

that is billions with a "B." Additionally, that tax would have placed the heaviest burden on lower income Americans who earn less than \$30,000 a year.

The reality is that the recent tobacco proposal would have done little to curtail teenage smoking, which was one of its original intents, and would have turned a number of trial lawyers into very rich people.

I join the Republican leadership to make every effort possible to curtail teenage smoking without massive tax increases. That is reality.

#### EDUCATION SAVINGS ACCOUNTS

(Mr. GUTKNECHT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GUTKNECHT. Mr. Speaker, an important measure was recently passed by this House that begins to liberate American families. Those of us who talk about values like faith, family and personal responsibility must pursue policies that reinforce those values.

Allowing families to save for their children's education through education savings accounts is one such policy. Fourteen million American kids will benefit from this program. Our friends on the left say that they know best how education dollars should be spent. We say parents do. This is one more chapter in the ongoing debate.

Mr. Speaker, we want to return power and resources from the bureaucratized Federal Government back to American families. The good news is American families are winning.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on the motion to suspend the rules on which a recorded vote or the yeas and nays are ordered or on which the vote is objected to under clause 4 of rule XV.

Such rollcall vote, if postponed, will be taken later in the day.

#### DRUG-FREE WORKPLACE ACT OF 1998

Mr. SOUDER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3853) to promote drug-free workplace programs, as amended.

The Clerk read as follows:

H.R. 3853

*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 "Drug-Free Workplace Act of 1998".

##### SEC. 2. FINDINGS; PURPOSES.

(a) FINDINGS.—Congress finds that—

- (1) 74 percent of adults who use illegal drugs are employed;
- (2) small business concerns employ over 50 percent of the Nation's workforce;
- (3) in over 88 percent of families with children under the age of 18, at least 1 parent is employed; and

(4) employees who use and abuse addictive substances increase costs for businesses and risk the health and safety of all employees because—

- (A) absenteeism is 66 percent higher among drug users than nondrug users;
- (B) health benefit utilization is 300 percent higher among drug users than nondrug users;
- (C) 47 percent of workplace accidents are drug-related;
- (D) disciplinary actions are 90 percent higher among drug users than nondrug users; and
- (E) employee turnover is significantly higher among drug users than nondrug users.

(b) PURPOSES.—The purposes of this Act are to—

- (1) educate small business concerns about the advantages of a drug-free workplace;
- (2) provide financial incentives and technical assistance to enable small business concerns to create a drug-free workplace; and
- (3) assist working parents in keeping their children drug-free.

##### SEC. 3. SENSE OF CONGRESS.

It is the sense of Congress that—

- (1) businesses should adopt drug-free workplace programs; and
- (2) States should consider incentives to encourage businesses to adopt drug-free workplace programs. Financial incentives may include—

- (A) a reduction in workers' compensation premiums;
- (B) a reduction in unemployment insurance premiums;
- (C) tax deductions in an amount equal to the amount of expenditures for employee assistance programs, treatment, or drug testing.

Other incentives may include adoption of liability limitation as recommended by the President's Commission on Model State Drug Laws.

##### SEC. 4. DRUG-FREE WORKPLACE DEMONSTRATION PROGRAM.

The Small Business Act (15 U.S.C. 636 et seq.) is amended by—

- (1) redesignating sections 31 and 32 as sections 32 and 33, respectively; and
- (2) inserting the following new section:

##### "SEC. 31. DRUG-FREE WORKPLACE DEMONSTRATION PROGRAM.

(a) ESTABLISHMENT.—There is established a drug-free workplace demonstration program, under which the Administration may make grants, cooperative agreements, or contracts to eligible intermediaries for the purpose of providing financial and technical assistance to small business concerns seeking to start a drug-free workplace program.

(b) ELIGIBILITY FOR PARTICIPATION.—An intermediary shall be eligible to receive a grant, cooperative agreement, or contract under subsection (a) if it meets the following criteria:

- (1) It is an organization described in section 501(c)(3) or 501(c)(6) of the Internal Revenue Code of 1986 that is exempt from tax under section 5(a) of such Act, a program of such organization, or provides services to such organization.
- (2) Its purpose is to develop comprehensive drug-free workplace programs or to supply drug-free workplace services, or provide other forms of assistance and services to small businesses.
- (3) It has at least 2 years of experience in drug-free workplace programs or in providing assistance and services to small business concerns.
- (4) It has a drug-free workplace policy in effect.

(c) REQUIREMENTS FOR PROGRAM.—Any drug-free workplace program developed as a result of this section shall include—

- (1) a written policy, including a clear statement of expectations for workplace behavior, prohibitions against substances in the workplace, and the consequences of violating such expectations and prohibitions;
- (2) training for at least 2 hours for employees;
- (3) additional training for employees who are parents;
- (4) employee drug testing by a drug testing laboratory certified by the Substance Abuse and Mental Health Services Administration, or ap-

proved by the Department of Health and Human Services under the Clinical Laboratories Improvements Act of 1967 (42 U.S.C. 263a), or the College of American Pathologists, and each positive result shall be reviewed by a Licensed Medical Review Officer;

"(5) employee access to an employee assistance program, including assessment, referral, and short-term problem resolution; and

"(6) continuing alcohol and drug abuse prevention program.

(d) EVALUATION AND COORDINATION.—The Small Business Administrator, in coordination with the Secretary of Labor, the Secretary of Health and Human Services, and the Director of the Office of National Drug Control Policy, shall evaluate drug-free workplace programs established as a result of this section and shall submit a report of findings to the Congress not later than 1 year after the date of the enactment of this section.

(e) ELIGIBLE INTERMEDIARY.—Any eligible intermediary shall be located in a state, the District of Columbia, or the territories.

(f) DEFINITION OF EMPLOYEE.—For purposes of this section, the term 'employee' includes—

- "(1) supervisors;
- "(2) managers;
- "(3) officers active in management of the business; and
- "(4) owners active in management of the business.

(g) CONSTRUCTION.—Nothing in this section shall be construed to require an employer who attends a program offered by an intermediary to contract for any services offered as part of a drug-free workplace program.

(h) AUTHORIZATION.—There are authorized to be appropriated to carry out the provisions of this section, \$10,000,000 for fiscal year 1999 and such sums may remain available until expended."

##### SEC. 5. SMALL BUSINESS DEVELOPMENT CENTERS.

Section 21(c)(3) of the Small Business Act (15 U.S.C. 648(c)(3)) is amended—

- (1) in subparagraph (R) by striking "and";
- (2) in subparagraph (S) by striking the period and inserting "; and"; and
- (3) by inserting after subparagraph (S) the following new subparagraph:

"(T) providing information and assistance to small business concerns with respect to developing drug-free workplace programs."

##### SEC. 6. CONTRACT AUTHORITY.

The Small Business Administrator may contract with and compensate government and private agencies or persons for services related to carrying out the provisions of this Act.

##### SEC. 7. COLLECTION OF DATA AND STUDY.

(a) COLLECTION AND STUDY.—The Small Business Administrator shall collect data and conduct a study on—

- (1) drug use in the workplace among employees of small business concerns;
- (2) costs to small business concerns associated with illegal drug use by employees; and
- (3) a need for assistance in the small business community to develop drug prevention programs.

(b) REPORT.—Not later than 6 months after the date of the enactment of this Act, the Small Business Administrator shall submit a report containing findings and conclusions of the study to the chairmen and ranking members of the Small Business Committees of the House and Senate.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Indiana (Mr. SOUDER) and the gentlewoman from New York (Ms. VELÁZQUEZ) each will control 20 minutes.

The Chair recognizes the gentleman from Indiana (Mr. SOUDER).

Mr. SOUDER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am proud to join with the gentleman from Ohio (Mr. PORTMAN) and the gentleman from Georgia (Mr. BISHOP) as an original co-sponsor of this important legislation.

House Resolution 3853 focuses attention on the important problem of substance abuse in the workplace. As chairman of the Subcommittee on Empowerment, I heard testimony from small business owners from different parts of the country who shared with me the great difference that drug-free workplace policy has made in their businesses.

Larry Guzman, from the district of the gentleman from Arizona (Mr. SALMON), told my subcommittee that a drug-free workplace policy not only reduced stolen inventory and increased productivity in his truss-building company, but did so to such an extent that the business reached three times the size he had originally planned.

An owner of a printing company in Cincinnati in the district of the gentleman from Ohio (Mr. PORTMAN), shared his company's experience. Their drug-free workplace program and the employee assistance component led employees to thank management for helping to support their recovery from addiction.

Larry Bennett, who helped lead Ohio's efforts to introduce the kind of financial incentives for drug-free workplace programs contemplated by this bill, shared the story of another small business where the owner worked with his union employees to develop a drug-free workplace policy to meet the requirements of a subcontractor for his clients. Working together, unions and management developed a comprehensive policy that helped the company retain clients and eventually grow.

We know that 71 percent of substance abusers are employed. We also know that many more are employed by small businesses than larger businesses, for a very simple reason: Most large companies in this country have put together drug testing and drug treatment programs, where small businesses do not have the resources to do so. They are afraid they are going to get sued, they are afraid they are going to have different problems.

We heard at an earlier subcommittee hearing from law enforcement that at a local crack house which police had shut down, they found a list of small businesses in the area that did not have drug testing programs because small businesses had become targets of those who abused drugs, because they know that they can get away with it there because small business owners are so inundated and intimidated, inundated with the problems that they have, with the cash flow problems, and intimidated from the potential legal consequences, that they have become victimized by a lot of drug abusers.

□ 1030

The dealers had been helping these users find jobs in small businesses with which to support their habit.

We also know that the drug-free workplace programs are cost-effective for businesses. That is what we found with the experience of the Fortune 200. Ninety-eight percent of the Fortune 200 have drug-free workplace programs. It has taught us that these are cost-effective. They have increased productivity, they have lowered their insurance costs because of accident reductions, they have decreased absenteeism.

H.R. 3853 will help us spread this cost-effective lifesaving program to small businesses around the country by giving grants to nonprofit organizations that deal with drug testing training for small businesses.

Our goal is to get the dollars not directly in another government program, but to nonprofit organizations with an experience in this training, so that they can work with small businesses in what have been legal, effective programs to eliminate the scourge of drug abuse, to help the individuals involved, to help the productivity in our economy, and to regain the strength of the small business community and their ability not to fall prey to the problems that are plaguing our society in drug abuse.

Mr. Speaker, I reserve the balance of my time.

Ms. VELÁZQUEZ. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in reluctant support of H.R. 3853, the Drug-Free Workplace Act of 1998. Mr. Speaker, we all want the goal of a drug-free workplace. The damage that both drugs and alcohol have done on our society can be seen everywhere we look. It is involved in 50 percent of domestic violence cases across the country. We see it in the drug-related crimes that ravage our neighborhoods. It impacts small businesses by robbing them of an estimated \$60 billion annually.

To combat this crisis, we need to provide greater assistance on all fronts in this struggle, including to our small businesses. It is unfortunate that only 3 percent of the small businesses have drug-free workplace policies. This is not due to a lack of recognition by small business, but given the choice of meeting payroll, creating a safe workplace, and serving customers, the value of investing time and money into implementing a drug-free workplace can easily get lost in the shuffle.

The question, then, is not whether we should act, but how we should act to create a drug-free workplace. Unfortunately, this legislation falls short in many areas. We have heard from the U.S. Chamber of Commerce and General Barry McCaffrey of the Office of National Drug Control Policy. It should come as no surprise that they support stopping drugs in the workplace.

What should be of concern is that there are some very real issues that

must be addressed if we are going to create a successful program. With the adoption of this legislation, the Small Business Administration will begin a new venture into social policy.

I am very concerned that, once again, the committee is creating a new program. This is an area in which the SBA has no knowledge or expertise. Yet, Congress will be committing \$10 million to this program. That is the equivalent to the entire SBA budget for our Nation's Women's Business Development Centers. With an estimated SBA budget shortfall of more than \$100 million, it is hard to understand where the money will come from.

The reality is that it will be taken from existing programs, like the Small Business Development Centers that exist in almost every community across the country. It will come from the microloan program that is widely depended upon. These and other programs will be curtailed in order to pay for the program that SBA did not ask for and has no experience in administering. Keep that in mind when one of your constituents cannot get a microloan, or the local SBDC has insufficient funds to serve your district.

We are constantly hearing the need to give business flexibility, but the one-size-fits-all approach this legislation takes will severely limit the ability of small businesses to tailor a program that meets their needs. The outcome will be harming many of the businesses we claim we are here today to help.

If we are truly serious about creating a drug-free workplace, then we must create an environment where employees believe that they will be treated fairly. The bill reported out of committee contains no clear guidance about what happens to an employee who tests positive or voluntarily comes forward. These types of inconsistencies will not foster a drug-free workplace, but create an environment filled with tension and uncertainty.

Mr. Speaker, thanks in large part to Democrats on the committee, several improvements to H.R. 3853 were made in the areas of counseling, training, and participation by local chambers of commerce. These changes make the bill much more workable.

While these changes vastly improve this legislation, until we address the cost, flexibility, and employee protections, we may be throwing money at a problem without accomplishing our goal of creating a drug-free workplace.

Mr. Speaker, I reserve the balance of my time.

Mr. SOUDER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to make a couple of points. In the Committee on Small Business, the Democrats made 9 amendments. Seven were accepted and only two defeated. The bill was not opposed in committee. We spent 4 hours in markup trying to work through all of the different concerns that were addressed there.

I believe we have an excellent bill. It requires that small businesses have a written plan that spells out consequences of any policy, and training sessions to review the policy. Employees, supervisors, managers, partners, and owners who actively manage the small business will all be subject to any drug-free workplace. We felt we needed to lead by example.

Nonprofit groups with expertise in drug-free workplace policies that will administer the bill must have a long history, and the bill does not in any way change laws that protect workers. I think we have gone out of our way to meet all of the concerns that the minority was raising, in addition to some of the majority members, and made a very, very good bill even better.

Mr. Speaker, I yield such time as he may consume to the gentleman from Ohio (Mr. PORTMAN), the distinguished author of this bill, the leader in the House of many of the prevention and demand reduction efforts.

Mr. PORTMAN. Mr. Speaker, I thank the gentleman for yielding me the time, for allowing me to talk on the legislation, and for all the good work he did in shepherding this bill through his subcommittee and through the Committee on Small Business.

The markup that he just explained was a rather comprehensive and sometimes long series of exchanges, but I think it was good in terms of perfecting the legislation. I applaud the full committee for doing that.

I want to particularly commend the subcommittee chairman, the gentleman from Missouri (Mr. TALENT) for his support of drug-free workplace programs, and in particular, his willingness to expedite this legislation.

Notwithstanding some concerns that the gentlewoman has expressed this morning, I want to also thank the ranking member, the gentlewoman from New York (Ms. NYDIA VELÁZQUEZ) for her support of the legislation, and again, for working with us to help to perfect it.

Let me try to put this bill in some kind of perspective. It is really part of what we hope will be a measured response here in Congress to a vexing national problem, which is how to substantially reduce the growing problem in this country of substance abuse and move towards a drug-free America.

Unfortunately, we are far from that today. In the 1960s about 3 percent of the American population had used illegal drugs. Today that figure is close to about 40 percent. The trends are not helpful. When we look at the last 5 years, for instance, we see a doubling of teenage drug use in this country.

Congress has attacked the problem on a number of fronts. We have expanded efforts to cut off the supply of drugs by increasing funding for so-called source country efforts: destroying coca fields, using the military more efficiently to interdict drugs. We have passed legislation just last month, in fact, to tighten border controls in our country.

Even more encouraging, from my perspective, we have begun a concerted effort here in Congress to get at the heart of the problem by reducing the demand for illegal drugs. That is why this Congress took the unprecedented step last year of working in partnership with the private sector to launch the most aggressive antidrug public service campaign in history. Working with the Partnership for a Drug-Free America and the Office of National Drug Control Policy, we have started a \$380 million campaign to change the hearts and minds of America's young people, and to engage parents again in this battle to turn the tide before it is too late.

That is why we passed the Drug-Free Communities Act last year, to jumpstart prevention and education efforts at the local level that are actually working in our communities to mobilize parents, teachers, coaches, ministers, rabbis, law enforcement officials, kids, and yes, employers, in a concerted effort to make our streets safer, to allow our schools to teach, and to reverse the troubling trends we talked about in the last 5 years.

That is why we are putting existing Federal prevention programs under the microscope, to see which ones are working and which ones are not, and to try to maximize the impact of the Federal dollars we are spending on prevention, education, and treatment.

That is why we are working on innovative strategies to try to improve the frankly very disappointing treatment outcomes we see around the country for addicts, and why we are moving legislation this session to put effective treatment into our prisons and our jails.

Today's bill is a part of this overall strategy. It is a critical part of it, because if we do not deal with the workplace, we are not going to get America to kick the habit. The Drug-Free Workplace Act, as the gentleman from Indiana (Mr. SOUDER) and the gentlewoman from New York (Ms. VELÁZQUEZ) have already talked about, is bipartisan legislation that addresses the workplace.

The data tells us that targeting the workplace makes a lot of sense. Over 74 percent of drug users are employed. Substance abusers file 5 times the number of workers' compensation claims in this country. Those who use drugs will have 3 to 4 times the number of workplace accidents as nonabusers, and drug users are 2½ times more likely to have absences of 8 days or more.

These numbers highlight the fact that drug abuse threatens safety, it raises costs, it lowers productivity, and most significantly, it has a detrimental impact on the worker that can and must be addressed.

Fortunately, there does seem to be a growing consensus, I think, on both sides of the aisle, cutting across all partisan and really ideological lines, that the workplace is one of the key sectors where we have to address the drug abuse problem.

The bill has garnered strong bipartisan support. The gentleman from Georgia (Mr. SANFORD BISHOP), who we will hear from in a moment, a Democrat from Georgia, and the gentleman from Indiana (Mr. MARK SOUDER), a Republican, join me as original cosponsors of this legislation. General Barry McCaffrey, the Administration's drug czar, director of the Office of National Drug Control Policy, sent a letter expressing the Administration's support of this legislation.

Both sides of the Committee on Small Business, as we have said earlier, have worked hard together constructively to perfect a bill. The amendments from the gentlewoman from New York (Ms. VELÁZQUEZ), the gentlewoman from the Virgin Islands (Ms. CHRISTIAN-GREEN) the gentleman from Illinois (Mr. JACKSON), the gentleman from Illinois (Mr. MANZULLO), the gentlewoman from California (Ms. MILLENDER-MCDONALD), and the gentlewoman from New York (Mrs. MCCARTHY) all offered thoughtful, well-considered amendments, and I am glad they were included in the legislation before us today.

Fortunately, the private sector already recognizes that drug-free workplace policies are good for employees, the community, and businesses. But while 98 percent, 98 percent, of Fortune 200 companies have drug-free workplace policies, only 3 percent of companies with fewer than 100 employees have such policies. So larger businesses are fully engaged in this. It is the smaller businesses where we are not seeing the kinds of results that we would like.

It is certainly not due to any failure on small business's part to recognize the importance of the programs. Like the Fortune 200, small businesses understand that drug-free workplaces will reduce absenteeism and accidents, lower workers' comp costs, health care costs, help to educate parents in the workplace to talk to their kids about the dangers of drugs, and most important, I think, help workers, both those who are not substance abusers who want and demand and deserve a safe workplace, and those who are struggling with addiction and need help.

But the challenges that small businesses face are daunting. Without the economies of scale achieved by larger companies, it is costly. Without human resources staffs, developing written anti-drug policies and providing employee assistance programs can be risky from a liability perspective.

Small businesses are starting to recognize the need for drug-free workplace programs, but they need assistance in implementing these important programs. The high costs of workers' comp insurance for drug-related accidents, the expense of replacing stolen inventory, stolen to pay for a drug habit, the lost productivity of somebody dealing with substance abuse in their family, all are issues small business owners need to address.

Just as we provide technical assistance in developing business plans, identifying loans and other small business services, we need to provide assistance for drug-free workplace programs.

This legislation has three components. First, it urges States to help make drug-free workplace programs more affordable for all companies through innovative programs like workers' compensation premium discounts. Second, it provides grants to nonprofits to help empower small businesses to work together on developing drug-free workplace policies, and to save money by forming consortia to contract for employee assistance and drug testing programs.

Finally, it uses the existing network of over 900 Small Business Development Centers all over the country to provide technical assistance to small businesses as they develop drug-free workplace policies.

Workers' compensation is a natural; in Ohio, we now have a 20 percent discount in place. Seven other States are doing it. It is working well. If we can get more States to do it, we will see a lot more businesses having that financial incentive getting involved in drug-free workplaces.

The nonprofit program in the bill I mentioned will help expand small networks of programs, like the Regional Drug-free Workplace Initiative in Portland, Oregon, the Houston Drug-free Workplace Business Initiative, and the Chicagoland Chamber of Commerce plans, to help these small businesses develop written workplace policies and achieve economies of scale in testing and employee assistance programs.

These programs have met with great success wherever they have been used, and small businesses participate with enthusiasm when they are available.

□ 1045

We can spread the success with a very small Federal investment in a short-term grant program that authorizes the program just for one year to jump start this effort.

Nationwide, communities that implement these programs find that businesses and charitable organizations have been eager to support the programs once they see the effect that they have.

Finally, the last part of the bill, the technical assistance provided by the Small Business Development Centers, will greatly expand access to policy development resources. Over 900 centers would provide support to small businesses in developing drug-free workplace programs, expanding on the excellent work those current SBDCs do in other areas.

We have to remember that small businesses employ over 50 percent of the workers in this country and generate the majority of new jobs in this country. If we are to achieve our goal of a Drug-Free America, they cannot be left out.

With this targeted legislation, we can make a difference with a modest, one-

time investment. By reaching out to small businesses that are increasingly interested in getting involved in drug-free workplace programs, we can reach out to them and dramatically expand the reach of these programs to cover 74 percent of the drug users in this country who are employed, and, just as importantly, the working parents of 84 percent of our children.

By expanding these efforts to identify and combat drug use in the workplace, we can reduce the human cost to our society and the direct costs to our economy of drug use. But we will also create a safer work environment for those who work in smaller companies, help the bottom line, and educate parents on getting the message to kids that drug use is wrong and harmful.

For all these reasons, this legislation has the strong support of the U.S. Chamber of Commerce, the Institute for a Drug-Free Workplace, the National Alliance for Model State Drug Laws, the Community Anti-Drug Coalitions of America, the Small Business Administration, the Office of National Drug Control Policy, and the Association of Small Business Development Centers.

Mr. Speaker, I hope my colleagues on both sides of the aisle will join us in supporting this important bipartisan bill to make workplaces all across America drug-free, safe, and healthy environments. I commend the gentleman from Indiana (Mr. SOUDER) and the gentlewoman from New York (Ms. VELÁZQUEZ) who led this fight in the committee.

Ms. VELÁZQUEZ. Mr. Speaker, I yield such time as he may consume to the gentleman from Georgia (Mr. BISHOP), one of the main sponsors of the bill who has worked tirelessly on this issue.

Mr. BISHOP. Mr. Speaker, I thank the gentlewoman from New York (Ms. VELÁZQUEZ) for allowing me to speak on this measure.

Mr. Speaker, I wish to commend the gentleman from Ohio (Mr. PORTMAN), the bill's cosponsor with me, the gentleman from Indiana (Chairman SOUDER), the gentlewoman from New York (Ms. VELÁZQUEZ), ranking member, and the members of the Subcommittee on Empowerment for their expeditious consideration of this bill.

I would also like to commend the United States Chamber of Commerce for being willing to step up and get involved.

Mr. Speaker, government cannot do everything and certainly we need law enforcement, we need interdiction, and we need more people policing our streets for drugs. But at the same time, we need to stop the market for them. We need to relieve those people who are addicted.

This bill, I believe, goes a long way to doing that. And the fact that the U.S. Chamber of Commerce has stepped up to the plate and gotten involved demonstrates how well we can work together to create a partnership in ad-

ressing such a serious concern as the epidemic of drug use and drug abuse.

Mr. Speaker, I would also like to commend my colleagues in this House, on the committee and across the House, for the bipartisan effort in support of this measure.

Drug abuse and drug use is not a Democrat nor a Republican issue. It is a people issue. It is an issue that compromises the effectiveness of the people and the workers of the United States of America. For that I would like to commend my colleagues for coming together in a bipartisan manner to address this problem.

As a cosponsor, I rise to support this very important legislation which provides funding and the necessary infrastructure to help small businesses, that are the lifeblood of our economy, implement drug-free workplace policies. Ninety-eight percent of the Fortune 200 companies have drug-free workplace programs in operation. They understand the importance of this issue.

According to a 1997 Department of Health and Human Services Substance Abuse and Mental Health Services Administration study, 11 percent of workers in businesses with 25 or fewer employees admitted current illegal drug use, over twice the rate reported by employees in larger firms.

Small businesses understand the necessity for drug-free workplace programs, but do not have the resources and the expertise to implement these programs. This bill will provide them with that assistance.

Mr. Speaker, the abuse of drugs and alcohol in the workplace is a significant hazard to working Americans and it is a serious drain on the economy in terms of lost productivity, increased health costs, and wasted potential. The 1996 Fortune 500 companies Conference Board Survey estimated the cost to the economy from absenteeism, injuries, diminished productivity, to be \$200 billion.

The U.S. Chamber's Institute for a Drug-Free Workplace estimates that annual productivity losses from substance abuse amount to \$640 for every American worker. This is too high a price to pay, both monetarily and emotionally, as substance abuse not only affects the abuser but everyone around him or her as well.

H.R. 3853 addresses the problem by providing incentives and assistance that will help businesses help their employees as approximately 70 percent of drug users are employed. The bill accomplishes this in three ways.

First, it creates a demonstration grant program for nonprofit intermediaries to provide assistance to small businesses in developing a drug-free workplace by using a variety of strategies to include employee assistance, training, and intervention.

Second, the bill encourages States to provide incentives to businesses that adopt a drug-free workplace policy, such as reducing worker's compensation insurance premiums for drug-free businesses.

And third, the bill uses the over 900 Small Business Development Centers around the country to assist in providing technical assistance to businesses in developing effective drug-free workplace policies.

Mr. Speaker, drug use in all sectors of our society is prevalent and must be attacked on all fronts. H.R. 3853 attacks our drug problem in the workplace. According to the Drug Czar, General Barry McCaffrey, the workplace therefore provides an ideal opportunity to steer the addicted into treatment and to educate both employees and family members on the dangers of drug use.

Therefore, I strongly urge my colleagues to support this measure and vote "yes" for a drug-free workplace. Again, I thank my colleagues, the committee, the ranking member, the chairman, for their courtesies, their kindnesses, and their hard work in bringing this bill to the floor in a very expeditious manner.

Ms. VELÁZQUEZ. Mr. Speaker, I yield 3 minutes to the gentlewoman from New York (Mrs. MCCARTHY), who should be commended for her work on improving the training component of this bill.

Mrs. MCCARTHY of New York. Mr. Speaker, I thank the gentlewoman from New York (Ms. VELÁZQUEZ) for yielding me this time.

Mr. Speaker, today I rise in support of H.R. 2853, the Drug-Free Workplace Act of 1998. I also commend my colleagues on both sides of the aisle on bringing this bill to the floor. I think it is an important bill and I think it is going to help our small businesses. It has been a pleasure working on the Committee on Small Business on a lot of the issues that we have been doing this year.

Mr. Speaker, drugs in the workplace is a serious and costly problem. Drugs among employees result in increased sick days, accidents, and decreased productivity. Large companies have always recognized this problem and have set up drug-free workplace programs. Unfortunately, although small businesses employ over half the workforce in the country, most small businesses do not have drug-free workplace programs.

We must give small businesses the tools they need to ensure their workplaces are drug-free. The Drug-Free Workplace Act does just that. It provides incentives for small businesses to set up drug-free programs.

One important piece of a drug-free program is training. Training for the supervisors. Training for the employees who participate in the program. As a nurse, I know how complicated drug addiction can be. That is why it is so important for people who are participating with the program to have proper training.

Mr. Speaker, I was delighted that the committee adopted my amendment to strengthen the training requirements. My amendment ensures that small

business owners, supervisors, and employees receive the training necessary to make them effective in identifying possible substance abuse problems.

I think this is a commonplace improvement to the bill that will ensure small businesses are able to successfully implement a drug-free workplace program. I think we are doing our small businesses a great service, and I encourage my colleagues to vote for this.

Mr. SOUDER. Mr. Speaker, I yield 1 minute to the gentleman from Kentucky (Mr. LEWIS), my friend who has been an active member of the Drug Task Force.

Mr. LEWIS of Kentucky. Mr. Speaker, I rise today in support of H.R. 3853, the Drug-Free Workplace Act of 1998. This legislation is critical in addressing the many problems that result in a workforce that uses drugs.

But I would also like to register my support for the section of the bill that assists working parents in keeping their children drug free. I am currently working on legislation that builds on this provision in H.R. 3853. Specifically, I am looking at establishing incentives to businesses that provide resources and training to parents regarding the importance of speaking to their children about drugs.

Mr. Speaker, as we know, parents are the first line of defense in the prevention and in protecting their children from this terrible plague. Unfortunately, studies show that not enough parents are talking about this important issue with their children.

By giving companies tax breaks, it will encourage them to come up with creative ways to provide parents with the necessary tools to open this discussion. In the end, this will be beneficial to the employer, the employees, the family, and the community.

Mr. Speaker, I look forward to working with members of the Speaker's Task Force for a Drug-Free America on this legislation. In the meantime, I would like to thank the gentleman from Ohio (Mr. PORTMAN) for his efforts, and ask my colleagues to support H.R. 3853.

Ms. VELÁZQUEZ. Mr. Speaker, I yield 3 minutes to the gentlewoman from the Virgin Islands (Ms. CHRISTIAN-GREEN), the newest member of the committee, who was instrumental in bringing before our committee the issues of having certified counselors, providing the proper training, and ensuring that the U.S. territories were covered.

Ms. CHRISTIAN-GREEN. Mr. Speaker, I thank the gentlewoman from New York (Ms. VELÁZQUEZ), our ranking member, for yielding me this time and for her leadership.

Mr. Speaker, I rise in support of H.R. 3853, the Drug-Free Workplace Act of 1998. I am pleased that my colleagues on both sides of the aisle consented to include my amendment to ensure that the drug-free workplace counselors and educators provided to small businesses

under the demonstration program be fully certified by their State and territorial governments as qualified providers.

Mr. Speaker, as a former small business owner and physician in family practice, I know the value of a drug-free workplace. There are benefits for both the worker and the employer. In light of this measure's provision for mandatory drug testing of businesses who avail themselves of this program, it is important that counselors are not just well-meaning but well trained to advise employers on setting up programs that are well structured, that are based on both employer and employee input, that assist affected employees rather than punish them, and that fit the varied realities of each workplace, considering health, family and confidentiality issues and which can counsel on the consequences of drug testing for both employer and employee.

Mr. Speaker, on the other hand, I am disappointed that my colleagues did not see the wisdom of including in H.R. 3853 the requirement that any training provided to small businesses as a consequence of this bill be culturally appropriate. The American workplace is becoming increasingly diverse. Culturally appropriate training is important because of the very sensitive nature of the issue of drug use and of the need for counselors to be able to communicate clearly when explaining policy and doing counseling for persons of different backgrounds. It is also important to ensure that certain nationalities are not targeted, but that objectivity is maintained in this process.

But, Mr. Speaker, I thank my colleagues on the Committee on Small Business for including another of my amendments which specifically includes U.S. territories, of which my district, the U.S. Virgin Islands, is one.

There are many instances where Americans who live in the U.S. territories are denied access to programs not due to malice, but due to oversight on the part of this body. As an example, the SBA HUBzone program does not include the insular territories due to technicalities in the language, even though the intent of the legislation was to include every American everywhere who is in need of the benefits of the program.

□ 1100

Mr. Speaker, as my office works diligently with my colleagues to ensure that the territories can benefit from this program, I take this opportunity to remind everyone that the territories are an important part of the American family. I commend the sponsors of this bill. I urge its passage.

Mr. SOUDER. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. SOLOMON), distinguished chairman of the Committee on Rules, a warrior in the antidrug effort.

Mr. SOLOMON. Mr. Speaker, I thank the gentleman for yielding me the time.

Let me first of all just sing the praises for the gentleman from Ohio (Mr. PORTMAN), the gentleman from Illinois (Mr. HASTERT), the gentleman from Indiana (Mr. SOUDER), the gentleman from Kentucky (Mr. LEWIS), the gentleman from Georgia (Mr. BISHOP), and the gentlewoman from New York (Ms. VELÁZQUEZ) for bringing this bill to the floor. It is so terribly important.

Three points need to be made very quickly. Seventy-five percent of all the illegal drug use in America today is not used by people in the inner core cities. It is used by suburbanites who live outside of the cities, who use drugs illegally, recreationally, seventy-five percent of all the drug use in America. If we were to solve that problem, we would knock the value out of drugs.

The other statistic is that 75 percent of all the violent crime in America today is against women and children and it is drug related. Think about that.

Then when you look at the third point, with the skyrocketing use of illegal drugs by our children, not just 17 and 16 and 15 and 14-year-olds but 11, 10, 9, even 9-year-olds, that is just terrible, Mr. Speaker. We are destroying a whole new generation of people.

Back in 1983, President Reagan, at my urging, implemented random drug testing in our military. At that point, 25 percent of all the military were on illegal drugs, 25 percent. Once we implemented random drug testing for everybody, from the buck private to the admirals and generals, within four years the drug use in our military dropped 80 percent. It dropped from 25 percent down to 4 percent.

If we could stop drug use in all Federal employees, all State employees, all county, town, city and village employees and then all the Fortune 500 companies and all of the midsize entrepreneurial companies, drugs would no longer be expensive. People would not use them. There would not be any need for them. And in Colombia they would be making bathtubs instead of importing drugs into this country. That is how important this is. That is why I praise all of my colleagues for bringing this bill to the floor. It is so badly needed.

God bless them all.

Ms. VELÁZQUEZ. Mr. Speaker, I yield 3 minutes to the gentleman from Illinois (Mr. DAVIS), whose work in addressing the need to have testing done by a certified lab was critical in ensuring employees have some protections.

(Mr. DAVIS of Illinois asked and was given permission to revise and extend his remarks.)

Mr. DAVIS of Illinois. Mr. Speaker, let me first of all commend and congratulate the gentleman from Missouri (Mr. TALENT), the gentlewoman from New York (Ms. VELÁZQUEZ) and actually all of the members of the committee for the outstanding bipartisan manner in which we arrived at bringing this legislation to the floor today.

As a matter of fact, many people throughout America recognize drug use

and abuse as having gotten out of hand and as a real menace to society. Therefore, I rise in support of this legislation, and I would note, Mr. Speaker, first of all, that this is a voluntary demonstration project which provides opportunities for small businesses to be meaningfully engaged in efforts to reduce drug use and create safe work environments.

This program is obviously no panacea. However, it is a positive step in the right direction. Therefore, I urge support for it. It provides testing for not only workers but also for managers, for supervisors, for everybody in the workplace. Therefore, no one can accuse it of being discriminatory.

We know that drug use and abuse continue to plague America, and we need bold efforts to really rid it. There are those who would say that this is a minor approach, but I believe, Mr. Speaker, that every step that we take moves us closer to the goal and the goal is to have a drug-free environment. I commend the sponsors. I commend again the gentleman from Missouri (Mr. TALENT), the gentlewoman from New York (Ms. VELÁZQUEZ) and all of my colleagues for an outstanding piece of work and a meaningful piece of legislation:

Mr. SOUDER. Mr. Speaker, I reserve the balance of my time.

Ms. VELÁZQUEZ. Mr. Speaker, I yield 1 minute and 30 seconds to the gentleman from California (Ms. MILLENDER-MCDONALD).

Ms. MILLENDER-MCDONALD. Mr. Speaker, I would like to commend both sides for their leadership in bringing such an important topic to the floor.

I am glad that I had a part in this markup, as I brought the issue of alcohol to this program and to ensure that we included language that would require that we had alcohol abuse prevention programs as well as drug abuse prevention programs.

I also want to mention that violence in the workplace, domestic violence is a critical issue with me. I am sorry that we were unable to bring in the counseling for domestic violence in this bill because it is critical. It is an ever-increasing need to address this problem in our workplace.

In one year alone, almost 4 million American women are physically abused by their husbands or boyfriends. With over half of the female population and nearly 90 percent of the male population employed in this country, domestic violence is a public health issue.

I am sorry that we were unable to get this issue in the bill. Domestic violence is a public health problem that we can no longer ignore in the workplace. The issue of domestic violence must become a priority for our country and our Nation's leading businesses.

I thank the gentleman and the gentlewoman for their time, and I would hope that some day we would put domestic violence as part of the Drug Free Workplace Act.

Mr. Speaker, I rise today to offer my thoughts on the Drug-Free Workplace Act of 1998 which is aimed at reducing drug abuse in the workplace. The Small Business Committee marked-up this legislation in an attempt to improve its effectiveness. I am glad to say that many improvements were made. In particular, I am proud of the fact that we were able to include language that would require any drug-free workplace program developed as a result of this bill to include a continuing alcohol and drug abuse prevention program. Prior to my amendment to this bill, there was no mention of alcohol abuse. It is critically important that we address alcohol abuse and addiction when we address drug abuse in the workplace. Prevention of both alcohol and drug abuse is essential for any drug-free workplace program to be successful.

Effective prevention does not occur with just one class or one discussion on the dangers of alcohol or substance abuse. We must ensure that a comprehensive approach will be utilized in accomplishing a productive, drug-free work environment that promotes and protects the life of employees. Such a continuing alcohol and substance abuse program must provide quality prevention and education programs, assess individual alcohol and drug problems, refer individuals struggling with substance abuse problems or addiction to a trained substance abuse treatment professional or facility. Furthermore, such a comprehensive approach provides all employees with the necessary information to be able to see warning signs of substance abuse problems among their colleagues.

Continuing substance abuse prevention programs are a necessity when you consider that more than 70% of drug users and 75% of alcoholics are employed. This is a staggering number that can only be reduced through the use of comprehensive drug-free programs that include prevention as well as a range of effective on-going services that address the complex problems of alcohol and substance abuse.

Although this measure addresses the many issues of alcohol and drug usage on the worksite, the bill could go farther to address some other related issues. One issue that deserves attention is the need to provide counseling for and information on domestic violence. There is an ever increasing need to address this problem. In one year alone, almost four million American women are physically abused by their husbands or boyfriends. With over half of the female population and nearly 90 percent of the male population employed in this country, domestic violence is a public health problem that we can no longer ignore in the workplace.

The issue of domestic violence must become a priority for our country, and our nation's leading businesses agree. In a recent national survey of American businesses, 47 percent of senior executives polled said that domestic violence has a harmful effect on the company's productivity; 44 percent said that it increases health care costs; and 66 percent said that they believe their company's financial performance would benefit from addressing the issue of domestic violence among their employees. The result of these statistics indicate that this problem is affecting more than the women who are abused, but the place in which they work.

Thus, there is the necessity and urgency to provide counseling and education on domestic

violence. We must educate both female and male employees on domestic violence. Furthermore, there is a need to recognize the signs of potentially dangerous situations, and how to provide help once the abuse has begun. With such a program in place, we would be able to further address those problems that plague our work environments as well as our homes. It is in this spirit that I encourage my colleagues to continue to work to make the workplace as productive and efficient as possible by addressing not only alcohol and drug abuse, but domestic violence.

Ms. VELÁZQUEZ. Mr. Speaker, I yield myself the balance of my time.

In closing, let me once again state that everyone in this Chamber, both Democrats and Republicans, support the goal of the drug free workplace. H.R. 3853 attempts to address this very real problem affecting every aspect of our society.

But if we are truly serious about ending drugs in the workplace, H.R. 3853 will not be fully successful until we address the issue of cost, flexibility and employee protection. I am optimistic that before this program is implemented, these problems will be worked out.

Mr. Speaker, I yield back the balance of my time.

Mr. SOUDER. Mr. Speaker, I yield myself the balance of my time.

I again want to thank the gentleman from Ohio (Mr. PORTMAN) for not only his leadership on this bill but his leadership in focusing on prevention and on treatment as an important part, in addition to interdiction and the judicial approaches to the drug problem, because if we can reduce the usage at the front end, then we do not need to do as much, hopefully, long-term in law enforcement interdiction.

I also want to thank our Speaker, who brought this drug issue to the front of what we are doing in Congress. It is not just this bill today. It has been bills on education. It will be amendments and funding in appropriations bills. If we have a comprehensive effort against drug abuse, illegal narcotics in this country, we, in fact, can make dramatic advances in reducing this scourge in our country.

I also want to thank the gentleman from Illinois (Mr. HASTERT) as well as the co-chairs, the gentleman from Ohio (Mr. PORTMAN) and the gentleman from Florida (Mr. MCCOLLUM) of the Drug Task Force, and all the members of the Drug Task Force, the chairman of the Committee on Small Business and the ranking member, the gentleman from Missouri (Mr. TALENT) and the gentleman from New York (Ms. VELÁZQUEZ), and also the staff, Al Felzenberg, Harry Katrichis, Tee Rowe, and Emily Murphy, who helped accelerate a bill like this through the committee in a rapid way.

This is a dramatic example of what can happen when both parties work together to benefit the workers of America, the young people of America, the families of America. We are seeing children's lives destroyed by illegal

drugs, families destroyed by illegal drugs, our productivity and competitiveness in America destroyed by illegal drugs. This bill is one small step, a part of a continuing effort by this Congress to say, "Say no to drugs," take active action, and we can lick this problem.

Mr. PAUL. Mr. Speaker, I rise in opposition to H.R. 3853, The Drug-Free Workplace Act. Certainly there are many things the Federal Government can do to minimize the negative impact illicit drug users have upon society. Further expanding a philosophically bankrupt national drug war policy with the creation of yet another costly federally-funded program is not the answer.

Specifically, this bill authorizes \$10 million in fiscal year 1999 thus further shifting the cost burden from the irresponsible drug user to the taxpayer. Allowing the cost of drug use to fall on the irresponsible drug user rather than allowing that user to socialize his or her costs upon the innocent taxpayer would be a worthwhile step in the right direction. The dangerous socialization of costs is a consequence of various Federal actions.

A Federal Government which reduces the cost of drug use by supplying free needles is one example. But this practice is but a minor example of exactly how the Federal Government has made matters worse by lowering the costs and encouraging the expansion of risky behavior. We must, once and for all, expose the fallacy that problems can be solved simply by cost spreading—in other words, that all risky behavior should be socialized by the government. A Federal Government that accepts responsibility for paying the rehabilitation costs and medical costs of its citizens who act irresponsibly is certain to do only one thing— increase the number of those who engage in such behavior.

If we lower the cost of anything, we necessarily increase the incidence. But this is not only true when we are dealing with drugs. It has to do with cigarettes, alcohol, and all risky behavior. The whole tobacco legislation controversy is the natural consequence of the same flawed policy. That is, because government "must" pay the health costs of people who get sick from dangerous behavior with cigarettes, government must also regulate the tobacco companies and deprive all citizens of liberties which may at times involve risky behavior. Once the taxpayer is called upon to pay, costs skyrocket.

Moreover, the Federal Government further makes matters worse by imposing employment regulations which make it difficult to terminate employees who engage in drug or alcohol abuse. Such a regulatory regime further socializes the costs of irresponsibility upon innocents by forcing employers to continue to pay the salaries and/or health benefits of unsavory employees during rehabilitation periods.

Private employers should already be free to require drug testing as a condition or term of employment. This legislation, however, unnecessarily brings the Federal Government into this process. The threat of liability law suits will dictate that drug testing will be prevalent in jobs where abstinence from drug use is most critical. However, setting up taxpayer-funded federal programs here are not only unnecessary but ill-advised. The newspapers are replete with examples of various lawsuits filed

as a consequence of false positives resulting from both scientific and human errors. This legislation involves the Federal Government so far as to require drug testing be completed by only a few government-favored drug testers. This bill also requires those small businesses who participate to mandatorily test employees for drug and alcohol abuse. This proposition treads dangerously on grounds violative of the fourth amendment. While the bill of rights is a limitation upon actions by the Federal Government, it does not restrict the voluntary actions of private employers and their employees. The case becomes far less clear when the Federal Government involves itself in what should simply be a matter of private contract. In fact, government involvement may actually constitute a hindrance upon employers ability to adequately test those employees for whom they feel testing may be a necessary job component.

It should never go unnoticed that, as is so often the case in this Congress, constitutional authority is lacking for the further expansion of the Federal Government into the realm of small business and the means by which they hire reliable employees. The Report on H.R. 3583 cites Article I, Section 8, Clause 18 as the Constitutional authority. This clause reads "To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Office thereof" (emphasis added). The authority cited requires a foregoing Power which not only is missing from the authority cited for this bill but in my close examination of Article I, Section 8, simply seems not to exist.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I strongly support this bill because I believe that we should always strive to eliminate the vile plague of drug abuse. This measure will provide small businesses with protection from drug use at their workplace.

The bill aptly targets businesses consisting of 25 people or less. Such businesses currently employ approximately over 50 percent of our nation's workforce. Of those adults who abuse drugs, 74 percent are members of the workforce. As the Institute for a Drug-Free Workplace estimates, the majority of illicit drug users work for these small businesses.

The bill authorizes \$10 million to the Small Business Administration (SBA) for grants or contracts with not-for-profit organizations to provide small businesses with drug-free workplace programs. This funding is vitally important and seems justifiable in our war against drugs. Compared to many programs, \$10 million seems like a bargain.

Moreover, this measure is not simply measured based upon the millions of dollars spent to arrest and prosecute illicit drug users. The national economy is burdened with billions of dollars in losses due to the effects of illicit drug users on small businesses. In fact, the 1996 Conference Board Survey estimated the cost to the economy from absenteeism, injuries, and diminished productivity to be \$200 billion. These figures seem reasonable because absenteeism is 66 percent higher among drug users than nondrug users, health benefit utilization is 300 percent higher among drug users than nondrug users, 47 percent of workplace accidents are drug related, disciplinary actions are 90 percent higher among drug users than nondrug users, and employee

turnover is significantly higher among drug users than nondrug users.

To limit this disease to mere monetary figures, however, would ignore less tangible, but equally important factors. Although harms such as workplace injuries, lost productivity, and other effects of drug use are readily obtainable, some wounds, such as the costs to families and children, seem less obvious. In over 88 percent of families with children under the age of 18, at least 1 parent is employed. Thus, it seems clear that drug abuse among small business employees has implications that extend well beyond mere economics.

Many small business owners corroborate the notion that illicit drug use affects people on both tangible and intangible levels. One owner, Mr. Guzman, noticed that after opening a successful business, he soon found his business floundering. He discovered stolen inventory and low productivity. Upon learning that drug use represented the sole cause of such problems, Mr. Guzman implemented a drug-free workplace policy. Not only did the problems related to drug use subside, but the owner's business also flourished and profited beyond expectations. Such profits likely filtered down from the business to its employees and those employee's families.

This measure will standardize the policy implementation within Mr. Guzman's business. I laud the goals of this Act, for it seeks to educate the small businesses about the advantages of a drug-free workplace, provided financial incentives and technical assistance to enable small business concerns to create a drug-free workplace, and assist working parents in keeping their children drug-free. Such purposes should receive our praise and admiration. Regardless of political persuasion, these goals further all of our interests.

The specifics of the bill seem both adequate and reasonable. The Act establishes a strong relationship with the SBA and coordinates the SBA's efforts with those of the Secretary of Labor, the Secretary of Health and Human Services, and the Director of the Office of National Drug Control Policy. Together, these entities should be able to implement this praiseworthy program. They may also act as a system of checks and balances.

The measure properly requires written policies, training for employees, additional training for employees who are parents, and access to drug testing laboratories. By providing these standards, the bill sets the foundation for a viable program.

I also commend the writers of this bill for providing a broad definition of employees. By including supervisors, managers, officers, and owners as employees, the measure encompasses those who are in the greatest position of power where the opportunity for drug abuses are conceivably greater.

Given the fact that small businesses must run on equally modest budgets, they likely demand even more protection than the large businesses. Moreover, the effects of drug abuse are more pronounced in their small settings. We must protect these businesses, for they represent the very image of America and the ideals we uphold.

Mr. SOUDER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. HAYWORTH). The question is on the motion offered by the gentleman from Indiana (Mr. SOUDER) that the House sus-

pend the rules and pass the bill, H.R. 3853, as amended.

The question was taken.

Mr. SOUDER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

#### GENERAL LEAVE

Mr. SOUDER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on H.R. 3853.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

#### PROVIDING FOR CONSIDERATION OF H.R. 4101, AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1999

Mr. SOLOMON. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 482 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

#### H. RES. 482

*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. 4101) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1999, and for other purposes. The first reading of the bill shall be dispensed with. Points of order against consideration of the bill for failure to comply with clause 2(l)(6) of rule XI or clause 7 of rule XXI are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. The amendment printed in the report of the Committee on Rules accompanying this resolution shall be considered as adopted in the House and in the Committee of the Whole. Points of order against provisions in the bill, as amended, for failure to comply with clause 2 or 6 of rule XXI are waived. During consideration of the bill for further 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 15 minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill, as amended, to the House with such amendments as may have been adopted. 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 the purpose of debate only, I yield the customary 30 minutes to the gentleman from Ohio (Mr. HALL), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, I am pleased to inform Members that the Committee on Rules has provided an open rule for the consideration of this very, very important measure, one of the most important appropriation measures that come before this body each and every year.

This means that Members will be able to offer any amendment which complies with the standing rules of the House, and that is the way it should be.

In order to expedite the consideration of this legislation, the requirement that the committee report be available for 3 days is waived. The report was filed on Friday night and was available to all Members yesterday morning.

The rule provides for one hour of general debate, which will be equally divided between the chairman and ranking member of the committee.

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There are two amendments printed in the report accompanying this rule which will be considered as adopted when the rule is passed. The first of these amendments provides relief to certain disadvantaged farmers whose complaints of discrimination were not considered in a timely manner. Through no fault of their own, the statute of limitations ran out.

The amendment limits claims to those between 1993 and 1996. It does not settle any cases, nor should it. It only allows these cases to proceed to be considered by the Department of Agriculture in spite of the statute of limitations.

What that means, Mr. Speaker, is that this provision is self-executed in the rule. So adoption of the rule places the language in the bill to be debated in a few minutes. It does not have to be offered as an amendment.

Adoption of the rule also means that the House will adopt sufficient spending cuts to pay for the cost of the disadvantaged farmers provision as well as paying for a second provision, the Members from agriculture States ought to pay attention to this, a second provision already in the bill to allow the sale of certain commodities to India and Pakistan in spite of the sanctions which recently took effect.