

language in Federal and local law as developed in consultation with the Republican Policy Committee during our deliberations on H.R. 3024 regarding English.

I want to thank Members of the House Leadership, including key chairmen from various committees, for contributing their time and energy at this hectic point of the Congress in forging a consensus regarding the need for the Congress to consider this important measure affecting the people of Puerto Rico. I particularly want to commend Mr. CHRISTOPHER COX, Chairman of that Committee, for bringing to bear his considerable expertise and providing intellectual leadership in seeking the kind of compromise that could and should have been reached.

It was just yesterday, on Friday, September 27, that I introduced H.R. 4228, a version of the United States-Puerto Rico Political Status Act with proposed revisions we had hoped would provide a basis for final agreement on this legislation. It was expected that we then would take the revised bill to the floor of the House for a vote in the form of an amended H.R. 3024: the original bill providing for resolution of Puerto Rico's status through a Congressionally prescribed process of self-determination.

Although overwhelming approval of H.R. 3024 by the House was at hand, key sponsors of H.R. 3024 were not willing to go to the floor and ask for its approval without making a one-word change that would have brought the proposed revisions within the boundaries of limited government, rule of law and constitutionality. I had agreed to include the amendments as proposed in H.R. 4228 in order to move the process forward and try to resolve differences about the bill, and I stood by that commitment. But it became clear that unless there was a correction of one word the bill would not meet the most minimal test of constitutionality, and many of the bill's strongest supporters felt that was an unacceptable way to proceed.

To be specific, Section 4(b)(C)(7) of the amendments as proposed would impose a requirement that English be the exclusive language of instruction in public schools in Puerto Rico should it become a state. Although the Congressional Research Service had provided a written legal opinion to the author of this provision on July 31, 1996, concluding on the basis of *Coyle v. Smith* (221 U.S. 559) that this provision would not withstand even the lowest standard of constitutional scrutiny, its inclusion was insisted upon.

The commitment of the 104th Congress to English as our national language could have been carried out in the context of self-determination for Puerto Rico by simply changing the word "the" in the last sentence of Section 4(a)(C)(7) to the word "a," which would have been consistent with the use of the word "an" instead of "the" in the preceding sentence. This imprecision and inconsistency, coupled with the failure to address a valid constitutional question, led to inability of several Members to concur in the process that would have been required to bring the matter before the House.

The sponsors of this bill had wanted to see it approved by the House prior to the adjournment of the 104th Congress because we felt that we had a commitment to do all within our means to implement the principles set forth in a February 29, 1996, response to Legislature of Puerto Rico Resolution 62 of November 14,

1994, asking the 104th Congress to establish constitutionally valid political status definitions for Puerto Rico. However, the desire to get our work done in a timely way, out of respect for the elected legislature in Puerto Rico and commitment to resolution of the status of 3.7 million U.S. citizens, was not seen by key Members as sufficient cause to ignore a constitutional flaw in the language, especially one that so easily and reasonably could have been corrected.

I believe in limits on Federal power, and I believe in the 10th Amendment reservation of rights to the States and to the people. I took an oath of office to uphold the Constitution, to protect and defend it, and while I was willing to introduce H.R. 4228 as I agreed to do in order to move this bill forward through the process, it was not acceptable to the sponsors of the bill to knowingly ignore a constitutional infirmity.

I am as ready as anyone to vote for a law that I believe to be constitutional even though I know it will be tested and may be struck down as a result of judicial review. That is how our constitutional system works. But that is not what this problem was all about. Here we were faced with a proposal to impose of the U.S. citizens of Puerto Rico, should they choose and should Congress grant admission to the union, a requirement that Congress has never imposed on any other State.

Making clear the determination and commitment of Congress regarding English as the official language of the Federal government in Puerto Rico should it become a State, and regarding continuation of the current law in Puerto Rico making English an official language, is something we could have worked out as the legislation moved forward. Those provisions were acceptable at this stage and could have been refined. But the imposition of a Federal requirement that violates the 10th Amendment and would discriminate against U.S. citizens in a future State of Puerto Rico has an almost coercive or even punitive dimension that should not be part of a democratic self-determination process.

It is bad enough that U.S. citizens residing in Puerto Rico do not have equal rights under the current territorial clause status. To suggest that inequality would continue if Congress admits Puerto Rico as a State is something to which the sponsors of this legislation would not be a party. With statehood comes equal protection and due process rights which Congress cannot take away, and the proposal to deny a future State of those rights knowing that such denial is constitutionally impermissible can only have the effect of confusing rather than clarifying the choices before Congress and the voters in the territory.

Ironically, the provision imposing English language as the exclusive language of public instruction would be constitutionally plausible if it were imposed on the Commonwealth of Puerto Rico in an exercise of the territorial clause of Congress at the present time. Only as a State or a separate nation will Puerto Rico be constitutionally protected from the degree of Congressional discretion that exists under our Constitution with respect to unincorporated territories such as Puerto Rico. A constitutionally guaranteed status subject to the same limitations on Federal powers as other States enjoy, or a status governed by the law of nations and treaties between sovereign countries, are the options that would enable

the people of Puerto Rico to protect and preserve their language and their culture.

Only the current status leaves the residents of Puerto Rico, with their current less than equal statutory citizenship rights and impermanent political status, vulnerable to the broad discretion of a future Congress, which will not be bound legally or politically by whatever status arrangement may exist today. These are the realities that need to be understood so that informed self-determination can take place.

Misinforming the people in Puerto Rico that, in the event of statehood, Congress could do something that we know it cannot do in a State would impede rather than advance the goal of free and informed self-determination. That is why one word, not even a noun or verb, was too important for the sponsors of this bill to ignore.

The bill I am introducing today, H.R. 4281, contains a new Section 3(b), a new Section (4)(a)(C)(7), and a new Section 4(b)(1)(C) that will be the referred to as we develop legislation to be introduced in the 105th Congress which will address the issue of English as an official language in a manner that supports rather than undermines the process for free and informed self-determination under the United States-Puerto Rico Political Status Act when it becomes law.

COMMENTS ON EPA CLUSTER RULE

HON. BOB GOODLATTE

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Saturday, September 28, 1996

Mr. GOODLATTE. Mr. Speaker, I am pleased to join with a number of my fellow colleagues in commenting on the EPA Cluster Rule for the pulp and paper industry. Specifically, I wish to comment on EPA's July 15 Federal Register notice as it relates to the two technology options for final guidelines for bleached papergrade kraft and soda mills based on best available technology [BAT].

First, I want to note that this industry is extremely important to the economy of my Congressional District and to much of the Commonwealth of Virginia. Many of my constituents are employed in a paper mill located in the district. This particular facility employs approximately 1,900 men and women and contributes nearly \$400 million annually to the economy of western Virginia in payroll, taxes and purchases of raw materials and services. Included in this figure is an expenditure of \$30 million for the annual operating expense of the mill's various environmental systems.

Since this rule is so important to a major industry in my district, I have closely monitored EPA's progress on its development. On several occasions, I have urged the Agency to seek creative ways to provide the fullest possible protection to the environment while at the same time ensuring that the final rule will not place an unreasonable cost burden on this industry.

I am therefore pleased with the direction that EPA has taken and commend them for the work that has been accomplished to present a more balanced approach to the Cluster Rule.

In their July 15 notice, EPA notes that their data supports complete substitution of chlorine

dioxide for elemental chlorine used in the pulp bleaching process. They identify complete substitution as Option A. The Agency also notes that Option A should be given equal weight with the so-called Option B—process known as oxygen delignification coupled with complete substitution—as the possible technology basis. According to EPA, Option B could cost this industry \$1 billion more than Option A with only minuscule additional environmental benefit. Option A makes good environmental sense and accomplishes the desired environmental objective without imposing more expensive technology.

In commenting on the Cluster Rule, I want to express my very strong support for Option A and to urge the EPA move forward as quickly as possible to promulgate the final Cluster Rule.

A TRIBUTE TO GEORGIA STATE REPRESENTATIVE JOHN GODBEE

HON. JACK KINGSTON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Saturday, September 28, 1996

Mr. KINGSTON. Mr. Speaker, one of our leading State representatives will be retiring this year, Mr. John Godbee.

I have known Laura and John Godbee for over 10 years. When I was first elected to the Georgia General Assembly, both stretched out an open arm of welcome to Libby and me. They helped us find our way not only around Atlanta but around the State government.

As a leader from south Georgia, John was a strong advocate for agriculture, education, and commonsense government. He was a staunch supporter of Georgia Southern University, helping them to obtain university status and leading the way toward their explosive period of growth. Georgia Southern, today, has truly benefited and become nationally known because of leaders like John Godbee.

John also stood up for primary education. As a former school principal, he helped other representatives understand the inner workings of our educational process. He was a strong advocate for teachers and a true champion for the children of Georgia. During his tenure in the legislature, we passed the Quality Basic Education Act, which was the most comprehensive reform of Georgia's education system in history. Once this important piece of legislation was passed, however, John did not forget education. He kept working on it and each year tried to fine tune and expand the better portions of the program.

As a member from a rural area, he was a strong voice for Georgia's farmers. As a member of the agriculture committee, John helped pass the law designating Vidalia onion counties. As a result, the Vidalia onion is now known nationally and internationally as one of the best, sweet onion products in the world. It has truly put our part of Georgia in the international marketplace. John also worked hard for boll weevil eradication, forestry, and commonsense environmental laws.

Members like John Godbee have made Georgia the great State that it is, John and Laura Godbee have been typical of Georgia's great leaders. They have strong Christian ethics and family values. Their children are all productive members of society and will be carrying on the torch for the next generation. But in addition to their immediate family, their extended family—the citizens of Georgia, have been true beneficiaries of their many personal sacrifices.

I congratulate John on 16 years of successful leadership, and I join others in wishing Laura and him the best.

A PLAN TO BOOST SAVINGS AND INVESTMENT

HON. BILL MCCOLLUM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Saturday, September 28, 1996

Mr. MCCOLLUM. Mr. Speaker, I am introducing a bill today which will help all Americans save for their retirement years. It is no secret that our current savings rate is among the lowest in the industrialized world. A low savings rate not only adversely impacts a person's retirement, it does not create much capital available for savings and investment. Without this capital, our economy cannot expand at its optimal rate. It is my hope that this legislation, if enacted, would help correct this problem.

My legislation would do several things. First, it would increase the amount of money one may contribute to an Individual Retirement Account [IRA], from \$2,000 to \$4,500, and still receive full deductibility. This amount is also indexed to inflation to protect its value from that silent thief of inflation.

This would also remove a disincentive to establishing an IRA, that being the fear that the money will not be available without paying a substantial penalty when you need it. A person with an IRA would be able to make withdrawals, without penalty, for a first home purchase, education expenses, long-term care, financially devastating health care expenses, and during times of unemployment. Furthermore, no taxes would be paid on these withdrawals if they are repaid to the IRA within 5 years.

Current law offers no incentive for many people to establish IRAs. My bill would allow people who do not have access to a defined contribution plan (e.g. a 401(k) plan) to establish a tax-preferred IRA, regardless of their income. The legislation would also encourage the middle class to establish IRAs by raising the income phase-out levels from \$25,000 (\$40,000 for joint filers) to \$75,000 (\$120,000 for joint filers). This will provide not only incentives, but needed tax relief for the middle class. Again, these levels are indexed to inflation.

Turning to 401(k) reforms, currently folks are hit with tax liability when taking their 401(k) benefits as a lump sum when leaving a job even if it is rolled into an IRA. This is not fair. Therefore, under this proposal, people would not be exposed to tax liability if the lump sum distribution is rolled into an IRA within 60 days.

Just as contribution limits have been increased for IRAs in this legislation, they are increased for 401(k) plans as well. The tax-deductible contribution limits would be \$20,000 (in 1992 dollars) indexed to inflation.

This would also encourage more firms to establish defined contribution plans by injecting some common sense into the law. It would

allow firms to meet antidiscrimination requirements as long as they provide equal treatment for all employees and ensure that employees are aware of the company's 401(k) plan. This is truly non-discriminatory as everyone would be treated the same.

Finally, this proposal would correct some of the serious problems involved with IRAs and 401(k)'s when the beneficiary passes away. As someone who believes the estate tax is inherently unfair, indeed I advocate its abolishment, I feel that IRA and 401(k) assets should be excluded from gross estate calculations. This bill would do that. Furthermore, an IRA that is bequeathed to someone should be treated as the IRA of the person who inherited it. Current law forces the disbursement of the IRA when the deceased would have turned 70 and a half years old. This would change that pointless provision, allowing the inheritor to hold the money in savings until he or she turns 70 and a half.

Similarly, anyone receiving 401(k) lump sum payments as a result of a death would not have the amount counted as gross income as long as it is rolled into an IRA. That amount would not be counted against the non-deductible IRA limit of \$4,500.

Mr. Speaker, I am excited about this legislation. I expect to introduce this legislation again at the beginning of the next Congress and look forward to hearing debate on it. It is absolutely essential that we continue to encourage personal savings and this is certainly a step in the right direction.

REPORT FROM INDIANA—GREATEST HITS

HON. DAVID M. MCINTOSH

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Saturday, September 28, 1996

Mr. MCINTOSH. Mr. Speaker, I rise today to give a special report from Indiana.

Each week throughout my first term, I have come before this House to lift up kind and caring people in the Second District.

Caring individuals who continue to strive day and night making their communities better places to live.

I've tapped these special people Hoosier Heros. Hoosier Heros because they truly have made a difference.

Whether it be the MOM program in my hometown of Muncie, that teaches inner city children to 'think they can until they know they can'

Or the school children at Shadeland Elementary in Anderson, who stand up to the drug pushers, the gang members and criminals who roam their streets. They continue to stand firm and say: "we aren't going to take any more."

Or the good people in Richmond who love and care for battered and abused children at Wernle Home.

Or the Shelby Co. Youth Shelter folks who take in troubled teenagers and provide them a new birth of hope for a brighter future. And the Lincoln Central Neighborhood Association in Columbus, can not be forgotten. A poor neighborhood by monetary standards but a community rich in hope.

Imagine inner city residents taking responsibility to re-build, clean and revitalize their once poor and dilapidated neighborhood.