

21ST CENTURY SPECTRUM
RESOURCE ASSURANCE ACT

HON. CLIFF STEARNS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 2000

Mr. STEARNS. Mr. Speaker, I rise to introduce, along with my colleagues, Mr. TAUZIN, Mr. OXLEY, Mr. DEAL, Mr. EHRlich, and Mr. ROGAN, legislation preventing the Federal Communications Commission from imposing spectrum caps on future Commercial and Mobile Radio Services (CMRS) auctions.

Today, the commercial wireless industry is the most competitive sector of the U.S. telecommunications marketplace: 238 million Americans can now choose between 3 and 7 wireless providers; more than 87.9 million Americans can now choose from among 6 or more wireless providers; and 87.7 million Americans can choose among 5 wireless providers.

In 1994, FCC adopted the cap to prohibit a single entity's attributable interests in the licenses of broadband PCS, cellular, and Specialized Mobile Radio (SMR) services from cumulatively exceeding more than 45 MHz of spectrum within the same geographic area. The cap was to ensure multiple providers would be able to obtain spectrum in each market and thus facilitate development of competitive markets for wireless services.

Today, however, the current 45 MHz spectrum cap is beginning to impact innovation and competition in the wireless industry. The cap now works to limit competition by denying wireless providers access to open markets, thereby denying consumers the benefits that arise from additional competition, such as lower prices and innovative services.

Furthermore, wireless providers have limited room for advanced services such as data on their networks and as they plan for Third Generation (3G) services, which will include enhanced voice, video, Internet and other broadband capabilities, the lack of spectrum threatens the ability to expand current systems and entice new customers. Additionally, continuation of the spectrum cap will result in the continued lag of U.S. companies behind Europe and Japan in the deployment of wireless 3G technologies.

The legislation I am offering merely prevents the FCC from imposing the CMRS spectrum cap on spectrum auctioned after January 1, 2000. It does not repeal the current spectrum cap on CMRS spectrum, or lift the cap on spectrum that has already been auctioned. This legislation is a timely proposal to ensure that innovation and competition continue to drive the commercial wireless industry.

IN HONOR OF FRED LICK, JR.

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 2000

Mr. KUCINICH. Mr. Speaker, I rise today to recognize Mr. Fred Lick, Jr. Mr. Lick is being presented with an Alumni Lifetime Leadership Award by Cleveland State University. This is an award presented to alumni for exceptional achievements and leadership that have

brought both pride and recognition to the University and to the community.

Fred Lick earned his Juris Doctorate from the Cleveland-Marshall College of Law in 1961. Since his graduation, Mr. Lick has shown his leadership qualities in many fields and through diverse means.

First, Mr. Lick has shown his unselfishness by dedicating himself to the national defense for nearly two decades. He joined the U.S. Army, and served for eight years. After leaving the Army, Mr. Lick joined the Ohio Military Reserve. The OMR is where Mr. Lick displayed his leadership capabilities. He quickly rose through the ranks of the OMR, earning the titles of Major General, Commander of the OMR, and Commander of the Joint State Area Command. Throughout his service to his country, Mr. Lick remained passionate about education, this is evidenced by his graduation from the National Defense University, Industrial College of the Armed Forces; U.S. Marine Corps Command and State College; and the Justice Advocate General's School.

Mr. Lick's leadership has not been confined to simply military endeavors. Mr. Lick has served as the chairman, president and chief executive officer and currently serves as the chairman of the Central Reserve Life Corporation, now the Ceres Group.

Mr. Lick also has dedicated himself to Delta Theta Pi, the national legal fraternity, and Miami University. He has held regional and national positions with Delta Theta Pi, culminating in his appointment as the National Deputy Chancellor in 1977. At Miami University, Mr. Lick spent several years serving as a member of the board of trustees and has recently been elected as the board president.

In the 39 years since his graduation from Cleveland-Marshall, Mr. Lick has remained a positive influence on the College of Law. In this time Mr. Lick has served as the President of the Law Alumni Association, 1967-68, and has inaugurated the Annual Alumni Luncheon. This event now annually draws close to 1,000 attendees to honor colleagues for significant achievements in the legal community.

My fellow colleagues, let us recognize and congratulate Mr. Lick for his years of dedication and leadership.

SUPPORT FOR THE ENVIRONMENTAL PROTECTION AGENCY'S NATIONAL HAZARDOUS WASTE AND SUPERFUND OMBUDSMAN

HON. DIANA DeGETTE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 2000

Ms. DeGETTE. Mr. Speaker, I rise today in support of providing additional funds to support the Environmental Protection Agency's National Hazardous Waste and Superfund Ombudsman. The Office of the Ombudsman has been instrumental in providing further investigation and access to information for the public on a number of complicated Superfund sites across the Nation.

There are many communities across the United States impacted by years of hazardous waste disposal. The very laws and agencies involved in cleaning up these very dangerous sites often become mired in legal tangles and bureaucratic inertia. The Office of the Om-

budsman has been an ally of citizens to further insure that public health and the environment remain at the forefront in clean up decisions at Superfund sites. The Ombudsman also plays an important role regarding oversight of the EPA, ensuring that harmful decisions are corrected and that information surrounding Superfund sites is available for the public.

In my district, the Office of the Ombudsman was useful in investigating the Shattuck Waste Disposal Site in Denver. The Ombudsman re-directed EPA's focus by fostering greater public participation in EPA's decision to allow radioactive waste to remain in an urban neighborhood. To better protect public health and the environment, I believe it is appropriate that the Office of the Ombudsman receive adequate funds to sustain their mission of advocating for substantive public involvement in EPA decisions.

TRIBUTE TO REV. DR. ALBERT
LEE JOHNSON, SR.

HON. KAREN McCARTHY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 2000

Ms. McCARTHY of Missouri. Mr. Speaker, today I pay tribute to my friend and nationally respected clergyman, Rev. Dr. Albert Lee (A.L.) Johnson, Sr. Reverend Johnson passed away after an extended illness. His is a loss felt by his family and congregation, the greater Kansas City community, and most certainly our nation.

Reverend Johnson was a community activist and civil rights advocate throughout his life. He fought for the common person and his influence was far reaching both inside and outside the Christian church community. Justice and equality for all fell within the realm of his spiritual responsibilities as well as his public and moral responsibilities. He traveled to numerous and varied places in the world and touched the lives of individuals in a remarkable way. Rev. Johnson, as President of the local Council for United Action, was on the front line in the battle against racial and social injustice. Although small in stature, he was a giant of a man whose actions led to positive social change. His leadership made a difference in fair employment, housing, and public accommodations. Justice and equality for all fell within the realm of his spiritual responsibilities as well as his public and moral responsibilities. He traveled to numerous and varied places in the world and touched the lives of individuals in a remarkable way.

His actions inspired greatness in those who serve the public. He was instrumental in the election of the first black mayor of Kansas City, the first black U.S. Congressman from the Fifth Congressional District of Missouri, and for me being the first woman to serve the Fifth Congressional District in the U.S. Congress. Rev. A.L. Johnson was a true friend who believed in me and counseled me. He could, in his quiet way, comment on an issue with just a few motivating words which resonated in my soul and encourage and inspire me to continue the tough fight for the people of the Fifth Congressional District and this great nation.

His family and congregation allowed him to follow his second calling, that of a public servant. Although holding no elected or appointed

office, he served our community with distinction on various boards, commissions, and task forces locally as well as nationally. He served as Chairman of the Permanent Organization Committee of the National Baptist Convention of America, Inc.; past Chairman of the Board of Operation PUSH; former national board member of the NAACP; past President of the Baptist Ministers Union; past President of the General Baptist State Convention; board member of Freedom, Inc.; and Treasurer of the Sunshine District Association.

He was the Pastor of Zion Grove Baptist Church in Kansas City, Missouri from 1964 until his retirement in 1997. Upon retirement he continued to serve as Pastor Emeritus. He was a man of tremendous faith, vision, and character. Reverend Johnson's leadership in our community utilized his faith and vision to lift us all up. I ask the House to join me in expressing to his family our gratitude for sharing this great man with us, and to accept our condolences for their tremendous loss which we share. Mr. Speaker, please join me in expressing our heartfelt sympathy to his wife, Flossie, his five sons and five daughters, and his many relatives.

PUERTO RICO-UNITED STATES BILATERAL PACT OF NON-TERRITORIAL PERMANENT UNION AND GUARANTEED CITIZENSHIP ACT

HON. JOHN T. DOOLITTLE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 2000

Mr. DOOLITTLE. Mr. Speaker, I have long been concerned about threats to the American taxpayer and to our Constitution. Today I address an ongoing and significant threat to both. The issue involves the status of Puerto Rico.

For too long the American public has been misled about how Puerto Rico's commonwealth status affects them. Most Americans seem to tolerate Puerto Rico's present relationship with the United States because they do not realize the direct harm it causes, including to Puerto Rico itself.

Mr. Speaker, the truth is that Puerto Rico's commonwealth status is a drain on the American taxpaying public. Its status is an affront to our constitutional system of government. And, though it is hard to imagine, the leading proposal to continue and to enhance the current commonwealth status is even more offensive.

First, the residents of Puerto Rico do not pay one dime in federal income taxes, yet collect roughly \$11 billion annually in federal subsidies including massive welfare payments. This fact alone should offend all taxpaying Americans. At a time when Americans are working longer and harder to provide for their families, it is outrageous that we are shipping \$11 billion of their hard-earned tax dollars to Puerto Rico and getting demands for more benefits in return.

Second, the subsidy to Puerto Rico is likely to remain as long as it retains its commonwealth status. Under commonwealth, Puerto Rico has become home to a poor population that is losing ground compared to the mainland. Indeed, half of the island's residents receive food stamps—a rate considerably higher than the poorest of our 50 states. Mr. Speak-

er, we passed welfare reform in 1996 because we said the poor and out-of-work in America needed some "tough love." This policy has proven successful; it is time to implement it in Puerto Rico.

Third, the residents of Puerto Rico, even though they are U.S. citizens and mostly educated in public schools that receive large federal education funding grants, do not have access to a public English language education. Instead of diversity and respect for local heritage along with our common heritage in the United States, under decades of profoundly misguided federal and local policy we are allowing the creation of a Quebec-like enclave of linguistic separatism in Puerto Rico.

According to the Census Bureau, only 25 percent of Puerto Rico's population is fluent in English and another 25 percent is only somewhat fluent. This percentage has not risen in years. English is the language of our nation and it is the language of global economic opportunity, which is why the wealthy in Puerto Rico send their kids to private schools that teach in English. As long as one dollar of federal funds is going to Puerto Rico we should require an end to the linguistic segregation of students in the public schools of Puerto Rico.

Other facts demonstrate the cultural divide under commonwealth. For example, four times as many residents of the island consider themselves "Puerto Ricans" as opposed to "Americans". Yet 95 percent vote to retain U.S. citizenship. We need to end this "have it both ways" relationship and be honest about Puerto Rico's status. In my congressional district alone, I know many individuals whose ancestors have come from Ireland, Germany, Mexico, and all over the globe, but I know they consider themselves to be Americans first.

Recent developments in Vieques cast further doubt on the wisdom of the current commonwealth with the United States. For the first time, American servicemen and women are being denied critical training exercises on U.S. soil. We all regret the recent accident that took the life of a civilian employee working for the Navy, but if we are truly serious about protecting lives, we will continue live-fire training there so that our American military personnel are fully prepared for battle. Instead, we are paying an inordinate amount of attention to an extreme overreaction to any U.S. military presence on the island by a population that relies on that military to keep them free.

These are the facts about Puerto Rico. They might not be politically correct, but they are the truth. I share them today, Mr. Speaker, because I believe it does the American people and the residents of Puerto Rico a great disservice to perpetuate the fiction that Puerto Rico's federally subsidized commonwealth status can continue indefinitely.

I have little doubt that, if fully armed with the facts, the American people would overwhelmingly oppose continued commonwealth status for Puerto Rico. But like a doctor who treats a bad reaction with a double dosage of the same bad medicine, the leaders of the procommonwealth party in Puerto Rico are now proposing an "enhanced" commonwealth status that gives Puerto Ricans more rights and even fewer responsibilities.

This enhanced commonwealth proposal, Mr. Speaker, is an outrage that should be swiftly and forcefully rejected by this Congress. This change would not only continue to take advan-

tage of American taxpayers, it would violate the United States Constitution. Article IV, Section 3 of the Constitution states that, "Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States." Read in conjunction with the Supremacy Clause of Article VI, the Framers of our Constitution could not have been clearer as to the proper sovereign of U.S. territories. In short, it is the Congress that has sole authority under our Constitution to make all laws and regulations with regard to Puerto Rico. Any proposal that asserts or promises otherwise is irresponsible and plainly unconstitutional.

And, yet, the formula to enhance commonwealth being proposed plainly asserts that the Territorial Clause of the U.S. Constitution does not apply to Puerto Rico now or in the future. It does so without identifying the source of constitutional authority for Congress to abdicate its territorial powers through statute and to conduct a "bilateral" relationship with the "nation" of Puerto Rico. Mr. Speaker, this is not "union" at all under the Constitution. It represents a treaty-based form of free association, despite the fact that Congress already has determined that free association is terminable at will by either party, not permanent. Under such a formula, U.S. sovereignty, nationality, and citizenship would be terminated at once.

To continue or, worse yet, to somehow "enhance" this fraudulent relationship with Puerto Rico will only lead to increased resentment on both sides. Consider the anti-death penalty demonstrations taking place today on the island. The majority of Puerto Rico's residents not only disagree with mainland Americans' support for the death penalty, they even object to U.S. officials applying capital punishment for federal crimes committed within Puerto Rico. This is another example, Mr. Speaker, of the desire to have it both ways under commonwealth. Commonwealth proponents want binding permanent union, guaranteed U.S. citizenship, and an uninterrupted stream of federal assistance, but do not want to be bound by federal capital punishment for federal crimes. Enough is enough.

Mr. Speaker, I think the majority of the American people would agree with me and reject both the current and proposed commonwealth status for Puerto Rico. It is about time they were given the opportunity to do so. They should have the opportunity to make their voices heard through their elected representatives. This can only happen if we have a legislative vehicle upon which to begin this debate.

The legislation I am introducing today will provide that vehicle. It is the "United States–Puerto Rico Bilateral Pact of Permanent Union and Guaranteed Citizenship Act." This bill would implement under federal law the "Proposal for the Development of the Commonwealth of Puerto Rico" as adopted by the Governing Board of the Popular Democrat Party of Puerto Rico. It would permit Puerto Ricans to continue to receive government handouts without having to pay income taxes. It allows for separate Puerto Rican and American cultures, including different languages. And it would grant to Puerto Rico the authority to negotiate international agreements.

I am introducing this bill today with the intention that it never becomes law. I do hope, however, that this bill will provoke an honest