

one who is accorded equal treatment under the law, but cannot as readily as others obtain preferential treatment under the laws, has been denied equal protection of the laws.

It is tough to argue with Justice Scalia's conclusion that the Court's constitutional jurisprudence "has achieved terminal silliness."

Confessing itself unable to fathom a rational, legitimate governmental purpose that might be served by amendment 2, the Court concluded that the amendment thus raised "the inevitable inference that the disadvantage imposed is born of animosity" toward homosexuals. The Court characterized it as "a bare desire to harm a politically unpopular group."

This conclusion, which lies at the core of the Court's opinion, is as puzzling as it is offensive. It's puzzling because, just 10 years ago, the Supreme Court held that nothing in the Constitution prevents States from enforcing laws criminalizing homosexual sodomy. In *Bowers versus Hardwick*, the Court expressly held that government can put citizens in prison for engaging in homosexual conduct.

Now, however, we learn that the same Constitution forbids States from deciding that homosexuals should not be granted protected or preferential status under their laws. I defy anyone to explain how these two results can be reconciled.

In a truly amazing display of intellectual dishonesty, the Court majority didn't even attempt such a reconciliation, and indeed, it didn't even mention the *Bowers* case.

So there are some serious legal flaws in the Court's decision. But what truly offends me—and, I would expect, a great many Americans—is the Court's conclusion that amendment 2 was motivated by "animosity" toward homosexuals. Again, I quote from Justice Scalia's dissent: "To suggest," he writes, "that [Amendment 2] springs from nothing more than 'a bare desire to harm a politically unpopular group' is nothing short of insulting."

And so it is. For 2,000 years, our Judeo-Christian ethic has taught that homosexual conduct is wrong. Accordingly, our laws have always embodied some moral disapproval of homosexuality. Sometimes that disapproval takes the form of criminal sanction, as with antisodomy laws. But often it is expressed in much more subtle ways. Here, for example, the voters of Colorado decided simply not to extend their antidiscrimination protections to homosexuals as a discrete protected class. The Supreme Court has now pronounced that decision to be the result of rank bigotry, motivated only by animosity toward homosexuals. Such a crass dismissal of our moral and religious heritage should provoke outrage on the part of the American people.

I do not come to the floor lightly to criticize our Supreme Court. I have deep respect for the institution of the Supreme Court, and I have been quick to praise the Court when it has per-

formed its assigned constitutional role. But yesterday's decision, Mr. Speaker, does not deserve our praise; in striking down amendment 2 and in labeling as "bigots" adherents to traditional moral values, the Court deserves our disapproval.

#### FLOODING IN WEST VIRGINIA

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from West Virginia [Mr. WISE] is recognized during morning business for 5 minutes.

Mr. WISE. Mr. Speaker, I want to report on the flooding in West Virginia over this weekend, and I particularly want to say, following 2 days of visiting hard-hit communities, there are a lot of people to thank. Particularly high up there is the West Virginia National Guard, which once again responded and provided the semblance of order and peace and hope that many people needed to seize on to during these troubled times.

Remember, Mr. Speaker, that this is the second time in 4 months that many of these communities have been hit by ravaging floods; the second time in 4 months.

Mr. Speaker, I started out Friday night in the Charleston office of emergency services headquarters. We moved Saturday and Sunday to preparing. Sunday I was with Governor Caperton as we toured much of the flood-torn area by helicopter and touching down in a number of communities, and then yesterday, Mr. Speaker, I traveled by car over 400 miles across many of the counties in central West Virginia that had been hit by floods.

Let me report to you, Mr. Speaker, that once again for the second time in 4 months a lot of our communities are digging out, and washing mud out of basements and homes, are having to look at fences that were just replaced in many of our farm fields, now torn again or damaged again, are having to regroup and reorder their lives. This is actually the third time in 10 years for floods of this magnitude.

I started, Mr. Speaker, in Buckhannon and Ellamore and Maibe and Cassity and Randolph, Jerusalem, a large town meeting in Elkins, then to Circleville and Big Run, Upshur and Randolph and Pendleton Counties on that swing, as well as other counties the day before.

In every one of the locations people are digging out, Mr. Speaker.

I am happy to report to you, Governor Caperton is submitting to the White House an application for Federal disaster assistance. This has moved very quickly, through a combination of the State office of emergency services officials, the Governor, working with FEMA, which is the Federal Emergency Management Agency, and, hopefully, that application will be acted upon today, perhaps tomorrow, and again, hopefully, as early as tomorrow afternoon or perhaps Thursday morning the declaration will be made.

At that point, Mr. Speaker, citizens in the designated counties will then be able to call a toll-free number to receive firsthand information and assistance in working with the Federal Emergency Management Agency, the FEMA agency.

At this point our staff, my staff, is out in the field distributing leaflets telling people what to do until that disaster assistance is received; telling them whom to contact in case of immediate emergency, the local office of emergency service officers.

At the point the declaration of disaster assistance is made from Washington, we will immediately race back out to the hardest-hit communities with leaflets and other information outlining the toll-free number that people can call.

I think that it is essential that people understand that very shortly the media, our office, the Governor's office, all other officials will be letting them know the toll-free number that they can call for assistance.

So the first step, Mr. Speaker, is digging out, and that is what the Red Cross is helping with. The Federal Emergency Management Agency is doing disaster assistance estimates right now. The local office of emergency service officers is assisting.

The second step, though, Mr. Speaker, after digging out and getting back on their feet is what a lot of citizens asked me yesterday in Elkins, "Bob Wise, why is it for the second time in 4 months we are having to deal with this? When will the investments be made to floodproof our areas to start to deal with the tributaries that are rising and dig out the streams that are silted up, to contain the stream banks in those areas where riprapping has occurred since the last flood?"

We were able to contain much of the flooding. But for the hundreds of thousands of dollars that it costs to floodproof a stream or area, we would save millions of dollars not spent in having to dig people out and put them back in their homes. So when the budgets are up for consideration, my hope is that my colleagues recognize what an investment it is in stream bank channelization and soil bank erosion control and building watershed and, in some cases, building dams, because what this does is to prevent millions of dollars of damage later.

In the case of West Virginia and other areas, what we have seen in just 4 months is you can have two crippling floods. So, hopefully, assistance is once again on the way. The disaster declaration should be coming within the next day or so. Individuals, businesses and units of government should be able to apply for Federal funds to assist them in getting back on their feet.

This is a process that should not have to be occurring every 4 months, and my hope is that very soon this Congress and others will recognize the importance of investing in flood control so that we do not have to go through this process so repeatedly.

I thank very much, Mr. Speaker, those who have made it possible to get back on our feet as quickly as we can, whether from Governor Capterton directing immediate response, to the West Virginia National Guard, which has just been a godsend to so many of our communities over the last few days, to the county office of emergency services personnel, and the countless volunteers. Thank you very much. We all thank you in our communities.

#### CONGRATULATIONS TO BRENDA AND JIM TALENT

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from Arkansas [Mr. HUTCHINSON] is recognized during morning business for 5 minutes.

Mr. HUTCHINSON. Mr. Speaker, it is my great pleasure to rise on behalf of all of my colleagues of the U.S. House of Representatives to congratulate my very good friend, Congressman JIM TALENT of Missouri, who last Thursday was responsible for bringing another young Missourian into the world.

Jim and Brenda Talent are the proud parents of newborn Christine Lyons Talent, who was born at 1:53 p.m., last Thursday, and weighed in at 8 pounds and 7 ounces.

Young Christine is fortunate indeed to enter this world into a loving home with very loving parents.

Mr. Speaker, I yield to Mr. CANADY of Florida.

Mr. CANADY of Florida. Mr. Speaker, I appreciate the gentleman yielding this time to me, and I want to join in expressing my congratulations to the gentleman from Missouri, my good friend, JIM TALENT.

I have always admired Representative TALENT's dedication to his family. He is a person among the Members here who puts his family first, and this child is very fortunate to have a father such as JIM TALENT and a mother such as Brenda, who is a dedicated mother and the spouse of our colleague, and we are very grateful for their family, and I appreciate what their friendship means to me.

Mr. HUTCHINSON. Reclaiming my time, I appreciate the gentleman's comments and agree entirely that JIM TALENT has been one of the strongest advocates for the family in the U.S. Congress. I know now, with the birth of Christine Lyons, that he will be an even stronger proponent of the \$500 per child tax credit and a more fervent than ever advocate for the family in the U.S. Congress.

So, our best wishes to JIM and Brenda.

#### WAGE-BASED TAX CREDIT NEEDED TO STIMULATE JOB CREATION IN PUERTO RICO

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from Puerto Rico [Mr. ROMERO-BARCELÓ] is recog-

nized during morning business for 5 minutes.

Mr. ROMERO-BARCELÓ. Mr. Speaker, last week the House Ways and Means Committee favorably reported the Small Business Job Protection Act of 1996. This act is designed to provide businesses with new tax breaks and is using the repeal of section 936 of the Internal Revenue Code as the primary revenue-raising offset for these tax breaks. And yet, while substantially increasing the taxes on Puerto Rican source income, the act provides no increase in the Federal benefits provided to the U.S. citizens of Puerto Rico.

I fully agree that the income-based tax credit provided in section 936 is to a significant extent excessive corporate welfare. In fact, I was perhaps the first voice to call for repealing the income-based tax credit and substituting it by a wage-based tax credit. Numerous reasonable proposals have been put forth which would eliminate the wasteful income-based credit while preserving a narrower, well-targeted wage-based credit. The wage-based credit is a cost effective way to make sure that tax breaks for Puerto Rican source income do indeed produce jobs in Puerto Rico.

While the 3,800,000 people of Puerto Rico are U.S. citizens, we have, nonetheless, been partially or wholly excluded from participation in many important Federal programs. According to the Congressional Budget Office, if Puerto Rico were treated as a State, in Medicaid alone we would get more than \$1 billion per year. And now, even though taxes on Puerto Rican source income are to be drastically increased, by \$4.9 billion in 8 years, we are being provided no additional funds for Medicaid. Are the health and lives of the 3,800,000 U.S. citizens in Puerto Rico worth less than the health and lives of our fellow citizens in the 50 States?

Fairness dictates that increased taxes on Puerto Rican source income be used for the benefit of the people of Puerto Rico. It is preposterous, indeed outrageous, and unfair that tax revenues collected on income earned in the Nation's poorest jurisdiction, Puerto Rico, be used to subsidize tax-credits for small businesses in the 50 States of the Union, the poorest of which has more than double the per capital personal income of Puerto Rico.

Puerto Rico has more than twice the unemployment of any State and needs and deserves a new wage-based tax credit to stimulate creation of new jobs. Puerto Rico also needs increased participation in Medicaid. Please join with the President, the Governor, and me in supporting these changes for the benefit of the disenfranchised U.S. citizens of Puerto Rico.

Mr. Speaker, we are not aliens, we are not illegal residents, we are U.S. citizens. Fairness dictates that increased taxes on Puerto Rican-source income be also used for the benefit of the people of Puerto Rico. It is preposterous, indeed outrageous and unfair,

that tax revenues collected on income earned in the Nation's poorest jurisdiction, Puerto Rico, be used to subsidize tax credits for small businesses in the 50 States of the Union, the poorest of which has more than doubled the per capita personal income of Puerto Rico.

Puerto Rico has more than twice the unemployment of any State and needs and deserves a new wage-based tax credit to stimulate the creation of new jobs. Puerto Rico needs increased participation in Medicaid.

Please join with the President, the Governor, and myself in supporting these changes for the benefit of the disenfranchised U.S. citizens of Puerto Rico. Do not allow the poorest jurisdiction in the Nation to be used for subsidizing the tax cuts for small businesses for the 50 States. That is indeed unfair. This is indeed unjust.

Mr. Speaker, I formally submit that sufficient thought has not been given to this proposal. The tax cuts for the small businesses, I repeat, very good, we support them, but why does the poorest jurisdiction in the Nation have to be the principal subsidy used for supporting the tax cuts for all the States?

#### LACK OF NATIONAL DRUG POLICY CAUSING CRISES IN U.S. WAR ON DRUGS

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from Florida [Mr. MICA] is recognized during morning business for 5 minutes.

Mr. MICA. Mr. Speaker, today the State of Florida and the Nation are really reeling over the effects of President Clinton's lack of a national drug policy, and even more so his lack of a record on drug prosecution. The Clinton record is a disaster followed by disaster and deserves the attention of this Congress and the American people.

I serve on the subcommittee that oversees our national drug policy and we have recently detailed this disaster in this report.

Several months ago a Clinton Federal judge let cocaine dealers off the hook when they ran away from their drug-laden car. Only after a national outrage that ensued did the Clinton appointee finally relent. Federal prosecution of drug cases, again detailed in this report, have dropped 12 percent since President Clinton took office. Drug use among teenagers, cocaine, crack, heroin, and designer drugs among our youth, has grown to epidemic proportions, again detailed in this report all this occurring in the last 3 years. All this while President Clinton parades around the country talking about Federal regulations on teen smoking.

Let me tell my colleagues what is happening. Marijuana use among our teenagers has increased by 50 percent per year each year of the 3 years since President Clinton has been elected. This is the legacy of his "just say maybe" policy.