuals on the part of the House to the Amtrak Reform Council for a term of 5 years:

Mrs. Christine Todd Whitman of New Jersey;

Mr. Bruce Chapman of Washington; and

Mr. Christopher Gleason of Pennsylvania.

There was no objection.

SOCIAL SECURITY

(Mr. SMITH of Michigan asked and was given permission to address the House for 1 minute and to revise and extend his remarks, and include extraneous material.)

Mr. SMITH of Michigan. Mr. Speaker, continuing the discussion on do we really have a surplus, yesterday the Congressional Budget Office estimated that this year we would have a surplus of $8 billion. However, this year we are borrowing about $90 billion from the Social Security trust fund, so we are hoodwinking the American people, pretending there is a surplus.

We have come a long ways. We have cut down overspending by over $200 billion over the last 3 years, but it is not a surplus. We still have a long way to go, and it is important that we put Social Security first. Anybody that would like a copy of this survey, please let me know. I will include this for the RECORD.

In this survey, the voters profoundly dislike using Social Security surpluses to subsidize the remainder of the Federal Government. Ninety-three percent want Congress to balance the budget without using the Social Security deposits.

Let us still stay on track. Let us get a more efficient, more constructive government that is going to serve the needs of government at a lesser tax rate and more efficiently and not use the surplus to mask the deficit.

We have asked questions about Social Security on three national surveys this year.

The primary observations are:

Voters profoundly dislike using the Social Security surpluses to subsidize the remainder of the federal government. 93% want Congress to balance the budget without using SS deposits.

Voters overwhelmingly reject "raiding" of the Trust Fund. 74% approve of a new federal law prohibiting Congress and the President from raiding the Social Security Trust Fund to cover deficit spending.

Voters are inclined to believe that the federal government is using Social Security Trust Fund surpluses to mask the size of the deficit.

The President's credibility on Social Security is not secure.

Voters would rather use the overall budget surplus to shore up Social Security than to cut taxes, pay down debt or spend on federal programs.

Younger voters don't believe they'll get Social Security when they retire, and Republicans are especially dubious.

Voters do not consider the Social Security system to be basically sound.

Personal Savings Accounts is the preferred approach to strengthen Social Security.

	ALL	GOP	DEMS	IND
Personal Savings Accounts	43	52	34	47
Eliminate benefits/rich	18	13	22	21
Raise retirement age	10	11	11	9
Raise payroll taxes	6	4	8	4
Reduce benefits for everyone	3	3	4	3

Voters are strongly in favor (six to one) of allowing those under 40 to privately invest a portion of their payroll taxes for their future retirement.

□ 2015

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. PITTS). 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.

BALANCING THE BUDGET

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

Mr. MINGE. Mr. Speaker, yesterday, the Congressional Budget Office announced that they anticipate we will have an $8 billion surplus in this fiscal year. This is a remarkable announcement. It is an historic announcement.

We have waited for over 30 years for the good news that the budget would, at long last, be balanced. However, as important and as significant as this may be, I urge that we not celebrate excessively. Why is this? It is because we still have a great deal of heavy lifting to do.

The announcement does not recognize the tragic condition that we face as a Nation with respect to our fiscal affairs. First, it does not recognize that we continue to operate on a consolidated Federal budget or unified Federal budget which rolls all trust fund operations into the bottom line.

As a consequence, it glosses over the fact that we are borrowing $100 billion in fiscal 1998 from the Social Security Trust Fund because that Trust Fund is running a surplus. It is running a surplus because the baby-boom generation is in its peak earning years, and it is contributing at the maximum level, and it is not drawing out.

So in reality, if we would discount this subsidy to the operating budget from the Social Security Trust Funds, we would not have an $8 billion surplus. Instead, we would have a $92 billion deficit.

We have some heavy lifting to do to overcome this $92 billion deficit that remains. That is one reason we should not celebrate too strongly.

Secondly, we have to remember that we have a debt of approximately $5.4 trillion, approximately $20,000 for every man, woman and child in this country. Indeed, it is heartwarming to learn that under one theory of calculating the budget, we have a surplus of $8 billion. But, remember, this is little more than about $17 for each man, woman and child that we can take off of that $20,000 debt.

So, again, we have a long ways to go. In fact, if you look at the years over which this surplus has been projected, we would probably not be able to reduce that debt by as much as even $1,000. So we have a ways to go in terms of making a dent in this vast national debt.

A third reason that we should not celebrate too strongly is that we have obligations that we have incurred in the operation of the Social Security program and the Medicare program

that are not funded. The unfunded liabilities of those two programs are conservatively estimated to be at least $3 trillion and $9 trillion respectively. That is a total of at least $12 trillion, or approximately two and a half times the current national debt.

We have a great deal to do in reforming and revising the Social Security and Medicare programs, improving their funding, to make sure that this $9 trillion or $3 trillion unfunded liability in those respective programs does not hit us squarely between the eyes or our children and grandchildren between the eyes 30, 40, 50 years from now.

So, although we should tarry and recognize the significance of this accomplishment, of having at least a $8 billion surplus in terms of historic calculations, we should not be exuberant. In fact, I do not even think we should crack out the champagne. We could probably celebrate with a near beer and enjoy the fizz, but remain sober and committed to yet attacking with renewed vigor the problems that lie ahead in making sure that our financial fiscal house is in order in this country, and making sure that this country has a financial condition that we are proud to leave as a legacy to our children and grandchildren.

We should not allow the partisanship that has unfortunately divided us on all too many occasions to overcome our commitment to doing the right thing by the next generation in the years to come.

THE PURSUIT OF JUSTICE BY THE INDEPENDENT COUNSEL

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

Mr. NETHERCUTT. Mr. Speaker, I rise today to address a subject that is on the minds of all Americans, the pursuit of justice by the Independent Counsel.

In recent weeks, we have seen the personal character and motives of Kenneth Starr subjected to an unprecedented number of insults and attacks by friends of the President, attacks which are designed to delay justice and shift focus away from the truth.

Sadly, Mr. Speaker, these attacks only tarnish our system of law in America. Our criminal justice system was designed to operate outside the political arena. It was intended that officers of the court would seek justice based on the presentation of the facts and the determination of whether conduct based on these facts was unlawful or not.

The search for truth and determination of the facts has sadly become an indictment by political operatives of the Independent Counsel and his office. Diverting attention from the facts of this case does not serve justice, it simply demeans the Presidency.

Mr. Speaker, Congress passed the Independent Counsel statute in response to the Watergate experience of 1974, assuring that an independently appointed court official would best be able to seek justice involving allegations against high government officials. Moving the prosecution process outside the White House best assures that credible allegations of wrongdoing against such officials will not go unchecked. It is certainly not in our national interests for a President to investigate himself.

The history of the Independent Counsel statute is interesting. Congress reauthorized it three times. President Clinton himself signed the reauthorization legislation in 1994. Many Members of this Congress back in 1994 voted for such reauthorization.

Under the law, the Independent Counsel is given the same investigative authority as the Department of Justice. The authority includes conducting grand jury investigations, granting immunity to witnesses, and challenging in court any privilege claims or attempts to withhold evidence on national security grounds.

We must also understand, Mr. Speaker, that obtaining testimony by subpoena is an important investigative tool to determine the facts of allegations of wrongdoing by the President. Without facts, neither truth nor justice can be preserved.

Mr. Speaker, the Attorney General appointed Mr. Starr through a judicial panel and maintains full authority to remove the Independent Counsel. Mr. Starr was not appointed because he was without integrity; he was appointed because he is a fine lawyer, possessed of substantial legal skills and experience, and respected for his character and honesty.

If President Clinton genuinely believes Mr. Starr has acted beyond authority, the Attorney General may remove him for cause and appoint a different Independent Counsel. The power to do so resides in this President.

If the President believes the insults that his spokesmen level at Mr. Starr, then the President should seek removal. If he does not agree with those insults, the President should instruct his defenders to stop their public criticism, criticism that is not designed to learn the truth, but to deflect it and bring contempt on our justice system.

With international challenges facing our country, the public needs reassurance that our highest national leader is truthful, that his representations to us are reliable, that we can trust his word on matters of national security, that he is an honorable representative for all Americans. Under the circumstances, the President's sacred honor is in question. All the criticisms against the Independent Counsel by political operatives of the President do not change that at all. Their criticisms serve not the best interests of the country nor the one standard that Americans support most, the truth.

Mr. Speaker, all Americans need to know that our President is honorable. Seeking the truth should not just be another political campaign. Assaulting our legal system and the officers of the court who administer it, who serve under it, may have temporary political benefit. Public opinion polls ebb and flow, but the long-term damage is more lasting. Public distrust of our legal system, the system in which we want our citizens to have faith, will result from a contradiction of the noble American principle that we are a country of laws, not men. That rule of law and justice is of paramount importance to a civil society. No person, no matter how popular, is above the law.

Mr. Speaker, we should all take a careful look at the phenomenon unfolding before us, the gaming of our justice system, where criticizing legal authority is the defense weapon of choice, where putting a proper spin on the evidence is a substitute for being truthful and honest and accepting the consequences.

□ 2230

Free societies governed by laws fairly administered can prevail over political tyranny only if citizens have faith in and respect for authorities charged with enforcing the laws. Law is the embodiment of the moral sentiment of the people. The laws of our country are the most perfect branch of ethics. Laws should be like death, which spares no one. It has been said that every violation of truth is a stab at the heart of human society.

Mr. Speaker, in conclusion, our society, our country, needs the truth in this instance. To people of integrity, there would be no conversation so agreeable as that of a man, be he the President or the independent counsel, who has no intention to deceive. The withholding of truth can be a worse deception than a direct misstatement. Searching for the truth is the noblest occupation of mankind. Obscuring it is a curse on our society that will damage our institutions of government and our national spirit for years to come.

EXPLAINING THE ATTITUDES, CONCERNS, AND BELIEFS OF OUR CONSTITUENTS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from Colorado (Mr. SCHAFFER) is recognized for half of the time until midnight as the designee of the majority leader.

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, tonight I am joined by some of my colleagues from the freshman Republican class, which includes

individuals who were elected in 1996 and were sworn in at the beginning of 1997. This class is one that has come to this microphone often during special orders to talk about the agendas that we have set forward and that we are fighting to promote here in Congress, but more recently, we have had the opportunity to spend a considerable amount of time back at home in our respective districts, holding and conducting a number of town meetings and visiting with constituents and speaking about the issues that are taking place here, and describing our activities to our constituents.

So tonight our focus is primarily to report back to the Congress and to our colleagues about those things we have heard from our constituents, and to in fact explain the attitudes and opinions and beliefs of those constituents to the rest of the House.

With that in mind I am joined tonight by the gentleman from South Dakota (Mr. THUNE) and also the gentleman from great State of Minnesota, Mr. ROY BLUNT, is here. We may be joined by another gentleman from the State of Michigan, who has suggested he may join us tonight. I just wanted to have a general discussion with the Members here, and yield time back and forth and talk about the things we have heard.

As for me, conducting several town meetings and visiting throughout the country, throughout the district, rather, the concern for the key issue in the country of the national debt seemed to be first and foremost on people's minds, at about $5.5 trillion. That debt, when divided by the number of citizens in the country, comes to about $20,000 per man, woman, and child.

People are quite concerned about providing some real relief with that debt. People are encouraged by the news that we have heard and the reports that the economy has done so well and has allowed the American taxpayers to catch up with the spending of Congress, so we anticipate a budget surplus; that is to suggest that the debt may be eliminated, and that is, again, according to the way the government does its accounting. But the real question is what to do with a surplus if one is found to exist.

What I am hearing for the most part is that people would like to see us find some strategy to retire that debt, either pay it off directly, to try to find a way to relieve the tax burden on the American people in a way that allows them to be more productive, and generate more revenue to the Federal Government through tax relief, and a number of other strategies that have been suggested to me.

People would still like to see us move forward on our goals to provide further tax relief, to rein in the abuses at the IRS, and to begin treating taxpayers as though we are innocent until the IRS proves we might be guilty, rather than the other way around, as the burden is unfairly placed on taxpayers today when there is some question over tax obligation and liability.

Education was the third key issue that I had heard back in my district. We have had a lot of discussion about the government trying to usurp an independent national testing strategy that we have today, with independent operations that provide national benchmarks for our schools. The Clinton administration, as we know, has been trying to establish a national testing procedure through the U.S. Department of Education in a government-owned sort of fashion.

Many people in my district, in fact most people who are familiar with the proposal, have flatly rejected it and believe that we ought to defer authority back to our States and really focus on the freedom to teach and liberty to learn at the most local level. So that is a general sense of the key issues that have been raised in my town meetings.

Mr. Speaker, I yield to the gentleman from South Dakota (Mr. THUNE) to tell us what he has been hearing.

Mr. THUNE. Mr. Speaker, I thank the gentleman from Colorado for yielding to me.

I would say that there has been a lot of talk lately about how great the economy is doing, and just yesterday the Congressional Budget Office announced that we actually have an $8 billion Federal surplus in 1998. I think that is remarkable when we think about where we have come from, starting when our side took a poll of the Congress back in 1994, and began to govern in 1995, and how progressively each year we have been able to whittle away at the deficit to the point today where the fiscal discipline has actually paid off and we are doing something in terms of talking about operating with a surplus. I think that is a remarkable achievement.

It has been almost 30 years since that happened, since government was in the black. When we think about 30 years ago, most people now serving in Congress probably were probably closer to studying civics in high school or in the college classroom than they were to voting on the House floor. There are a lot of staffers, interns, and pages now working here in the House that were not even born yet back in 1969, which was the last time that we actually balanced the budget, the last time that it was at that point in time that we sent a man to walk on the Moon for the first time, and he took a giant step forward for mankind, and yet we have been walking backwards in terms of the fiscal path we have been on for this country.

Our booming economy, the budget surplus, are really truly, I think, noteworthy and very positive developments for our Nation. However, I would also say that we still have a long way to go, because as the gentleman mentioned with the unified budget concept, we have reached balance. We are actually operating in the black.

But the fact of the matter is that we continue to borrow from the Social Security trust fund, which masks the true size of the deficit. This year about $100 billion, and already some $650 billion, have been borrowed from the Social Security trust fund. That is a very, very serious issue which needs to be addressed.

When I go back to my State of South Dakota, and I spent a long time out there over the President's Day break, and then again last weekend and talked to my constituents, they are not ready quite yet to break out the bubbly and start celebrating the surplus. We may be doing well, but that does not necessarily mean Congress can pat itself on the back and assume that everyone in America is satisfied.

When I travel back to South Dakota, I meet a lot with young families where the husband and wife are trying to juggle jobs and schedules so that they can pay the bills, pay for day care, and still find a way to see their kids and each other at the end of the week.

I meet college students who are taking a full load of classes plus trying to work 40 hours a week on top of it to pay for their school. I meet with retired South Dakotans and senior citizens across my State who are worried about the Medicare program and Social Security program. I meet a lot of young professionals who are just starting out in their careers who, when you ask them if they believe that Social Security is going to be there for them, laugh it off. In fact, a recent survey found that more people believe in UFOs than believe that Social Security is going to be there when they retire.

So we may have a budget surplus in the unified sense, as we call it, here in Congress, but the people who created that surplus through their hard work and tax dollars are not necessarily seeing the benefits of our booming economy.

The American people are still overtaxed, and we saw some statistics just the other day in USA Today where it talked about the overall tax burden on the average family in this country, and how it has increased in each decade, in the past several decades, to the point today where the average family of four spends 38.2 percent of all their earnings just to pay taxes at one level, be it the Federal, State or local level. That is an enormous tax burden.

In terms of the overall economy, we heard the President say the other night that we have the smallest government in 35 years. I am not sure which criteria he was using, but I think we would have to look far and wide to find anything that would suggest that.

The fact of the matter again is that we are now, in terms of tax revenues,

taxing people of this country at 20.1 percent, by the President's budget, of our total gross domestic product. That is the largest tax burden collectively on our society since the Second World War.

So to make sure that we do not go back to the budget wilderness we have been wandering in for the last 30 years, I believe that we have to do some significant things, which I will talk a little bit about in terms of some of the solutions that I see out there in terms of a long-term fix for the fiscal problems that are facing us as we head down the road with Social Security, as the number of people who are retiring and receiving benefits outnumber those poor people who are paying in and working hard to pay into that system, and we look at what we can do in terms of a new tax code for a new century.

Those are some things we had talked about collectively on our side of the aisle that we have established as priorities. I have some suggestions as well in terms of how we go about doing that.

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

Mr. BOB SCHAFFER of Colorado. I yield to the gentleman from Michigan.

Mr. HOEKSTRA. Mr. Speaker, I thank my colleagues for inviting me, and for letting an old-timer join them this evening. But having been here in 1993 when this President set his priorities, and then seeing his budget that he just submitted to the Committee on the Budget a couple of weeks ago, and having Alan Greenspan testify to the Committee on the Budget today, I cannot help but reinforce how positive is the direction that we are going in.

Alan Greenspan came in and said that what we really need to do is we need to stick to the discretionary budget caps, because interest rates and the markets and the financial experts really are not taking us at our word. They are really not believing that we can actually hold tough on the discretionary spending.

So he sent us a clear message today, saying hold tight on discretionary spending caps and we will continue to see the benefits in our economy, because what we will do is we will continue to see lower interest rates; holding spending, perhaps cutting taxes.

But what is our President doing? His budget proposed increasing spending, so the 20.1 percent would go up; increasing taxes; and actually takes us back to a deficit. The President's budget proposal as scored by CBO says we will have a couple of years of surplus, low surplus, but by 2000, we are going to go back to deficit.

If we did nothing, if we all went home for the next 5 years and did nothing, we would be better off than doing the President's budget, because he increases taxes, but it is back to the old policies that we saw before from this President: let us increase taxes, let us increase spending. We would be $43 billion better off in terms of reducing the deficit if we did nothing. This President wants to increase spending and increase taxes, and do it in such a way that government grows and the deficit comes back.

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, I think people around the country recognize that, when it gets right down to it. People are beginning to get wise to the budget manipulations that they see from the White House.

I know in Missouri, and I apologize, earlier I mentioned that the gentleman from Missouri (Mr. BLUNT) was from Minnesota. That is not the case. Let me apologize. I yield to the gentleman from Missouri (Mr. BLUNT).

Mr. BLUNT. We have warmer winters in Missouri, and there are lots of other good things about our State.

Mr. Speaker, one of those is, I think it was one of my predecessors in Congress from our State about 100 years ago gave our State the name, the Show-me State. He said, I am from Missouri, you have to show me. And certainly we are skeptical, as many people are in my district are, about really what is happening as we work to balance this budget.

Now clearly, clearly the last two Congresses and the hard work of the American people have gotten us a long way. I think in January of 1995 the projected deficit for last year was $365 billion. This was after the President's tax increase, this was after 2, 3 years of the Clinton administration, and the projected deficit was $365 billion.

It turned out to be $22 billion. We got that announcement yesterday. As the gentleman from South Dakota (Mr. THUNE) mentioned, it looks like now for the first time in 30 years we are running a surplus, but of course what Missourians wonder about is how we could be running a surplus and still be increasing the national debt. Clearly that does not make sense from the show-me standard that we would want to set for whether you are in a surplus situation or not.

We need to continue to work to be sure that we quit, that we stop this process of borrowing from the trust funds, that we really do run a surplus, before we even think about how to spend that surplus. That does not mean we cannot do some tax relief, that does not mean we cannot take advantage of these good economic times, but it certainly does mean that we should not be committing the government to new programs based on some surplus, when we are still borrowing this year $100-plus billion from the Social Security trust fund, from the Highway Trust Fund.

We want to see that surplus in our State become a real surplus. We would like to say that this unified budget is actually treating the trust funds like they were trust funds, and is actually paying all the bills that the government has coming in, and beginning to pay down the national debt, not continuing to increase the national debt.

It would be pretty hard to convince any Missourians, particularly southwest Missourians, where I am from, that you have a surplus, and you are continuing to borrow and you are continuing to increase your debt by around $150 billion. That does not sound like a surplus to us. The Washington standard is not a good enough standard for hard-working taxpayers who want to see us have a real surplus.

But again, I do not want to say that in a way that takes away from what has already happened, because we have gone from a projected deficit of $365 billion to, today, a surplus under the same standards, the same rules, the same guidelines, of about $8 billion. That is a pretty big turnaround. We just need to turn that corner a little bit more before we feel like we are totally in the kind of situation where we are starting to paying off the debt instead of increasing the debt.

I think the hard work of the American people and the vitality of our economy, and frankly, the hard work of this Congress to set those budget caps that our friend, the gentleman from Michigan (Mr. HOEKSTRA) has talked about, and to stay within those caps and see the interest rates go down and the economic vitality that produces and the additional tax dollars that that produces, the additional tax dollars that the tax cuts that we were able to do last year have produced, have made a real change in America.

□ 2245

But we have to be careful that we do not follow the lead of the President just a month ago, 6 weeks ago in this Chamber where in 75 minutes, in a 75-minute State of the Union message, he proposed about $75 billion in new spending. That sounds like the era of big government is definitely back. And certainly a $75 billion, $1-billion-per-minute record is probably the record for anybody's State of the Union address ever in the history of the country, and this Congress and the taxpayers of America really cannot let that happen. I do not think they want that to happen.

Frankly, I think that is why we have not heard much about the President's spending proposals since he walked out of here at the State of the Union message and nobody responded to an America that goes right back into deep, deep debt the first time we think we may be able to make our payments in one month. That is not going to happen. I think we are all hearing that as we have had time to go back home.

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, let me issue a word of encouragement to conservatives and Republicans across the country based on

what I heard back home. I want to share some statistics briefly. It was not too long ago in Colorado that we had runaway spending at the State level and high taxes. The voters in Colorado through a series of initiatives and ballot proposals capped spending of our State budget and spending of all of our local governments. They additionally placed pretty severe tax limitations on State government and local government.

I remember at the time when I was serving back in the State Senate, that the liberals in Colorado were just whining and crying about these limitations on spending and tax increases as though it was somehow going to crush the State. And those of us on the conservative side and the Republican party back in Colorado stood our ground and maintained that, no, we believe very firmly in these conservative economic principles that if we lower taxes, we increase revenue to the State because of economic growth and prosperity. And when we lower spending, we move more authority out of the halls of government and into the homes of free people throughout the State.

Back in Colorado during the town meetings I just returned from, things are pretty good economically when it comes down to it. Colorado is almost an oasis in the west when it comes to economics. And here is the real impact of tax reduction and spending reductions in my State for those who doubt that these principles work and that the Republicans and conservatives here in Congress are on the right track.

This is a report I am going to refer to from the Center on Budget and Policy Priorities, a very liberal organization in its goals and objectives. But here is what they found in one of the lowest tax States in the union: The poorest one-fifth of our population in my State since the mid-1980s to the mid-1990s realized the greatest amount of economic growth and income growth in poor households. This is the poorest fifth. Their incomes over that 10-year period grew 39 percent.

The second fifth of income categories, their income grew 21 percent. The middle fifth saw income growth of 12 percent. The fourth group there, which is almost to the richest category, had a 6 percent growth and the richest fifth of Colorado citizens saw 16 percent growth. All income categories saw a remarkable growth over a 10-year period.

Mr. Speaker, that is very impressive. What is most impressive is that low taxes, smaller spending has resulted in a 39 percent growth rate for the poorest one-fifth of the residents of my district in my State.

I would suggest when we talk about spending and taxes within the context of compassionate and humanitarian approaches to serving our people, the proof is right here. That it is far more humanitarian, it is far more compassionate to take cash out of Washington, D.C., not even bring it here but to leave it back into the hands of the people who earned that wealth, who are able to turn income into jobs or are willing to take the risks as entrepreneurs and create wealth on a local level and at the State level in a way that honest to goodness has helped the poorest fifth of my State.

That means that there is more dollars to spend not on welfare, not on various entitlement programs and handout programs in my State, although we continue to do that, but more dollars are going to classrooms, for example. More dollars are going to the important priorities that when I travel around the State people tell me they want to see us invest in.

So we are doing it on a State level. These are accomplishments that Congress does not deserve a whole lot of credit for and should not try to take that. But what it does show is that if we can find strategies to turn more of the authority of Washington, D.C. back to our States, we can find strategies to shrink the size of the Federal Government and empower our people locally, that we can expect more of this. We can expect to see more of the poorest families in the country begin to become self-sufficient and move toward higher income categories and achieve real success. That is a Republican vision and a strategy that we all stand for and one that I am proud to say that it is working and it ought to be a point of encouragement for this Congress and the rest of the States of the Union.

Mr. HOEKSTRA. Mr. Speaker, I can understand why the gentleman from Colorado might be reluctant to yield to the gentleman from Michigan only because we have talked about the oasis in the west, but Michigan in many respects is the oasis of the Midwest.

Under our governor, the State I believe since 1990 has had 24 tax cuts. We have moved from a point where our structural unemployment was higher than the national average for a number of years. It was structural. It was said that Michigan's unemployment rate cannot get below the national average. I think now for the last 2 or 3 years our unemployment rate has been below the national average. Surprisingly, but not really because we have implemented the same strategies, tax cuts, aggressive business promotion, Michigan last year led the Nation in terms of job creation.

So, again, by returning power at the State level, we have returned it back to families, to businesses to grow jobs. That helps everybody. That benefits everybody.

The governor across the lake from us in Wisconsin I believe announced that he was recently signing the last welfare checks because now in Wisconsin they are going to restore the dignity that anybody receiving State assistance is going to be receiving a paycheck. They are going to be working for their benefits. So the kinds of strategies that the gentleman was talking about in Colorado are taking place and being successful all around the country. Lowering taxes, cutting spending and returning power back to the local level.

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, it is interesting we find Republican governors or Republican legislators leading the way at the State level. It is a clear distinction that is exhibited here between what our party represents and what our liberal colleagues on the other side of the aisle represent.

They define compassion by how much money government can give away to the charity of politicians' choices. We believe we define compassion by how much money we leave in the hands of those who earn it and encourage more to earn higher wages. The experiences in Michigan and Colorado are great examples.

Mr. THUNE. Mr. Speaker, if the gentleman would yield, not to be outdone here, since we have heard from Michigan and Colorado, but let me just say as well that in South Dakota we are leading the way in many respects. We are one of the few States which does not have a personal corporate income tax. For that reason we have attracted a lot of economic development to a State where certainly the climate is not always conducive to attracting people.

We have businesses coming into our State because we are very attractive and have a great work ethic. And we have in a systematic way in the last few years as well lowered taxes. On property taxes, our legislature went 5 percent farther. They lowered those taxes by 20 percent a couple of years back. Cumulatively, over the past 3 or 4 years, a 25 percent rollback in property taxes in our State. I think that is significant.

What it tells us that it is consistent with our philosophy and I think it is something that should apply here at the Federal level too. That is that we want to make the Federal Government smaller and the family budget bigger. I think that is a principle that is shared by a lot of our governors, our State legislatures around this country. Frankly, we want to see Washington do less so that the American family can do more.

Mr. Speaker, when we in a systematic way work to that end, I think we give the opportunity to our people, our families, the hard-working Americans in all of our States and congressional districts to do what they do best.

So I would still say, and I think in having this discussion tonight it is important to remember that one of our

first priorities and it has been mentioned earlier and I think we would all agree with it, is that we have to preserve Social Security. We have to do something about this enormous debt that we have accumulated.

Washington has not had the fiscal discipline up until recently for a very long time. And inasmuch as our States are doing well, the Federal Government is not doing so well when it comes to the debt that we have racked up on the next generation. I think that we need to put a systematic plan in place to address that issue.

Mr. Speaker, I am cosponsoring legislation offered by the gentleman from Wisconsin (Mr. NEUMANN) which would do that. I think perhaps some of my colleagues in the Chamber this evening are as well. That bill basically says that if there is a surplus, and there is some debate about that, but to the extent that there is a surplus, two-thirds of that should go to paying down the debt and restoring our trust funds, Social Security, transportation, environmental, et cetera, and the last third should be used for lowering our tax burden on the people in America.

Furthermore, it puts a plan in place, a discipline over time that says the Federal Government cannot spend more than 99 percent of what it takes in in revenue. Each year we set aside 1 percent and apply that toward the debt. And having done that based on economic assumptions that I think are fairly modest in a period of 30 years, we would have actually eliminated in its entirety the $5.5 trillion debt that we have accumulated.

This is very significant because as we pare down that debt, we also pare down the interest payment which is chewing up a good part of the Federal budget. This year about $250 billion in interest. I use the illustration because it is something in my part of the country people will understand. But every personal income tax dollar raised west of the Mississippi River and then some is applied just toward the interest on the debt. That is something that when the Committee on Appropriations does the budget here in Congress that they do before anything else. They have to write the check to pay the interest on the debt.

That is tax dollars from hard-working Americans that do not go to any important governmental or public purpose. We are not paving any roads with that or doing anything to advance education or improve the quality of our kids' education in this country. We are simply saying that that is a product of the 30 or 40 years of fiscal neglect.

Mr. Speaker, I think it is high time we do something to address that. I would certainly encourage my colleagues here this evening to work with us as cosponsors of that legislation and move us in a direction that will address the long-term issue, and that is the irresponsible spending patterns that we have had here which have led us to this point.

Mr. Speaker, I notice we have the gentleman from Pennsylvania (Mr. PETERSON) here in the Chamber. I am wondering if he might have something to add to the discussion. We have been talking about what most of us have heard over the course of listening and town meetings back in our home districts.

Mr. PETERSON of Pennsylvania. Mr. Speaker, it is interesting. I wanted to share my perspective of the President's message that we heard here in this hall a few weeks ago. It was a pretty smooth message. But in the first two paragraphs, he talked about Social Security first. That is pretty basic. That has been applauded throughout the country.

But when he went on in the hour-long speech, he spent the money that could have put Social Security first. I guess it is pretty basic fundamentals. My colleagues have already chatted about it a bit. But we are balancing the budget by borrowing $100 billion in his proposed budget from Social Security. And when we add up all of the trust funds, we really will increase the debt if we pass the President's budget by about $140 billion to $150 billion. That is increasing the debt.

We may not be spending more general fund revenues than we are taking in, but we are spending more money than we are taking in. To me that is basically fundamental. So I think the President in his smooth talk, as I call it, talked about Social Security first and then put it last.

The other issue about his overall proposal that bothered me in basic budgeting, this is only my second Federal budget but I have dealt with 19 State budgets. In the State, whenever we got a one-time funding source where we had a windfall of a few million dollars, in the State it was millions, here it is billions, but he was going to use the supposed talked-about tobacco settlement to build a budget. And when we take one-time revenues, and we may get them 2 or 3 years, I am not sure what the settlement will be or how soon it is going to pay out, but it is not forever revenue. It is temporary revenue.

When we build a budget with temporary revenue, down the road we are either going to cut that spending or raise taxes to replace that spending. That is bad budgeting. That is basic, fundamental poor budgeting. That is part of the President's proposal.

□ 2300

I think if we really want to put Social Security first, I think we have a very short window. I think in the next 2 to 3 years, we have some unusual revenue growth, if we do not somehow screw up the economy in this country, if we do not take this opportunity to back out of borrowing from Social Security and actually start a trust fund, leave that 100 million, make that 100 billion. In a 3-year period if we could stop borrowing at all, we would already have accumulated 200 billion actual money in the bank to be invested wisely and could be building for those who are worried about Social Security in the future.

If it was my choice, if I were king, I would take the tobacco settlement and whatever payments are part of it. I know we have farmers to take care of. There is a lot things to solve with the tobacco settlement because there are people that are going to be displaced out there. I have sensitivity to that. But whatever money is not allocated in that settlement, I would put in the Medicare Trust Fund. Now we have started to help extend the Medicare program for more than 10 years out because that is all that it is solvent today. Those are two things that would send the right message to especially the seniors in this country.

A couple other things that I wanted to mention was the sunsetting the IRS. I see the President has taken us on for sunsetting the IRS in the Tax Code as if that is irresponsible. I think the gentleman from Oklahoma (Mr. LARGENT) did an outstanding job the other day of his theory that it should be a national debate in the next Presidential election. And if we sunset it and give ourselves the time to go through the next election, when we are electing the next President, we can elect a President that tells the American people what kind of a simplified Tax Code they want and that he is going to give them. I think it would be an absolute time to debate that nationwide.

Those are just a few of the things that I think are very important.

Mr. BLUNT. Let me say in that regard, the President, I think yesterday, started right down the path that we all should anticipate in the fight to sunset the Tax Code. The President said, if we sunset the Tax Code, we would not have mortgage deductions anymore. Who says we would not have mortgage deductions anymore? The President takes a couple of hundred words, a couple thousand words, maybe, out of a 5.5 million word Tax Code and holds those up to the American people and says, now, to save this, we have to have all of this.

The pressure to maintain the Tax Code is going to be right here in Washington. There is not a single thing in the Tax Code that somebody did not want in there. There is not a single thing in the Tax Code that some special interest did not want in there.

The Tax Code is out of control. It is not a creature of the IRS. It is a creature of the Congress. But I think yesterday we saw exactly the reason that we need to go ahead and commit to

slay the dragon of the Tax Code and then have the debate about a new system, because we saw the President get some response by just taking one appealing thing in a Tax Code that largely does not appeal to anybody and saying, you do not want to lose this. And if you slay the Tax Code without a new plan, you are going to lose this.

The truth is that the folks who are really out there to protect the 5.5 million word Tax Code, and by the way, the Declaration of Independence had 1,300 words in it, the entire Old and New Testament has 773,000 words in it. The Tax Code is eight times as big as the Old and New Testament. I think it is 42,000 pages of Tax Code and 20,000 pages of the IRS interpretations of what the 42,000 pages mean, and nobody understands that Tax Code.

But if we do not commit ourselves to eliminate the code first, the debate on what to replace it with will be used as the way to ensure that we never eliminate the code, because you will see the greatest efforts at class warfare. You will see the greatest efforts at generational warfare, all waged by people who want to save some sliver of that Tax Code that they worked so hard to get in there that does not help anybody in America but them.

The commitment that we would make as a Congress to eliminate the Tax Code at a future date, and I believe the bill that many of us, I am certainly cosponsoring the legislation, the date on our legislation is December 31, 2001, with the commitment to have a new system in place by Independence Day 2001, 6 months in advance of when it would necessarily have to go into effect, to slay that Tax Code and then have this national debate that has to meet the framework of being fairer, being simpler, producing no more revenue than the current Tax Code produces and to really truly eliminate the IRS as we know it, because the IRS is only the IRS because of a Tax Code that nobody fully understands. And that is what allows the IRS in its worst cases to be the IRS.

One of the most frustrating things in the world would have to be a well-intentioned IRS employee with a Tax Code that can mean anything somebody at the IRS decides it may mean in any given instance. We need to commit to eliminate that code, and I think the President is just as wrong on this as he was last spring when he told us the IRS does not need to be reformed. And then, again, 6 weeks ago here he turned to the Senate and says, and why do you not pass those IRS reforms that the House passed last year. Remember, he was opposed to those IRS reforms and said the IRS was running better than it ever had in any time certainly than it was 5 years ago when he took office. That is just not true. He admitted as much in the State of the Union message.

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, it was so ironic when the President made this speech about characterizing our efforts to rein in the IRS as somehow irresponsible, it is important to note where he made the speech. I do not want to malign the group he was before and speaking in front of, but it was a special interest group of a particular group of individuals who are involved in a certain aspect of financial institutions.

But that really illustrates what is sick about tax policy in Washington in the first place. You stand in front of the interest group that happens to be in town for one week or another, tell them what they want to hear about their little part of the Tax Code, and that, over time, if you look at it in reverse, is how the Tax Code was created to be the way it is now, why it is so ridiculous.

I think what brings us all here together as Republicans tonight is that we want to put the average American taxpayer first. We have spent a considerable amount of time traveling around our districts listening to real people who do not care about this loophole or that loophole or that advantage or this disadvantage in the Tax Code. They want the entire program reined in. They want us to exercise our authority and provide the oversight and demand the accountability that we ought to do, and they want us to focus on liberating the American public so that this Tax Code, which now represents about 20 percent of the burden just in Federal income tax to the average American family, is reduced.

Is that what you are hearing in your part of the State?

Mr. HOEKSTRA. Mr. Speaker, that is exactly what I hear, listening to our colleague from Missouri. What we are finding is at the State level Governors are aggressively slaying the dragons of big State government, whether it is South Dakota, whether it is Colorado or Michigan. They are trimming back on bureaucracy. They are lowering taxes. They are doing all the things that the other side said you cannot do it.

The people need this. Government has to deliver these services. And what we are seeing at the State level is kind of like, we can slay those dragons, and when we do, the average person benefits because they keep more of their own money.

We create more jobs which increases wages, and we have to learn that same lesson here in Washington, that we can go out and slay those dragons. We can slay the Tax Code and develop a better Tax Code than what has developed over the last 30 years because of special interests.

We can change the education bureaucracy here in Washington so that we are focusing on kids again. The education bureaucracy here in Washington focuses on special interests. It focuses on everything but kids learning. The study that came out last week, the Timms international study, devastating for America. I think in science and math we scored 19, 20 out of 21 countries. That is an improvement because in some of the other studies that have been done internationally, we scored about 38 or 39. These were high school seniors. The only reason we moved up is we are not compared to as many countries as we were in the other studies.

But it is devastating that we are not turning out the kinds of kids out of our education system that we need to be turning out. We have gone around the country listening, and we will be in your State in a couple weeks. We have been, I think, in 14 different States. You have to focus on parents, local control, basic academics in the classroom and safe and drug-free schools. That is the message.

What we have learned is Washington programs are focused on bureaucracy and paperwork. We have 760 programs and, you say, hallelujah, now I know why we have an Education Department to coordinate all these 760 programs. Wrong. They go through 39 different agencies. We have got to slay that dragon, get the education bureaucracy in Washington out of here and get it focused on kids, parents and local control, and helping those children learn, not bureaucracy, bureaucrats or paperwork in Washington.

Mr. THUNE. Let me just pick up on what the gentleman from Michigan said there, because I think the underlying theme that we are hearing in all these discussions this evening is the whole issue of personal freedom, taking the bureaucracy out of Washington, D.C., and allowing families and State and local governments to do what they do best.

And really I think that seems to me, the gentleman from Missouri talked about the Tax Code, 34½ pounds, we put it on a scale. It is an atrocity. And you think about the captivity that that puts people in this country in. They are so dependent and need to be released and unburdened from the shackles of big government.

If we can come up with a way that simplifies that process, I did mine a couple weeks ago. I speak firsthand from this. It is a remarkable, remarkable experience to try and go through and sort through all those forms and try and come up with, get your tax return prepared and completed in a way that satisfies all those regulations. But I think the same thing is true in education.

We are not viewed, I do not believe, out there as people who want to do anything to undermine the education of our children. We want a higher quality system, a better value to the taxpayers which puts more of the choice

and freedom back home in living rooms with the men and women of this country.

I happen to believe, as I think everybody in the Chamber this evening does, that fundamentally we are a lot better served, my children are infinitely better off and your children and grandchildren, if we have that focus, that point of control back home as opposed to here in Washington.

I think the underlying theme in everything we are talking about is liberating people from big government programs, from an education bureaucracy, from a tax bureaucracy, a revenue collecting bureaucracy, and putting more control and power in their hands. As the gentleman from Missouri mentioned earlier, there has been a lot of foot-dragging along the way.

IRS reform was an issue which was very popular with us, and the President basically pooh-poohed it until he found it was also popular with the American public. Then all of a sudden he was back at the table saying this is a great idea. You look at, along the way, welfare reform. Nobody said that could happen. A balanced budget, nobody said those things could happen. Now we are talking about scrapping the Tax Code. He is saying that is irresponsible.

The only thing that is irresponsible is defending the status quo. We have an opportunity here over the next couple of years to do something that is significant and historic, which builds upon the progress of welfare reform, balanced budget, lower taxes, Medicare reform, and that is to reform this Tax Code, to scrap the old one and start from the ground up with something that makes sense because the one that we have today does not.

If we have to bring everybody kicking and screaming at the White House along on this journey, so be it, because I think the American public supports us. They are going to be leading the way when we give them some opportunities to look at the alternatives that are out there. I think it is all about more personal freedoms, smaller government, lower taxes and putting more control and more decisionmaking authority in the hands of individuals as opposed to government.

Mr. BOB SCHAFFER of Colorado. The Tax Code keeps cash out of the hands of families who might want to put their kids into a higher education setting or some other academic setting that would make them more marketable and more profitable in the job market, and these regulations that we talk about with respect to education drive up effectively the cost of education for all of our children throughout the country.

The gentleman from Missouri (Mr. BLUNT) is a former college president.

Mr. BLUNT. Mr. Speaker, I appreciate that. One of the things that we all worked for and voted for last year right here on the House floor was a resolution that did exactly what you and the gentleman from Michigan (Mr. HOEKSTRA) and others want to do and the gentleman from South Dakota (Mr. THUNE) was mentioning with education. I know the gentleman from Pennsylvania (Mr. PETERSON) was an advocate of this. That was, let us get what money we spend where it does the most good. Let us be focused on education, not focused on bureaucrats. This is the right kind of solution that we need.

I think 310 Members of the House, which means that lots of Democrats joined virtually all the Republicans, and we passed a resolution that said that 90 cents out of every dollar in every Federal elementary and secondary program needed to get to the classroom, the Dollars to the Classroom Act. And suddenly we are reducing all that money that is used up by bureaucrats, all that money that is used up by people figuring out new forms to fill out and by people that have to fill out those forms and by people that monitor those forms. We are saying, let us get that money to where it will do some good.

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Let us be sure that we do not waste $1,800 for every classroom in America every year, like we are doing now when we are getting about 65 cents out of every dollar in the classroom. Let us get 90 cents out of every dollar in the classroom. Let us let parents be involved in that decision. Let us let local building administrators be involved in spending that money. But mostly let us let teachers and kids get together. Let us put that money not in the hands of some bureaucrats in Washington, or even in all of our State capitals, let us put that money in the hands of a teacher who knows every child's name in that class. That can make a difference.

Mr. THUNE. The gentleman presiding, it is his legislation we are talking about.

Mr. BLUNT. That is exactly right.

The SPEAKER pro tempore (Mr. PITTS). The Chair would advise the gentlemen that there being no designee of the minority leader, the gentleman from Colorado (Mr. SCHAFFER) may proceed for up to 15 minutes more.

The gentleman is recognized.

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, you are in the chair and cannot join us in the discussion, but also a Member of the freshman class the gentleman from Pennsylvania (Mr. PITTS) has led the way in urging this Congress and our Federal Government to put more cash into the classrooms and basically starve the bureaucracy back in Washington and put children first. And it is a project that we are all very happy to be a part of and be supporting and we commend him for his leadership.

The gentleman from Pennsylvania (Mr. PETERSON) also has worked on similar efforts back in his home State, and he may have a little more to add to that.

Mr. PETERSON of Pennsylvania. The gentleman used the words "starve the bureaucracy." As I look at the Washington bureaucracy, I do not think there is anybody starving.

The President, in his message, also talked about that government was smaller, I forget by what percentage than when he came here. When we add back the million people who have been taken out of the military, our government bureaucracy has grown immensely under the administration of the present President. I am told there are departments that have doubled. I think EPA has doubled in numbers of employees. There are other departments that are 50 percent bigger. While we were cutting the military immensely, the rest of this government, as far as personnel is concerned, has exploded.

There is a line item in the budget called general government. And I am going on memory here tonight because I have not looked it up recently, but if my memory is correct it was a $10 billion line item that in his budget was going to increase to 17 billion. It was general government. That is personnel. That is bureaucracy. So he was asking for a 42 percent increase in that line item in this year's budget.

That is an area we need to take a look at it. I know I am personally having an audit done on how many employees there are in each department and how many there have been for the recent years. And if we want to waste money, build a huge bureaucracy. The Federal Government should not have these huge bureaucracies.

I know my communities cannot deal with EPA, my businesses cannot effectively deal with EPA, but they can effectively deal with their State environmental agencies, who should be implementing the programs that we designate or that we prioritize. So I think we can take a huge look at cutting back.

Pennsylvania had a Governor a few years ago by the name of Dick Thornberg. I think my colleagues know him or know of him. He cut the size of government from about 105,000 to 92,000. Now, at that time I was a State legislator and then ran for the Senate about that same period of time, but I was serving in government. As he cut the bureaucracy and improved the management, our casework in our offices, helping people deal with government, went down measurably because he made those departments much more efficient, more professionally run, with less people, so our workload of helping communities and people deal with government became much less.

As soon as we got a new Governor who did not pay attention to that and

started adding more people to the payroll, our workload in our offices went up because of the inefficiency of the bureaucracy that was not well managed.

That is another point I wanted to make in my concluding comments. We measure Governors and Presidents on what they propose, not on what they do. We really should be taking a look at this administration and why did we have $23 billion in wrongful spending in Medicare; why do we have 21 percent error rate in the tax credits? We could go on and on with the long list. That is poor management.

That is the job of an administrator, is to run government. But we only talk about what they propose, what they promise, and what they are going to do for us, when the first job of a CEO is to manage a company. The first job of a President or a Governor is to manage their government. And we should be measuring our leaders on how they manage the resources that we give them and the programs we give them.

I think if we did that, things would change a lot because they would stop talking about new programs and they would start paying attention to managing government. And I think we need to change our whole focus.

Mr. BOB SCHAFFER of Colorado. I have a question I would like to pose to my four colleagues, and that is with respect to this issue of reining in government and the success we have seen at the State level, what the President is criticizing, trying to rein in the IRS through sunset provisions is not new throughout the country. I am curious how many of my colleagues' States have sunset provisions that we deal with at the State regulatory level. Are any of my colleagues' States involved in those back home?

There are several States that do. I will give an example out in Colorado. Pennsylvania does. In Colorado, if we look at every regulatory agency in our State laws, at the end of the statute there is a termination date. The Public Utilities Commission, by way of an example. Eight billion dollars worth of commerce and industry is regulated by that agency in my State. At the end of the act, if we open up the law books, it says this agency expires and terminates, goes away effectively on, and it will say June 31 in some year out in the future, 5 or 10 years out in the future.

What these sunset dates do, and many people do not understand this, this does not mean the agency goes away, but what it does do is it shifts the burden away from the government and it takes the advantage away from the bureaucracy, away from the status quo, and gives all of the advantages for reform to the taxpayers and the people.

That is what would happen if we sunsetted the IRS, and the reason we are pushing so hard for it. Getting any incremental change in that act is so difficult here because we have to get 218 majority votes here, another majority vote in the Senate, we have to compromise it, too, and somehow find a way to get the President to sign it. That is a tall order. But if we shift the burden and say we must come up with majority agreement in all three, the House, Senate and the President, or else the whole agency expires, well, I think people will start negotiating a lot more seriously. They start putting the taxpayers ahead of the bureaucrats, they start putting real reform ahead of status quos.

And that is why sunset dates are so effective. They are responsible. They are done in several States and done so quite effectively. And I think we ought to take a lesson from the playbook from many States and employ sunset dates, not just on the IRS, although that is the best place to start, but in several regulatory agencies.

Mr. PETERSON of Pennsylvania. If the gentleman will yield there, I would like to ask this question of the gentleman from Michigan, who is our education expert; if we had a sunset provision in all 700-some programs in the Department of Education, the gentleman's committee would be pretty busy, would it not, reviewing all those as their times came due?

Mr. HOEKSTRA. I thank the gentleman for asking the question. Absolutely. Because if there is another agency in a department that needs to be sunsetted, not that we need to get rid of it but that we need to reevaluate its purpose, because we know we are not getting the kind of results that we want so we know we have to do something; then we have to go through and we ought to be evaluating those 760 programs. We know that out of those dollars, 30 to 35 cents never gets to the classroom, which is where the leverage point is.

So then we should come back, and I have a list here of what does the Federal education program do or what does the President want it to do. The President wants the Federal education program to build our schools and hire our teachers. Are those Federal responsibilities? I do not know. We really should have a good debate about that. I am not sure. I do not think so.

We want it to develop our curriculum, test our kids, feed them breakfast, feed them lunch, teach them about sex, teach them about drugs, do after-school programs. But other than that, it is our local schools. Now, are those, are all of those decisions best driven from Washington?

This is where the education department has evolved from since 1979. And if we go back through the debate, in the debate in 1979, the people who participated in support of the education department said we do not want to move control from parents and the local and the State level to Washington. We just want to facilitate. Well, in reality if we take a look at where that bureaucracy has gone, it has moved well beyond its original mandate. It should have been sunsetted so we could have reevaluated the direction and the impact and the performance on an ongoing regular basis, rather than creating an agency where bureaucrats are just feeding themselves and getting bigger and bigger and bigger and losing focus of their real job.

Mr. THUNE. If the gentleman will yield on that point, because it is an important point. The fact we do not have sunset provisions in Federal programs is what I think makes the President's budget so dangerous.

The gentleman from Pennsylvania made the point earlier about the fact that there is all this new spending: 39 new entitlement programs. We cannot create a program in this city and ever hope, even though its purpose ceases to exist, to get rid of it if the time ever comes.

So I think before we embark on this road of new Federal spending, new government, new Washington programs, which is clearly the direction that the President wanted to go when he came out with his budget, and I did not count it up, but a billion dollars a minute is a pretty astonishing rate of government growth, but that is what the State of the Union address was all about, creating new Washington bureaucracy and new Washington spending.

And I think that is a very dangerous road to start down, given the fact that any time we create entitlement programs in this city, they are there to stay.

I think that he is assuming a whole lot of things about the performance of this economy that we really do not know about. I think we would be much better served to the extent that we have addressed long-term issues like Social Security, like Medicare, having done that, that any dollars that are left, we ought to give them back to the taxpayers whose dollars they are in the first place and really ought to have first claim.

So I think you make an important point when you talk about all the various programs over time that have been created, never been evaluated. Before we head down that road again, I think the American public would be better served if we talk in a very fundamental way about ensuring that we do not create new Washington spending. I think that is an important point that we probably all agree on.

Mr. BLUNT. If the gentleman will yield, I think that is exactly right. I think what happens is, if you do have sunset provisions, every agency not only is aware that it is going to have to come up for review, but every assignment it is given is going to have to come up for review, and that just does not happen now.

We have lots of programs on the books that are not funded, are underfunded, or just out there waiting for that moment when they can come back in and grab some more money. Nobody ever challenges those things. I think that one of the great reviews we could do would be to do that.

I think one of our freshman colleagues, the gentleman from Texas (KEVIN BRADY) has legislation he is working on that would really put sunset provisions in as an automatic part of any new program that goes into effect, any new agency that goes into effect. Then of course we ought to go back and attach those same provisions to old agencies.

I think what happens in Colorado and other States that have this is the departments themselves pretty quickly come back to the legislature and say, when they see something that is going to be a problem for them, when it comes time to defend it, when it comes time for them to be reauthorized, they say in advance, you know, we think this is really not working out like we thought it would. We think you ought to eliminate this, because we do not want to come back 2 years from now and explain why we have not been able to make it work. I think that is one of the things we could do to begin to get this government under control.

Also the other thing that has been mentioned so often tonight that we have taken great advantage of over the last 3 years has been the States themselves. How many times tonight in our discussion have we talked about, whether it is welfare programs or education programs, how much benefit we are getting by letting the 50 States be 50 laboratories for change?

There are great results happening in State after State after State where we have allowed them leeway in areas like welfare that they have not had before. The Governor of Wisconsin just the other day, as was pointed out, wrote the last welfare check. There are not going to be any more of those checks issued in that State. It has made a dramatic difference in the way they approach this problem.

Mr. PETERSON of Pennsylvania. I guess a concluding remark for me is one of the first things I said tonight. I think we really have 3 years to back out of the trust funds. If we do not stop borrowing from the trust funds the next 3 years, we probably will not have an economy that will allow us to do that. I think we have a limited time to stop borrowing from them. I think the pressure ought to be on.

I do not think we have to whack and cut with a cleaver. I think we just have to be a little bit frugal like we are with our own money, just a little bit frugal here in Washington. We can stop borrowing from the trust funds, and we can make sure Social Security and Medicare are strong and that our children do not have the debt that we are going to leave them if we do not do it.

Mr. SCHAFFER of Colorado. Our time has expired this evening. I appreciate the Speaker and his indulgence and for presiding tonight. By the way, Republican freshmen have an hour scheduled again next week on Wednesday, so I hope everybody will join us here again. We will continue our discussions about how we can move authority out of Washington back to the States and back to the policymakers and leaders who are closest to the people and know most about how to lead this great country.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. LUTHER of Minnesota (at the request of Mr. GEPHARDT) for today, March 4, on account of family illness.

Ms. KILPATRICK of Michigan (at the request of Mr. GEPHARDT) for after 3 p.m. today and the balance of the week on account of a family emergency.

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. PALLONE) to revise and extend their remarks and include extraneous material:)

Mr. LIPINSKI, for 5 minutes, today.
Mr. FILNER, for 5 minutes, today.
Ms. WATERS, for 5 minutes, today.
Mr. MINGE, for 5 minutes, today.
Mr. DAVIS of Illinois, for 5 minutes, today.

(The following Members (at the request of Mr. NETHERCUTT) to revise and extend their remarks and include extraneous material:)

Mr. NETHERCUTT, for 5 minutes, today.
Mr. CAMPBELL, for 5 minutes, on March 5.
Mrs. MORELLA, for 5 minutes, on March 5.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. PALLONE) and to include extraneous matter:)

Mr. HAMILTON.
Mr. DAVIS of Illinois.
Mr. PALLONE.
Mr. DINGELL.
Mr. JOHN.
Mr. STARK.
Mr. FORD.
Mr. BENTSEN.
Mr. WISE.
Mr. PASCRELL.
Mr. SANDLIN.
Ms. NORTON.
Mr. KIND.
Ms. DELAURO.
Mrs. LOWEY.
Mr. FROST.
Mr. TOWNS.
Mr. VISCLOSKY.
Mr. SCHUMER.

(The following Members (at the request of Mr. NETHERCUTT) and to include extraneous matter:)

Mrs. MORELLA.
Mr. FORBES.
Mr. KING.
Mr. DAVIS of Virginia.
Mr. WOLF.
Mr. PACKARD.
Mr. GILMAN.
Mr. GALLEGLY.
Mr. ROHRABACHER.
Mr. PORTER.

(The following Members (at the request of Mr. BOB SCHAFFER of Colorado) and to include extraneous matter:)

Mr. RANGEL.
Mr. MCGOVERN.
Mr. CLYBURN.
Mrs. MEEK of Florida.
Mr. TIAHRT.
Mr. BARR of Georgia.

ADJOURNMENT

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 30 minutes p.m.), the House adjourned until tomorrow, Thursday, March 5, 1998, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

7686. A letter from the Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Walnuts Grown in California; Decreased Assessment Rate [Docket No. FV97-984-1 FIR] received February 27, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7687. A communication from the President of the United States, transmitting his requests for FY 1998 supplemental appropriations and FY 1999 budget amendments to address emergency funding needs related to the situation in Bosnia and in Southwest Asia as well as to natural disasters in the United States; and to designate these requests as emergency requirements pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, pursuant to 31 U.S.C. 1107; (H. Doc. No. 105-220); to the Committee on Appropriations and ordered to be printed.

7688. A letter from the Secretary of Defense, transmitting the report to Congress for Department of Defense purchases from foreign entities in fiscal year 1997, pursuant to Public Law 104-201, section 827 (110 Stat.

2611); to the Committee on National Security.

7689. A letter from the Secretary of Defense, transmitting a report that the Department has not authorized any category of merchandise to be sold in, at, or by commissary stores, pursuant to 10 U.S.C. 2486(b)(11); to the Committee on National Security.

7690. A letter from the Director, Selective Service System, transmitting a report on the operation of the system for fiscal year 1997, pursuant to 50 U.S.C. app. 460(g); to the Committee on National Security.

7691. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting the semiannual report on tied aid credits, pursuant to Public Law 99-472, section 19 (100 Stat. 1207); to the Committee on Banking and Financial Services.

7692. A letter from the Secretary, Department of Health and Human Services, transmitting the 1997 annual report on the Loan Repayment Program for Research Generally, pursuant to 42 U.S.C. 2541-1(i); to the Committee on Commerce.

7693. A letter from the Director, Regulations Policy and Management Staff, Food and Drug Administration, transmitting the Adminstration's final rule— Extralabel Animal Drug Use; Fluoroquinolones and Glycopeptides; Order of Prohibition [Docket No.97N-0172] received March 3, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7694. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 12-271, "Suspension of Liquor Licenses Amendment Act of 1998" received March 2, 1998, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform and Oversight.

7695. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 12-272, "Make a Difference Selection Committee Establishment Act of 1998" received March 2, 1998, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform and Oversight.

7696. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 12-273, "Natural and Artificial Gas Gross Receipts Tax Amendment of 1998" received March 2, 1998, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform and Oversight.

7697. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 12-276, "Commercial Mobile Telecommunication Service Tax Clarification Amendment Act of 1998" received March 2, 1998, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform and Oversight.

7698. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 12-268, "Unemployment Compensation Tax Stabilization Second Temporary Amendment Act of 1998" received March 2, 1998, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform and Oversight.

7699. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 12-270, "Testing of District Government Drivers of Commercial Motor Vehicles for Alcohol and Controlled Substances Temporary Amendment Act of 1998" received March 2, 1998, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform and Oversight.

7700. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 12-278, "Equal Opportunity For Local, Small, and Disadvantaged Business Enterprises Temporary Act of 1998" received March 2, 1998, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform and Oversight.

7701. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 12-277, "Mortgage Lender and Broker Act of 1996 Temporary Amendment Act of 1998 " received March 2, 1998, pursuant to D.C. Code sectión 1—233(c)(1); to the Committee on Government Reform and Oversight.

7702. A letter from the Director, Federal Mediation and Conciliation Service, transmitting the 1996 annual report in compliance with the Inspector General Act Amendments of 1988, pursuant to 5 U.S.C. app. section 8G(h)(2); to the Committee on Government Reform and Oversight.

7703. A letter from the Chairman, Federal Reserve System, transmitting a report of activities under the Freedom of Information Act for the calendar year 1997, pursuant to 5 U.S.C. 552(d); to the Committee on Government Reform and Oversight.

7704. A letter from the Director, Office of Science and Technology Policy, transmitting a report of activities under the Freedom of Information Act for the calendar year 1997, pursuant to 5 U.S.C. 552(d); to the Committee on Government Reform and Oversight.

7705. A letter from the Attorney-Advisor, U.S. Trade and Development Agency, transmitting a report of activities under the Freedom of Information Act for the calendar year 1997, pursuant to 5 U.S.C. 552(d); to the Committee on Government Reform and Oversight.

7706. A letter from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Offshore Component of Pollock in the Aleutian Islands Subarea [Docket No. 971208296-7296-01; I.D. 022098B] received March 2, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7707. A letter from the Director, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Financial Assistance for Research and Development Projects to Strengthen and Develop the U.S. Fishing Industry [Docket No. 960223046-8030-03; I.D. 012398C] (RIN: 0648-ZA09) received March 2, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7708. A letter from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic; Closure [Docket No. 970930235-8028-02; I.D. 022498A] received March 2, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7709. A letter from the Deputy Assistant Adminstrator for Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic; Amendment 8 [Docket No. 970606131-8033-02; I.D. 041497C] (RIN: 0648-AG25) received March 2, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7710. A letter from the Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Inshore Component Pollock in the Bering Sea Subarea [Docket No. 971208296-7296-01; I.D. 022598C] received March 2, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7711. A letter from the Deputy Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Taking and Importing Marine Mammals; Taking of Ringed Seals Incidental to On-Ice Seismic Activity [Docket No. 970725179-8017-03; I.D. 071497A] (RIN: 0648-AK33) received March 3, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7712. A letter from the Independent Counsel, Office of Independent Counsel, transmitting the third annual report, pursuant to 28 U.S.C. 598(a)(2); to the Committee on the Judiciary.

7713. A letter from the Secretary of Transportation, transmitting the Fifteenth Annual Report of Accomplishments Under the Airport Improvement Program for the Fiscal Year 1996, pursuant to 49 U.S.C. app. 2203(b)(2); to the Committee on Transportation and Infrastructure.

7714. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Fokker Model F28 Mark 0100 Series Airplanes [Docket No. 97-NM-264-AD; Amendment 39-10169; AD 97-19-16] (RIN: 2120-AA64) received February 27, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7715. A letter from the Acting Director, Regulations Policy and Management Staff, Food and Drug Administration, transmitting the Administration's final rule—Indirect Food Additives: Polymers [Docket No. 97F-0336] received February 27, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7716. A letter from the Chief Counsel, Internal Revenue Service, transmitting the Service's final rule—Source and Grouping Rules for Foreign Sales Corporation Transfer Pricing [Docket No. REG-102144-98] (RIN: 1545-AV90) received March 2, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7717. A letter from the Chairman, U.S. Merit Systems Protection Board, transmitting the appropriation justification for the U.S. Merit Systems Protection Board(MSPB) for fiscal year 1999; jointly to the Committees on Government Reform and Oversight and Appropriations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mrs. MYRICK: Committee on Rules. House Resolution 377. Resolution providing for consideration of the bill (H.R. 2369) to amend the Communications Act of 1934 to strengthen and clarify prohibitions on electronic eavesdropping, and for other purposes (Rept. 105-427). Referred to the House Calendar.

Ms. PRYCE of Ohio: House Resolution 378. Resolution providing for consideration of the bill (H.R. 3130) 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, and to provide for a more flexible penalty procedure for States that violate interjurisdictional adoption requirements (Rept. 105–428). Referred to the House Calendar.

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. SMITH of Oregon:

H.R. 3317. A bill to provide that each State may establish a pilot program for mediation of private rights of action under the Migrant and Seasonal Agricultural Worker Protection Act; to the Committee on Education and the Workforce.

By Mr. BAKER (for himself and Mr. PALLONE):

H.R. 3318. A bill to amend title 49, United States Code, to improve the one-call notification process, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. WAMP:

H.R. 3319. A bill to provide for notice to owners of property that may be subject to the exercise of eminent domain by private nongovernmental entities under certain Federal authorization statutes, and for other purposes; to the Committee on Resources.

By Mr. RANGEL (for himself, Mr. STARK, Mr. MATSUI, Mrs. KENNELLY of Connecticut, Mr. COYNE, Mr. LEVIN, Mr. CARDIN, Mr. MCDERMOTT, Mr. LEWIS of Georgia, Mr. NEAL of Massachusetts, Mr. MCNULTY, Mr. JEFFERSON, Mr. BECERRA, Mrs. THURMAN, Mrs. LOWEY, Mr. GEPHARDT, Mr. BONIOR, Mr. YATES, Mr. CONYERS, Mr. MURTHA, Mr. HEFNER, Mr. WAXMAN, Mr. FROST, Mr. GEJDENSON, Mr. SCHUMER, Mr. BOUCHER, Mr. EVANS, Mr. OWENS, Mr. ACKERMAN, Mr. KENNEDY of Massachusetts, Mr. SAWYER, Ms. PELOSI, Mr. FALEOMAVAEGA, Mr. ANDREWS, Mr. ABERCROMBIE, Ms. DELAURO, Mr. DOOLEY of California, Mr. EDWARDS, Mr. SANDERS, Mr. OLVER, Mr. FILNER, Mr. GREEN, Mr. HILLIARD, Mr. HINCHEY, Mrs. MALONEY of New York, Mr. MEEHAN, Mr. RUSH, Mr. UNDERWOOD, Ms. VELÁZQUEZ, Mr. KENNEDY of Rhode Island, Ms. JACKSON-LEE, Ms. LOFGREN, Mr. STRICKLAND, Mr. BLAGOJEVICH, Ms. CARSON, Ms. DEGETTE, Mr. ETHERIDGE, Ms. KILPATRICK, Mr. MCGOVERN, Ms. SANCHEZ, Mr. SHERMAN, Mr. TIERNEY, Mr. WEXLER, and Mr. WEYGAND):

H.R. 3320. A bill to amend the Internal Revenue Code of 1986 to expand the incentives for the construction and renovation of public schools; to the Committee on Ways and Means.

By Mr. BARR of Georgia:

H.R. 3321. A bill to amend the Communications Assistance for Law Enforcement Act, and for other purposes; to the Committee on the Judiciary.

By Mr. EDWARDS:

H.R. 3322. A bill to repeal the prohibition on the use of Robert Gray Army Airfield at Fort Hood, Texas, by civil aviation; to the Committee on National Security.

By Mr. GUTKNECHT:

H.R. 3323. A bill to amend the Harmonized Tariff Schedule of the United States to provide for duty-free treatment of oxidized polyacrylonitrile fibers; to the Committee on Ways and Means.

By Mrs. MYRICK:

H.R. 3324. A bill to suspend from January 1, 1998, until December 31, 2002, the duty on SE2SI Spray Granulated (HOE S 4291); to the Committee on Ways and Means.

By Mr. NEAL of Massachusetts:

H.R. 3325. A bill to suspend temporarily the duty on a certain chemical; to the Committee on Ways and Means.

By Mr. NEAL of Massachusetts:

H.R. 3326. A bill to suspend temporarily the duty on 2–Ethylhexanoic acid; to the Committee on Ways and Means.

By Mr. NEAL of Massachusetts:

H.R. 3327. A bill to suspend temporarily the duty on the chemical Polyvinyl butyral; to the Committee on Ways and Means.

By Mr. NEAL of Massachusetts (for himself and Mr. MEEHAN):

H.R. 3328. A bill to suspend temporarily the duty on a certain anti-HIV and anti-AIDS drug; to the Committee on Ways and Means.

By Ms. NORTON:

H.R. 3329. A bill to amend the Internal Revenue Code of 1986 to expand certain enterprise zone incentives applicable to portions of the District of Columbia and to provide for individuals who are residents of the District of Columbia a maximum rate of tax of 15 percent on income from sources within the District of Columbia; to the Committee on Ways and Means.

By Mr. RIGGS:

H.R. 3330. A bill to prohibit discrimination and preferential treatment on the basis of race, sex, color, national origin, or ethnicity in connection with admission to an institution of higher education participating in any program authorized under the Higher Education Act of 1965; to the Committee on Education and the Workforce.

By Mr. SAXTON (for himself, Mr. ARMEY, and Mr. CAMPBELL):

H.R. 3331. A bill to ensure the transparency of International Monetary Fund operations; to the Committee on Banking and Financial Services.

By Mr. SENSENBRENNER (for himself and Mr. BROWN of California):

H.R. 3332. A bill to amend the High-Performance Computing Act of 1991 to authorize appropriations for fiscal years 1999 and 2000 for the Next Generation Internet program, to require the Advisory Committee on High-Performance Computing and Communications, Information Technology, and the Next Generation Internet to monitor and give advice concerning the development and implementation of the Next Generation Internet program and report to the President and the Congress on its activities, and for other purposes; to the Committee on Science.

By Mr. STARK:

H.R. 3333. A bill to establish a policy of the United States with respect to nuclear nonproliferation; to the Committee on International Relations.

By Mr. THORNBERRY (for himself, Mrs. CUBIN, and Mr. BRADY):

H.R. 3334. A bill to provide certainty for, reduce administrative and compliance burdens associated with, and streamline and improve the collection of royalties from Federal and outer continental shelf oil and gas leases, and for other purposes; to the Committee on Resources.

By Mrs. THURMAN:

H.R. 3335. A bill to amend the Agricultural Adjustment Act to require the timely application to imported fruits and vegetables of grade, size, quality, and maturity requirements applicable to comparable domestically produced fruits and vegetables under agricultural marketing orders; to the Committee on Agriculture.

By Mrs. THURMAN (for herself and Mr. EVANS):

H.R. 3336. A bill to name the Department of Veterans Affairs medical center in Gainesville, Florida, as the "Malcom Randall Department of Veterans Affairs Medical Center"; to the Committee on Veterans' Affairs.

By Mrs. MORELLA (for herself, Mr. DIXON, and Mr. CUMMINGS):

H.J. Res. 113. A joint resolution approving the location of a Martin Luther King, Jr. Memorial in the Nation's Capitol; to the Committee on Resources.

By Mr. SHAW (for himself and Mr. MICA):

H.J. Res. 114. A joint resolution disapproving the certification of the President under section 490(b) of the Foreign Assistance Act of 1961 regarding foreign assistance for Mexico during fiscal year 1998; to the Committee on International Relations, and in addition to the Committee on Banking and Financial Services, 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. HOUGHTON (for himself, Mr. LEVIN, Mr. ENGLISH of Pennsylvania, Mrs. JOHNSON of Connecticut, Mr. MATSUI, Mr. LEACH, Mr. BLUMENAUER, Mr. DAVIS of Florida, Mr. HALL of Texas, and Mr. MORAN of Virginia):

H. Con. Res. 233. Concurrent resolution calling on Japan to establish and maintain an open, competitive market for consumer photographic film and paper and other sectors facing market access barriers in Japan; to the Committee on Ways and Means.

By Mr. PAYNE:

H. Con. Res. 234. Concurrent resolution regarding the human rights situation in Sudan and Mauritania, including the practice of chattel slavery and all other forms of booty; 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. 44: Mr. COOK, Mr. UNDERWOOD, Ms. STABENOW, and Mr. POMEROY.

H.R. 65: Mr. CAMP and Mr. PETERSON of Minnesota.

H.R. 66: Mr. MALONEY of Connecticut.

H.R. 107: Ms. BROWN of Florida.

H.R. 146: Mr. RAHALL.

H.R. 284: Mr. BARRETT of Wisconsin, Mr. SANDERS, and Mr. CLAY.

H.R. 303: Mr. LOBIONDO and Mr. CAMP.

H.R. 306: Mr. MASCARA, Mr. RAHALL, Mr. ETHERIDGE, and Mr. SAWYER.

H.R. 371: Ms. SANCHEZ.

H.R. 372: Mr. NADLER.

H.R. 665: Mr. CANADY of Florida.

H.R. 900: Ms. WATERS and Mrs. JOHNSON of Connecticut.

H.R. 981: Mr. VENTO, Mr. LANTOS, Mr. ADAM SMITH of Washington, Mr. ENGEL, Mrs. TAUSCHER, and Mr. NADLER.

H.R. 1016: Mr. ENGLISH of Pennsylvania.

H.R. 1062: Mr. EVERETT.

H.R. 1075: Mrs. ROUKEMA and Mr. FAZIO of California.

H.R. 1215: Mr. VENTO, Mr. PALLONE, and Mr. PASTOR.

H.R. 1261: Mr. CHRISTENSEN and Mr. GREENWOOD.

H.R. 1289: Mr. DEUTSCH and Mr. ENSIGN.
H.R. 1302: Ms. SLAUGHTER and Mr. BALDACCI.
H.R. 1356: Mrs. LINDA SMITH of Washington, Mr. CHRISTENSEN, MR. BROWN of California, and Mrs. THURMAN.
H.R. 1401: Mr. WELLER, Mr. HINCHEY, and Mr. ENSIGN.
H.R. 1525: Mr. BROWN of Ohio.
H.R. 1531: Mr. HEFLEY.
H.R. 1571: Ms. EDDIE BERNICE JOHNSON of Texas and Mr. HILLIARD.
H.R. 1573: Mr. ALLEN.
H.R. 1605: Mr. FROST.
H.R. 1656: Mr. GREENWOOD.
H.R. 1670: Ms. DELAURO.
H.R. 1736: Ms. JACKSON-LEE.
H.R. 1786: Mr. HINCHEY, Mr. MEEHAN, Mr. WATTS of Oklahoma, and Ms. SANCHEZ.
H.R. 1816: Mr. DOOLITTLE.
H.R. 1873: Mr. SHAYS.
H.R. 2020: Mr. HOLDEN, Mr. GILCHREST, Mr. GOODLING, Mr. COYNE, Ms. FURSE, and Mr. MORAN of Kansas.
H.R. 2023: Mr. ANDREWS.
H.R. 2130: Mr. LOBIONDO, Ms. KAPTUR, Mr. MOLLOHAN, Mr. STENHOLM, and Mr. CONDIT.
H.R. 2173: Mr. BATEMAN, Mr. BARRETT of Wisconsin, and Mr. NEAL of Massachusetts.
H.R. 2174: Mr. BROWN of Ohio, Mr. ANDREWS, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. KUCINICH, Mrs. MCCARTHY of New York, Mr. TIERNEY, Ms. SANCHEZ, Mr. CLAY, and Mr. PICKETT.
H.R. 2202: Mr. BLUMENAUER.
H.R. 2257: Ms. WOOLSEY and Mr. CALVERT.
H.R. 2290: Ms. RIVERS.
H.R. 2305: Mr. BURTON of Indiana and Mr. COOKSEY.
H.R. 2409: Mr. BROWN of Ohio.
H.R. 2457: Mr. GEJDENSON.
H.R. 2500: Mr. SMITH of New Jersey, Mr. JOHN, and Mr. CRAMER.
H.R. 2652: Mr. VENTO.
H.R. 2695: Mr. SCHUMER and Mrs. CLAYTON.
H.R. 2698: Mr. ACKERMAN, Ms. KILPATRICK, Mr. LAFALCE, Mr. FILNER, Ms. FURSE, Mr. CONYERS, Mr. NEAL of Massachusetts, Mr. KENNEDY of Rhode Island, Mr. FORD, Ms. HOOLEY of Oregon, Mr. LEWIS of Georgia, Mr. PRICE of North Carolina, Mr. DAVIS of Illinois, Ms. NORTON, Mrs. TAUSCHER, and Mr. MANTON.
H.R. 2699: Mr. EVANS and Mr. DEUTSCH.
H.R. 2715: Mr. CANADY of Florida.
H.R. 2752: Mr. ORTIZ and Mr. GREEN.
H.R. 2754: Mr. RUSH, Mr. FILNER, Mr. FALEOMAVAEGA, Mr. ACKERMAN, Mr. COYNE, and Mr. WYNN.
H.R. 2870: Mr. LANTOS, Mr. BALLENGER, Mr. CAMPBELL, and Mr. SMITH of New Jersey.
H.R. 2883: Mr. TALENT, Mr. BOEHNER, and Mr. YOUNG of Alaska.
H.R. 2888: Ms. RIVERS.
H.R. 2914: Mr. CLAY.
H.R. 2923: Mr. DOOLITTLE, Mr. ENGLISH of Pennsylvania, Mr. GILMAN, Mr. ENGEL, Mr. OXLEY, and Mr. GILCHREST.
H.R. 2938: Mr. WICKER and Mr. DEUTSCH.
H.R. 2941: Mr. SMITH of New Jersey and Mr. COBURN.
H.R. 2951: Ms. BROWN of Florida, Mr. POMEROY, Mr. BALDACCI, Mr. FALEOMAVAEGA, Mr. PRICE of North Carolina, Mr. SHADEGG, Ms. FURSE, Mr. DAVIS of Illinois, and Mr. SANDLIN.
H.R. 2968: Mrs. MYRICK, Mr. BOEHNER, Mr. COOKSEY, Mr. CAMPBELL, and Mr. EHLERS.
H.R. 2973: Ms. HOOLEY of Oregon, Mr. STUPAK, Mr. DEFAZIO, and Mr. BARRETT of Nebraska.
H.R. 2981: Ms. LOFGREN and Mr. MILLER of California.
H.R. 2992: Mr. BRYANT.
H.R. 3007: Ms. LOFGREN, Mr. CALVERT, Mr. KUCINICH, and Mr. LUTHER.
H.R. 3027: Mr. LEWIS of Georgia.
H.R. 3028: Mr. LEWIS of Georgia.
H.R. 3029: Mr. HOUGHTON.
H.R. 3086: Ms. LOFGREN, Mr. BALLENGER, Mr. MORAN of Virginia, and Mr. SAWYER.
H.R. 3097: Mr. HUNTER, Mr. BARTON of Texas, Mr. COLLINS, Mr. HASTINGS of Washington, Mr. BUNNING of Kentucky, Mr. LATOURETTE, Mr. LIVINGSTON, Mr. SAM JOHNSON, and Mr. ARMEY.
H.R. 3103: Mr. GIBBONS, Mr. SESSIONS, and Mr. JENKINS.
H.R. 3144: Mr. ENGLISH of Pennsylvania.
H.R. 3158: Mr. GILMAN.
H.R. 3161: Mr. WEXLER and Mr. GUTKNECHT.
H.R. 3162: Mr. ENGLISH of Pennsylvania.
H.R. 3205: Mr. GEJDENSON.
H.R. 3216: Ms. LOFGREN, Mr. HALL of Ohio, Mr. SANDLIN, and Ms. FURSE.
H.R. 3224: Mr. CALVERT and Mr. FALEOMAVAEGA.
H.R. 3228: Mr. DAVIS of Florida.
H.R. 3240: Mr. HILLIARD, Mr. BROWN of California, Mr. YATES, Mrs. MINK of Hawaii, Mr. GUTIERREZ, and Mr. FALEOMAVAEGA.
H.R. 3251: Mr. DICKS, Mr. HASTINGS of Florida, Mr. ANDREWS, Mr. NEAL of Massachusetts, Ms. WOOLSEY, Mr. BONIOR, Mr. NADLER, Mr. EVANS, Mr. GILMAN, Mr. ACKERMAN, Mr. HINCHEY, Mr. CAMPBELL, and Mr. LEWIS of Georgia.
H.R. 3254: Mr. ROGAN.
H.R. 3260: Mr. LATOURETTE, Mr. KNOLLENBERG, Mr. ENGLISH of Pennsylvania, Mr. BARRETT of Wisconsin, Mr. KLECZKA, Mr. REGULA, Mr. GILLMOR, Ms. STABENOW, Mr. COBLE, and Mr. LAHOOD.
H.R. 3269: Mr. FALEOMAVAEGA, Mr. FILNER, Mr. FROST, Mr. CLYBURN, and Mr. LEWIS of Georgia.
H.R. 3282: Mr. SUNUNU.
H.R. 3287: Ms. WOOLSEY and Mr. WEYGAND.
H.R. 3288: Mr. BACHUS and Mr. REDMOND.
H.R. 3291: Mr. BOYD, Mr. SAWYER, and Mr. NETHERCUTT.
H.J. Res. 78: Mr. GALLEGLY.
H. Con. Res. 14: Mr. TOWNS.
H. Con. Res. 27: Mr. FRANK of Massachusetts, Mr. PASTOR, and Mr. WAXMAN.
H. Con. Res. 41: Mr. BRYANT.
H. Con. Res. 125: Mr. CALVERT and Mr. ROHRABACHER.
H. Con. Res. 195: Ms. EDDIE BERNICE JOHNSON of Texas.
H. Con. Res. 211: Mr. HOSTETTLER.
H. Con. Res. 215: Mr. SNYDER, Mr. HILLIARD, Mr. RADANOVICH, Mr. BOEHNER, Mr. JEFFERSON, and Mr. FALEOMAVAEGA.
H. Con. Res. 219: Mr. GREEN, Mr. BONIOR, Mr. LANTOS, Mr. BERMAN, Mr. CALVERT, Mr. MILLER of Florida, Mr. WEXLER, Mr. FALEOMAVAEGA, Mr. CUNNINGHAM, Mr. DEUTSCH, and Mr. SHERMAN.
H. Res. 267: Mrs. MYRICK.
H. Res. 312: Ms. FURSE, Mr. ROHRABACHER, Ms. ROYBAL-ALLARD, and Mrs. TAUSCHER.
H. Res. 358: Mrs. CLAYTON.
H. Res. 364: Mr. PORTER and Mr. BEREUTER.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 3130

OFFERED BY: MR. CARDIN

AMENDMENT NO. 2: 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(i) 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 made 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(i) 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(i) 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:

"(4) 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.".

H.R. 3130

OFFERED BY: MR. GILMAN

AMENDMENT NO. 3: At the end of the bill, add the following:

TITLE V—INCLUSION OF CHILD CARE COSTS IN CHILD SUPPORT ORDERS

SEC. 501. INCLUSION OF CHILD CARE COSTS IN CHILD SUPPORT ORDERS.

Section 466(a) of the Social Security Act (42 U.S.C. 666(a)) is amended by inserting after paragraph (19) the following:

"(20) CHILD CARE COSTS.—Procedures under which all child support orders issued or modified in the State on or after the date of the enactment of this paragraph include, in the case of a custodial parent who is employed or is actively seeking employment, a provision proportionately allocating actual child care costs between the custodial and noncustodial parents based on the income of each parent, excluding income from child support.".

EXTENSIONS OF REMARKS

TRIBUTE TO NELLIE LONGSWORTH

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 4, 1998

Mrs. MORELLA. Mr. Speaker, I rise today to pay tribute to Nellie Longsworth of Bethesda, Maryland, one of the nation's leading advocates for historic preservation. Nellie will retire this week after serving as president of Preservation Action, for twenty-two years. During that time, Nellie has been tireless in her efforts to save America's architectural and cultural treasures, its historic sites and districts, and its neighborhoods and communities.

For more than two decades, with enthusiasms, perseverance, and wisdom, Nellie has helped thousands of Americans become aware and involved in public policy debates about our nation's cultural resources on the local, state, and federal levels. For Members of Congress and their staffs, Nellie has been the principal contact for historic preservation issues and a resource for us all.

Largely because of Nellie's leadership and hard work, thousands of communities across the country use historic preservation to strengthen and preserve their character. Cities, towns, and rural communities use historic properties to build pride and to foster economic development. Last year alone, 902 owners of historic commercial properties took advantage of the federal historic rehabilitation tax credit, spending $1.73 billion and creating 42,000 jobs.

Mr. Speaker, as Nellie Longsworth leaves Preservation Action, please join me in celebrating her leadership in preserving America's built environment and its cultural and natural resources for generations to come and in thanking her for her commitment to the richness and diversity of our American heritage!

CONGRATULATIONS ON 50 YEARS OF HEALTH CARE SERVICE

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 4, 1998

Mr. STARK. Mr. Speaker, 50 years ago, Dr. Sidney Garfield with six other physicians forged a pioneering, self-employed medical partnership to provide prepaid health care services and preventive health care services to the residents of northern California. The group ministered to its members' health care needs, both on and off the job.

Since those doctors began their work, the physicians, nurses and employees affiliated with The Permanente Medical Group have improved community health by providing medial care, conducting clinical and medical research, creating and supporting community health programs, bestowing grants and donations, and providing scholarships, education and training for medical students and health professionals. I can attest personally to the group's lasting community involvement. For example, in my district, the staff of The Permanente Medical Group volunteers clinical time on Saturday mornings to remove gang-related tattoos from at risk youth who want to make positive changes in their lives.

The Permanente Medical Group is now the nation's largest medical group, comprised of more than 3,700 physicians, as well as nurses, employees and other caregivers. In Northern California alone, they provide health care services to more than 2.5 million people. The men and women affiliated with the medical group have consistently demonstrated their excellence, creativity and care as they have provided quality health care to all the people of our communities.

Through its 50 year affiliation with the Kaiser Permanente Medical Care Program, The Permanente Medical Group has demonstrated that affordable and high quality medical care can be provided through a relationship, both integrated and autonomous, between a nonprofit health care plan and an independent, self-governing medical group. This is a model relationship in which medical decision-making and standard-setting are safeguarded and conducted by medical professionals. Mr. Speaker, I ask you to join me in celebrating the half century of remarkable care that Californians have received and wishing The Permanenete Medical Group another fifty years of excellence in the community.

TRIBUTE TO JEDDAH TEMPLE NO. 160

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 4, 1998

Mr. CLYBURN. Mr. Speaker, I rise today to pay tribute to Jeddah Temple No. 160 of Orangeburg County, South Carolina. Friday evening, March 6th, I will join its members in celebration of its fiftieth anniversary.

Jeddah Temple is affiliated with the Prince Hall Free and Accepted Masons, which is the oldest existing African-American group in the United States. Jeddah Temple has produced men of distinction throughout the nation, in the fields of education, law, engineering and finance. Since its inception in 1947, the Temple has grown in annual membership from 29 to 159 Nobles in 1982. The group has 95 members in this, its fiftieth year.

The Orangeburg Chapter of Jeddah Temple has offered tireless assistance to the Orangeburg community over the fifty years since its establishment. Its mission statement articulates an emphasis on involvement in the community. Through its activities, the Temple has endeavored to promote and enhance human relations in the Orangeburg area. Members are particularly attentive to the needs of the young and elderly. The Temple promotes education through scholarships and tutorial programs, and it also assists the elderly and needy through the donation of time, food, clothing and other means.

Please join me in recognizing Jeddah Temple No. 160 of Orangeburg County as it celebrates the fiftieth anniversary of its creation.

TRIBUTE TO MARC ZALKIN OF CHICAGO, IL

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 4, 1998

Mr. DAVIS of Illinois. Mr. Speaker, I rise today to pay tribute to Marc Zalkin an individual who has been a serious advocate for the disabled and the poor. Marc departed this life Monday, February 23, 1998 at the age of 49. He leaves behind a committed life of service to humanity and mankind. His legacy of advocating peace in the midst of the Vietnam War, and compassion for those who were disenfranchised will forever be remembered.

Martin Luther King once said that if a man has not discovered something that he will die for, he is not fit to live in this society. I assure you that Marc had many things for which he was willing to lay his life down for. Although he was diagnosed with multiple sclerosis in 1981 his drive, commitment, passion and zeal to champion social causes to uplift humanity never waned. He was a founder and the first executive director of the 46th Ward Community Service Center, which opened in the mid-1970s to provide educational, legal, health and housing services to Uptown neighborhood residents. Whether focusing his attention Uptown or downtown Marc was a committed advocate for people with disabilities. He founded No Limits Inc., which he later called Abilities Inc., a company that created products for people with disabilities, including a Braille cookbook.

Marc was truly an idealist, whose tireless work and commitment helped elect Chicago's first African American Mayor the late Harold Washington. The 46th Ward Community Center he conceived evolved into the Uptown People's Law Office and Community Learning Center. Marc was able to help a number of families who suffered from Black lung disease receive benefits and pursue legal claims. This world is a better place because of the service Marc rendered. To your family we say thank you for allowing Marc to touch our lives in a very special way.

NEW BALANCED BUDGET FIGURES

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 4, 1998

Mr. PACKARD. Mr. Speaker, yesterday the Congressional Budget Office announced that for the first time in almost four decades, the federal budget is finally balanced. I applaud my Republican colleagues in Congress as well as the Appropriations Committee on which I serve for the efforts they put forth to achieve this success.

The American people gave Republicans a congressional majority because we promised to put an end to wasteful and irresponsible government spending. The Appropriations Committee is the only committee with a direct impact on spending and the federal budget. Every dollar that Congress decides to spend or save must come through Appropriations; if we do not do our job, a balanced budget can never become a reality. Mr. Speaker, anyone can talk about balancing the budget but the fact is, only the Appropriations Committee can make it happen.

While I chaired the Legislative Branch Appropriations Subcommittee, I personally engineered a $262 million two-year reduction in how much Congress spends on its own operations. We succeeded in reducing waste and improving efficiency, ultimately cutting 10 percent from Congress' own budget. If the entire federal budget were cut proportionately, the budget would have shown a $100 billion surplus two years ago. The message we sent during those first years in the majority resonated throughout the federal government.

Under the leadership of Congressman BOB LIVINGSTON (R–LA), the Appropriations Committee has fundamentally changed the way Washington spends. Since taking control of Congress, Republicans have eliminated a total of 307 outdated and unneeded programs. Mr. Speaker, we have streamlined government and made it more accountable to the American taxpayer. Under Chairman LIVINGSTON's leadership, we have held the line on government spending for the past four years in a row. That effort is now paying off.

PUBLIC SCHOOL MODERNIZATION ACT OF 1998

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 4, 1998

Mr. RANGEL. Mr. Speaker, today I am introducing legislation entitled the Public School Modernization Act of 1998, which consists of two education tax incentives that are contained in the President's budget recommendations for fiscal year 1999. I am very pleased that more than fifty Members have joined me as cosponsors of this needed legislation.

It is my hope to continue to work with the Administration to introduce the President's domestic initiatives that are within Ways and Means jurisdiction. I will also continue to urge consideration by the Congress of these important proposals.

My bill would expand opportunities for students in kindergarten through twelfth grade and beyond. This goal is crucial to the country's social and economic well being. It's a well known fact, that without the proper educational tools, young people lose hope for the future. We have only to look at the high levels of crime, drug use, juvenile delinquency, teen pregnancy, and unemployment to know the value of a good education. Without basic academic opportunities, the future is bleak. My bill identifies communities that shoulder a disproportionate share of these social problems and offers a solution—a future of hope.

The Taxpayer Relief Act of 1997 provided additional financial resources to assist families in meeting the cost of higher education. I believe that assistance is vitally important but not enough. We must do more to ensure that those students who wish to pursue higher education are prepared for the challenges of a college education. We also must work harder both to educate and train those students who choose or need to earn a full-time living after high school. In pursuit of this goal, this legislation would provide assistance to public educational institutions to make this a reality. Therefore, our bill expands the education zone tax incentives that were enacted last year. Those incentives are designed to enhance academic achievement below the college level through public-private education partnerships. I believe that we must have greater private-sector involvement in our educational system, and our bill expands existing tax provisions designed to encourage that involvement.

Our bill also includes tax incentives to assist local governments in improving and constructing public school facilities. This aspect of our bill does not require a public-private partnership and is not limited to schools in distressed areas or with a large population of poor students. This aspect of our bill provides $19.4 billion over the next two years in interest-free capital for school infrastructure projects. Providing all students with clean and safe public school facilities is a necessary first step in assuring a high quality educational system.

Some have argued that the Federal Government should have no role in assisting the public school system at the K through 12 level. I strongly disagree. The Federal Government historically has provided financial resources to the public school system. It has done so in part by providing tax-exempt bond financing that enables State and local governments to fund capital needs through low-interest loans. The bill that we are introducing today, in many respects, is very similar to tax-exempt bond financing. This bill does not require any additional layers of bureaucracy at the Federal or State level. It provides special tax benefits to holders of certain State and local education bonds. The procedures used to determine whether bonds are eligible for those special payments are substantially the same as the procedures currently applicable in determining whether a State or local bond is eligible for tax-exempt bond financing.

I also want to be very clear that this bill supports our public school system. I believe that improving our public school system should be our highest priority. Approximately 90 percent of the students attending kindergarten through grade 12 attend public school. If we can find the resources to provide additional tax incentives, those incentives should be focused on improving the public school system that serves such a large segment of our student population. I have and will continue to oppose legislation such as the so-called "Coverdell" legislation, that diverts scarce resources away from our public school system.

Although the bill that we are introducing today contains only tax provisions, I recognize that tax provisions alone cannot provide sufficient additional resources needed to assist students in obtaining a quality education. Therefore, I also support the other education improvements included in the President's budget.

Currently, this Nation is enjoying one of the longest periods of economic expansion in its history, with low unemployment and continued creation of new jobs. Much of the credit for that rests with the deficit reduction efforts of the Clinton Administration and the technological advantages that our industries enjoy over their competitors in other countries.

We will not remain competitive in the world economy unless we invest in our human capital to maintain that technological advantage. Any available resources should be invested in human capital. A survey last year of economists by the Wall Street Journal found that 43 percent of the economists surveyed stated that increased spending on education and research and development would be the one policy with the most positive impact on the economy.

Amazingly, while the concept of investing in human capital goes unchallenged in debate, elected leaders are still spending more of our nation's limited budget resources on back-end, punitive programs like law enforcement and prisons, rather than front-end investments like education and training that can really pay off in increased workforce productivity.

Unfortunately, these skewed priorities are present at the local level, too. New York City spends $84,000 per year to keep a young man in Riker's Island Prison, yet only $7,000 each year to educate a child in Harlem.

We must change our priorities. Let's invest in the future of this country through our children. Let's bring the same zeal to encouraging and educating our children that we now apply to punishment and incarceration.

The following is a brief description of the provisions contained in our bill.

DESCRIPTION OF THE BILL

The bill would include the following two provisions as recommended in the President's budget. These tax incentives would cost approximately $3.6 billion over the next 5 years.

1. EDUCATION ZONE ACADEMY BONDS

Section 226 of the 1997 Taxpayer Relief Act provides a source of capital at no or nominal interest for costs incurred by certain public schools in connection with the establishment of special academic programs from kindergarten through secondary schools. To be eligible to participate in the program, the public school must be located in an empowerment zone or enterprise community or at least 35 percent of the students at the school must be eligible for free or reduced-cost lunches under the Federal school lunch program. In addition the school must enter into

a partnership with one or more nongovernmental entities.

The provision provides the interest-free capital by permitting the schools to issue special bonds called "Qualified Zone Academy Bonds." Interest on those bonds will in effect be paid by the Federal Government through a tax credit to the holder.

The bill would increase the caps on the amount of bonds that can be issued under the program as shown in the following table. The bill would also permit the bonds to be used for new construction.

Year	Current law (million)	Additions under the bill (billion)	Total issuance cap
1998	$400		[1] $400
1999	400	$1.0	[2] 1.4
2000	0	1.4	[2] 1.4

[1] Million. [2] Billion.

The bill would make several technical modifications to last year's legislation. It would repeal the provision that restricts ownership of qualified zone academy bonds to financial institutions, it would require a maximum maturity of 15 years, rather than a maximum maturity determined under a formula, it would change the formula for allocating the national limit to make it consistent with the formula used in allocating the limit on qualified school construction bonds, and it would provide an indefinite carryover of any unused credit.

2. QUALIFIED SCHOOL CONSTRUCTION BONDS

The bill would also permit State and local governments to issue qualified school construction bonds to fund the construction or rehabilitation of public schools. Interest on qualified school construction bonds would in effect be paid by the Federal Government through an annual tax credit. The credit would be provided in the same manner as the credit for qualified school academy bonds.

Under the bill, a total of $9.7 billion of qualified school construction bonds could be issued in 1999 and in 2000. Half of the annual cap would be allocated among the States on the basis of their population of low-income children, weighted the State's expenditures per pupil for education (the Title I basic grant formula). The other half of the annual cap would be allocated among the hundred school districts with the highest number of low-income children and that allocation would be based on each district's Title I share.

The following chart shows the aggregate amount of qualified school construction bonds that could be issued in each State under the bill. The total includes amounts allocated to large school districts in the State. An additional $600 million is reserved for allocations to other school districts not in the largest 100 districts.

[In thousands of dollars]

State	Estimated allocation
Alabama	$285,079
Alaska	36,902
Arizona	257,957
Arkansas	145,925
California	2,281,018
Colorado	165,781
Connecticut	205,080
Delaware	36,902
District of Columbia	75,395
Florida	1,047,028
Georgia	476,055
Hawaii	40,984
Idaho	43,463
Illinois	911,455
Indiana	276,395
Iowa	103,120
Kansas	126,821
Kentucky	277,115
Louisiana	463,217
Maine	61,639
Maryland	306,488
Massachusetts	354,978
Michigan	857,280
Minnesota	220,820
Mississippi	253,547
Missouri	314,131
Montana	52,274
Nebraska	78,955
Nevada	71,817
New Hampshire	36,902
New Jersey	414,267
New Mexico	145,570
New York	2,166,015
North Carolina	297,397
North Dakota	36,902
Ohio	782,970
Oklahoma	203,043
Oregon	155,387
Pennsylvania	852,156
Puerto Rico	494,937
Rhode Island	72,188
South Carolina	198,015
South Dakota	38,002
Tennessee	331,119
Texas	1,614,095
Utah	66,771
Vermont	36,196
Virginia	258,862
Washington	236,595
West Virginia	142,557
Wisconsin	332,401
Wyoming	33,059

SAINT PATRICK'S DAY 1998

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 4, 1998

Mr. GILMAN. Mr. Speaker, the glorious and joyous holiday of Saint Patrick's Day for all of those Irish around the world, and their many friends, fast approaches once again.

It is especially important this year to celebrate this great holiday honoring Ireland's patron saint, and we and the entire world hope and pray that lasting peace and justice on the Emerald Isle will emerge from the current peace talks on the future of the north of Ireland.

I recently returned from Ireland where I helped lead a congressional delegation to reinvigorate the Irish American inter-parliamentary exchange, dormant since the mid-1980s.

We were all very grateful for the leadership of our Speaker NEWT GINGRICH, and the work of our distinguished U.S. Ambassador Jeane Kennedy Smith in Dublin, in helping to bring about this renewed inter-parliamentary exchange between Ireland and the U.S. Congress.

We saw firsthand on our visit to Ireland, the new economic vibrancy in the Irish Republic. The "Celtic Tiger" is alive and well. One statistic we learned paints the impressive economic picture of the new Ireland: Other than the U.S. today, Ireland exports more computers worldwide than any other nation in the world, including even Japan.

For the first time in many years, there are more than enough good jobs, immigration is down, and the Irish diaspora are returning home to work and take these new jobs. 4,500 in 1997 alone returned home from America. The long suffering of the close knit Irish family from the immigration of its sons and daughters, hopefully is a thing of the past.

The close links, common bonds, friendships and mutual understandings between the Irish people and our nation are long, strong and vibrant. Both nations have benefited from these close ties, common links, and deep mutual understandings and fond affection.

The Irish have played a vital part in American history. There were Irish soldiers and officers who distinguished themselves in the American Revolution, helping us secure our own freedom from the British.

Many Irish paid the ultimate sacrifices in our tragic civil war. For example, 540 Irishmen died or were wounded in less than 30 minutes on September 17th, 1862 at Antietam in fighting on the side of the north as part of the Irish Brigade, in the bloodiest day of our civil war.

The Irish contribution is enormous to our politics, arts, sports, literature, commerce, the labor movement, and so many other areas of our American life. We, as a nation and a people, owe the Emerald Isle much. We have an obligation to pay attention to events in Ireland today.

The Irish role in U.S. politics is well known, including providing us more than a dozen American Presidents. Our histories, cultures, and people are very closely linked.

It is little noted, but at one time not long ago, the President of the U.S., the Speaker of the House, and the Majority Leader of the U.S. Senate, while serving together in our highest elected offices, were all Irish Catholic with close and very deep roots in the Emerald Isle.

Today, the future of the north of Ireland, and its relationship with the vibrant and prospering Republic of Ireland to the south is being decided across the bargaining table, not by the bomb and gun. Those engaged in the senseless sectarian killings have not de-railed the peace process. They shouldn't and must not be permitted to do so!

The U.S., both the executive branch and the Congress have played a vital and constructive role through an evenhanded and balanced approach to the Irish peace process, now moving forward in Belfast, albeit at far too slow a pace.

I have been particularly pleased to play a small part in keeping the Irish question high on the U.S. foreign policy agenda. We owe all the Irish people here and there, at least that much.

I have not hesitated to provide bipartisan support for President Clinton's overall constructive and very helpful efforts in helping to find peace and lasting justice in the north of Ireland.

These historic talks in Belfast today are being led, we are all very proud to say, under the able chairmanship of our former congressional colleague, Senator George Mitchell of Maine who himself has some proud Irish roots.

In promoting the effort to finding lasting peace and justice in the north through all party inclusive talks, we in America have in some small way been able to help pay back Ireland's warm and generous people, who have given our nation so much.

Today, after urging by both governments in the region, the U.S., and the millions of friends of the Irish people all around the globe, the future of the north is being decided by the responsible leadership of the people through political means, and discussions and their eventual "consent" to any proposed solutions. This is how it should be!

The Irish people both north and south, have consistently made clear that talks and negotiated political settlement were and are the preferred means to the protracted problems on that small and beautiful island.

We must all insist that substantive progress in the talks come soon. The Irish people must be presented with political solutions so they can exercise their right to "consent" in deciding for themselves the political and economic future of their island. The referendums which are intended to be scheduled on May 7, 1998, in both the north and south will give the people of Ireland a chance to exercise that consent over any proposed solutions for the future of their small island.

We must all work even harder at this historic and important moment in Irish history. We must help finding meaningful efforts to foster lasting peace and justice through building greater understanding and respect for human rights, and equality of esteem for both traditions.

We must help build a shared economic prosperity in the north. In addition, we must strive for greater reconciliation, especially through the treatment of Irish prisoners, and of those on the loyalist side, as well. Far too many on both sides have suffered long and enough in this struggle.

We now have the chance to put behind once and for all a struggle and a divisive past in the north of Ireland. This well clearly be for the benefit of the future, and for all of the youth of Ireland.

I have been proud of the long and warm friendship I have had with our Irish-Americans here in America, as well as the Irish on the Emerald Isle.

As we all prepare to celebrate the great holiday of Saint Patrick's day, let us hope and pray that this year the terrible and destructive division of the Emerald Isle and its people can and will be resolved permanently, justly and peacefully.

SALUTE TO KEVIN LEVEILLE

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 4, 1998

Mr. GALLEGLY. Mr. Speaker, I would like to pay tribute today to a young man from my home town of Ventura, California who dedicated himself to making the world a better place to live. Kevin Leveille sacrificed for the care and concern of creatures great and small. He was dedicated to helping his fellow man and to preserving the environment. He passionately gave of his time, his love and eventually his life for this cause.

Kevin was a Peace Corp volunteer living in the Ivory Coast of Africa in the town of Tanda. But only two months before he was to finish his tour of duty which started in 1996, Kevin was tragically murdered during a robbery of his home. He is survived by his dear mother, Vicki Lopez, and his father, Paul Leveille.

At the age of 26, Kevin loved life—but not only his own. Kevin was a sensitive young man, always concerned about the vulnerable. His father, Paul, described his son as a peace loving young man who one time attached a bell to the family cat so it couldn't kill outside birds. Kevin recognized the value of every living thing, no matter how small and no matter how far away.

Kevin sojourned to Africa two years ago on a quest to share his knowledge and talents with those abroad. An honors graduate from Ventura High School, and armed with a bachelor's degree in environmental engineering and applied mathematics, Kevin set sail to apply his knowledge on a foreign shore as a volunteer. During his time in Tanda, Kevin worked to ensure the townspeople had cleaner water and a better sanitation system. He was also training incoming volunteers, as he was planning to further his academic education by returning to the United States to pursue a masters degree.

Kevin's mission was selfless. He took himself out of his comfort zone and lived in a foreign land among strangers. He took himself out of the safety of his homeland and subjected himself to foreign rule. He gave of himself receiving no pay and little recognition. He was simply doing what he thought should be done without letting material interests cloud his vision.

There is no doubt Kevin Leveille was a fine American and a fine human being, setting an example of honor and service.

This is a life that once touched people here and around the world—but now, he is a spirit who inspires by showing us the real meaning of love, duty, and dedication.

CONGRATULATIONS TO OLYMPIC GOLD MEDALIST NIKKI STONE

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 4, 1998

Mr. McGOVERN. Mr. Speaker, all of America watched last month as our Olympic athletes competed in Nagano, Japan. I would like to take just a moment today to applaud one of those athletes—Nikki Stone of Westboro, Massachusetts—for her gold medal performance in Aerial Skiing.

Aerial skiing combines grace, speed and power at dizzying heights—with twists, turns, flips and spins thrown in for good measure. Competitors race down a mountain, fly into the air, perform amazing feats of aerial artistry, and land on their feet, all with skis attached.

Nikki Stone accomplished all of these things, and she accomplished them with the love of sport, love of competition and love of country that comes with being a champion.

Growing up in Westboro, Nikki participated in local gymnastics programs, and was recognized from an early age as an exceptional athlete. She quickly turned to high-level competition, and despite a series of debilitating back injuries, continued to rise to the top of her sport. Nikki's life in aerial skiing reflects the courage, discipline, and go-for-it attitude that will continue to bring her success in whatever future challenges she faces.

I know that America will never forget watching Nikki's final winning effort in Nagano—a gravity-defying jump in snowy, foggy conditions. And I know the people of Central Massachusetts will never forget how proud we were when we saw her on the medal stand, her arms raised in triumph after the playing of our National Anthem.

Mr. Speaker, on March 21 the town of Westboro will honor Nikki Stone with a parade worthy of an Olympic champion. On behalf of everyone in my district, I offer my heartfelt congratulations to Nikki Stone for all that she has done so well.

TRIBUTE TO JAMES CALISTER

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 4, 1998

Mr. PASCRELL. Mr. Speaker, I would like to call your attention to Mr. James Calister. James was recently honored as one of New Jersey's top two student volunteers by the Prudential Spirit of Community Awards program. By initiating and supporting programs that promote racial harmony, James has set a positive example for his hometown of Maplewood, and the residents of the Eighth Congressional District of New Jersey.

James recognized that Maplewood was undergoing a gradual demographic change. Once an affluent, white suburb, Maplewood was quickly becoming a diverse municipality, consisting of residents from different racial and socio-economic backgrounds. James became an instrumental figure in creating a peaceful merging of these disparate groups by ensuring that the dialogue remained amicable.

By attending community planning and Board of Education meetings, James learned how to influence policy-makers and enlist them in his fight against prejudice and racism. He joined the Racial Balance Task Force, and won election as Student Council President based on his promise to improve relations within his school and community. In addition, James spends much of his free time helping to coordinate various community and school-wide events, such as Diversity Day and Martin Luther King, Jr. Day, which help to promote racial harmony.

On May 2, 1998, James will travel to Washington, DC to attend the awards ceremony hosted by the Prudential Insurance Company of America in partnership with the National Association of Secondary School Principles. James will come to our nation's capitol with a well-deserved and earnest sense of pride in his accomplishments. This year alone, more than 11,000 students were considered for his honor.

Prudential Insurance Company of America, in concert with the National Association of Secondary School Principles, created the Prudential Spirit of Community Awards in 1995. It was an award created to impress upon all

youth volunteers that their contributions are both critically important and highly valued, and to inspire others to follow their example. During its three short years of existence, the program has blossomed into the nation's largest youth awards program based solely on community service, with more than 30,000 youngsters participating.

Mr. Speaker, I ask that you join me, the Prudential Insurance Company of America, the National Association of Secondary School Principles, and the residents of Maplewood as we commend James Calister for his dedication to the cause of racial reconciliation.

FRANK HARDEN CELEBRATES 50 YEARS AT WMAL RADIO

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 4, 1998

Mr. WOLF. Mr. Speaker, one of the nation's capital area's most popular morning radio personalities recently reached a milestone in broadcasting at WMAL–AM 630. Frank Harden, now co-host of the "Harden, Brant and Parks" morning show, celebrated his 40th anniversary with WMAL on December 24, 1997.

In announcing that momentous occasion, WMAL also said that Frank Harden has renewed his contract for another three years and will continue to be heard on WMAL on a limited basis while spending some well-deserved leisure time at his homes in Sweden and Maryland. That's good news for the thousands of listeners, including presidents and members of Congress, who have spent their mornings with Frank Harden for several decades.

Many will recall the morning team of Frank Harden and Jackson Weaver. In 1959, Frank Harden auditioned with his late partner Jackson Weaver for the WMAL–AM morning team position. They won the affections of management and more importantly, Washington area listeners, and what began as a 13-week trial contract became the longest running two-man program in the history of radio.

I had the pleasure of working with Harden and Weaver in the early 1980's, soon after I came to Congress. Faced with the closure of the popular Turkey Run Farm Park in the 10th Congressional District of Virginia because of budget cutbacks, people in the district mobilized to save Turkey Run. We went on the air with Harden and Weaver, who helped spur the community on with their daily reports on the importance of the park to school children in the area. And when Harden and Weaver spoke, folks listened. Needless to say, Turkey Run Farm was saved and remains open today.

After the passing of Jackson Weaver in 1992, Harden was paired with sportscaster Tim Brant, and later former airborne reporter Andy Parks. The Harden, Brant and Parks brand of friendly humor, helpful information and wit has been waking up Northern Virginia, District of Columbia and Maryland listeners for over five years now.

Frank Harden, a native of Macon, Georgia, began his radio career at WSAV in Savannah. Prior to joining WMAL's staff on December 24, 1947, Harden worked in Atlanta and Denver, and as an announcer for network radio shows including "The Lone Ranger" and "The Edward P. Morgan Show."

During his years with WMAL, Frank Harden has received awards such as the March of Dimes A.I.R. Lifetime Achievement Award, performed community involvement that is without equal, raised millions of dollars for Children's Hospital, made thousands upon thousands of announcements and personal appearances for community, civic, and church events, and sent many thoughtful, personal wishes to his faithful listeners. The "Harden and Weaver" program enjoyed ratings successes like no other morning drive-time show, and "Harden, Brant and Parks" consistently ranks near the top among morning listeners.

Said WMAL President and General Manager Tom Bresnahan, upon the occasion of Frank Harden's 50th anniversary at the station, "We're thrilled to have Frank as part of the WMAL family. He's a class act!"

Indeed, Mr. Speaker, Frank Harden is a class act. We offer our congratulations to him with our best wishes and hope that we will continue to hear his voice gracing the Washington airwaves for many more years to come.

IN HONOR OF JAMES FARMER

HON. MAX SANDLIN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 4, 1998

Mr. SANDLIN. Mr. Speaker, six weeks ago, one of the truly great men of our times received the recognition and honor he deserves for his lifetime of dedication to and leadership of the civil rights movement. James Farmer, Jr., who was born and raised in my hometown of Marshall, Texas, received the Presidential Medal of Freedom—the highest civilian honor in our country.

Mr. Farmer is one of the giants of the American civil rights movement and a true American hero. He founded the Congress of Racial Equality (CORE), a group that became famous for its nonviolent sit-ins and freedom rides. He is the last of the "Big Four" civil rights leaders of the 1960's, which included Dr. Martin Luther King, Jr., of the Southern Christian Leadership Conference, Roy Wilkins of the NAACP, and Whitney Young of the National Urban League. Mr. Farmer was one of the men President Lyndon Baines Johnson consulted concerning the language of the Civil Rights Act of 1964.

Mr. Farmer is a man who dedicated his life to improving America for present and future generations. He fought to open the doors of justice and opportunity to all Americans, regardless of the color of their skin. Together as a nation we opened those doors, and James Farmer has continued to lead the fight to see that we do not retreat.

Yes, Mr. Farmer is a fighter, but he trained himself and his followers in the principles of direct action through nonviolence. He taught us that it is possible to work toward and achieve meaningful progress and change through a combination of education, fierce determination, and strong faith. James Farmer and Dr. Martin Luther King put their vision to work in America, and although we still have room to improve, we are a changed people and a changed nation because of their efforts.

The Presidential Medal of Freedom was designed for "persons the President deems to have made especially meritorious contributions to the security of national interests of the United States, to world peace, or to cultural or other significant public or private endeavors." I nominated Mr. Farmer for the Presidential Medal of Freedom and recommended him to the President because he has earned this honor and because I believe he deserves a formal expression of our appreciation and gratitude. I am pleased the President bestowed his highest award on Mr. Farmer, and I am honored to have played a small role in that process.

Friends, we are better Americans thanks to James Farmer, and we are also better human beings.

RECOGNIZING THE UNIVERSITY OF MEMPHIS BASKETBALL TEAM

HON. HAROLD E. FORD, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 4, 1998

Mr. FORD. Mr. Speaker, I rise today in recognition of the University of Memphis Tigers ladies basketball team. The Lady Tigers, under the leadership of Joye Lee-McNelis, captured their Conference USA regular season title by putting together a 14–2 conference record. Last week, the Lady Tigers traveled to Louisville, Kentucky for the Conference USA post-season tournament and won three consecutive games to capture that title as well. The Tigers put on quite a show, winning the final game in dramatic fashion over the host team in a game that was televised nationally by ESPN. The Men Tigers also had a great deal of success this year as they concluded the conference season 12–4 and also captured their division title. The women will be making their fourth consecutive NCAA tournament appearance. The men's title was their third regular season championship in the last four years.

After starting the season with a 4–4 mark, the Lady Tigers put together a long winning streak to become one of the nation's toughest teams the exciting play of LaTonya Johnson and Tamika Whitmore, combined with the terrific coaching of Lee-McNelis, have been the formula for success for these Tigers. As the popularity of women's basketball begins to soar, the commitment to success that this team has shown has helped to win over Memphis basketball fans. This was evident during the championship game as hundreds of fans roared in support of the Tigers after making the journey from Memphis to Louisville.

Mr. Speaker, I ask my colleagues to join me in honoring the accomplishments of the University of Memphis Tigers. We thank them for bringing championships to the city of Memphis and wish them the best of luck in postseason competition.

CONGRATULATING BEAUSOLEIL

HON. CHRISTOPHER JOHN

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 4, 1998

Mr. JOHN. Mr. Speaker, I would like for my colleagues to join me in congratulating BeauSoleil on capturing a Grammy Award for Best Traditional Folk Recording.

BeauSoleil's talented group featuring Michael Doucet, David Doucet, Jimmy Breaux, Al Tharp, Billy Ware, and Tommy Alesi have contributed greatly to the spread of Cajun music not only in my state of Louisiana but throughout the country and indeed the world. Since 1975, BeauSoleil has succeeded in preserving the authentic Cajun music that we are so proud of in Louisiana and in doing so, shared our rich history far beyond our famous bayous with others. I think a Los Angeles Times article put it best by stating that "even as BeauSoleil stretches the basic Cajun sound and pushes at musical boundaries, it never veers far from the crucial values of family, friendship and community that have kept the Cajun people and culture alive for 400 years." It is only fitting that they now are honored by the Grammy's for such a profound work like "L'Amour ou la Folie (Love or Folly)" which embodies a diverse cultural blend of Cajun and Creole classics, blues, South Louisiana swamp-pop, New Orleans jazz, and Afro-Caribbean material. This prestigious award along with six prior Grammy nominations recognizes bandleader Michael Doucet's commitment to spreading the "joie de vivre" Louisianians find in our music while keeping the traditions of our culture alive for everyone to cherish.

Furthermore, Mr. Speaker I am proud to add that BeauSoleil was not the only band to be nominated by the Grammy's from my Congressional district. Mr. Jo-El Sonnier and the Hackberry Ramblers were among the elite musicians to receive this special honor as well. Mr. Jo-El Sonnier's "Cajun Pride" and the Hackberry Ramblers' "Deep Water" were both nominated for the Best Traditional Folk Recording. I am extremely proud of these nominees who have shared long, fruitful careers in the entertainment industry and extend my deepest appreciation for their celebrating the musical treasures indigenous to our state for so many years.

In conclusion, let me join with my fellow Louisianians in congratulating these talented musicians on their outstanding achievements as we are fortunate to have such great ambassadors of our music and culture.

DESIGNATE DC CITY-WIDE EMPOWERMENT ZONE AND GIVE MAJOR TAX CUTS TO DC RESIDENTS

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 4, 1998

Ms. NORTON. The economic package I introduce today is the missing piece for the revitalization of the District of Columbia. The new and improved District of Columbia Economic Recovery Act of 1998 (DCERA) proposes tax incentives for DC residents and businesses designed to stem the inexorable flight to middle income residents from the District, a phenomenon that has resisted the presence of a control board, a historic rescue package, and improvements in the city's financial condition.

The bill has two important goals. First, the DCERA affords benefits to the only group in the city that has received none—DC residents. Last year, the District government got a billion dollar rescue package that grows in value each year and DC businesses got billions in potential tax benefits that all agree are invaluable. DC residents are still waiting for tax benefits that can stem the mounting tide that is sweeping the middle income tax base from this city while we look the other way. Second, the bill makes city-wide the tax benefit package I won for the District last year in the Taxpayer Relief Act of 1997.

Let me turn first to needed remedies to correct unfair advantages to some and outright discrimination against others unintentionally incorporated into the package we recently won for DC businesses. Although I pleaded with Congress to make city-wide the benefits for DC businesses in the Taxpayer Relief Act passed last summer, Congress was unwilling to absorb the small additional cost. These very valuable business tax benefits, including a $3,000 tax credit for every DC resident employed and elimination of capital gains tax, were limited to certain levels of residential poverty. These neighborhood limitations have justifiably stirred objections and the unintended consequences I warned of are all too apparent. For example, the Willard Hotel can get $3,000 off the $15,000 it may pay to a cleaner or a bell hop, but the Hay Adams and the Washington Hilton, whose general manager will speak this morning, cannot. Businesses in one section of a struggling commercial strip are included, but their mirror counterparts down the street are not, as one business owner who will speak here today can testify. High income university students with little personal income have brought Georgetown and Foggy Bottom businesses under the law, but businesses in struggling areas of Ward 5 do not qualify. These discriminatory effects litter the economic landscape city-wide.

This section of my bill would correct anomalies that give some businesses an unearned competitive advantage, forcing competition among our already depleted pool of businesses instead of between those in and outside of DC. The solution is simple and fair; designate the District of Columbia an empowerment zone. This designation is sensible for three reasons. It would (1) erase indefensible distinctions that tear neighborhoods apart and help some DC businesses at the expense of others; (2) draw upon the criterion of poverty already in the law; and (3) assure the congressional intent of the existing package to make the city an exemplary capital is not undercut by the hit-and-miss effect of the recently passed DC tax package. The present law requires a 20% residential zone poverty rate for businesses to receive the tax benefits and a 10% poverty rate to qualify for capital gains tax elimination. Since the poverty rate for the District is 23%, it makes sense to use the city-wide poverty rate to designate the entire city an empowerment zone.

I want to move to the second major section of the bill. This is not the first time that I have introduced a tax cut package for residents, but the urgency has grown. Bills that represent a decided departure almost never pass except after several introductions, lots of hard work, and the building of momentum. In introducing a tax cut this year, I mean to indicate that I do not intend to give up until DC residents and those who might be attracted here are given a reason to live in this city. We need this provision because we lack what has saved other big cities from collapse: a state to funnel money back from fleeing taxpayers and the ability to tax commuters who work in the city. As a result of these twin deficits, the continuing population hemorrhage could find the recovery now in progress countermanded by a simultaneous exodus of the city's core middle income tax base. We are losing three times as many residents in the 1990s as we lost in the 1980s. Ominously, in the two years since 1995, even with a control board in place to stabilize the city, we lost nearly as many residents as we lost in the 1980s. This unchecked flight is virtually the worst among other cities today.

Yet the totals at the bottom line do not tell the real story of what the loss means to the city. Worse than the total loss is the income distribution of that loss. The people who are leaving I call prime movers because they are in the prime income groups. They give communities their grassroots vitality, insist upon excellence in education for their children, prevent the deterioration of neighborhoods, and pay taxes adequate to fund city services. The prime movers are in the prime years of their earnings, with disposable income rising each year. Two-thirds of the prime movers are ages 25–44 and 50% of them earn $50,000 or more. A hefty majority of the taxpayers in flight, or 63%, earn between $35,000 and $100,000. This income group are the people whom demographers mean when they use the words "middle class." The greatest flight, 38% is in the taxpaying core of this group between $50,000 and $100,000. Just below them at $35,000–$50,000 is the second largest group of prime movers. At only 3%, the least likely to leave are the poorest residents with income under $15,000, who need the most services.

The major tax breaks my bill provides residents are simple. After affording sharp increases in the traditional standard deduction and personal exemption, a uniform rate of 15% will be applied progressively up the income scale to reduce present tax liability—from a 79% reduction to a 34% reduction, depending on income. The lower the income, the greater the tax reduction. The DCERA would leave 50% of DC residents off of the tax rolls altogether. The uniform rate would rescue the rest from bracket creep, and thus assure that income increases resulting from the tax cut are not then significantly taxed away.

Let me try to dispose of one canard. It is true, of course, that people don't leave one jurisdiction for another because of their federal income taxes, and they are not leaving DC primarily because of the onerous combination of federal and high local DC taxes. It does not follow, however, that a substantial federal tax

reduction will not be an incentive to keep people here or bring some back. The feedback from residents indicates that today only a tax break makes a significant difference to prime movers. They see a tax break as an incentive that overcomes the many disincentives to stay in the District today, including schools, other services, and urban conditions.

The bill has important safeguards against artificially rapid property value increases and against gentrification. A list of these safeguards, all of them in previous versions of the bill, is attached as an addendum to this statement. An important new safeguard against gentrification is my recently enacted $5,000 DC homebuyer credit. This credit already is allowing DC residents of modest means to become homeowners and to avoid exclusion as the market rises, as you will hear from one of our speakers today.

The District has less to work with than any American city: no lifesaving state to help as Maryland helps Baltimore and Virginia helps Richmond; no ability to tax commuters who use costly city services, as Philadelphia and New York do; and no clearance of state functions, such as welfare and mental health, among the costly functions that the President's revitalization package did not take. Above all, the District uniquely is denied the most fundamental of American rights—full representation by a Congress that extracts the same federal taxes as it does from those, who, unlike District residents, have full representation in the Congress and full democracy where they live. What the DCERA seeks today is not the full value of the rights and remedies due us and which we will never concede. Today, we seek enough relief from taxes to give us the only route to economic salvation for the city—a middle income tax base.

SAFEGUARDS AGAINST UNNATURAL INCREASES IN COST OF LIVING

Requires Proof of DC Residency For 183 Days Annually

Applies Only to Wage and Salary Income Earned in DC or Metropolitan Region

Applies to Investment and Dividend Income Earned Within DC Only

Capital Gains Relief on DC Investments Only

Old IRS Rate on Investments Outside DC

Annual Treasury Study to Protect Against Unintended Consequences

Stand-by Legislation Examples

Council Passed Legislation Freezing Property, Sales, and Income Taxes Effective Upon Enactment of DCERA

Cap on Property Tax Rates and Growth of Assessments (Similar to TRIM, P.G. County)

Surtax on Capital Gains Derived from Excess Profits

Revolving Fund for Zero Percent Interest Loans (Or Tax Credits) to Cover Unusual Increases in Home Prices

Maintenance of Rent Control

INTRODUCTION OF THE COMPREHENSIVE ONE-CALL NOTIFICATION ACT OF 1998

HON. RICHARD H. BAKER

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 4, 1998

Mr. BAKER. Mr. Speaker, I rise today joined by the distinguished gentleman from New Jersey, Mr. PALLONE, in introducing the "Comprehensive One-Call Notification Act of 1998."

This is an industry initiated, self-help, pro-environment bill that places public health and human safety at the very top of the list of our concerns as this nation builds an underground infrastructure that we all rely on for the movement of goods and services across this country.

The introduction of this legislation addresses an important national public safety issue—the prevention of damage to this nation's underground infrastructure. My bill is aimed at improving state one-call notification, or "call-before-you-dig," systems. Participation in one-call programs saves lives and protects the environment by reducing the number of accidents caused by excavation near unmarked facilities.

These accidents are serious business—something my constituents know about firsthand. In May 1996, an underground petroleum pipeline near Grammercy, Louisiana, was hit, causing the release of 8,400 barrels of highly flammable gasoline into a nearby swamp. The accident killed hundreds of fish, six alligators, snakes and at least one deer. It caused the closure of U.S. Route 61, inconveniencing scores of re-routed drivers. It forced the shutdown of the Kansas City Southern Railroad. And finally, the bearer of the Olympic torch, who just happened to be passing through the area on the way to the opening of the Atlanta games, was forced to detour.

This accident was caused when an unknown excavator dug into the pipe, and failed to report the damage. Mr. Speaker, my bill could prevent such terrible accidents.

Too often, laws are only changed as a result of a disaster, such as the one in Louisiana. In Louisiana, we learned from our experience. We passed a strong state one-call law. Now it is time for the rest of the nation to follow suit.

One-call programs work by giving excavators a clearinghouse to use prior to beginning a project. A contractor or other excavator calls a central number and notifies the one-call center of the location of the planned excavation. The one-call center then notifies all pipelines, utilities and phone companies in the area of the proposed excavation, so that all underground facilities can be located and marked. The excavator can then work around the underground utilities, and avoid the use of heavy equipment near such facilities.

Better communication is the answer, and better communication is what one-call centers are all about. But while 49 states have one-call statutes and programs, these programs vary widely in the level of required participation, and in the overall effectiveness of damage prevention. Some states exempt certain groups of excavators, and some states exempt certain underground facility operators. The result is an accident rate that is much too high. This is unacceptable.

We must improve the effectiveness of state one-call programs—before another disaster occurs. And that is precisely what this legislation does.

The idea is simple: prevent accidents by establishing an open line of communication. All excavators should call before digging. All underground facility operators should accurately mark their facilities. And states should enforce their own laws to discourage violations.

The answer to better one-call systems is not billions of dollars in federal money, or federal mandates on the states. The answer is national leadership on improving one-call systems nationwide, followed by more comprehensive and consistent programs in all 50 states.

Mr. Speaker, this bill does not try to write the perfect one-call statute. Those decisions need to be made at the state level, by those involved in looking at the unique problems within a particular state. What this legislation does do is encourage states to provide for a maximum level of one-call participation by all excavators and all underground facility operators. It also encourages states to develop more effective enforcement efforts.

On the question of exemptions, the bill advocates the use of a risk-based analysis to determine whether a party should be required to participate. Those entities which represent a potential risk to the public or the environment should be required to participate. On the other hand, those who represent only a de minimis risk can participate on a voluntary basis, if at all. The whole question of whether exemptions should be made, however, is still left to the states. Ultimately, it is the state governments which need to be examining the unique situations within their borders.

My legislation is based on incentives, not mandates. If a state feels that its one-call program provides the level of coverage and enforcement envisioned in this legislation, then it can apply to the Department of Transportation for a one-time grant. We are, in essence, rewarding the "A" students and encouraging the others to do better. States are not compelled to apply for a grant, and they are not punished if they chose not to participate. This legislation does give the advocates of stronger one-call programs one more tool to use in their efforts at the state level.

Let me be clear. This legislation is not a federal "takeover" of state one-call programs. To the contrary, the goal of my legislation is to support states in their efforts to improve the quality of underground damage prevention. After this becomes law, states will continue to exercise exclusive jurisdiction over one-call programs within their borders. I view this type of legislation as an example of the kind of responsible federalism that should be supported by this Congress, and extended to other programs as well.

Similar legislation has already passed unanimously in the other chamber. That legislation, S. 1115, was sponsored by Majority Leader TRENT LOTT and Minority Leader TOM DASCHLE, as well as a host of other Republicans and Democrats. The bipartisan support of the Senate bill is something I believe will happen in the House as well.

Improving public safety is not a partisan issue. All of us want to do a better job in preventing life-threatening accidents. I want to encourage my Republican and Democratic colleagues to join me in supporting this legislation.

Mr. Speaker, I look forward to working with my colleagues on both sides of the aisle to move the process forward here in the House and send this common sense initiative to the

President for his signature. The Comprehensive One-Call Notification Act provides a public policy statement which is long overdue. My state of Louisiana learned its lesson the hard way. It's time for the rest of the country to follow our example. Let's not wait for another accident. Let's improve One-Call programs today.

THE COMPREHENSIVE ONE-CALL NOTIFICATION ACT OF 1998

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 4, 1998

Mr. PALLONE. Mr. Speaker, four years ago, I introduced H.R. 4394, the Comprehensive One-Call Notification Act, in response to a terrible pipeline accident that occurred in my district. In Edison, NJ, a rupture in a natural gas pipeline caused an explosion that demolished eight apartment buildings and left hundreds of people homeless. The explosion produced a fireball so great that it could be seen in three States, and a fire so intense that it melted the cars parked at the apartment complex.

Four years later, I am still trying to pass a Comprehensive One-Call Notification Act. Four years later, I am still working to improve One-Call systems. I am pleased today to join my colleague from Louisiana, Mr. BAKER, in introducing the Comprehensive One-Call Act of 1998. This legislation is a modified version of my 1994 bill, designed to encourage the development of better One-Call programs. This bill does not contain any state mandates with regard to One-Call programs. It does encourage states to adopt comprehensive programs to maximize safety assurances for all citizens.

To the people in my district, the safety of pipelines is absolutely essential. My constituents were witnesses to a horrible tragedy that they carry with them, even four years later, fears they had never before imagined. In a way however, they were also witnesses to a miracle: only one person lost her life in the accident, tragically suffering a heart attack, and most residents escaped without injury. Certainly, in light of the total devastation of the area, the potential for a greater number of fatalities is apparent.

The Edison accident, like the majority of pipeline accidents, was caused by third party damage. Often times, excavators do not know what is buried beneath their work sites. This ignorance can lead to fatal and expensive consequences. The bill we are introducing today proposes three simple solutions to this problem: before they begin digging, all excavators should call a central phone number to learn whether there are any underground facilities at the excavation site. All facility operators should participate in One-Call programs, and, once notified, should accurately mark any underground facilities. Finally, States should strongly enforce their One-Call laws to encourage maximum participation in One-Call programs. These simple measures can save lives, prevent property damage, and prevent the need for expensive repairs.

More than anything else, One-Call is about prevention. One telephone call can prevent explosions like the Edison accident. One telephone call can prevent the death of an excavator digging near a gas line. One telephone call can prevent the contamination of the environment by a ruptured hazardous liquid or sewer line. One telephone call can prevent the need for expensive repairs to fiber optic cables. As another example, shortly after the pipeline incident in my district, a cut in an electric line at Newark airport by a contractor resulted in closure of the Airport for nearly 24 hours. One-Call programs—and this bill—would prevent this type of accident.

Today, 49 States have some kind of One-Call system, but Federal action is necessary, as demonstrated by the accidents mentioned above. Many current State systems are inadequate. Some provide exemptions for certain types of excavators. Some fail to cover all underground facilities. Some States have incredibly complex enforcement mechanisms, and some States don't bother to enforce One-Call laws at all. This bill recommends a program that will be successful. The key to this success is the concept of participation by all excavators and facility operators. Excavators will be assured that they are digging in a safe place, and facility operators have insurance that their lines will not be damaged.

This bill encourages States to improve their One-Call programs. It contains no mandate that States adopt such a system. Instead, it provides grants to States that choose to institute the principles of this bill and develop effective one-call systems. I believe that once States delve deeply into this issue they will conclude, as I have, that a comprehensive One-Call system is a life-saving device that should be a part of any public safety program.

With this bill, we have an opportunity to prevent accidents like the Edison explosion in every community in this country. Let us take the explosion that awoke the residents of the Durham Woods Apartment Complex in Edison as a wake up call to us. Pass one-call.

HONORING THE BIRTH OF ABBEY DEENA TO DR. HERBERT LEPOR AND DR. ELLEN SHAPIRO

HON. PETER T. KING

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 4, 1998

Mr. KING. Mr. Speaker, I rise to inform the House that on February 25, 1998, Dr. Herbert Lepor and Dr. Ellen Shapiro became the proud parents of a baby daughter, Abbey Deena. Abbey Deena was born at The New York Presbyterian Hospital and she weighed in at 6 pounds, 14 ounces. The best news of all is that Abbey Deena and her mother are in perfect health.

I am proud to be able to call Dr. Lepor and Dr. Shapiro my good friends. Dr. Shapiro is an internationally renowned Pediatric Urologist and is the Director of Pediatric Urology at New York University Medical Center. She received her medical degree from the University of Nebraska College of Medicine, was a surgical intern and resident at the Johns Hopkins Hospital and a Clinical Associate in the Surgery Branch of the National Cancer Institute, Bethesda, Maryland. She was a fellow in Pediatric Urology at the Children's Hospital of Michigan and was Assistant Professor of Surgery at the Washington University School of Medicine and at the Medical College of Wisconsin. Prior to moving to New York City, she practiced Pediatric Urology at the Children's Hospital of St. Louis and the Children's Hospital of Wisconsin.

Dr. Lepor has been Chairman of Urology at New York University School of Medicine since 1993. During that time he has established one of the preeminent centers of urological care, education and research in America. Dr. Lepor graduated Phi Beta Kappa and summa cum laude from the University of California, Los Angeles (UCLA) at the age of 20. He earned his medical degree at the Johns Hopkins University School of Medicine and completed Urology Residency Training at the Brady Urological Institute at Johns Hopkins. Dr. Lepor is a nationally renowned expert on prostate treatment and has written numerous scientific articles and books on that topic. He performs more radical prostatectomies a year than any other surgeon in the tri-state area. He has been recognized by American Health magazine and New York Magazine for his expertise in prostate cancer.

At the time of their marriage, Dr. Lepor and Dr. Shapiro were the only husband and wife Urology team in America. More important than any of their professional abilities, however, they are outstanding people who care deeply about their patients and give untiringly of themselves.

As happy as Dr. Lepor and Dr. Shapiro are over the birth of their beautiful daughter, I know that Abbey Deena will soon realize how fortunate she is to have such outstanding parents. On behalf of myself and my family I wish them the very best of health and happiness.

HONORING HENRY STEELE COMMAGER

HON. THOMAS M. DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 4, 1998

Mr. DAVIS of Virginia. Mr. Speaker, it is with deep sadness that I rise today to announce the passing of a great historian and teacher, Henry Steele Commager. His contributions to our Nation during the twentieth century are beyond measure. He taught generations of Americans to respect the genius that lay behind one of the greatest documents in world history, the United States Constitution. Mr. Commager died on Monday, March 2, 1998 at the age of 95. It is difficult for me to believe that such a prolific American historian is gone.

When I was a student at Amherst College, I had the honor of having Mr. Commager as an instructor. This brilliant scholar reminded his students about the unique circumstances and rare, combined genius that existed when our republic was created. In addition, he worked tirelessly to awaken a true respect for and commitment to our government institutions from his students. Under his tutelage, I came to learn about the power of our Constitution and the importance of its structure in

every facet of our government. I believe Mr. Commager's tireless passion led many young people such as myself to public service. Moreover, I firmly believe he showed many of his students how to be active citizens committed to fighting apathy in the American electorate.

Mr. Commager encouraged all politicians not to be afraid of their moral convictions and to vote on the principles that originally elected them to office. He was a strong-willed man with the singular courage to pursue the hearts and minds of all Americans. His writings were not limited to the academic world, rather he actively sought to engage all individuals and rouse in them a passion for our history, our founding fathers, and our institutions of government. Henry Steele Commager dedicated himself and his life's work to preserving our Constitution.

I know that Henry Steele Commager will be missed by lawmakers in both chambers who were influenced by his many writings, particularly The Growth of the American Republic. The breadth of his work and its lasting legacy will always serve as a reminder of Mr. Commager's patriotism and the strength of his commitment to democratic principles. My deepest condolences go to Henry Commager's family, his wife Mary Powesland and his children. Recent articles in both The Washington Post and The Washington Times illustrates Mr. Commager's contributions to our nation.

[From the Washington Post]

Henry Steele Commager, 95, one of the leading scholars of U.S. history, died March 2 at his home in Amherst, Mass. The cause of death was not reported.

Dr. Commager taught U.S. history at colleges and universities for more than a half-century. Since the 1930's, he had maintained a torrential outpouring of writing aimed not only at sophisticated scholars but also at undergraduates, high school students and the general reader. He had the gift, rare in an academic, of being able to seemingly effortlessly translate historically complex matters into supremely lucid and deceptively simple prose.

Generations of his readers learned that their country was truly admirable and that, if it sometimes stumbled, it always righted itself. Dr. Commager, who called himself an independent Democrat, wrote with the faith of a Jeffersonian liberal in the aims and abilities of the American people and clearly admired the nation's past.

As a champion of the U.S. Constitution, once calling it the "greatest monument to political science in literature," he wrote of this country's greatness as not unrelated to the sweeping growth of social justice.

He lectured Americans not only in classrooms but also in some of the best-received general history texts of his time. He may be best known for "The Growth of the American Republic," written with Samuel Eliot Morrison and published by the Oxford University Press in 1931. Noted historian Allan Nevins hailed the book as "the most entertaining, stimulating and instructive single-volume history of the United States as yet written."

Dr. Commager and Nevins collaborated on the work's 10th edition, which was published in 1987.

In 1941, Dr. Commanger co-wrote "Our Nation," which became a leading high school U.S. history text. In 1942, he and Nevins co-wrote "America: The Story of a Free People," a best-selling book for the lay reader that covered U.S. history from the first British settlers to the Japanese attack on Pearl Harbor in December 1941.

In addition to immensely popular general histories, Dr. Commager also wrote on more specialized topics. These included a 1936 biography of a pre-Civil War New England theologian and abolitionist, and such philosophic offerings as "The American Mind," "Freedom, Loyalty and Dissent," "The American Character" and "The Empire of Reason."

He also was a prodigious editor, making historic writing more accessible to the general reader. Works he edited included Alexis de Tocqueville's "Democracy in America," Benjamin Franklin's "Autobiography" and Francis Parkman's "The Oregon Trail."

He once maintained that his most significant work may have been his now-legendary "Documents of American History," first published in 1934. Growing to more than 600 documents, its 10th edition was published in 1988.

Dr. Commager was born in Pittsburgh and grew up in Chicago. Orphaned before he was 10 years old, he was raised by a grandfather, a Chicago clergyman. The future historian began earning his living at age 15 by working in a local library.

He received a bachelor's degree in philosophy and master's and doctoral degrees in history from the University of Chicago. He also received a master's degree in politics from Oxford University in England and attended the University of Copenhagen.

During World War II, he worked for the Office of War Information in Europe and also was an official Army historian. He taught history at New York University from 1926 to 1938 and then at Columbia University before joining the faculty at Amherst College in the 1950's.

As a teacher, Dr. Commager promoted discussion if not downright battles in the classroom. A champion of civil liberties, he had tangled with Sen. Joseph McCarthy (R–Wis.) in the 1950's over the professor's opposition to loyalty oaths.

Even in the 1980's, he continued to lecture politicians on history and civil liberties, quoting Supreme Court Justice Oliver Wendell Holmes to the effect that "we should be ever receptive to loathsome ideas."

George McGovern, the former South Dakota senator and Democratic presidential candidate, who once taught history with one of Dr. Commager's popular texts, told the Associated Press that the historian's public pronouncements helped sway policy makers to question the Vietnam War.

"He certainly influenced me in making certain that I was on the right track. My own instincts and reading and study convinced me of that. To have a person of the status of Henry Steele Commager saying the same thing was very reinforcing," McGovern said.

Over the years, Dr. Commager wrote for such publications as Current History, the Atlantic Monthly and the Nation. History, however, reported that he owned at least a thousand classical record albums, which he played while working.

Dr. Commager also was enthusiastic about sports. He had written works on baseball and was a rabid college football fan. At least one parent of an Amherst graduate recalls Dr. Commager shouting "advice" from the stands, in no uncertain terms, to an embattled Amherst football coach.

Dr. Commager was a member of numerous historical societies, as well as Phi Beta Kappa, and the American Scandinavian Society.

[From the Washington Times]

Henry Steele Commager, a prolific American historian who championed the Constitution as a model of political genius, died yesterday at the age of 95.

Mr. Commager, who died at his home in Amherst, wrote a body of works spanning much of this nation's history. But his best-known work was "The Growth of the American Republic," which in various revised versions served as a standard college text for generations of students.

His impact went far beyond fellow historians and students. Mr. Commager wrote as much for the popular press as for the scholarly journals. In both arenas, he championed principles of the Constitution, which he called the "greatest monument to political science in literature."

The self-described independent Democrat also did not shy at lecturing Congress and presidents about what he viewed as their moral and constitutional obligations.

Mr. Commager was John Woodruff Simpson lecturer at Amherst College—a post previously held by poets Robert Frost and Archibald McLeish. Before coming to Amherst in 1956, he was on the faculty of New York University and Columbia University.

He also held chairs in American history at Cambridge University and Oxford University. He lectured at universities in Latin America, Japan, Israel and most of the countries of Western Europe.

Mr. Commager, who earned his doctorate from the University of Chicago in 1928, also wrote "Theodore Parker," 1936; "Majority Rule and Minority Rights," 1943; "The Story of the Second World War," 1945; "The American Mind," 1951; "The Commonwealth of Learning," 1968; "Jefferson, Nationalism and Enlightenment," 1975; "The Empire of Reason," 1977; and "This Day and Generation," with Edward Kennedy, 1979.

In 1934, he edited "Documents of American History," a compilation of nearly 500 writings. The 10th edition was published in 1988.

"The Growth of the American Republic" was written with Samuel Eliot Morison in 1931. Mr. Commager collaborated with Alan Nevins on the 10th edition published in 1987.

Born in Pittsburgh and orphaned before his 10th birthday, Mr. Commager was raised by his grandfather, a Chicago clergyman. He said he began earning his living at the age of 15 by working in a library.

Mr. Commager married Evan Carroll in 1928, and they had three children. He married Mary Powlesland in 1979.

She survives him. His other survivors include two daughters.

TRIBUTE TO THE QUARTER BACKERS OF THE SOUTHAMPTON HOSPITAL

HON. MICHAEL P. FORBES

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 4, 1998

Mr. FORBES. Mr. Speaker, I rise today to pay tribute to the members of the Quarter Backers Club of Southampton Hospital, who for 20 years have poured their hearts and valuable time into helping the hospital acquire the most technologically advanced, life saving medical equipment and services for the East End, Long Island community.

As a lifelong resident of the Long Island Town of Southampton, I am very proud to

count the Quarter Backers as my personal friends and neighbors, men and women whose commitment to our home town knows no bounds. Motivated solely by the selfless desire to help Southampton Hospital provide the best medical care available, the Quarter Backers have raised and donated more than $100,000 annually for the purchase of the best diagnostic, therapeutic and emergency medical equipment in the industry. Their labors have produced the greatest fruit imaginable, for they have saved the lives and eased the suffering of countless numbers of their neighbors.

The brainchild of John Grattan, a member of the Hospital's Board of Directors who came up with the idea while he was a patient at the hospital, the group was christened the Quarter Backers because members offer quarterly contributions to Southampton Hospital. With the help of Richard J. Micallef, the current chairman of the Quarter Backers Steering Committee and a member from the beginning, John Grattan organized the many East End business men and women, community leaders and others who were committed to supporting the hospital. Born at Southampton Hospital 21 years ago, the Quarter Backers Club has grown into one of the most vital and active members of the hospital family.

Today, the Quarter Backers number more than 200, men and women from every walk of life who have helped Southampton Hospital adjust to rapid advancements in medical technology. They have raised funds to acquire cardiac diagnostic machines, expand the orthopedic sports medicine facilities and supply mammography equipment that formed Southampton Hospital's Breast Health Center. Collectively, the Quarter Backers are as integral to Southampton Hospital as the 120 staff physicians, sixty consulting doctors, nurses and other staff members in building a healthier East End.

More than just fundraisers, the Quarter Backers are the hospital's ambassadors to the East End, reaching out to their neighbors, business groups, local media and schools, building and cementing relationships with the community. Their devotion to Southampton Hospital and their commitment to saving lives and improving community health is all that motivates the members of the Quarter Backers. This is the reason why they have flourished and grown during two decades of service.

That is why, Mr. Speaker, I ask my colleagues in the U.S. House of Representatives to join me in proudly saluting the Southampton Hospital Quarter Backers as the group enters its 21st year of proud service to the hospital and the East End of Long Island.

EXCHANGE CLUB OF LONG BRANCH HONORS POLICEMEN OF THE YEAR

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 4, 1998

Mr. PALLONE. Mr. Speaker, this evening, Wednesday, March 4, 1998, the Exchange Club of Long Branch, NJ, will honor two officers as Policemen of the Year as part of its annual crime prevention week.

Cpl. Howard Townsend and rookie officer Michael Ahart are being honored for preventing a possible case of arson. On May 7, 1997, the police received a call to respond to a person possibly attempting to burn down a house. Cpl. Townsend and Officer Ahart responded to the scene and confronted an individual at the back door of the residence. The subject lit a cigarette lighter and instructed the officers not to come any closer or he would set fire to the house. The two officers responded to the emergency like the well-trained professionals that they are. Cpl. Townsend called for fire engines, paramedics, ambulances and a negotiator. He prudently advised the emergency vehicles not to use their lights or sirens to avoid further alarming the individual in the house. Officer Ahart remained with the subject, talking until he was able to get close enough to take a lighter and a gasoline-soaked rag away from him. It was subsequently discovered that the downstairs apartment—where an 85-year-old man and his disabled 83-year-old wife lived—had been completely soaked with gasoline.

Mr. Speaker, the actions of these two police officers are a source of pride to the Long Branch community. While I'm sure that Cpl. Howard and Officer Ahart would object to being described as heroes, and would insist that they were just doing their jobs, their decisive action under severe pressure reminds all of us of the great contributions that police officers around our country make to our security, often at serious personal risk.

The Long Branch Exchange Club is part of a national organization of civic clubs devoted to allegiance to the flag and programs to benefit and educate children. They also stage festival events and other community programs throughout the year.

TRIBUTE TO ANNIE SMITH OF CHICAGO, ILLINOIS

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 4, 1998

Mr. DAVIS of Illinois. Mr. Speaker, today I pay tribute to a citizen of this country who represents the best of what America has been, is and can become.

Mrs. Annie Smith was born in Mississippi in 1906, moved to Arkansas with her family and ultimately settled in Chicago, Illinois.

God blessed her with the gift of creativity. She learned cosmetology and millinery, established her own shop and was an outstanding business woman for many years. She was a graduate of Madam C.J. Walker's Beauty College and was an Eastern Star.

Mrs. Smith was a member of the St. Luke's Baptist Church for many years before joining the Carey Tercentenary A.M.E. Church, until her death, under the leadership of Rev. K.K. Owens. She was preceded in death by her husband, Joseph Smith and son Charles Gordon.

Best wishes are extended to her son, Mr. Eugene Ireland, and grandchildren, Charlotte Willis, Vernetia Johnson, Jeffrey Johnson, Kevin Johnson, Ann Hill, Rosalynn Hill and her other grandchildren, nieces, nephews, and other family members and friends.

TRIBUTE TO DENT MIDDLE SCHOOL

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 4, 1998

Mr. CLYBURN. Mr. Speaker, I rise today to pay tribute to Dent Middle School for being honored with the Palmetto's Finest award. This award is giving annually to four schools in my home State of South Carolina for excellence in an educational facility. It is sponsored by the Carolina First bank and the S.C. Association of School Administrators.

As a former high school history teacher, I congratulate them with heartfelt pride for the work that is being done at Dent Middle School. Under the leadership of principal Cheryl Washington, a personal friend, Dent was chosen based on factors including how they teach, what classes they offer and how well the school interacts with parents and the local community. Site visits are also made by the judges, who comprise a team of educators representing schools that have won the award previously. Schools may win this prestigious award only once.

Dent Middle School, located in the Midlands area of the Sixth Congress District, is a unique school that represents the diverse population of my district very well. Dent has not only an economically, but also racially, diverse student body of 1,200. Students come from affluent suburban areas, lower-income apartment communities and nearby Fort Jackson. Students also come from across Richland District 2 for a magnet program housed at Dent. The magnet program, The Learning Cooperative, offers a longer school day, smaller teacher to student ratios, and challenging subjects for approximately 240 students from across the school district.

Aside from the magnet program, Dent offers an after-school tutoring program, study sessions and help with homework for students who need extra assistance. They also offer a program called ALERTS who offer special challenges for academically talented students.

Aside from being chosen as one of the Palmetto's Finest, Dent Middle School is a finalist for the Blue Ribbon School award given by the U.S. Department of Education. The other schools in South Carolina chosen as Palmetto's Finest are Riverside High in Greenville County, Reidville Elementary in Spartanburg County and Shell Point Elementary in Beaufort County. All four of the Palmetto's Finest schools will be honored by Governor David Beasley and state Superintendent of Education Barbara Nielsen at a March 10 gala in Columbia.

Principal Washington says the awards bestowed on Dent aren't won easily and it takes the "commitment of everyone here, the collaboration of everyone working together." It is obvious that Dent Middle School is indeed very committed to meeting the needs of an extremely diverse student body and has proficiently collaborated their efforts so that each

student gets the educational attention they deserve. Mr. Speaker, I ask you to join with me in paying tribute to Dent Middle School, with congratulations to Ms. Cheryl Washington; two of the Palmetto State's Finest.

HONORING THE HOUSTON FOOD BANK ON ITS 15TH ANNIVERSARY

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 4, 1998

Mr. BENTSEN. Mr. Speaker, I rise to congratulate the Houston Food Bank on 15 years of service to the community. The Food Bank will celebrate its anniversary with a gala birthday luncheon on March 12, 1998. In keeping with its tradition of seeking ever new ways to serve, funds raised at the luncheon will be used to expand delivery of fresh fruit and vegetables and provide nutrition education to thousands more needy families.

There is much to celebrate. Since it opened its doors in March 1982, the Houston Food Bank has steadily grown into the nation's fourth-largest food bank, serving 36 counties in southeast Texas and feeding 200,000 people each month.

When it began, the Houston Food Bank consisted of volunteers picking up food in a psychedelic Volkswagen bus and icing it down in picnic baskets. Today, the Food Bank operates from a 73,000-square-foot warehouse featuring 160,000 cubic feet of freezer and refrigerated space. It operates three bobtail trucks, two tractors, and eight trailers for pickup of donated food provided through a partnership with 300 food companies.

Since its inception, the Food Bank has provided 160 million pounds of food to people in need. Last year alone, the Food Bank provided 20 million pounds of food and other essentials to 400 member charities, including food pantry programs, shelters for the homeless, nutrition programs for the elderly, and group foster homes.

These accomplishments are reason enough to celebrate, but the Houston Food Bank recently received more good news when it was honored with the Congressional Hunger Center's 1997 "Victory Against Hunger Award." The Center praised the Food Bank as "a national model for innovation and efficiency in feeding the hungry," specifically citing programs that "engage all facets of the community in the fight against hunger.

This is but one of many well-deserved honors the Houston Food Bank has received. In 1984, the Houston Food Bank became a certified member of Second Harvest, a network association of 185 food banks across the United States. The Food Bank's honors include Second Harvest's Food Bank Award for Excellence in 1990, the Nabisco Model Food Bank Award in 1993, and the Hunger's Hope Award for Innovation in 1996.

The Houston Food Bank's fresh produce operation, the Produce People Care Center, serves as a model food bank program nationally, handling six million pounds of nutritious fruits and vegetables each year. In another initiative that is being copied elsewhere, the Food Bank has formed a partnership with the Texas Department of Criminal Justice whereby Texas prison inmates are growing millions of pounds of fresh fruits and vegetables on surplus prison farmland.

Perhaps the most important ingredient of all in the Houston Food Bank's success is community involvement. As a private, non-profit organization, the Food Bank depends on the support of concerned businesses, foundations, individuals, and the religious community for financial support to meet its annual budget. In addition, about 4,500 hours are donated by volunteers each month. Because of the strong support of the food industry and its low operating cost, the Food Bank is able to provide $20 in food for each dollar donated.

As the Houston Food Bank celebrates its 15th anniversary, it will honor two visionary couples who put a roof over the Food Bank's head and a foundation under its dreams. When the Food Bank was just an idea, philanthropists Joan and Stanford Alexander of Weingarten Realty Investors stepped forward with an offer of donated warehouse space, which gave the Food Bank both a home and credibility in the community. Then, in 1988, the late Albert and Ethel Herzstein donated the Food Bank's permanent home, the 70,000-foot-warehouse that is in use today.

Joan and Stanford Alexander's support of the Houston Food Bank from the beginning gave the organization public credibility when it needed it most. They have been valuable members of the Food Bank's Advisory Board, offered wise counsel, and advocated on behalf of the Food Bank. The Alexander's support of the Food Bank is just one expression of their concern for the disadvantaged and suffering, which has also led to their involvement with Crisis Intervention, SEARCH, and Interfaith Ministries of Greater Houston among many other organizations. Their help in the Food Bank's beginning stages is truly commendable and their continuing commitment has made it possible for the Houston Food Bank to fulfill the potential they foresaw.

The Food Bank lost one of its truest friends when Albert Herzstein passed away in March 1997. The son of Russian emigres, Albert Herzstein rose from truck driver and delivery boy to president of Big Three Industries. After his retirement, Mr. Herzstein began to build and lease warehouses. Through the Albert and Ethel Herzstein Charitable Foundation set up by him and his late wife, Mr. Herzstein helped local charities, including the Houston Food Bank, that provide food, shelter, and education, focusing on the construction of buildings to house their work. His gift to purchase the Food Bank's current facility ended its four-and-a-half year quest for a permanent home and made possible a phenomenal growth in the numbers of people fed. Every can and box of food that moves through the Herzstein Center is a tribute to this generous couple.

As the Houston Food Bank celebrates its fifteenth anniversary, its dedicated staff, volunteers, and supporters are looking as much to the future as to the past. In the words of Board President Jerome Pesek, "As we blow out the candles on the cake, our wish is still for a city without hunger." Mr. Speaker, I join the Houston Food Bank in rededicating our community to this goal, and I congratulate all involved for making so much progress toward achieving it.

MANAGED CARE CONSUMER PROTECTIONS: WHY COSTS WILL BE LIMITED

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 4, 1998

Mr. STARK. Mr. Speaker, the opponents of managed care consumer protections constantly say that the cost of the reforms will substantially drive up costs, and therefore cause employers to drop insurance coverage for their workers.

Some of their cost estimates are laughable. Remember the old Western, "Have Gun, Will Travel?" There is a whole industry in Washington of Ph'Ds who serve the same bounty hunter role. "Have Ph'D; Will Produce the Study Results YOU Want." Or as the old vaudeville joke goes, "If the man wants a green suit, turn on the green light."

One reason the studies are silly is that the States are already requiring, for the roughly 50% of plans that they can regulate, that managed care plans comply with the type of reforms we are proposing. Another reason is that the managed care trade association, AAHP, already requires as a condition of membership that a plan comply with many of these standards. The question arises, why should there be much extra cost if the plans are already complying with their trade association's quality standards?

Using data from Blue Cross Blue Shield, my staff has compiled the following matrix of State actions. Clearly, the passage of Federal legislation will not be asking the managed care plans to deal with issues they are not already dealing with on a wide scale.

STATE CONSUMER PROTECTION LAWS

Attached is a preliminary summary of States' consumer protection laws. This information, taken from the Blue Cross/Blue Shield Association's 1997 Survey of Health Plans, indicates that all but four states have enacted at least one of the managed care quality protections listed in the President's Consumer Bill of Rights. In addition:

Thirty-nine (39) states have enacted laws prohibiting "gag clauses" in provider contracts.

Twenty-nine (29) states have enacted laws allowing direct access to specialists without prior approval from the plan's primary care physician. These laws apply primarily to OB-GYN's, but a few also refer to chiropractors, dermatologists, and other specialists. Another five (5) states are expected to propose direct access to specialists in 1998.

Twenty-six (26) states have enacted laws requiring payment for certain care delivered in an emergency room. Almost half (12) of these states also impose a "prudent layperson" standard. Another nine (9) states are expected to introduce legislation with the "prudent layperson" standard in 1998.

Twelve (12) states have external grievance review laws that require health plans to allow enrollees to appeal coverage or claims denials to an outside medical expert of panel, if dissatisfied with the outcome of the

plan's internal appeals process. Another 12 states are expected to enact mandatory external grievance review laws in 1998.

Sixteen (16) states (CA, DE, FL, HI, IA, ID, IL, IN, KY, MD, ND, OK, PA, SC, TN, and WA) are expected to propose a framework of quality standards for managed care plans in 1998.

STATES' CONSUMER PROTECTION LAWS (AS OF 1997)

State	Info disclosure	Choice of plans and providers*	Access to ER services	Prohibition on gag clauses	Respect and nondiscrimination#	Confidentiality	Complaints appeals**
Alabama		X					
Alaska							
Arizona	X		X	X			X
Arkansas		X	X				
California	X	X*	X	X			X
Colorado		X*	X	X			
Connecticut		X	X	X			X
Delaware		X	X^	X			X**
District of Columbia			X^	X			X**
Florida	X	X	X	X			X
Georgia		X	X	X			X**
Hawaii							X**
Idaho	X	X	X	X			
Illinois		X	X^				
Indiana		X	X^	X			
Iowa							
Kansas		X	X	X			
Kentucky		X	X^				
Louisiana		X	X	X			
Maine		X		X			
Maryland		X	X	X			X**
Massachusetts		X		X			
Michigan			X	X			
Minnesota		X		X			
Mississippi		X	X^				X**
Missouri		X	X	X			X
Montana		X		X	X		
Nebraska		X*	X	X			
Nevada		X	X	X			
New Hampshire		X	X	X			X**
New Jersey		X	X	X			X
New Mexico		X		X	X		
New York		X	X	X			X**
North Carolina		X	X	X			X
North Dakota				X			X**
Ohio			X	X			X
Oklahoma		X*	X	X			X**
Oregon		X	X	X			
Pennsylvania		X	X^	X			X**
Rhode Island		X	X^	X	X		X
South Carolina		X	X^				
South Dakota							
Tennessee		X*	X	X			X
Texas		X	X	X			X
Utah		X		X	X		
Vermont	X	X*		X			X
Virginia		X	X	X			
Washington		X	X	X			X**
West Virginia					X		
Wisconsin							
Wyoming				X			
Total	5	34	35	39	5	0	24

*Twenty-nine (29) states have laws that allow direct access to a specialist without prior referral from the primary care physician. These apply primarily to OB-GYNs, but also can refer to chiropractors and dermatologists. Another 5 states (*) are expected to propose self-referral to specialists in 1998.

^Twenty-six (26) states have enacted laws requiring payment for certain care delivered in the emergency room. Twelve (12) of these states also impose a "prudent layperson" standard. Another nine (9) states (^) are expected to introduce this legislation in 1998.

#Five states prohibit discriminatory practices (e.g., denying/canceling coverage, higher premium) against victims of domestic abuse.

**Twelve (12) states have external grievance review laws that require health plans to allow enrollees to appeal coverage or claims denials to outside medical expert or panel, if dissatisfied with outcome of plan's internal appeals process. Another 12 states (**) are expected to enact mandatory external grievance review laws in 1998.

Source: Blue Cross Blue Shield Association 1997 Survey of Plans.

GROWING UP BLACK IN SHEPHERDSTOWN

HON. ROBERT E. WISE, JR.

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 4, 1998

Mr. WISE. Mr. Speaker, I would like to introduce for the record an article by Mary Corcoran Lehman for the Shepherdstown Chronicle of Shepherdstown, West Virginia. This article was written in commemoration of Black History Month a few years ago. It is about the life of Mr. Charles Branson, a local city councilman, who has lived through an extraordinary period of American history and provides a fascinating perspective of this time.

While February, designated as Black History Month, has come to a close, I wanted to place this article in the Congressional Record today. The contributions of a person or culture to our society should not be limited to a specific month, but should be celebrated year round. Mr. Branson's story and others like it remind us that throughout one's life many people give significantly to the legacy of America everyday.

GROWING UP BLACK IN SHEPHERDSTOWN

(By Mary Corcoran Lehman)

Childhood for Charles Branson was enjoyable. He was born in 1921 at his home on Angel Hill on Shepherdstown's East End. At that time, he says, every black was born at home even though there were two hospitals in Martinsburg. Transportation was a problem, he remembers. Very few, if any, blacks had an auto in the 1920s. Charles' own family, for instance, got their first car in 1934 or 35.

The families in the East End were very close. Charles' maternal grandparents lived just 20 feet away. The grandparents owned both their home and the home where Charles, his parents, and his two siblings lived and grew up.

His parents, Charles says, worked very hard. His mother, who died when she was just 38 from complications from diabetes, never saw a washing machine. She scrubbed the family's laundry on an old wash board. "Later in life I felt rather badly about that wash board," Charles says. She also worked as a domestic. His father worked various jobs. He was a laborer at Shepherd College, worked at the Blairton stone quarry and, in the early 30s when the Depression was still hitting hard all over, he worked for the WPA.

During the 20s and 30s Angel Hill was a mixed neighborhood, Charles remembers. "We all played together, black and white, in the street," he says. "There were no playgrounds. We'd shoot marbles, set up horse shoe pits and we played ball." Angel Hill children also played in the area where the Shepherdstown Day Care Center now is, he says, in a big field that extended back to where Porky May now lives.

Nathan Manuel, who is now a dentist, was Charles' closest friend back them. "We had a nice group then" he says. "We'd race up and down the street rolling tires." He remembers doing this with Robert Washington, Genevieve Monroe's younger brother. "And I also played with her sisters." he says.

Black and white adults, who lived on Angel Hill, also socialized, he says. "Society was

not integrated then" Charles adds, "but as far as the activities of the people in the area it was integrated."

When Charles Branson was 8-years old he started school. He didn't begin school at the usual age of six because his legs were badly scalded with boiling water which tipped off a coal stove when he was six or seven. "I remember taking those bandages off," he says.

When he did start school he realized for the first time that there was a difference between blacks and whites. Charles had to walk all the way from Angel Hill to the far West End of Shepherdstown to attend the black Shadyside School. To get there he walked right past the white school on the corner of King and High Streets. It was about three blocks closer to his home than Shadyside and he says he used to wonder why he couldn't go there. The only time black kids went near the white school was after hours when they played on the fire escape tubes, he remembers now.

The great black educator Dr. John Wesley Harris was principal of Shadyside during the years Charles was there. He succeeded Charles' grandfather John W. Branson. Harris was the senior Branson's pupil at one time. Branson's grandfather went to Page County, Virginia and taught in Luray. Several decades later grandson Charles would follow in his footsteps.

Charles graduated from Shadyside in 1937 without ever going through the eighth grade. The fifth, sixth, seventh and eighth grades were all in one class and by the time Charles was in the seventh grade he had heard and learned it all. When it came time for the eighth graders to take the state test, seventh grader Charles took it too and passed. The three others who took the test with him at the Eagle Avenue School in Charles Town passed also. Charles had the highest score so he was named valedictorian of his class and Clarence Holmes was salutatorian.

The only black high school in Jefferson County at the time was at Storer College in Harpers Ferry. It was a boarding school. Dr. Harris, whose son attended Storer also, took Charles to school in the fall. He came home for holidays. Board at the school in 1937 was $16 a month. "Even that was hard for my parents to raise," Charles says.

Charles was at Storer for four years. In his junior year his mother died. Life became increasingly more difficult then. He couldn't stay on campus because his family could no longer afford the board so he went to work at a white tourist home in Harpers Ferry. The $2 a month he earned enabled him to continue his schooling.

The tourist home, Laurel Lodge, was owned by the sister of Storer's Registrar Pansy Cook. "I wrung the necks of chickens and plucked them on Saturdays," Charles remembers. "They had big chicken dinners on Sundays and for the work they gave me lodging in the furnace room of their basement." Part of the job, he says, was to attend the furnace at night. The basement was so permeated with coal dust, he says, that even though he changed the sheets once a week by the middle of the week "they were as black as anything."

Charles had meals on campus and because he had so many friends there he always had a place to keep his clothes and take a bath. "It worked out very well," he says.

On weekends he would hitch a ride to Shepherdstown with Charles "Cop" Shipley, who lived in the yellow house next to Trail's Chevron where David Malakoff and Amy Young now live. Shipley's father Bob was the first state trooper in Shepherdstown. His brother Kenneth was fire chief in Shepherdstown for many, many years and lived in the old King Street fire hall.

In 1941 Charles completed high school. He remembers that Jennings Randolph, then a congressman, was the commencement speaker. After graduation Charles came back to Shepherdstown. But at that time Shepherdstown didn't have many opportunities for a black man to make money, Charles says. You could maybe work in the apple orchard for Goldsborough and Skinner at 20 an hour or see if Shepherd had a laborer's job but that was about it.

Instead Charles decided to go to New York City with his friend C.J. Jackson. Jackson had New York relatives; he had an aunt who lived out in Mount Vernon, New York. Charles found a job in downtown Manhattan at 125th Street and Seventh Avenue. He started out as a dishwasher in a little restaurant. In six months he had decided it was not the job for him. He went to New Haven, Connecticut where he hoped to work for the Winchester Rifle Works. One of his former classmates worked there.

When that didn't transpire, Charles got a job in Ansonia at a big old country club where he would up in the kitchen. "I never boned so many turkeys in my life," he says ruefully. "Time to get on back home." Back home to the orchards and Shepherd College.

He was working at Shepherd for a regular salary of $40 a month and board when he married his wife Ruby in May of 1942. It was during World War II and every able bodied man, black or white, was joining or being drafted to join the armed forces. "I was working at Shepherd when I got inducted at Fort Hayes in Columbus in December," he says. After induction Charles immediately left for Fort Hood, Texas where he was placed in Tank Destroyer Training.

During the Second World War the army was segregated. Entire divisions of black soldiers were commanded by white officers. Charles became part of the 827th Tank Destroyer Battalion, Company C, Third Platoon. But being commanded by white officers hardly mattered Charles remembers, because he had to answer to non-coms, who were black.

Charles was a private first class and the assistant gunner in a M–18 Tank Destroyer. He originally received training for tank warfare in Africa but in 1944 after the Allied invasion of Europe tank training changed.

The 827th was sent to Europe. Charles landed at Marseilles and he and his battalion took part in the invasion of Southern France. "In November, a couple of days after my birthday, I knew something was happening. Whole battalions of various companies formed. A communion service was held. For the first and only time I had communion in the army," he says.

The next couple of days they began moving north towards the front. Then the snows came. They were especially deep in Europe that year, he remembers. "They came up to your waist in some places," he says. Finally they reached Strasbourg, almost to the Sigfreid Line and headed towards Luxembourg.

On December 16, 1944 in the early morning Charles saw balls of fire and heard a roaring. It was a hot shell and he was in active combat for the first time. He admits he was scared, "You'd have to be a fool not to be," he says. He was right on the edge of the Battle of the Bulge.

His platoon moved into an area supporting the 79th Infantry and the all-white 42nd Rainbow Division, MacArthur's old division. During a lull in the battle he and the others crawled out of their tank and black soldiers and white soldiers freely mingled. "You couldn't get more integrated than that," he says.

Charles observed one instance of death at close hand. He was just 25 yards from a Company B tank that was hit. He saw a soldier trying to come out over the gun turret (snow prevented escape from the bottom). He found out later the man died from injuries.

In early January the tide turned when the sun came out and U.S. ground forces received air support. Charles saw his first jet plane, a German one, at that time. It dropped one bomb, he says and was gone so fast he wondered what it was.

The war ended for Charles on October 3, 1945 at Fort Mead, Maryland where he was mustered out of the army with a good conduct medal and a honorable discharge.

Before his discharge, in August, he would not have believed he would return to civilian life so soon. He was on a ship enroute to the Pacific Theater when a voice over the PA system announced the end of the war and the ship turned around to dock in Boston harbor instead.

When he came back home to Shepherdstown, he and Ruby brought the house at 308 West German Street where they still live. He bought it for $600. It was a duplex then but later the and Ruby converted it to a single family home. He worked in the orchards until 1946. All the time his wife kept urging him to go back to school on the G.I. Bill. There were no decent jobs to be found, he says.

In 1946 he was called to work as a janitor at the Army Hospital in Martinsburg. The 65 cents an hour he earned there was three times the 20 an hour he was making in the orchards and by now he and Ruby had four children. The Army Hospital was converted to the Newton D. Baker Veteran's Administration Hospital shortly after he began work and he put in an application to work for the federal government. Still Ruby was urging him to go back to school.

So in August of 1946 Charles registered for classes in business administration at Storer College. He selected a business administration major because his college advisor told him he would be eligible for a G.I. loan to set up his own business when he graduated. "But I had no particular business I was interested in," he says. "When I got out of school I had to get a job." So he switched to education and social studies.

The commencement speaker at his 1950 graduation was W.E.B. Du Bois, who had first come to Storer College in 1908, for a meeting of the Niagara Movement, the precursor of the N.A.A.C.P. That 1950 Storer class was the largest class ever graduated from Storer, Charles remembers.

In the second semester of 1951 Charles went back to school. Although he graduated with a Bachelor in Social Studies. Charles had not completed his professional studies. By the end of the summer session he had minors in business administration and physical education. During one summer school session he attended a class with a teacher at the black high school in Luray, Virginia, Andrew Jackson High School. The man's wife was principal of the school. Charles was offered a job as a teacher and football coach.

He had no car and no idea how he was going to get to Luray but the $2,400 yearly salary was more than he had ever made. "I just knew I would get there," he says. At first he left his family behind and lived in a rented room but by November Charles had found a house for $15 a month.

However, in 1952 Ruby became sick and she and the children went back to Shepherdstown. Charles would come home on weekends by train getting in around midnight on Friday and leaving very early Monday mornings. It wasn't a very satisfactory arrangement and in 1956 he came back to Shepherdstown. He worked once again at the VA Center where he stayed until he retired in 1985 after sustaining his fourth heart attack.

Charles has never retired from public service though. He has served a total of eighteen years on the Shepherdstown Council. He first became a councilman in 1974 but took two years off between 1980 and 1982. He spearheaded the cleaning up of Back Alley after the alley became a dumping ground following the closing of the Town Dump on Rocky Street. And he was one of the founding members of the Shepherdstown Community Club which was active in the present youth center building until the mid 1980s.

The Shadyside School that Charles attended was closed in 1946. Shepherdstown blacks then went to the East Side School. That building now houses the Shepherdstown Day Care Center. Although the Brown vs. the Board of Education decision against segregation in public schools was handed down by the United States Supreme Court in 1954 Charles says schools in Shepherdstown were not integrated until the late 50s or early 60s.

Three of his six children attended segregated schools. The three older children, Rose, Barbara and Charles, attended Jefferson County's black high school, Page Jackson in Charles Town.

Only the three younger children, Leon, Rodney and Brenda, attended integrated schools in Shepherdstown. All three graduated from Shepherdstown High School.

TRIBUTE TO THE JULIA WEST HAMILTON LEAGUE, INC.

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 4, 1998

Ms. NORTON. Mr. Speaker, I rise to pay tribute to The Julia West Hamilton League, Inc., which was formed in 1938, the outgrowth of 10 women who dared to dream. Mrs. Ellen V. Johns Britain, the organizer, believed that women joining together as a dedicated unit might accomplish some of the things that seemed impossible at that time, but could be helpful to the betterment of the community, education, youth and self.

Mr. Speaker the League was named to honor a great woman who gave unsparingly of her time, devotion and love to the causes of humanity, Mrs. Julia West Hamilton, who was a participating member of the League until her death. The League was incorporated in 1971. The first president was Mary EC Gregory. The League is currently led by Mary J. Thompson.

Mr. Speaker, The purpose of the League is (1) to promote benevolence, cultural and educational interests in the community; (2) to strive to gain new knowledge and skills of achieving better self-understanding, learning to interact more sensitively and honestly with others; (3) to encourage young people to aim early in life toward education, develop good character and find a useful place in society; and (4) to establish a monetary award known as the Julia West Hamilton Award. This award is presented to a student in each of the 14 senior high schools in Washington, DC and a four-year Julia West Hamilton Scholarship is awarded to a recipient from one of the senior high schools every four years. To date, the League has provided over $68,000 in student awards and scholarships.

Over the past 21 years the League has donated approximately $73,500 to the Hospital for Sick Children and has supported Howard University's Sickle Cell Anemia Program. The League has also contributed to the Brigadier General West A. Hamilton Scholarship Fund of the Washington Club of Frontiers International, the United Negro College Fund, the Cardozo and Eastern High School bands and the Eastern High School Choir for travel abroad. Assistance is also provided to needy families at Thanksgiving and Christmas. The League holds lifetime memberships with the National Council of Negro Women and the Phyllis Wheatley YWCA. In 1980, the Ellen V. Johns Britain Award was established in honor of the founder of the Julia West Hamilton League, Inc. This award is presented for outstanding and dedicated services to a member of longstanding.

Mr. Speaker, I ask that this August body join me in special tribute to the gentle ladies of The Julia West Hamilton League, Inc. whose motto, "THE ONLY GIFT IS A PORTION OF THYSELF" and good works, on the occasion of their 60th anniversary, are worthy to be praised.

PERSONAL EXPLANATION

HON. MARTIN FROST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 4, 1998

Mr. FROST. Mr. Speaker, I discovered that without explanation, my vote was not recorded on Roll Call vote number 22, the Federal Agency Compliance/Civil Rights amendment. I was present for this vote and voted Yea.

IN HONOR OF THE RETIREMENT OF FRANK STRONA FROM THE NEW HAVEN POLICE DEPARTMENT, MARCH 4, 1998

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 4, 1998

Ms. DELAURO. Mr. Speaker, I rise to pay tribute to Frank Strona, a devoted member of the New Haven Police Department, who retired Saturday, February 28, 1998.

Providing for the protection and safety of our citizens from acts of violence is one of the fundamental duties of government. But government carries out this responsibility only through the work and dedication of people like Frank Strona. His extraordinary bravery and pride in carrying out his duties will serve as an example for police departments throughout Connecticut to strive towards.

Mr. Strona served in the New Haven Police Department for over thirty-five years. He is cherished as a friend and mentor to many junior officers, and many members of the community, including myself. His career began as a rookie cop. In a short time he became a motorcycle policeman, graduating from cruiser patrolman. He spent almost twenty of his thirty-five years as Dog Warden and Manager of the Mounted Police Regiment of the New Haven Police Department—keeping the regiment strong.

Second only to his loving family, Strona's distinguished career in public service has been the greatest source of pride in his life. This devotion and pride will be his lasting legacy. The members of the New Haven Police Department and the community of New Haven have all benefited from his unwavering commitment to the safety and security of our community. For this, we offer him our lasting gratitude and congratulations on his retirement.

TRIBUTE TO JOSEPH MEYER

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 4, 1998

Mr. VISCLOSKY. Mr. Speaker, I rise today to pay tribute to a Northwest Indiana business pioneer and the founder of Bank Calumet, Joseph Meyer. Joseph was born in Wisconsin in 1878. As a youth, whenever he could, he traveled with his father who was a professional photographer. His father was particularly interested in photographing various aspects of nature and often took his son into fields and forests. The young Joseph soon learned a great deal about plants and nature in general. But this happy arrangement lasted only a few years because the father died when his son was not yet a teenager. As a result of the family's financial difficulties, Joseph was sent to an orphanage, where he received a technical-vocational education.

Upon graduation from high school, Joseph had to leave the orphanage. He went to Milwaukee where he lived with a grandmother, who provided room and board which enabled young Joseph to take a low paying job in the printing industry. He recognized that he needed practical experience before he could go out on his own.

Eventually, he felt he had enough experience, so with a small loan from his grandmother, he set up his own print shop in her basement. Slowly he accumulated enough savings to open his own print shop on East Water Street. He was a good printer, but not yet a good financial manager and he did not know how to locate a financial advisor. Moreover, Milwaukee was suffering from a recession at that time. Finally, he was out of money and had to close his shop. His first business venture, therefore, was a failure.

Joseph Meyer then moved to Chicago, where printers were in demand, and obtained a job with a large industrial printer until it was shut down by a long and violent strike. Next he took a job in the print department of The Hammond Times.

But the desire to have his own business was strong. By saving everything he could from his job at the paper and with a small

bank loan, he was able to afford an old printing press which had to share space in his modest home with his wife and young family. Joseph soon heard about crooked gaming devices and learned how these machines were tampered with to cheat the public. So in 1908, he wrote a short book exposing this scheme and printed it himself—two pages at a time.

This literary effort was well received and very profitable. His initial thought was to expand his printing business, but he remembered his failed print shop back in Milwaukee. He realized that his next business would have to be guided by a plan and that he would need help with the financial side.

In thinking about his skills, he knew he had two strengths. He knew a lot about printing; after all, that's what he had been doing for several years. But he also knew a great deal about nature and plants. Over the years, he had built on the basic knowledge he had gained from those early field trips with his father. He became interested in the curative power of native plants and the advantages of natural substances as dietary supplements. For his life's work, he decided it made sense to combine both these talents—his knowledge of printing and his love of nature.

He grew and harvested plants in the vacant land around his Hammond house, on land that no one seemed to care about at the time. Marketing of these health foods and medical items would be through a catalog. Since he would print the catalog himself, his profit would be enhanced. He mobilized his eight children and taught them to distinguish the valuable plants from ordinary weeds and had them help in the harvesting.

His children were also put to work in the family dining room, assembly-line fashion, to fold and bind the catalog. Eventually, he was able to purchase fertile land to grow the plants he needed and in 1925 construct a handsome Tudor style building to process and manufacture his products. That building still stands among the Borman Expressway near Calumet Avenue. In a few years, this business, then and now known as the Indiana Botanic Gardens, grew larger and his catalog was sent first throughout the Midwest and later all over the country. Today, Indiana Botanic Gardens, which is now located in Hobart, continues to thrive under the direction of a Joseph Meyer descendant.

By the late 1920s and early 1930s, the country had slipped into a very severe economic downturn. Many businesses closed. But this time, Joe Meyer's business did not fail. In fact, the Botanic Gardens continued to expand. It turned out that the herb and health food business was largely recession proof. His direct-from-the-manufacturer mail order business provided products at a lower price than his competitors, and his home remedies were cheaper and more readily available than regular medical doctors.

But he did have one serious problem. The economic downturn was so severe that he couldn't find a sound yet convenient financial institution to hold his deposits. In fact, in the year 1933, Joseph Meyer was faced particular dilemma in that all of Hammond's banks had failed. He had no local place to deposit the dimes and quarters and dollars that were arriving in cash every day at his plant.

A group of Hammond community leaders with a financial background approached Joseph Meyer about starting his own bank, but this was a big step. He would have to risk everything he had achieved and he did not know anything about banking. However, over the years he had learned a lot about running a business, the need for expert assistance and how to find that talent, the vital necessity of having a business plan, focusing on your objective, assembling the right team, and making sure that new income grew when sales grew. This time, he had the capital, but he had to decide whether all the other things could be put in place.

With careful reflection, and attention to detail, he assembled his team and opened the Calumet State Bank on March 4, 1933. The rest, as they say, is history. Today, Bank Calumet is still largely owned by Joseph Meyer's family. It is the largest locally owned bank in Lake County, with 16 offices and nearly $800,000,000 in assets, a book value of over $78,000,000, and a multi-year string of record profits.

From the very beginning, Joseph Meyer infused his personality into the new bank. If you look at the early ledger book, you will see that the first day deposits totaled around $73,000. Almost that entire amount came from Joseph—either from his personal funds or from businesses he owned.

But Joseph Meyer wanted to reach out to the broader Hammond community. He knew people had lost much of their savings when Hammond's banks failed. That loss had produced a deep distrust of banking, yet he also knew people's money really would be safer in his well-run bank than at home in a jar or under the mattress. So he hit on an idea that would reassure the general public. He took some of his own government bonds and put them up as collateral to back the bank's deposits. Now people could be certain that even if the bank failed, there would be something to stand behind and guarantee their deposits.

Calvin Bellamy, current President and Chief Executive Officer, tells me that the same commitment to customers and community guides the present management of Bank Calumet. Before returning to that subject, let me first say something about the Bank's Main Office, which at nine stories is still the tallest building in Hammond.

The 100,000 square foot structure at 5231 Hohman Avenue was begun in 1924 to house the First Trust and Savings Bank which failed in the Great Depression. The building's steel frame is covered by Indiana limestone and at the base by polished Minnesota granite. The main lobby has its same original and magnificent chandeliers. The American walnut ceiling—at least 35 feet from floor level—is decorated with painted and inlaid designs. The original marble floors and columns still grace the lobby.

In 1934, the bank moved from its original location at 5444 Calumet Avenue to the present Hohman location. The transfer of the bank's assets and cash required a heavily armored motorcade. Fayette Street was guarded every few feet by machine gun toting marksmen perched on roof tops along the route. $650,000 traveled down the street that day, a very attractive target in those Depression plagued times. Fortunately, all went well.

Today, the bank continues to serve as an outstanding corporate citizen and partner with the people of Hammond. I want to briefly highlight the bank's particular commitment to Hammond's neighborhoods and the education of the city's children.

Hammond is a city of neighborhoods. And its future will be determined by the strength of those neighborhoods. In 1989, the bank's management began wondering what they should be doing to strengthen Hammond's neighborhoods. They began with five separate focus groups, each drawn from a different part of the city. As they dialogued, it became clear that Hammond's housing stock, though still mostly in moderate to good condition, needed attention.

So beginning later that year, the bank announced its Neighborhood Investment Program (NIP). Through NIP, the bank began offering home improvement financing to residents of Hammond at one percent below its normal rate and on terms more flexible than its usual underwriting standards.

This program has been offered every year since 1989. Each year the bank sends a brochure to all homeowners in Hammond. Now in its eighth year, the bank has made over 800 NIP loans. From antidotal evidence, bank officials have strong reason to believe that without this extra effort, much of the home improvements financed by NIP loans would not have occurred. They can say for certain whatever home improvement financing that would have occurred anyway would have been at higher cost to the homeowner. If nothing else, the NIP discount has made rehabilitation of Hammond homes a more affordable proposition.

Besides the Bank's commitment to rehabilitation and remodeling Hammond homes through its Neighborhood Investment Program and various credit counseling activities, they also give a great deal of attention to the Hammond public schools. For about a decade the bank has had a formal partnership with Wallace Elementary School. Some of the partnership's key elements include an active Student of the Month Program, banking curriculum taught at the school, and student tours and job shadowing at the bank. Aside from these specific details, the partnership boils down to this: several bank officers have a great deal of personal contact with these students, providing a mentoring experience for these eager young learners from a diverse, moderate income neighborhood.

In 1997, Calumet Bank felt the need to expand its involvement with the Hammond schools. More and more, its loan officers are seeing credit reports on young people only out of high school a few years already developing credit problems. Excess use of credit cards slow payment of bills and careless management of their checking accounts, these and other problems are causing people in their twenties and thirties to have difficulties obtaining affordable home, auto and other financing.

Given these challenges, the bank wanted to be part of the solution. So in the spring of 1997, they proposed to Hammond School Superintendent Dr. David Dickson a program they call MONEY MATTER$. What they are offering to do is go to all four Hammond high schools and have contact with every senior.

MONEY MATTER$ would consist of a three part series—first on the history of money and the role of banks in the economy, next on the proper use of credit and understanding the role played by each individual's personal credit report, and finally a session on how to manage a checking account, including the proper use of ATM cards.

Calumet Bank has also formed a President's Council whereby four students from each high school meet with senior bank officers over lunch for more in-depth discussion of banking issues and also career opportunities in banking. This group will meet for the third time on March 5, 1998. The bank's goal is to stimulate dialog since they recognize that businesses also need to learn more about what youth are thinking.

As you can imagine, these school-based activities represent a very significant time commitment. There are also some dollars involved, but the bank feels this extra effort and expense are important to the future of Hammond and Northwest Indiana. As a community bank, Bank Calumet's leaders realize their future depends on the community's future.

Since Joseph Meyer founded his bank 65 years ago it has undergone several name changes. But whatever the name, its commitment remains true to Joseph Meyer's original philosophy of service to their customers and their community.

As bank President Bellamy expresses it, "If the people of Hammond—individuals, government, and businesses—continue to work together as partners, our city's future will be at least as exciting as our past. Those of us in leadership positions today have benefitted from the experiences of our predecessors and it is no less our duty to continue the work of building for an even better future."

Mr. Speaker, Joseph Meyer was not instantly successful. In fact, he suffered a business failure before he found his stride. Yet, despite personal and business setbacks, he eventually made a success of himself, and provided an invaluable asset to the people of Hammond as well as the rest of Northwest Indiana.

150th ANNIVERSARY OF THE HUNGARIAN REVOLUTION OF 1848

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 4, 1998

Mr. DINGELL. Mr. Speaker, I rise today to join the state of Hungary and Hungarian-Americans everywhere in commemorating the 150th anniversary of the 1848 Hungarian revolution.

In 1848 revolution swept through the European continent. By March of that year, the revolutionary sentiments had spread to Hungary, which was ruled by the Austrian Habsburg empire. On March 3 legendary Hungarian patriot Louis Kossuth made a monumental speech, dubbed the "inaugural address of the revolution". Kossuth's speech enumerated 12 sweeping reforms that reflected some of the most progressive ideas of the age, such as a reduction of feudal rights and the emancipation of the peasants. This declaration struck an immediate chord with the Hungarian people. The reforms immediately spurred the Austrian people to demand similar rights, and on March 13 a full-fledged revolution broke out in Vienna.

On March 15, while Kossuth was in Vienna presenting his 12 points to the Habsburg monarchy, students in Budapest armed only with Kossuth's reforms seized control in what has come to be known as the bloodless revolution. The following day the Hungarian delegation, led by Kossuth, submitted Hungary's demands before Emperor-King Ferdinand. The Austrian monarch quickly agreed to the points, prompting the Hungarian Diet to put the revolutionary reforms into effect. Thus, Hungary's future was forever influenced as the result of a peaceful, lawful revolution.

The Hungarian Diet immediately began to work nonstop to pass new laws. By April the Diet had passed 31 progressive measures, which essentially amounted to a new constitution. These "April laws" attempted to provide for the needs of a nation moving towards modernization.

Unfortunately, Hungarians did not have long to experience * * * government were intent on squashing any semblance of Hungarian independence. On September 10, Baron Jelacic, with encouragement from the Habsburgs, led 40,000 Croatian troops across the Hungarian frontier. Hungary, led by Kossuth, was in the process of building up its army, and initially lost several battles to the invaders. Finally, General Arthur-Gorgey, who was to become one of Hungary's greatest generals, was given control of the Hungarian army. By April 1849 Gorgey's military brilliance and the tremendous bravery of the elite Hungarian Honved troops had driven all of the invaders out of Hungary, and Hungary had officially declared its independence from Austria.

The Habsburg's were humiliated and forced to call on Russian Czar Nicholas I for assistance in bringing the now independent Hungary back under Austrian control. As a result, Hungary's independence was short-lived because in June, 1849, a joint Austrian-Russian offensive overwhelmed the valiant Hungarian defenders. On August 13, Gorgey's forces laid down their arms before the Russians at Vilagos. Kossuth was forced to flee his beloved homeland and would live the rest of his life travelling the world to gain support for Hungary's cause. In a speech made prior to his departure, Kossuth said, "My principles were those of George Washington. I love you, Europe's most loyal nation."

Although, the Hungarian revolution of 1848 did not end in prolonged independence for Hungary, it did result in at least one very noble achievement. The revolution prevented the Austrian government from revoking the emancipation of the peasants and all other unfree persons in the Habsburg's empire. For this historic accomplishment and for striving towards the ideal of the American Revolution, Hungarians and Americans of Hungarian decent should always be proud. I join with the strong Hungarian-American population in the downriver communities to celebrate the Hungarian revolution of 1848, truly an important turning point in the history of the Hungarian nation.

CAMPAIGN FINANCE REFORM

HON. RON KIND

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 4, 1998

Mr. KIND. Mr. Speaker, The headline of an article in today's *The Hill* says it all: "Soft Money Soars as Campaign Reform Falters."

As an unyielding supporter of campaign finance reform, I am sickened by what the article goes on to discuss, "The soft money explosion is a result of campaign officials findings innovative ways to channel the supposedly non-federal money into congressional campaigns. Campaign officials are boasting of their fundraising prowess: But this has reformers fearing that the growing stream of soft money into Democratic and Republican congressional committees has turned into a mighty river that threatens to flood the political system's banks."

Soft money contributions are unlimited and the congressional campaign committees in 1997 set a soft money raising record of more than $30 million. As campaign finance reform has once again died in the Senate, and gasps for life in the House of Representatives, the fundraising machine gets more and more out of control.

Mr. Speaker, the problem is clear, there is too much money involved in the campaigns. The influence of money has created the appearance that special interests rule the democratic process. People no longer believe they have a voice in their government. I urge you to schedule a vote on campaign finance reform on the floor of the House of Representatives. We must act soon. The people of western Wisconsin have told me to continue the fight until you agree to allow a vote. The people refuse to take "no" for an answer.

MISCONCEPTIONS ABOUT CONGRESS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 4, 1998

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, March 4, 1998 into the CONGRESSIONAL RECORD.

MISCONCEPTIONS ABOUT CONGRESS

One thing I have found over the years is that people aren't hesitant to tell me what they think about Congress. Many of the public's comments and complaints are very perceptive and right on the mark. People are quite right, for example, that Congress has difficulty thinking long-term and that our campaign financing system is a mess. But often what I hear shows an inadequate grasp of what Congress does and how it works. Misconceptions about Congress can erode confidence in government and weaken civic involvement.

Some examples: The criticisms of Congress are numerous.

Ethics standards: People will often say that Congress' ethics standards have declined and that large numbers of Members

are dishonest and corrupt. Certainly some Members engage in improper conduct, yet most experts on Congress would say that congressional ethics has improved considerably over the years. When I came to Congress, there was no House ethics committee, no written code of conduct, and no financial disclosure requirements. Members could accept lavish gifts from special interests and convert campaign contributions to personal use, and were rarely punished for personal corruption. None of that would be tolerated today.

Special interest money: Americans hear all the stories about the enormous amount of fundraising Members must do today and believe that Congress is a "bought" institution. It is clear that the "money chase" has gotten out of hand, and that we ignore this problem at our own peril. I would be the last to say that contributions have no impact on a Member's voting record. But there are many influences that shape Members' voting decisions—including their assessment of the arguments, the opinions of experts, their party's position, and, most importantly, what their constituents want. Members know that if they don't vote the way their constituents want, they simply won't be reelected.

Impact of Congress: People will often say that Congress' actions have little or no impact on their daily lives, even as they receive their Social Security checks, drink safe water, drive on the interstates, attend college through student loans, or use the Internet. Many aren't aware of the overall spending priorities of Congress, thinking that most federal spending goes to welfare, foreign aid, or defense, when in fact the biggest chunk, by far, goes to programs for older Americans like Social Security and Medicare. Such misconceptions can make national policy debates all the more difficult.

Members out of touch: Most Americans feel that Members don't pay much attention to what their constituents want. My experience is that most Members are acutely aware of their constituents' views. They are in constant contact with constituents and go to great lengths to solicit their views. They return home most weekends, and closely follow local opinion through staff reports, polling results, and local news reporting. Indeed, the reverse contention may be closer to the mark, that Members today pay almost *too much* time noticing every "blip" in the public opinion polls and thinking about what will play well in the next election rather than what would be good for the country.

Perks and pay: Many people complain about Members always looking out for their own perks and pay, enriching themselves at the taxpayer's expense. Almost daily someone will contact my office upset that Members receive free medical care or don't pay income taxes or contribute to Social Security—none of which is true. Suffice it to say that Members are acutely aware that their pay and benefits are highly sensitive politically. Over the years Congress has eliminated many special benefits, and it should continue to do so. People are surprised to hear that since I've been in Congress, Member pay has not even kept up with inflation. My current pay is $20,000 less than if my 1965 pay had been adjusted to inflation.

Slow, messy processes: People don't like Congress' slow, messy, ponderous processes, which allow bills to be buried in committee or stalled through lengthy floor debates. We certainly need to streamline the operations of Congress, but we misunderstand the role of Congress if we think it should be a model of efficiency and quick action. The founding fathers never intended it to be. They clearly understood that one of the key roles of Congress is to slow down the process—to allow tempers to cool and to encourage deliberation, so that unwise or damaging laws are not enacted in the heat of the moment.

Constant bickering: One of the most frequent complaints I hear about Congress is that Members spend too much time arguing and bickering. There clearly has been too much partisan wrangling in recent years, but people often don't understand that Congress is designed to allow contentious debates on the major policy issues of the day. In a country as large and remarkably diverse as ours, one of the key roles of Congress is to act as a sounding board for all the diverse groups in our society. Allowing all sides a chance to be heard as we try to reach a consensus on a long list of difficult issues means that the debate may at times be contentious, but it also helps to keep our country from coming apart at the seams.

Conclusion: Public misconceptions about Congress aren't simply of interest to academics. In our representative democracy they have a major impact on how well our system of government works. They lead to public feelings of mistrust and alienation, and give rise to cynicism about government in general and Congress in particular. Restoring confidence in government requires both improved performance by government and improved understanding of its role.

Congress is a complex, important, and fascinating institution, with both strengths and weaknesses. I am impressed almost daily with the way it tackles difficult problems and acts as a national forum in developing a consensus. I am particularly impressed with the role it has played in creating and maintaining a nation more free than any other. Ensuring that the American people have an accurate understanding of Congress' role in national governance and its strengths and weaknesses is one of our most important challenges in the years ahead. We need to get Americans to think twice about the role of Congress and its impact on their lives.

FOREST HEALTH IN COLORADO

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 4, 1998

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, the health of the national forests in Colorado and the economies of rural communities are at risk from current national forest management practices. Severe threats from fire, insects and disease endanger the forests and the health, happiness and well-being of the citizens of Colorado. While properly utilized timber harvests can effectively contribute to restoring the health of forests, timber programs on the national forests have been almost completely eliminated in Colorado.

Many scientists believe that Colorado has more, and older, trees now than at any time in recorded history. The health and capacity of Colorado's forests is directly related to the volume of timber harvested. Without proper management, thinning or prescribed burns, timber inventory accumulates to the point where growth is impeded, and stands become susceptible to wildfires, beetle infestations and disease. The proper harvests add valuable and essential resources to the economy while reducing the potential for catastrophic fires by eliminating dangerously high levels of fuels.

Mr. Speaker, the motivation of the Forest Service these days seems to be driven not by what is best for the forest, but by what group protests the loudest. Meanwhile, timber budgets and timber sales decline and administrative costs escalate. Directing funds away from timber budgets negates forest management plans, undermines public input into the process, and harms the forest ecosystem. Such impediments to the Forest Service mission have resulted in a de facto policy of reduced use, increased risk of wildfires, and deteriorating forest health.

Better national forest timber management programs are essential to the proper stewardship of the national forests in Colorado and to the health, condition and structure of the environment. Accordingly, I have urged my colleagues in the Colorado delegation and the Chief of the U.S. Forest Service to support proper timber management tools to ensure better forest health in Colorado.

Mr. Speaker, the Colorado State Senate has spent considerable time evaluating the impact of our national forests on the Colorado economy. I hereby submit for the record the following Resolution adopted by the Colorado State Legislature.

SENATE JOINT RESOLUTION 97-26—ADOPTED BY THE COLORADO LEGISLATURE, 1997

CONCERNING THE SUPPORT OF PROPER TIMBER HARVESTING AS A MANAGEMENT TOOL TO ENSURE BETTER FOREST HEALTH IN COLORADO.

WHEREAS, The health of the national forests in Colorado and the economies of rural communities are at risk of current national forest management practices; and

WHEREAS, The threat of fire, insects, and disease endangers the health, happiness, and well-being of the citizens of Colorado; and

WHEREAS, Timber programs on national forests have been almost completely eliminated in Colorado; and

WHEREAS, The proper uses of timber harvest as a management tool can effectively contribute to restoring the health of forests; and

WHEREAS, The proper use of timber harvest as a management tool can help reduce dangerously high levels of fuels resulting in the potential of catastrophic fires; and

WHEREAS, Prescribed fires, used without the complement of timber harvest, often destroy economically viable, renewable resources and violate air quality and visibility standards; and

WHEREAS, Better national forest timber programs are essential for proper stewardship of Colorado's forests and improvement of the health, condition, and structure of the natural environment; now, therefore.

Be it Resolved by the Senate of the Sixty-first General Assembly of the State of Colorado, the House of Representatives concurring herein; That we, the members of the General Assembly, respectfully urge that:

(1) The United States Forest Service Chief and the Colorado Congressional delegation support proper timber harvesting as a management tool to ensure better forest health in Colorado;

(2) The Colorado Congressional delegation support the Rocky Mountain Regional Forester's strategy to reverse the decline of forest management programs and to reach a

more effective program level by the year 2000; and

(3) The Colorado Congressional delegation support Congressional efforts to improve efficiency, effectiveness, and accountability of national forest management,

Be it further resolved, That copies of this resolution be transmitted to each member of Colorado's Congressional delegation, the Chief of the United States Forest Service, and the Rocky Mountain Regional Forester.

Mr. Speaker, I commend the Colorado Senate for adopting Senate Joint Resolution 97–26 in support of proper timber management to ensure better forest health in our state. State and local input into the management of our public lands is essential to maintain a healthy forest and thriving economy. I fully support their recommendations for better state and local involvement in the planning and implementation of forest policies. This resolution, sponsored by Colorado State Senator Don Ament, enjoys very strong support in Colorado. I thank Senator Ament, and his colleagues for their efforts and dedication to the state. I assure my former colleagues in the Colorado General Assembly that I will do everything in my power to improve efficiency, effectiveness, and accountability in the management of our national forests.

In Congress my colleagues and I on the House Resources Committee and the Subcommittee on Forests and Forests Health are working to ensure that the Forest Service and the Administration hear Colorado's message loud and clear. On February 25th, the subcommittee held oversight hearings on the Administration's roadless area moratorium. There, county commissioners, forestry experts and Forest Service officials testified on the issue of access to our public lands for management, resources and recreation. The Forest Service's new "no access" policy, by conservative estimates, will lock up at least 34 million acres of public lands. Once again, the federal government has proposed a one-size-fits-all solution in contravention of forest planning practices that formerly relied on local participation and public input.

On March 26th, we will hold an extensive hearing before the House Resources, Budget and Appropriations Committees into the operations, budgeting and management of the Forest Service. There, with my colleagues, I intend to examine better management alternatives and push for positive change. Proper management of our forests can provide habitat for our wildlife as well as recreational and economic resources for our people.

Colorado Senate Joint Resolution 97–26 serves as a proper basis for congressional oversight. I commend the document to my colleagues and urge their full attention to the measure.

Finally, Mr. Speaker, I wish to recognize Colorado State Senators, Ken Arnold, Jim Congrove, Dick Mutzebaugh, Maryanne Tebedo, and Dave Wattenberg, who joined Senator Don Ament in sponsoring and promoting Colorado Senate Joint Resolution 98–26.

TRIBUTE TO JUDY MELLO

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 4, 1998

Mrs. LOWEY. Mr. Speaker, we have all come to accept that we now live in a global society. One remarkable woman who recognized this fact long ago is Judy Mello. I wish to pay tribute to her today.

Since 1994, Judy has served as President and CEO of World Learning, an organization committed to helping develop the knowledge, skills, and attitudes needed to contribute effectively to international understanding and global development. World Learning currently runs over 220 programs in 120 countries, providing direct program services to more than 300,000 individuals. World Learning runs a School for International Training and important cultural exchange programs.

Prior to her appointment at World Learning, Judy made her mark in the world of international banking. She ran her own firm, J.H. Mello Company, which provided financial advisory services to clients, and subsequently served as Managing Director of Cambridge International Partners, an investment banking firm in New York City. Formerly, she polished her international credentials and leadership skills at the International Division of Citibank, Marine Midland Bank, First Women's Bank, New York, Lehman Brothers, and American Express.

Throughout her career, Judy has worked to help prepare America to compete in the global marketplace. The list of her commitments is long and distinguished: she served on the Board of World Education; the Board of Directors of the New York Business Development Corporation; the advisory board of the Nitze School of Advanced International Studies; the Johns Hopkins University Bologna Center; and the Board of Overseers of the NYU Graduate School of Business Administration.

I am also extremely grateful for her efforts to foster the careers of aspiring women. She is a founding member and past director of the Committee of 200, an organization of women CEOs, and a founding member and co-chair of the Capital Circle, which mobilizes capital for women-run businesses. She is a member of the Women's Forum, and a past member of the Women's Economic Round Table. Her dedication to the advancement of women in the corporate world is paving the way for the women CEOs of today and tomorrow.

I am delighted that the National Association of Breast Cancer Organizations will honor Judy Mello next week with their distinguished "Celebrate Life Award" for exhibiting the willingness to take control of her life, and the courage to determine her own destiny. I am so proud of her and I am hopeful her example serves as inspiration to all women—and all Americans.

SIXTH PRESBYTERIAN CHURCH CELEBRATES 145TH ANNIVERSARY

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 4, 1998

Ms. NORTON. Mr. Speaker, I rise to pay tribute to the Sixth Presbyterian Church on the occasion of its 145th Anniversary of splendid spiritual and civic guidance.

Dr. Mason Noble came to the District of Columbia from New York City in 1852. He canvassed a neighborhood in southwest Washington with the hope of starting a Presbyterian congregation. The first few months, the group met in the home of William and Amanda Thompson. On January 23, 1853 at a meeting in Island Hall, Dr. Noble, with 32 people, voted to organize Sixth Presbyterian Church.

Land and a building were purchased at Sixth and C Streets, SW and the congregation celebrated its first Eucharist on February 14, 1853. Dr. Noble served as pastor to the growing congregation for twenty years which is longer than any of the eighteen pastors who followed in his foot steps. The congregation worshiped in its first building for more than 65 years. As the city expanded to the northwest, the members voted to move to Sixteenth and Kennedy Streets, NW. The Chapel, now the Choir, Primary and Nursery rooms, was dedicated on Sunday, September 23, 1917. The seventh pastor, Reverend Douglas P. Birnie, with the tireless efforts of the elders and trustees, guided the Church through the difficult period of World War I. Ground was broken for the present sanctuary on January 2, 1929 during the Great Depression. The first worship service was held in the new sanctuary on Thanksgiving Day, November 28, 1929. The building was dedicated on Sunday, March 9, 1930. The eleventh pastor, The Reverend Godfrey Chobot, D.D. guided the members through this building phase. Shortly after the dedication, the Washington Board of Trade's Committee on Municipal Art awarded the congregation its Award in Architecture and acclaimed the sanctuary as the finest example of French Norman Architecture in the city. The carillonic bells were dedicated as ground was broken for the third phase of the present edifice on February 8, 1952. The Earl Franklin Fowler Memorial Hall or Fellowship Hall with church offices, classrooms and the Church Parlor on the lower level was dedicated on January 23, 1953—exactly one hundred years after the church was organized. On November 12, 1951, Dr. Fowler, the thirteenth pastor, died in the pulpit just before the realization of his and the congregation's dream for the new building.

Twenty-four years ago, Pastor Donald D.M. Jones and a group of elders decided to open the doors of this Church to all who would come. The Church continues to grow as a multi-cultural congregation, with members from thirteen countries, and celebrates this 145th Anniversary as a beacon of light in the nation's capital.

Mr. Speaker, I ask that this body join me in congratulating this remarkable institution on the occasion of this anniversary knowing that its future will be as bright as its past.

CELEBRATING THE 100TH ANNIVERSARY OF THE MEDICAL LIBRARY ASSOCIATION

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 4, 1998

Mr. PORTER. Mr. Speaker, I am very pleased to recognize the 100th anniversary of the Medical Library Association (MLA). Headquartered in Chicago, Illinois, MLA was founded on May 2nd, 1898 by four librarians and four physicians to "encourage the improvement and increase of public medical libraries."

A century later, MLA has grown into a professional organization which represents more than 1,200 institutions and 3,800 individuals involved in the management and dissemination of biomedical information to support patient care, education and research. Whether working in hospitals, academic health centers, or libraries, MLA members play a vital role in improving the quality of health care throughout the nation.

Physicians have consistently reported positive changes in their diagnosis, choice of tests and drugs, length of hospital stays and advice given to patients as a result of information provided by medical librarians. The ability of medical librarians to quickly maneuver through the wealth of health care information on the Internet, and to identify the most credible, relevant and appropriate sources of information for each request has become a critical component of today's health care system.

In keeping with its commitment to improve and expand the health information professions, MLA assists librarians in the exchange of health sciences publications, offers continuing education seminars and scholarships, and continuously develops leadership programs designed to meet the needs of the medical library community. In addition, MLA places a high priority on keeping its members up-to-date with respect to the latest breakthroughs in health care information technology.

As we celebrate MLA's centennial anniversary, I believe it is also important to recognize the longstanding partnership between MLA and the National Library of Medicine (NLM) at the National Institutes of Health. As chairman of the Appropriations Subcommittee on Labor, Health and Human Services, and Education, I am very familiar with the extraordinary work being done at the NLM to improve access to health care information. By using NLM's state-of-the-art medical data bases and telemedicine project sites, medical librarians are able to provide doctors and patients, often in underserved rural and urban areas, with the most current and accurate health-related information.

Mr. Speaker, as we approach the 21st Century, it is clear that the telecommunications advances of the Information Age will continue to revolutionize the role that medical librarians play in the delivery of health care in America. It is with an eye to the future, that I invite all Members to join me in celebrating the past 100 years of the Medical Library Association during their 1998 Centennial Celebration.

CALEA IMPLEMENTATION AMENDMENTS OF 1998

HON. BOB BARR

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 4, 1998

Mr. BARR. Mr. Speaker, today I am introducing a bill to amend and clarify portions of the Communications Assistance for Law Enforcement Act (CALEA), enacted into law on October 25, 1994 (PL 103–414). The implementation of this legislation—intended by Congress to preserve the status quo of law enforcement's electronic surveillance authority and to define the telecommunications industry's duty to assist law enforcement in the digital age—is seriously behind schedule. CALEA's effective date is October 25, 1998 and the assistance capability and capacity requirements set forth in the law will not be available.

The purpose of CALEA is to preserve the government's ability to conduct electronic surveillance in the face of changing communications technology, to protect the privacy of customer communications, and to avoid impeding the development of new telecommunications services and technology. In CALEA, Congress placed an affirmative requirement on telecommunications carriers to modify and design their network equipment, facilities, and services to continue to permit law enforcement to conduct electronic surveillance in the face of changing network technology. This requirement, however, is subject to certain specified conditions such as the reimbursement of the industry's cost of implementation of CALEA and the reasonable achievability of the proposed changes to carrier networks.

Congress intended that the FBI, which has been delegated the responsibility of implementing CALEA on behalf of the Attorney General, have only a consultative role in the implementation of CALEA. Congress also intended that the telecommunications industry develop the technical standards necessary to permit carriers to implement the needed changes in their networks. The carriers are required to permit law enforcement to continue to receive call content or call identifying information, pursuant to an appropriate court order or other lawful authorization.

The FBI, however, has gone far beyond its consultative role in the implementation of CALEA. The FBI has insisted that the industry's technical standards include requirements for capabilities that go beyond the scope or intent of CALEA. The capabilities proposed to be included by the FBI are costly, technically difficult to deploy or technically infeasible, and raise significant legal and privacy concerns.

The FBI is now threatening enforcement actions and the denial of appropriate cost reimbursement to the industry if its proposed capabilities are not deployed by the industry. In sum, these actions—the delays in the issuance of technical standards and the required government notice of electronic surveillance capacity—have caused the implementation of CALEA to be seriously behind schedule.

The bill I am introducing will merely clarify the intent of Congress when it enacted CALEA almost four years ago. It provides for definitions of terms necessary to clarify that Congress intended that the telecommunications carriers' existing network technology be "grandfathered" or deemed in compliance with CALEA, unless the costs of retrofitting such technology are borne by the government. Further, my bill provides for the extension of dates of compliance for the telecommunications industry which recognize the reality of the delays that the industry has faced in its implementation of CALEA. My bill will not add any additional costs to the government over and above the $500 million originally authorized in CALEA. However, the delays occasioned by the FBI could very well add to the government's costs of this important legislation in the future. I urge my colleagues to support this important legislation.

THE NUCLEAR NON-PROLIFERATION POLICY ACT OF 1998

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 4, 1998

Mr. STARK. Mr. Speaker, with the end of the cold war and the break-up of the Soviet Union, nuclear nonproliferation efforts continue to be a priority for United States. Many events have taken place which have strengthened nuclear nonproliferation efforts. The cornerstone of international nuclear nonproliferation, the Nuclear Nonproliferation Treaty (NPT), completed its 25-year lifespan in 1995 and was made permanent. The former Soviet states, Ukraine, Kazakhstan and Belarus have joined the NPT as non-weapons states and agreed to remove all nuclear materials from their territories.

Although the international community has taken positive steps toward nonproliferation goals, new developments require scrutiny of current U.S. nonproliferation policy. Safety and security of nuclear weapons and materials in the former Soviet Union, the India-Pakistan arms race, North Korea's violations of the NPT, continuing suspicions about Iran's nuclear activities, and the availability of weapons-usable materials and technologies are leading reasons for concern.

The breakup of the Soviet Union left an undetermined amount of nuclear materials scattered throughout the former Soviet territories. Large quantities of nuclear weapons, weapons materials, and technology in the former Soviet Union are all potential proliferation problems. There are terrifying reports that nuclear materials have been illegally stolen and transferred from Russia to rogue states. The sluggish economic conditions in Russia have provoked Russian nuclear and missile experts in accepting employment offers in rogue nations. And Russia isn't the only region of concern for the United States.

Since the end of the cold war, North Korea has diverted plutonium to a secret bomb program, threatened to withdraw from the NPT and blocked inspections. North Korea currently has enough plutonium to build one or two bombs, but refuses to disclose the extent of its nuclear activities. Neither India nor Pakistan

are a party to the Nuclear Nonproliferation Treaty—nor have they signed the Comprehensive Nuclear Test Ban Treaty. Pakistan has acknowledged the capability to build at least one nuclear reactor while some experts believe it has enough enriched uranium for 10–15 weapons. Both India and Pakistan have combat aircraft that, with modifications, would be capable of delivering nuclear weapons. The U.S. continues to suspect Iran of using its civilian nuclear program as a pretense to establish the technical basis for a nuclear weapons option.

Today, I am introducing legislation that will set forth a blueprint for accomplishing critical nonproliferation objectives. The bill, the Nuclear Non-Proliferation Policy Act of 1998, establishes fourteen policy goals for the United States to pursue on nuclear arms control and nonproliferation. The arms control objectives are less important now for their own sake than for preventing nonproliferation. A comprehensive test ban, a global ban on the production of fissile material, verified dismantlement of United States and Russian nuclear weapons are measures that will help build international support for tough nonproliferation agreements, could cap the nuclear weapons programs of the threshold nuclear weapons states, and could reduce the chances of future theft or diversion of nuclear material from the former Soviet Union.

Additionally, the United States must continue to support the International Atomic Energy Agency (IAEA) nonproliferation safeguards, tighten nuclear export controls in the United States and elsewhere, and increase the role of the U.N. Security council in enforcing international nonproliferation agreements. As we have recently experienced, these measures will help prevent terrorist leaders like Saddam Hussein from building a secret nuclear weapons program.

Finally, the United States must make it clear that it will make no first use of nuclear weapons, that our nuclear weapons will only be used to deter nuclear attack. We should seek to have the other permanent members of the UN Security Council—who are also the other nuclear weapons states—adopt such a 'no first use'policy and to pledge to assist any country which is party to the NPT and against which first-use of nuclear weapons is made. These positive and negative security assurances can help build crucial support among developing nations to sign onto the NPT. One the other hand, if the United States begins targeting third world countries with nuclear weapons, as some in the Pentagon might propose, it would give added rationale for those countries to build their own nuclear deterrents.

Now, more than ever, the United States must set a firm standard in the nonproliferation arena. U.S. credibility and leadership in nonproliferation suffers when Washington subordinates nonproliferation to economic or other political considerations. None of the objectives in this bill will, on its own, stop proliferation. But by adopting a comprehensive nonproliferation policy, the United States can accomplish its overall goal of ending the further spread of nuclear weapons capability, rolling back proliferation where it has occurred, and preventing the use of nuclear weapons anywhere in the world.

U.S. FOREIGN MILITARY SALES DURING FISCAL YEAR 1997

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 4, 1998

Mr. HAMILTON. Mr. Speaker, I would like to bring to my colleagues' attention information submitted pursuant to the Arms Export Control Act with respect to U.S. foreign military sales during fiscal year 1997.

The first table details worldwide government-to-government foreign military sales [FMS] during fiscal year 1997 for defense articles and services and for construction sales. Total FMS sales for fiscal year 1997 totaled $8.809 billion. This is a decrease from $10.469 billion in fiscal year 1996.

The second table details licenses/approvals for the export of commercially sold defense articles and services for fiscal year 1997. Licenses/approvals totaled $11.013 billion, a decrease from $14.558 billion in fiscal year 1996.

The tables follow:

TOTAL VALUE OF DEFENSE ARTICLES AND SERVICES SOLD TO EACH COUNTRY/PURCHASER AS OF SEPTEMBER 30, 1997, UNDER FOREIGN MILITARY SALES

[Dollars in thousands] [1]

Countries	Accepted—Fy 1997
Foreign military sales	
Albania	$759
Antigua & Barbuda	262
Argentina	18,981
Australia	287,524
Austria	27,187
Bahamas	51
Bahrain	54,049
Bangladesh	1,592
Barbados	139
Belgium	122,049
Belize	327
Bolivia	3
Bolivia—Intl Narc	8,638
Bosnia-Hercegovina	2,103
Botswana	439
Brazil	24,962
Brunei	69
Bulgaria	4,332
Cambodia	1,246
Canada	103,253
Chad	36
Chile	2,322
Colombia	74,487
Costa Rica	175
Czech Republic	2,268
Denmark	32,558
Dominican Republic	187
Ecuador	4,158
Eduador—Intl Narc	1,812
Egypt	1,065,593
El Salvador	4,869
Eriterea	1,934
Estonia	999
Ethiopia	1,120
Finland	291
France	102,163
Germany	325,754
Greece	224,467
Grenada	353
Guinea-Bissau	121
Guyana	70
Haiti	877
Honduras	910
Hungary	6,905
India	299
Indonesia	793
Israel	524,988
Italy	41,194
Ivory Coast	187
Jamaica	50
Japan	346,758
Jordan	18,253
Kenya	779
Korea (Seoul)	853,987
Kuwait	48,116
Laos	1,070
Latvia	1,417
Lebanon	21,960
Lithuania	1,175
Luxembourg	4,326

TOTAL VALUE OF DEFENSE ARTICLES AND SERVICES SOLD TO EACH COUNTRY/PURCHASER AS OF SEPTEMBER 30, 1997, UNDER FOREIGN MILITARY SALES—Continued

[Dollars in thousands] [1]

Countries	Accepted—Fy 1997
Macedonia (Fyrom)	2,057
Malaysia	11,481
Mexico	27,663
Morocco	3,466
Nacisa	602
Namibia	286
Namsa-General + Nike	7,358
Namsa-Hawk	1,956
Namsa-Weapons	4,438
Napmo	2,184
Nato	1,839
Nato AEW+C (O+S)	38,299
Nato EFA (NEFMA)	1,505
Netherlands	225,314
New Zealand	24,271
NHPLO	200
Norway	64,494
OAS HQ	601
Oman	11,541
Org of African Unity	250
Pakistan	101
Paraguay	31
Peru	285
Peru—Intl Narc	100
Poland	4,893
Portugal	19,241
Rep of Philippines	20,055
Romania	331
Saudi Arabia	742,372
Senegal	1,965
Seychelles	62
Shape	2,100
Singapore	192,230
Slovakia	2,003
Slovenia	216
South Africa	154
Spain	828,768
Sri Lanka	74
St. Kitts and Nevis	187
St. Vincent + Gren.	66
Sweden	6,194
Switzerland	13,413
Taiwan	353,737
Thailand	187,413
Trinidad—Tobago	185
Tunisia	15,235
Turkey	339,597
Uganda	3,872
UNDHA	945
United Arab Emirates	5,586
United Kingdom	558,949
Uruguay	1,078
Venezuela	59,421
Zimbabwe	91
Classified totals [2]	609,749
Subtotal	8,778,248
Construction sales	
Bolivia—Intl Narc	$485
Cambodia	49
Colombia	500
Egypt	21,356
El Salvador	1,834
Eritrea	544
Ethiopia	388
Germany	1,405
Morocco	3,476
Singapore	266
Subtotal	30,303
Total	8,808,551

[1] Totals may not add due to rounding.
[2] See the classified annex to the CPD.

LICENSES/APPROVALS FOR THE EXPORT OF COMMERCIALLY SOLD DEFENSE ARTICLES/SERVICES SEPTEMBER 30, 1997

[Dollars in thousands]

Countries	Cumulative
Algeria	$57,938
Andorra	39
Angola	11,618
Antigua	1
Argentina	198,780
Aruba	62
Australia	416,030
Austria	36,413
Azerbaijan	6
The Bahamas	9
Bahrain	8,917
Bangladesh	2,568
Barbados	96
Belarus	12
Belgium	131,132

LICENSES/APPROVALS FOR THE EXPORT OF COMMERCIALLY SOLD DEFENSE ARTICLES/SERVICES SEPTEMBER 30, 1997—Continued

[Dollars in thousands]

Countries	Cumulative
Belize	95
Bermuda	68
Bolivia	1,666
Bosnia Herzegovina	32,714
Botswana	3,013
Brazil	191,334
British Virgin Islands	4
Brunei	21,076
Bulgaria	459
Burkina Faso	2
Cambodia	29
Canada	8,649
Cayman Islands	7
Chad	2
Chile	32,564
China	2,068
Colombia	39,077
Costa Rica	1,653
Cote D'Ivoire	67
Croatia	121
Cyprus	5
Czech Republic	6,378
Denmark	83,987
Dominican Republic	7,319
Ecuador	7,540
Egypt	82,210
El Salvador	8,244
Eritrea	900
Estonia	15
Finland	106,389
France	180,906
French Guiana	5,538
French Polynesia	2
Gabon	23
Georgia	3
Germany	511,772
Ghana	4,383
Greece	36,270
Greenland	23
Grenada	68
Guatemala	2,211
Guinea-Bissau	2
Guyana	108
Haiti	61
Honduras	3,696
Hong Kong	2,147
Hungary	474
Iceland	4,788
India	29,867
Indonesia	66,190
Ireland	9,163
Israel	714,187
Italy	172,344
Jamaica	335
Japan	2,121,893
Jordan	4,293
Kazakhstan	3,286
Kenya	617
Kiribati	1,516
Republic of Korea	423,749
Kuwait	14,972
Kyrgyzstan	9
Laos	650
Latvia	9
Lebanon	825
Liechtenstein	2
Lithuania	400
Luxembourg	5,190
Macau	77
Macedonia	263
Malaysia	90,922
Mali	1
Malta	1
Mauritius	59
Mexico	22,153
Monaco	21
Mongolia	6
Montserrat	3
Morocco	15,798
Namibia	298
Nepal	4,140
Netherlands	350,197
Netherlands Antilles	136
New Caledonia	93,528
New Zealand	107,675
Nicaragua	80
Niger	1
Norway	141,653
Oman	2,528
Pakistan	53,046
Panama	11,941
Papua New Guinea	421
Paraguay	42
Peru	5,367
Philippines	72,219
Poland	2,188
Portugal	47,569
Qatar	3,081
Reunion	20
Romania	43,125
Russia	23,809
Saudi Arabia	115,583
Seychelles	11

LICENSES/APPROVALS FOR THE EXPORT OF COMMERCIALLY SOLD DEFENSE ARTICLES/SERVICES SEPTEMBER 30, 1997—Continued

[Dollars in thousands]

Countries	Cumulative
Singapore	163,713
Slovakia	2,149
Slovenia	2,603
Solomon Islands	760
South Africa	10,865
Spain	202,297
Sri Lanka	2,210
St. Kitts & Nevis-Angu	5
St. Lucia	44
St. Vincent & Genadines	4
Suriname	139
Sweden	396,139
Switzerland	173,103
Taiwan [1]	261,098
Tanzania, United Republic	597
Thailand	122,172
Trinidad & Tobago	809
Tunisia	2,038
Turkey	257,150
Turks & Caicos Islands	1
Uganda	4
Ukraine	77
United Arab Emirates	17,409
United Kingdom	1,193,778
United Nations	82
Uruguay	14,723
Uzbekistan	6
Various Countries	72,368
Venezuela	342,929
Vietnam	5
Yemen	5,159
Zambia	808
Zimbabwe	122
Classified totals [2]	736,042
Worldwide total	11,012,618

[1] Taiwan first quarter modified due to error found in calculations used to generate data.

[2] See classified annex to CPD.

Note.—Details may not add due to rounding. This information was prepared and submitted by the Office of Defense Trade Controls, State Department.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, March 5, 1998, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MARCH 6

9:30 a.m.

Appropriations

To hold hearings on proposed legislation making supplemental appropriations for Bosnia and Iraq.

SD–106

Judiciary

To hold hearings on civil liability provisions of S. 1530, to resolve ongoing tobacco litigation, to reform the civil justice system responsible for adjudicating tort claims against companies that manufacture tobacco products, and establish a national tobacco policy for the United States that will decrease youth tobacco use and reduce the marketing of tobacco products to young Americans (pending on Senate calendar).

SD–226

MARCH 9

1:00 p.m.

Governmental Affairs

Oversight of Government Management, Restructuring and the District of Columbia Subcommittee

To hold hearings to examine the current operation of the District of Columbia public school system.

SD–342

Special on Aging

To hold hearings to examine how retirement of the baby boomer generation will impact the demand for long-term care, the ability of public budgets to provide those services, and the projected retirement income of baby boomers.

SD–562

2:00 p.m.

Judiciary

Youth Violence Subcommittee

To hold hearings to examine the proposed effectiveness of the provisions of S. 10, to reduce violent juvenile crime, promote accountability by juvenile criminals, and punish and deter violent gang crime (pending on Senate calendar).

SD–226

MARCH 10

9:00 a.m.

Agriculture, Nutrition, and Forestry

To hold hearings to examine the current Federal crop insurance program and proposals to improve the system.

SR–332

Appropriations

Military Construction Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1999 for military construction programs, focusing on Air Force and Navy projects.

SD–124

9:30 a.m.

Commerce, Science, and Transportation

To hold hearings on the nominations of Orson Swindle, of Hawaii, and Mozelle Willmont Thompson, of New York, each to be a Federal Trade Commissioner, Robert J. Shapiro, of the District of Columbia, to be Under Secretary of Commerce for Economic Affairs, John Charles Horsley, of Washington, to be Associate Deputy Secretary of Transportation, and Christy Carpenter, of California, to be a Member of the Board of Directors of the Corporation for Public Broadcasting.

SR–253

10:00 a.m.

Appropriations

Agriculture, Rural Development, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1999 for the Food and Nutrition Service, Department of Agriculture.

SD–138

Appropriations
Commerce, Justice, State, and the Judiciary Subcommittee
To hold hearings to examine proposals to prevent child exploitation.
SD–192

Armed Services
SeaPower Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal year 1999 for the Department of Defense and the future years defense program, focusing on littoral warfare missions in the 21st century.
SR–222

Banking, Housing, and Urban Affairs
To resume hearings on S. 1405, to provide for improved monetary policy and regulatory reform in financial institution management and activities, to streamline financial regulatory agency action, and to provide for improved consumer credit disclosure.
SD–538

Foreign Relations
To hold hearings to examine the plight of the Montagnards.
SD–419

Governmental Affairs
Business meeting, to mark up S. 981, to provide for analysis of major rules, and S. 1364, to eliminate unnecessary and wasteful Federal reports.
SD–342

Judiciary
To hold hearings on the United States Marshals Service, focusing on the selection process for the 21st century.
SD–226

Labor and Human Resources
Business meeting, to mark up S. 1648, to provide for reductions in youth smoking, for advancements in tobacco-related research, and the development of safer tobacco products, and to consider pending nominations.
SD–430

2:00 p.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Department of Energy, focusing on research and efficiency programs.
SD–116

MARCH 11

9:00 a.m.
Armed Services
Readiness Subcommittee
To resume hearings on proposed legislation authorizing funds for fiscal year 1999 for the Department of Defense and the future years defense program, focusing on environmental and military contruction programs.
SR–232A

9:30 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD–366

Indian Affairs
Business meeting, to mark up those provisions which fall within the committee's jurisdiction as contained in the President's proposed budget for fiscal year 1999 with a view towards making its recommendations to the Committee on the Budget; to be followed by an oversight hearing on sovereign immunity, focusing on contracts involving Indian tribes and alleged difficulties in collecting State retail taxes.
SH–216

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Department of Defense, focusing on Navy and Marine Corps programs.
SD–192

Judiciary
To hold an additional hearing on the nomination of Frederica A. Massiah-Jackson, to be United States Disrict Judge for the Eastern District of Pennsylvania (reported by Committee).
SD–226

2:00 p.m.
Armed Services
Personnel Subcommittee
To resume hearings on proposed legislation authorizing funds for fiscal year 1999 for the Department of Defense and the future years defense program, focusing on the defense health program.
SR–222

Judiciary
Administrative Oversight and the Courts Subcommittee
To hold hearings on S. 1301, to provide for consumer bankruptcy protection.
SD–226

2:30 p.m.
Armed Services
Strategic Forces Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal year 1999 for the Department of Defense and the future years defense program, focusing on U.S. national security space programs and policies.
SR–232A

MARCH 12

9:00 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings on proposed legislation authorizing funds for child nutrition programs.
SR–332

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Department of Housing and Urban Development, and the Community Development Financial Institute.
SD–138

Appropriations
Legislative Branch Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Joint Committee on Printing, the Joint Economic Committee, the Joint Committee on Taxation, the Sergeant at Arms, the Library of Congress and the Congressional Research Service, and the Office of Compliance.
SD–116

Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Treasury Department.
SD–192

Armed Services
Acquisition and Technology Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal year 1999 for the Department of Defense and the future years defense program, focusing on science and technology programs.
SR–222

Commerce, Science, and Transportation
Business meeting, to mark up proposed legislation relating to the proposed settlement between State Attorneys General and tobacco companies to mandate a total reformation and restructuring of how tobacco products are manufactured, marketed, and distributed in America, and to consider other pending calendar business.
SR–253

Labor and Human Resources
Public Health and Safety Subcommittee
To hold hearings to assess the quality and technology of the Agency for Health Care Policy and Research.
SD–430

10:00 a.m.
Appropriations
Commerce, Justice, State, and the Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Supreme Court, and the Judiciary.
S–146, Capitol

Judiciary
Business meeting, to consider pending calendar business.
SD–226

2:00 p.m.
Judiciary
To resume hearings on provisions of S. 1530, to resolve ongoing tobacco litigation, to reform the civil justice system responsible for adjudicating tort claims against companies that manufacture tobacco products, and establish a national tobacco policy for the United States that will decrease youth tobacco use and reduce the marketing of tobacco products to young Americans, focusing on children's health and stopping children from smoking (pending on Senate calendar).
SD–226

2:30 p.m.
Commerce, Science, and Transportation
Oceans and Fisheries Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal year 1999 for programs of the U.S. Coast Guard.
SR–253

MARCH 16

1:00 p.m.
Special on Aging
To hold hearings to examine the lending practices of the subprime lending market, focusing on how senior citizens are targeted by unscrupulous lenders.
SD–628

MARCH 17

9:00 a.m.
Agriculture, Nutrition, and Forestry
To resume hearings on proposed legislation authorizing funds for child nutrition programs, focusing on the Women, Infants, and Children (WIC) program.
SR–332

9:30 a.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Department of Energy's enivronmental management program.
SD–116

10:00 a.m.
Appropriations
Agriculture, Rural Development, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Food Safety and Inspection Service, Animal and Plant Health Inspection Service, Agriculture Marketing Service, and the Grain Inspection, Packers and Stockyards Administration, all of the Department of Agriculture.
SD–138

Appropriations
Commerce, Justice, State, and the Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the United Nations.
S–146, Capitol

Judiciary
Administrative Oversight and the Courts Subcommittee
To hold hearings to examine privacy issues in the digital age, focusing on encryption and mandatory access.
SD–226

Labor and Human Resources
To hold hearings to examine retirement security issues.
SD–430

10:30 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for foreign assistance programs, focusing on international narcotics.
SD–124

2:30 p.m.
Armed Services
SeaPower Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal year 1999 for the Department of Defense and the future years defense program, focusing on ship acquisition.
SR–222

Judiciary
Technology, Terrorism, and Government Information Subcommittee
To hold hearings to review policy directives for protecting America's critical infrastructures.
SD–226

MARCH 18

9:30 a.m.
Appropriations
Labor, Health and Human Services, and Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Department of Labor.
SD–138

Labor and Human Resources
Business meeting, to consider pending calendar business.
SD–430

Small Business
To hold hearings on the President's proposed budget request for fiscal year 1999 for the Small Business Administration.
SR–428A

Veterans' Affairs
To hold joint hearings with the House Committee on Veterans Affairs to review the legislative recommendations of the Disabled American Veterans.
345 Cannon Building

Indian Affairs
Business meeting, to mark up proposed legislation with regard to Indians in the proposed tobacco settlement; to be followed by an oversight hearing on the implementation of the Indian Arts and Crafts Act (P.L. 101-644), focusing on the Arts and Board activities, resource needs, and mission.
SR–485

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Department of Defense, focusing on National Guard programs.
SD–192

2:00 p.m.
Governmental Affairs
International Security, Proliferation and Federal Services Subcommittee
To hold hearings to examine nuclear nonproliferation and the Comprehensive Nuclear Test Ban Treaty (Treaty Doc. 105-28).
SD–342

MARCH 19

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Department of Veterans Affairs, and cemeterial expenses for the Army.
SD–138

Appropriations
Legislative Branch Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Architect of the Capitol, the General Accounting Office, and the Government Printing Office.
S–128, Capitol

10:00 a.m.
Appropriations
Commerce, Justice, State, and the Judiciary Subcommittee
To hold hearings on proposed budget estimates for the Federal Communications Commission, and the Securities and Exchange Commission.
S–146, Capitol

Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Department of Transportation.
SD–124

Labor and Human Resources
To hold oversight hearings on the implementation of the Health Insurance Portability and Accountability Act.
SD–430

2:00 p.m.
Judiciary
Antitrust, Business Rights, and Competition Subcommittee
To hold hearings to examine international aviation agreements and antitrust immunity implications.
SD–226

MARCH 24

9:30 a.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Corp of Engineers, and the Bureau of Reclamation, Department of the Interior.
SD–116

10:00 a.m.
Appropriations
Agriculture, Rural Development, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Farm Service Agency, Foreign Agricultural Service, and the Risk Management Agency, all of the Department of Agriculture.
SD–138

Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for AMTRAK, focusing on the future of AMTRAK.
SD–192

Labor and Human Resources
To hold hearings to examine health care quality issues.
SD–430

10:30 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for foreign assistance programs, focusing on infectious diseases.
SD–124

MARCH 25

9:30 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans Affairs to review the legislative recommendations of AMVETS, the American Ex-Prisoners of War, the Vietnam Veterans of America, and the Retired Officers Association.
345 Cannon Building

Indian Affairs
To hold hearings to examine Indian gaming issues.
SH–216

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Department of Defense, focusing on Army programs.
SD–192

MARCH 26

9:30 a.m.
Appropriations
Labor, Health and Human Services, and Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Department of Health and Human Services.
SD–138

Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Office of National Drug Control Policy.
SD–192

Labor and Human Resources
Children and Families Subcommittee
To hold hearings on the Head Start education program.
SD–430

MARCH 31

9:30 a.m.
Energy and Natural Resources
To hold hearings on S. 1100, to amend the Covenant to Establish a Commonwealth of the Northern Mariana Islands

in Political Union with the United States of America, the legislation approving such covenant, and S. 1275, to implement further the Act (Public Law 94-241) approving the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America.

SD–366

10:00 a.m.
Appropriations
Agriculture, Rural Development, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Commodity Futures Trading Commission and the Food and Drug Administration.

SD–138

Appropriations
Commerce, Justice, State, and the Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Department of Justice's counterterrorism programs.

SD–192

Labor and Human Resources
To hold hearings to examine issues relating to charter schools.

SD–430

10:30 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for foreign assistance programs, focusing on the Caspian energy program.

SD–124

2:30 p.m.
Energy and Natural Resources
Water and Power Subcommittee
To hold hearings on S. 1515, to amend Public Law 89-108 to increase authorization levels for State and Indian tribal, municipal, rural, and industrial water supplies, to meet current and future water quantity and quality needs of the Red River Valley, to deauthorize certain project features and irrigation service areas, and to enhance natural resources and fish and wildlife habitat.

SD–366

APRIL 1

9:30 a.m.
Indian Affairs
To hold oversight hearings on barriers to credit and lending in Indian country.

SR–485

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for Department of Defense medical programs.

SD–192

Judiciary
Antitrust, Business Rights, and Competition Subcommittee
To hold hearings to examine competition and concentration in the cable and video markets.

SD–226

2:30 p.m.
Judiciary
Immigration Subcommittee
Business meeting, to consider pending calendar business.

SD–226

APRIL 2

9:00 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings on S. 1323, to regulate concentrated animal feeding operations for the protection of the environment and public health.

SR–332

9:30 a.m.
Appropriations
Labor, Health and Human Services, and Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the National Institutes of Health, Department of Health and Human Services.

SD–138

10:00 a.m.
Appropriations
Transportation Subcommittee
To hold hearings to examine airline ticketing practices.

SD–124

APRIL 21

10:30 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for foreign assistance, focusing on crime programs.

Room to be announced

APRIL 22

9:30 a.m.
Indian Affairs
To hold oversight hearings on Title V amendments to the Indian Self-Determination and Education Assistance Act of 1975.

SR–485

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Department of Defense, focusing on the Ballistic Missile Defense program.

SD–192

APRIL 23

9:30 a.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the National Aeronautics and Space Administration.

SD–138

APRIL 28

10:30 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for foreign assistance programs, focusing on Bosnia.

Room to be announced

APRIL 29

9:30 a.m.
Indian Affairs
To resume hearings to examine Indian gaming issues.

Room to be announced

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Department of Defense, focusing on Bosnian assistance.

SD–192

APRIL 30

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Envrionmental Protection Agency, and the Council on Environmental Quality.

SD–138

MAY 5

10:30 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for foreign assistance programs.

Room to be announced

MAY 6

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Department of Defense, focusing on the U.S. Pacific Command.

SD–192

MAY 7

9:30 a.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the National Science Foundation, and the Office of Science and Technology.

SD–138

MAY 11

2:00 p.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Department of Defense.

SD–192

MAY 13

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Department of Defense.

SD–192

OCTOBER 6

9:30 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans Affairs on the legislative recommendations of the American Legion.

345 Cannon Building

CANCELLATIONS

MARCH 5

9:30 a.m.
Commerce, Science, and Transportation
To resume hearings to examine the scope and depth of the proposed settlement between State Attorneys General and tobacco companies to mandate a total

reformation and restructuring of how tobacco products are manufactured, marketed, and distributed in America.
SR–253

2:00 p.m.
Foreign Relations
European Affairs Subcommittee
Near Eastern and South Asian Affairs Subcommittee
To hold hearings to examine the conflict in the Caucasus.
SD–419