

set-aside program is unconstitutional. Plain and simple, this is an affirmative action program for contractors. And, the Administration's attempt to comply with the court's decision by tinkering with DOT regulations does not meet the constitutional litmus test. Therefore, it is now incumbent on the Congress to bring ISTEA into compliance with our Constitution.

It is one thing for the Federal Government to carry out unfair, quota-based programs, which I oppose, but it is even more egregious that the Federal Government mandate that our states carry out such programs. This is a time-consuming and costly burden on some states, like New Hampshire, that simply do not have a significant racial minority population. It forces the state into situations where it is either awarding contracts to less qualified contractors or jumping through bureaucratic hoops trying to prove that it cannot meet the 10 percent DBE goal. Both of which are not good public policy.

By continuing this and the other 150-plus preferential treatment programs, we are encouraging businesses to tie their business strategy to unconstitutional programs that will eventually be eliminated by the courts. This is sending the wrong message to minority start-up businesses.

A better way to encourage minority entrepreneurs is with a small business out-reach program as outlined in the McConnell amendment. This alternative program would still provide assistance to smaller, minority-owned businesses without the heavy-handed mandate on our states.

Most Americans do not support preferential treatment programs. We now have an opportunity to end one of the many race and gender-based programs in our federal contracting system. I urge my colleagues to uphold the principles of our Constitution and support the McConnell amendment.

AMENDMENT NO. 1687

Mr. INHOFE. Mr. President, I rise today to discuss an amendment that I offered yesterday, amendment number 1687, to S. 1173, the ISTEA Reauthorization Act. This amendment was agreed to by voice vote. This amendment was cosponsored by Senator BREAUX, Senator BYRD and Senator SESSIONS.

The purpose of my amendment was to provide the necessary flexibility and funding to the States that was promised by President Clinton and EPA Administrator Browner for the new National Ambient Air Quality Standards for ozone and particulate matter. These standards were promulgated last July. My amendment in no way ratifies or affirms the underlying standards. These standards are the subject of various lawsuits and pending legislation which seeks to overturn the standards in part or in whole. This amendment simply relieves the uncertainty for the States during the implementation phase over the next few years.

The President and Administrator Browner promised a flexible implemen-

tation time frame for the standards which was not based in the Clean Air Act. This amendment ensures that the implementation of the standards would not occur at a faster rate than the President promised.

The first section of the amendment, Section 2(a) provides that the EPA will fund all of the costs for the PM monitoring network with new program dollars and just doesn't take money from other State grants. The States claim that the EPA has reprogrammed fiscal year 1998 dollars from existing State Grant authorities, the amendment requires that these funds be repaid to the States. This provides the assurance to the States that this will not be another unfunded mandate. It also restores the grant funds to the States that the EPA diverted to the monitoring program in 1998.

Section 2(b) ensures 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 will be established by December 31, 1999. EPA will have received the funding from Congress and they will be responsible for ensuring that the network will be in place. If they fail, they will be subject to legal action and must explain the cause of any delay.

Section 2(c) requires that the PM monitoring network be in place and that the States have three years of monitoring data before the Governors are required to submit their recommendations to the EPA. Under the Clean Air Act the Governors must examine the data and notify EPA when an area in their State violates the standards. This will stop the possibility of the EPA being sued by a citizens group demanding that an area be classified before the data has been collected. The Clean Air Act does not require the monitoring data to be collected first. But the President and the EPA promised they would wait for the three years of data. This provision provides the legal authority to wait for the data.

Section 2(d) follows the Clean Air Act and the EPA's implementation schedule, it is the EPA's official review of the Governor's recommendations. It ensures that the Governor's data and information is correct and allows EPA the time to publish the decision in the Federal Register.

Section 2(e) addresses the concerns of the farmers who believe that they will be targeted for PM 2.5 even though their emissions are larger than 2.5. The study will examine the monitoring devices to ensure that they do not capture larger particles. This section is endorsed by the American Farm Bureau who wrote, "The agriculture community continues to be concerned over the accuracy of EPA's fine particulate measurements, especially in regard to agriculture emissions. Testimony has been given in both the Senate and House Agriculture Committees indicating concern that agriculture would be

'misregulated' due to inaccurate fine particulate measurements. This amendment will allow a comparison of EPA's approved method used to measure fine particulate and the new monitors to find if both adequately eliminate those particles that are larger than 2.5 micrograms in diameter."

Section 3(a) follows the EPA's and the President's timeline for allowing the Governors two years to review the current ozone programs before they have to designate nonattainment areas. It allows the Governors to review the other ozone programs such as the new regional ozone transport program before they make new decisions about the new ozone standard.

Section 3(b) follows the Clean Air Act and the EPA's implementation schedule, it is the EPA's official review of the Governor's recommendations. It ensures that the Governor's data and information is correct and allows EPA the time to publish the decision in the Federal Register.

Finally, Section 4 protects the pending lawsuits so that others can raise the issues of Unfunded Mandates, Small Business Review, the validity of the standards, and other issues without having this amendment impede their legal rights. It affirmatively states that this amendment is not a ratification of the new standards and any and all legal challenges to the standards are still valid and real.

The PRESIDING OFFICER. Who yields time?

Mr. CHAFEE. Mr. President, we have completed on this side.

MORNING BUSINESS

Mr. CHAFEE. Mr. 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 VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Wednesday, March 4, 1998, the federal debt stood at \$5,529,409,747,928.18 (Five trillion, five hundred twenty-nine billion, four hundred nine million, seven hundred forty-seven thousand, nine hundred twenty-eight dollars and eighteen cents).

One year ago, March 4, 1997, the federal debt stood at \$5,363,583,000,000 (Five trillion, three hundred sixty-three billion, five hundred eighty-three million).

Five years ago, March 4, 1993, the federal debt stood at \$4,199,533,000,000 (Four trillion, one hundred ninety-nine billion, five hundred thirty-three million).

Ten years ago, March 4, 1988, the federal debt stood at \$2,491,607,000,000 (Two trillion, four hundred ninety-one billion, six hundred seven million).

Fifteen years ago, March 4, 1983, the federal debt stood at \$1,219,934,000,000

(One trillion, two hundred nineteen billion, nine hundred thirty-four million) which reflects a debt increase of more than \$4 trillion—\$4,309,475,747,928.18 (Four trillion, three hundred nine billion, four hundred seventy-five million, seven hundred forty-seven thousand, nine hundred twenty-eight dollars and eighteen cents) during the past 15 years.

MESSAGES FROM THE HOUSE

At 11:55 a.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that 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 five years: Mrs. Christine Todd Whitman of New Jersey, Mr. Bruce Chapman of Washington, and Mr. Christopher Gleason of Pennsylvania.

The message also announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 856. An act to provide a process leading to full self-government for Puerto Rico.

At 3:20 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 2369. An act to amend the Communications Act of 1934 to strengthen and clarify prohibitions on electronic eavesdropping, and for other purposes.

H.R. 3130. An act 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.

The message also announced that the House has agreed to the resolution (H. Res. 379) that the bill of the Senate (S. 104) to amend the Nuclear Waste Policy Act of 1982, in the opinion of this House, contravenes the first clause of the seventh section of the first article of the Constitution of the United States and is an infringement of the privileges of this House and that such bill be respectfully returned to the Senate with a message communicating this resolution.

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent and referred as indicated:

H.R. 856. An act to provide a process leading to full self-government for Puerto Rico; to the Committee on Energy and Natural Resources.

H.R. 2369. An act to amend the Communications Act of 1934 to strengthen and clar-

ify prohibitions on electronic eavesdropping, and for other purposes; to the Committee on Commerce, Science, and Transportation.

H.R. 3130. An act 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; to the Committee on Finance.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HATCH, from the Committee on the Judiciary, without amendment and with a preamble:

S. Res. 171. A resolution designating March 25, 1998, as "Greek Independence Day: A National Day of Celebration of Greek and American Democracy."

By Mr. HATCH, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 1379. A bill to amend section 552 of title 5, United States Code, and the National Security Act of 1947 to require disclosure under the Freedom of Information act regarding certain persons, disclose Nazi war criminal records without impairing any investigation or prosecution conducted by the Department of Justice or certain intelligence matters, and for other purposes.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. HATCH, from the Committee on the Judiciary:

Hilda G. Tagle, of Texas, to be United States District Judge for the Southern District of Texas, vice a new position created by Public Law 101-650, approved December 1, 1990.

Sonia Sotomayor, of New York, to be United States Circuit Judge for the Second Circuit.

Susan Graber, of Oregon, to be United States Circuit Judge for the Ninth Circuit.

Sam A. Lindsay, of Texas, to be United States District Judge for the Northern District of Texas, vice a new position created by Public Law 101-650, approved December 1, 1990.

Judith M. Barzilay, of New Jersey, to be a Judge of the United States Court of International Trade.

Delissa A. Ridgway, of the District of Columbia, to be a Judge of the United States Court of International Trade.

Brian Scott Roy, of Kentucky, to be United States Marshall for the Western District of Kentucky for the term of four years.

(The above nominations were reported with the recommendation that they be confirmed.)

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 Mrs. HUTCHISON (for herself, Mr. GRAMS, and Mr. ASHCROFT):

S. 1711. A bill to amend the Internal Revenue Code of 1986 to eliminate the marriage penalty tax, to increase the income levels for the 15 and 28 percent tax brackets, to provide a 1-year holding period for long-term capital gains, to index capital assets for inflation, to reduce the highest estate tax rate to 28 percent, and for other purposes; to the Committee on Finance.

By Mr. JEFFORDS (for himself and Mr. LIEBERMAN):

S. 1712. A bill to amend title XXVII of the Public Health Service Act and part 7 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 to improve the quality of health plans and provide protections for consumers enrolled in such plans; to the Committee on Labor and Human Resources.

By Mr. SMITH of Oregon:

S. 1713. A bill to amend section 1926 of the Public Health Service Act to encourage States to strengthen their efforts to prevent the sale and distribution of tobacco products to individuals under the age of 18 and for other purposes; to the Committee on Labor and Human Resources.

By Mr. HOLLINGS:

S. 1714. A bill to suspend through December 31, 1999, the duty on certain textile machinery; to the Committee on Finance.

By Mr. JOHNSON (for himself and Mr. DASCHLE):

S. 1715. A bill to coordinate the Federal Government's response to communities that are adversely impacted by the closure of significant downsizing of a plant or industry located in the community; to the Committee on Governmental Affairs.

By Mrs. BOXER (for herself and Mrs. FEINSTEIN):

S. 1716. A bill to direct the Secretary of the Interior, acting through the Commissioner of Reclamation, to develop an action plan to restore the Salton Sea in California and to conduct wildlife resource studies of the Salton Sea, to authorize the Secretary to carry out a project to restore the Salton Sea, and for other purposes; to the Committee on Environment and Public Works.

By Mr. KENNEDY:

S. 1717. A bill to amend the Immigration and Nationality Act to strengthen the naturalization process; to the Committee on the Judiciary.

By Mr. LIEBERMAN (for himself and Mr. DODD):

S. 1718. A bill to amend the Weir Farm National Historic Site Establishment Act of 1990 to authorize the acquisition of additional acreage for the historic site to permit the development of visitor and administrative facilities and to authorize the appropriation of additional amounts for the acquisition of real and personal property; to the Committee on Energy and Natural Resources.

By Mr. BAUCUS (for himself and Mr. BURNS):

S. 1719. A bill to direct the Secretary of Agriculture and the Secretary of the Interior to exchange land and other assets with Big Sky Lumber Co; to the Committee on Energy and Natural Resources.

By Mr. HATCH (for himself, Mr. LEAHY, and Mr. KOHL):

S. 1720. A bill to amend title 17, United States Code, to reform the copyright law with respect to satellite retransmissions of broadcast signals, and for other purposes; to the Committee on the Judiciary.