

## HOUSE OF REPRESENTATIVES—Wednesday, September 7, 1988

The House met at 12 noon.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

We are aware, O gracious God, that You know us by name and care for us as individuals and the vocations we pursue. Yet, O God, give us that healthy spirit that allows us to focus our prayers not only on our own needs and our problems, but also to sense more clearly the joys and sorrows and hopes of others, to appreciate differing vocations, to learn of diverse cultures and faiths. May we gain the fullness of life by seeing the breadth and length and depth of Your glorious creation and the gifts and responsibilities of Your wonderful world. This we pray. Amen.

## THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

## MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 3235. An act to amend the Public Health Service Act to revise the program of assistance for health maintenance organizations;

H.R. 3471. An act to establish the Veterans' Administration as an executive department;

H.R. 3977. An act to authorize appropriations for the Mining and Mineral Resources Research Institute Act for fiscal years 1990 through 1993;

H.R. 4267. An act to authorize additional appropriations for the WEB Rural Water Development Project, South Dakota, authorize the use of Pick-Sloan Missouri Basin electric power by the Lower Brule Sioux Indian Tribe, and to rename certain facilities of the Central Valley Project, California;

H.R. 4419. An act to authorize appropriations for activities under the Federal Fire Prevention and Control Act of 1974; and

H.R. 4781. An act making appropriations for the Department of Defense for the fiscal year ending September 30, 1989, and for other purposes.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 3235) "An act to amend the Public Health Service Act to revise the program of assistance for health maintenance organizations,"

requests, a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. KENNEDY, Mr. SIMON, Mr. ADAMS, Mr. MATSUNAGA, Mr. HATCH, Mr. QUAYLE, and Mr. HUMPHREY to be the conferees on the part of the Senate.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 3471) "An act to establish the Veterans' Administration as an executive department," disagreed to by the House, and agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints, Mr. GLENN, Mr. SASSER, Mr. LEVIN, Mr. MITCHELL, Mr. ROTH, Mr. STEVENS, and Mr. HEINZ; and from the Committee on Veterans' Affairs: Mr. CRANSTON and Mr. MURKOWSKI to be the conferees on the part of the Senate.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 4781) "An act making appropriations for the Department of Defense for the fiscal year ending September 30, 1989, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. STENNIS, Mr. PROXMIER, Mr. INOUE, Mr. HOLLINGS, Mr. CHILES, Mr. JOHNSTON, Mr. BYRD, Mr. LEAHY, Mr. SASSER, Mr. DECONCINI, Mr. STEVENS, Mr. WEICKER, Mr. GARN, Mr. McCLURE, Mr. KASTEN, Mr. D'AMATO, Mr. RUDMAN, Mr. COCHRAN, and Mr. HATFIELD to be the conferees on the part of the Senate.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 1081. An act to establish a coordinated National Nutrition Monitoring and Related Research Program, and a comprehensive plan for the assessment of the nutritional and dietary status of the United States population and the nutritional quality of the United States food supply, with provision for the conduct of scientific research and development in support of such program and plan;

S. 2030. An act to amend the Marine Protection, Research, and Sanctuaries Act;

S. 2102. An act to prohibit the licensing of certain facilities on portions of the Salmon and Snake Rivers in Idaho, and for other purposes;

S. 2209. An act to authorize appropriations to the National Aeronautics and Space Administration for research and development, space flight, control and data communications, construction of facilities, and research and program management, and for other purposes;

S. 2221. An act to expand our national telecommunications system for the benefit

of the hearing-impaired, and for other purposes;

S. 2349. An act to amend the Middle Atlantic Interstate Forest Fire Protection Compact to include the State of Ohio;

S. 2436. An act to reauthorize the Sleeping Bear Dunes National Lakeshore Advisory Commission;

S. 2470. An act to promote energy conservation and technology competitiveness in the American steel and aluminum industries; and

S. 2749. An act to authorize appropriations for fiscal year 1989 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

## MOTION TO DISCHARGE COMMITTEE ON ARMED SERVICES FROM FURTHER CONSIDERATION OF H.R. 4264, NATIONAL DEFENSE AUTHORIZATION ACT, FISCAL YEAR 1989

Mr. WALKER. Mr. Speaker, I offer a privileged motion.

The SPEAKER. The Clerk will report the motion.

The Clerk read as follows:

Mr. WALKER moves to discharge the Committee on Armed Services from further consideration of H.R. 4264.

MOTION TO TABLE OFFERED BY MR. GLICKMAN

Mr. GLICKMAN. Mr. Speaker, I offer a privileged motion.

The SPEAKER. The Clerk will report the motion.

The Clerk read as follows:

Mr. GLICKMAN moves to lay on the table the motion to discharge.

The SPEAKER. The question is on the motion offered by the gentleman from Kansas [Mr. GLICKMAN] to lay on the table the motion offered by the gentleman from Pennsylvania [Mr. WALKER].

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. WALKER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 217, nays 148, not voting 66, as follows:

[Roll No. 291]

YEAS—217

Akaka	Anderson	Annunzio
Alexander	Andrews	Anthony

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Applegate	Gibbons	Obey
Aspin	Glickman	Olin
Atkins	Gonzalez	Ortiz
AuCoin	Gordon	Owens (NY)
Barnard	Grant	Owens (UT)
Bates	Gray (IL)	Panetta
Bellenson	Guarini	Patterson
Bennett	Hall (OH)	Payne
Berman	Hall (TX)	Pelosi
Bevill	Hamilton	Perkins
Blibray	Harris	Pickett
Boggs	Hatcher	Price
Boland	Hawkins	Rahall
Bonior	Hayes (IL)	Rangel
Bonker	Hayes (LA)	Ray
Borski	Hefner	Richardson
Bosco	Hertel	Robinson
Boucher	Hochbrueckner	Roe
Brennan	Hoyer	Rose
Brooks	Hubbard	Rostenkowski
Brown (CA)	Huckaby	Rowland (GA)
Bruce	Hughes	Roybal
Bryant	Jenkins	Russo
Bustamante	Jontz	Sabo
Byron	Kanjorski	Savage
Campbell	Kastenmeyer	Sawyer
Carper	Kennedy	Scheuer
Carr	Kildee	Sharp
Chapman	Kiecicka	Sikorski
Chappell	Kostmayer	Sisisky
Clarke	LaFalce	Skaggs
Clay	Lancaster	Skelton
Clement	Lantos	Slattery
Coelho	Leath (TX)	Slaughter (NY)
Coleman (TX)	Lehman (CA)	Smith (FL)
Collins	Lehman (FL)	Smith (IA)
Conyers	Levin (MI)	Solarz
Cooper	Levine (CA)	Spratt
Costello	Lewis (GA)	St Germain
Coyne	Lipinski	Staggers
Crockett	Lloyd	Stallings
Darden	Lowry (WA)	Stark
de la Garza	Luken, Thomas	Stenholm
DeFazio	Lukens, Donald	Stokes
Dellums	Manton	Studds
Derrick	Markey	Swift
Dicks	Martinez	Synar
Dingell	Matsui	Tallon
Dixon	Mavroules	Tauzin
Dorgan (ND)	Mazzoli	Thomas (GA)
Downey	McCloskey	Torres
Durbin	McHugh	Towns
Dwyer	McMillen (MD)	Trafficant
Dymally	Mfume	Traxler
Dyson	Miller (CA)	Udall
Early	Mineta	Valentine
Eckart	Moakley	Vento
Edwards (CA)	Montgomery	Visclosky
English	Moody	Volkmer
Erdreich	Morrison (CT)	Walgren
Evans	Mrazek	Watkins
Fazio	Murphy	Weiss
Feighan	Murtha	Wheat
Filippo	Nagle	Whitten
Florio	Natcher	Wise
Foley	Neal	Wolpe
Frank	Nelson	Wyden
Frost	Nichols	Yates
Gaydos	Nowak	Yatron
Gejdenson	Oakar	
Gephardt	Oberstar	

## NAYS—148

Archer	Combest	Gekas
Armey	Conte	Gilman
Baker	Coughlin	Gingrich
Ballenger	Courter	Gradison
Bartlett	Craig	Grandy
Barton	Crane	Green
Bateman	Dannemeyer	Gunderson
Bentley	Daub	Hammerschmidt
Bereuter	Davis (IL)	Hansen
Billrakis	Davis (MI)	Hastert
Billey	DeLay	Hefley
Boehert	DeWine	Henry
Broomfield	Dickinson	Herger
Brown (CO)	DioGuardi	Hiler
Buechner	Dreier	Hopkins
Bunning	Edwards (OK)	Horton
Burton	Emerson	Hunter
Callahan	Fawell	Ireland
Chandler	Fields	Jeffords
Coats	Fish	Johnson (CT)
Coble	Galleghy	Kolbe
Coleman (MO)	Gallo	Konnyu

Kyl	Nielson	Smith (NJ)
Lagomarsino	Parris	Smith (TX)
Latta	Pashayan	Smith, Denny
Leach (IA)	Petri	(OR)
Lent	Porter	Smith, Robert
Lewis (CA)	Pursell	(NH)
Lewis (FL)	Quillen	Smith, Robert
Lightfoot	Ravenel	(OR)
Livingston	Regula	Snowe
Lowery (CA)	Rhodes	Solomon
Lujan	Ridge	Stangeland
Lungren	Rinaldo	Stratton
Madigan	Ritter	Stump
Mariennee	Roberts	Sundquist
Martin (IL)	Roth	Sweeney
Martin (NY)	Roukema	Swindall
McCandless	Salki	Tauke
McCollum	Saxton	Taylor
McEwen	Schaefer	Thomas (CA)
McGrath	Schuetter	Upton
McMillan (NC)	Schulze	Vucanovich
Meyers	Sensenbrenner	Walker
Michel	Shaw	Weber
Miller (OH)	Shays	Weldon
Miller (WA)	Shumway	Wolf
Molinari	Shuster	Wortley
Moorhead	Skeen	Young (AK)
Morrison (WA)	Slaughter (VA)	
Myers	Smith (NE)	

## NOT VOTING—66

Ackerman	Houghton	Morella
Badham	Hutto	Oxley
Boulter	Hyde	Packard
Boxer	Inhofe	Pease
Cardin	Jacobs	Penny
Cheney	Johnson (SD)	Pepper
Clinger	Jones (NC)	Pickle
Connelly	Jones (TN)	Rodino
Dornan (CA)	Kaptur	Rogers
Dowdy	Kasich	Rowland (CT)
Espy	Kemp	Schneider
Fascell	Kennelly	Schroeder
Flake	Kolter	Schumer
Foglietta	Leland	Spence
Ford (MI)	Lott	Torricelli
Ford (TN)	Mack	Vander Jagt
Frenzel	MacKay	Waxman
Garcla	McCrery	Whittaker
Goodling	McCurdy	Williams
Gray (PA)	McDade	Wilson
Gregg	Mica	Wylie
Holloway	Mollohan	Young (FL)

□ 1228

The Clerk announced the following pairs:

On this vote:

Mr. Jones of North Carolina for, with Mr. Boulter against.

Mr. Ford of Michigan for, with Mr. Dornan of California against.

Messrs. PORTER, MARLENEE, and LENT changed their vote from "yea" to "nay."

Messrs. LaFALCE, MARTINEZ, NAGLE, and ROYBAL changed their vote from "nay" to "yea."

So the motion to lay the motion on the table was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

□ 1230

### REVISION OF DATE OF REDESIGNATION FROM HOUSE OF REPRESENTATIVES

The SPEAKER laid before the House the following communication:

HOUSE OF REPRESENTATIVES,  
Washington, DC, August 31, 1988.

MY DEAR MR. SPEAKER: Further to my earlier letter of resignation, I wish to revise the

date and officially terminate my tenure as Delegate to Congress on September 6th, 1988.

With every best wish for you, sir.

Sincerely,

FOFO I.F. SUNIA.

HOUSE OF REPRESENTATIVES,  
Washington, DC, August 18, 1988.

HON. A.P. LUTALI,  
Governor of American Samoa, Pago Pago,  
American Samoa

DEAR GOVERNOR: Please accept this letter of resignation from the position of Delegate to Congress from the Territory of American Samoa, effective September 6, 1988.

Respectfully yours,

FOFO I.F. SUNIA,  
Member of Congress.

### COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, DC,  
August 12, 1988.

HON. JIM WRIGHT,  
The Speaker, House of Representatives,  
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 5 of Rule III of the Rules of the U.S. House of Representatives, the Clerk received at 10:15 a.m. on Friday, August 12, 1988 the following message from the Secretary of the Senate: That the Senate passed without amendment H.R. 1841, H.R. 2370, H.R. 3617, H.R. 4143, H.R. 4318, H.R. 4458, H.J. Res. 140, H.J. Res. 539, H.J. Res. 583 and H. Con. Res. 61; that the Senate agree to the amendment of the House to the amendment of the Senate No. 25 and recede from its amendments numbered 1-24 to H.R. 5026; and that the Senate agree to the House amendment to S. 2560.

With great respect, I am,

Sincerely yours,

DONNALD K. ANDERSON,  
Clerk, House of Representatives.

### ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair desires to announce that pursuant to clause 4 of rule I, the Speaker signed the following enrolled bills and joint resolution on Friday, August 12, 1988:

H.R. 3617. A bill for the relief of the Coushatta Tribe of Louisiana;

H.R. 4458. A bill to simplify the process of obtaining licensing by States for participation in parimutuel wagering by allowing consolidated requests to be made to the Federal Government for identification and criminal history records relating to the applicant for such licensing;

H.R. 4694. A bill to amend the Perishable Commodities Act to increase the statutory ceilings on license fees;

H.R. 5026. A bill making dire emergency supplemental appropriations for the fiscal year ending September 30, 1988, and for other purposes;

H.R. 5141. A bill to delay temporarily certain regulations relating to sea turtle conservation; and

H.J. Res. 140. Joint resolution designating August 12, 1988, as "National Civil Rights Day."

And the Speaker signed the following enrolled bills and joint resolutions on Thursday, August 18, 1988:

H.R. 1841. A bill to provide for the establishment of additional safety requirements for fishing industry vessels, and for other purposes;

H.R. 2370. A bill to provide for the establishment of an economic development plan for, and Federal services and assistance to, the northwestern band of the Shoshoni Nation, and for other purposes;

H.R. 3679. A bill to clarify the Federal relationship to the Lac Vieux Desert Band of Lake Superior Chippewa Indians as a distinct Indian tribe, to clarify the status of members of the band, to transfer title to trust lands, and for other purposes;

H.R. 3960. A bill to authorize the establishment of the Charles Pinckney National Historic Site in the State of South Carolina, and for other purposes;

H.R. 4143. A bill to establish a reservation for the confederated tribes of the Grand Ronde Community of Oregon, and for other purposes;

H.R. 4318. A bill to improve the administration of the personnel systems of the General Accounting Office;

H.R. 5174. A bill to make clarifying, corrective and conforming amendments to laws relating to Indian education, and for other purposes;

H.J. Res. 539. Joint resolution designating the week beginning September 18, 1988, as "Emergency Medical Services Week"; and

H.J. Res. 583. Joint resolution designating the week beginning September 11, 1988, as "National Outpatient Ambulatory Surgery Week."

#### RESIGNATION AS MEMBER OF SELECT COMMITTEE ON HUNGER

The SPEAKER laid before the House the following resignation as a member of the Select Committee on Hunger:

HOUSE OF REPRESENTATIVES,  
Washington, DC, August 22, 1988.

HON. JIM WRIGHT,  
Office of the Speaker, H-204 Capitol, Washington, DC.

DEAR MR. SPEAKER: I would like to resign from the House Select Committee on Hunger effective September 7, 1988.

Thank you very much for your assistance in this matter.

Sincerely,

GUY V. MOLINARI,  
Member of Congress.

The SPEAKER. Without objection, the resignation is accepted.

There was no objection.

#### WITHDRAWAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2148

Mr. FAWELL. Mr. Speaker, I ask unanimous consent to withdraw my name as a cosponsor of H.R. 2148.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

#### NEW LEADERSHIP NEEDED FOR WAR ON DRUGS

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

Mr. GLICKMAN. Mr. Speaker, we are beginning debate today on a comprehensive bill to literally wage war on drug abuse, attacking the problem from every angle. As we head into the debate, I think it is important that we take a moment to look at the inadequacies of the policies of recent years.

While Vice President BUSH has headed the administration's drug interdiction efforts, the flow of drugs into our country has escalated dramatically as has the tragedy of drug abuse among Americans. Let's take cocaine as an example. Since 1982, the quantity of cocaine entering this country has tripled. Only 6 to 8 percent of that is being interdicted by our Government. The number of deaths attributable to cocaine use doubled just between 1984 and 1986.

The next occupant of the White House is going to have to be ready to act, not just talk about the problem and give excuses for why we aren't doing any better. The record is clear. In the drug war, we need to commit new resources, but we also need to bring on new, effective Presidential leadership to give direction, strength and commitment to our war on drugs.

#### ACID RAIN

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

Mr. CONTE. Mr. Speaker, last week the Vice President revived an oldtime religion of the Republican Party. In the tradition of Teddy Roosevelt, he pledged a new "conservation ethic" for his administration, including the need to preserve wetlands, to punish ocean dumpers, to protect environmentally sensitive offshore waters and an ambitious goal to reduce acid rain causing emissions.

The Vice President highlighted the devastation of acid rain and recognized this environmental threat as nonpartisan killer requiring immediate control.

Even the President has recognized the seriousness of acid rain, and he is negotiating an emissions control treaty with Canada. And the first acid rain bill to clear a committee of Congress occurred when Republican's were in control of the Senate. However, the record in the House is one of delay, excuses and stalling for 7 years. The Democratically controlled Energy and Commerce Committee has stifled the acid rain debate and prevented the House from working its will on this important environmental issue.

GEORGE BUSH was right to highlight the devastating problem of acid rain, and I hope my colleagues on the Energy and Commerce Committee will take GEORGE BUSH's lead on acid rain and move a bill in this 100th Congress.

#### TODAY IS THE DAY FOR CONGRESS TO SAY "NO"

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

Mr. TRAFICANT. Mr. Speaker, there is an old adage that, if you tolerate something, you get more of it, and we have tolerated drugs and murder too long here in America.

Now we have tried negotiation, and we have tried compromise. We even ask our kids to say, "no," but the truth is the drug problem and its violence keeps growing.

Let us face it. The drug barons are armed better than our police, and they do not have to read anyone their rights. They just keep laughing all the way to the bank. To protect their millions of dollars worth of dope they will simply kill anyone in their way, and they do.

Let us not forget Officer Byrne of New York earlier this year.

Today is the day, Mr. Speaker, for Congress to say, "no." Today we should impose the death penalty for those who kill during the transmission of a drug event.

Now there will be those who argue that prosecuting capital cases is too costly. I say today we consider it a pain and a cost to the American family. The death penalty that will be offered in amendment today will not require the death penalty. It will allow for it.

Second, a convicted drug dealer and murderer, once executed, will never kill again and certainly never sell drugs to our kids again.

#### THE ULTIMATE WEAPON—THE DEATH PENALTY

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

Mr. GEKAS. Mr. Speaker, it is true the war on drugs cannot be won without the use of the ultimate weapon, and that weapon is the option of the death penalty for those who would kill in the furtherance of that criminal enterprise that has become so profitable and so deadly to our young people. It is not a theoretical option that we are talking about. Murders have been committed, murders of judges, drug law enforcement officers, of law enforcement officers who are protecting witnesses in pending drug cases. All along the landscape there are bodies

of individual fellow American citizens who lost their lives at the hands of drugs dealers.

Mr. Speaker, I ask that when the bill comes up and the amendment for the death penalty that we give it consideration and vote in favor of it.

#### MAKING A PLEDGE AND KEEPING IT

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

Mr. DORGAN of North Dakota. Mr. Speaker, does this language sound familiar? "We are sick and tired of having this country run down by phonies who don't understand hard work and patriotism." That was Spiro Agnew speaking in 1969. The reason it might sound familiar is because it is the same foolishness we are hearing from the Republicans on the campaign trail today. Here is a sample of theirs: Today: They say we Democrats show "disdain for the simple and basic patriotism of most Americans." That foolishness came from Education Secretary Bennett this week. It's essentially what BUSH and QUAYLE have been saying for several weeks.

Some years ago, in Massachusetts, the legislature passed a bill that would have required teachers to lead schoolchildren in the Pledge of Allegiance to the flag each day. The Supreme Court advised Governor Dukakis that the requirement was unconstitutional, so he vetoed it. On that basis, years later, some Republicans are now questioning the basic patriotism of Michael Dukakis and Democrats. It represents another low road in politics.

This worm's eye view of politics from the Republican campaign reminds me of something Emerson once said, "The louder he talked of his honor, the faster we counted our spoons."

Shame on GEORGE BUSH, DAN QUAYLE, and William Bennett for leading the party of Lincoln back into the darkness of demagoguery. Shame on them for trying to build themselves up by tearing others down. Shame on them for questioning the patriotism of their opponents.

So, Mr. BUSH, please understand that we all believe in the Pledge of Allegiance, but we believe in other pledges as well—pledges you ought to start making and keeping.

You ought to make a pledge to balance the Federal budget. You did that once and then ran up the debt by over a trillion dollars. You should pledge not to sell arms to international outlaws such as Ayatolla Khomeini. You did that once and then you sent Oliver North to Iran loaded with a cake, a Bible, and a supply of guns for the Ayatolla. You should pledge to support education. You did that once and

then you tried to cut the education budget by one third. You should pledge to support our elderly. You've done that before and then you voted to cut their Social Security benefits. Finally, you should pledge to run an honest campaign on the issues. You did that before as well, but look at you now.

No. GEORGE BUSH, the Pledge of Allegiance doesn't belong to the Republican Party. We all say the Pledge of Allegiance. The real question, Mr. BUSH, is what pledges will you make about America's future and this time, which ones will you keep.

#### NATIONAL FIREFIGHTERS RECOGNITION DAY

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

Mr. WELDON. Mr. Speaker, over the last several weeks, and even as we assemble here today, we follow with great admiration the heroic efforts of the firefighters in the western part of the Nation who have been battling raging forest and brush fires. These individuals exemplify the proud group of professionals across the country who epitomize what this great Nation is all about, our firefighters, some 2 million strong.

Mr. Speaker, it is only fitting that we set aside 1 day each year to honor and recognize these brave men and women who make up our fire and emergency services network.

Tomorrow I will introduce legislation to designate Saturday, October 15, as National Firefighters Recognition Day. I, as chairman of the Congressional Fire Services Caucus, along with my cochairs, the gentleman from Pennsylvania [Mr. WALGREN], and the gentleman from New York [Mr. BOEHLERT], and our 235 Members of what has become the fourth largest caucus, and soon to be second largest caucus on Capitol Hill, ask all of my colleagues to join with us in this fitting tribute to these national heroes.

#### U.S. FOREST SERVICE NEEDS MORE CONGRESSIONAL OVERSIGHT

(Mr. RICHARDSON asked and was given permission to address the House for 1 minute.)

Mr. RICHARDSON. Mr. Speaker, my constituents think that the U.S. Forest Service is out of control and want more congressional oversight of their operations.

Specifically, they are appalled about the policy allowing the Yellowstone to burn. They are appalled at the huge increase in translator fees on public lands for broadcasting. They are appalled at decisions they believe are being made on road improvements,

logging and other practices without adequate public input.

Mr. Speaker, many of these decisions are made without adequate congressional oversight. They are made by executive decision.

Mr. Speaker, the Committee on Agriculture should look at the Forest Service operation and review whether we need some policy changes. They are a fine agency, but need desperately some direction. They should make decisions on their own.

□ 1245

#### HERE WE GO AGAIN

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

Mr. ROBERTS. Mr. Speaker, well, here we go again. Return with us now to those not so thrilling and those counterproductive days of the 1970's when America's farmers and ranchers were faced with all sorts of price freezes, grain embargoes, boycotts, government manipulation, and market interference, sold by well-meaning consumer groups, but groups who were very misled.

Mr. Speaker, like the poltergeist movies, they are back. The Consumers Union, the Nutrition Institute, and the Consumer Federation of America apparently believe that the drought we are surviving and working through, and as a result the higher market prices at the country elevator, will be responsible for skyrocketing prices or food shortages at the year's end.

These folks have called for an end to the Export Enhancement Program, the very program that has resulted in increased market share for our farm commodities and our prices.

Consumers of America, my urban colleagues, not to worry. We have a reliable supply of grain. The cost will be minimal. How much grain, what cost, see page 2 when we have 1-minute the next time around; but a warning to these groups. Do not lead us down this road again. There has been too much pain, too much suffering, too much trauma in rural America when we are experiencing that price recovery.

#### AIR STATION CHICAGO AND THE COAST GUARD BUDGET TANGLE

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

Mr. PORTER. Mr. Speaker, on August 1, the Chicago Air Station saved two more lives when it plucked Sarah and Wayne Christenson from Lake Michigan after their plane ditched in the water. That brings to

157 the number of lives this vital installation has saved since 1982.

Yet, the future of this search and rescue station and others like it continues to hang in the balance of a strange congressional funding scheme. This year the House Transportation appropriations bill assumes money from other budget functions. For fiscal year 1989, the Defense appropriations bill is relied upon to provide \$60 million for operating expenses and \$350 million out of a \$435 million AC&I account. In the Senate \$200 million for operating expenses is to come from Defense, and \$50.3 million from yet another budget function, military construction.

This situation may lead to the Coast Guard getting short changed, and heroics like those that saved Sarah and Wayne Christenson may be a thing of the past. Until Coast Guard funding is put under just one budget function, we must do everything possible to ensure that vital lifesaving services like Chicago's air rescue station do not slip through the cracks of the hectic October rush to adjourn.

#### OMNIBUS DRUG INITIATIVE ACT

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

Mr. WEISS. Mr. Speaker, the devastation caused by drug abuse and drug trafficking is overwhelming. Drug-related crimes are escalating in Washington, DC, New York, Los Angeles, indeed, throughout the Nation. The urgency of finding solutions cannot be overstated.

The problems we face today are a sad reflection of the failed policies of the Reagan administration's so-called war on drugs. In 1982, Vice President BUSH was put in charge of the administration's task force to coordinate drug enforcement efforts. It's been 6 years, Mr. Speaker, and the Vice President's record speaks for itself. Even he cannot pretend that progress has been made. In fact, matters have become much worse.

It will take more than rhetoric to solve this complex and destructive problem. As we begin consideration of the Omnibus Drug Initiative Act today, it is my hope that we will adopt the thoughtful, comprehensive, and effective program it incorporates which deals with the reality of the drug problem and reject the unconstitutional, unprincipled, and one should say phony panaceas, which will be offered by way of amendment. Mr. Speaker, the Vice President has taught us by example that flailing efforts and hot air cannot succeed. I hope we have all learned that lesson.

#### OPERATION ALLIANCE

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

Mr. SKEEN. Mr. Speaker, I want to commend the committees and Members for the bipartisan effort to address the growing menace of drug use and abuse in the United States. With the enactment of several strengthening amendments, this Congress will have produced one of the most comprehensive and hard-hitting drug bills in history.

There is no doubt that a coordinated effort on the part of law enforcement is necessary to fight this influx of illegal drugs. Local, State, and Federal agencies must work together and can work together to effectively stem the tide of imported drugs.

The 2,000-mile border between the United States and Mexico provides a corridor for nearly one-third of the heroin, one-third of the cocaine, and one-third of the marijuana entering our country. My own district, which covers the entire border between the State of New Mexico and the nation of Mexico, has benefited from a drug interdiction program named "Operation Alliance."

Operation Alliance is comprised of 16 Federal Government agencies, all local law enforcement agencies, and the Government of Mexico. Its initiative was to choke the life out of drug trafficking across the border. And choke it has. In the first year alone nearly 7,700 kilograms of cocaine were seized—a 241-percent increase over the previous year.

Local law enforcement officials have indicated to me that Operation Alliance has been a boon to their drug interdiction programs—Federal and local agents working side by side against a common foe.

It is obvious that this kind of concerted effort must be expanded to protect all the borders of the United States. The Omnibus Drug Initiative Act will provide the mechanism to develop an Operation Alliance type of system nationwide. We must work together to end the terror.

As our forefather stated, "We must all hang together, or surely we shall all hang separately." This is not a separate or a parochial problem—we truly must hang together and hang tough—tough on drugs.

#### THE OMNIBUS DRUG BILL

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

Mr. BUSTAMANTE. Mr. Speaker, I want to express my appreciation for demonstrating true leadership on the drug issue. Unlike the administration, you do not just talk tough about fight-

ing illegal drugs, you act tough. And today, Mr. Speaker, your efforts to spearhead congressional action on our Nation's drug problem has borne fruit. This House will pass H.R. 5210, the omnibus drug bill.

As you know from your past visits to my district in south Texas, Mr. Speaker, there is a daily large-scale flow of drugs along the United States-Mexico border. That's why I am pleased by this legislation's establishment of a Latin-American regional antinarcotics force. Your efforts are a far cry from the Reagan-Bush administration, which says it has a "zero tolerance" for drug smuggling, but nevertheless tolerated Mr. Noriega's drug running for many years.

The Vice President also has a lackluster record in our war on drugs, having been the head of the National Narcotics Border Interdiction System, which the DEA has called to be abolished because it was harming the Nation's antidrug efforts.

If you want to really make a difference in our war on drugs, support this bill.

#### ANNOUNCEMENT OF RELEASE OF NEW GUIDE TO STATE AND FEDERAL RESOURCES FOR ECONOMIC DEVELOPMENT

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

Mr. WOLPE. Mr. Speaker, as cochair of the Northeast-Midwest Congressional Coalition, I am pleased to announce the release of our new "Guide to State and Federal Resources for Economic Development." This major publication represents the most comprehensive catalog and analysis of current economic development initiatives across the country. It features more than 60 case studies of State programs designed to spark economic revitalization and growth. It also analyzes Federal development programs and tax incentives which—though reduced—still provide the foundation for considerable development activity.

The guide, prepared as a service to members of the coalition, will serve as a handbook of basic information to help promote economic development activities. It aims to examine the economic development process and many of the tools used to promote private investment and create jobs.

I would strongly recommend the guide to my colleagues in the coalition.

#### THE OMNIBUS DRUG INITIATIVE ACT OF 1988

(Ms. PELOSI asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. PELOSI. Mr. Speaker, today the House takes up a strong initiative against illegal drugs, the Omnibus Drug Initiative Act of 1988. It is essential for Congress to act on this bill, which will enable us to battle the drug epidemic because it is clear that the current administration has not.

In 1982, President Reagan formed a special task force designed to combat the drug problem and named GEORGE BUSH as its director. Since that time, the flow of cocaine into this country has increased more than four times and we have experienced a doubling of cocaine-related deaths. The administration's own Director of the Drug Enforcement Agency called for the abolition of the Bush task force on the grounds that it was actually harming the Nation's antidrug efforts.

GEORGE BUSH, placed in charge of the Nation's antidrug activities for 7 years, was unable to deliver. BUSH was charged with coordinating the Nation's antidrug activities, but the various Government agencies involved in the drug war have turned into warring factions. Customs and Coast Guard officials assail each other's failure at stopping drugs. Treasury Department officials and State Department officials engage in a continuing war of words. The DEA fights with the CIA, and the Border Patrol has been brought into the war on drugs fitfully, if at all.

The administration's own official acknowledge that under BUSH the NNBS has failed to make any contribution to the antidrug effort.

We must send a message to the administration, Mr. Speaker, that we want actions, not words, on the drug issue; and in that spirit.

#### THE OMNIBUS DRUG BILL

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

(Mr. GORDON. Mr. Speaker, at a time when we are asking our Nation's children to say no to illegal drugs, we in the House of Representatives this week have a chance to say yes to a broadside of programs that will attack our country's drug problem.

We must say yes to helping law enforcement agencies detect and prosecute drug pushers and smugglers.

We must say yes to making sure all young people in my district and in this Nation are told the full story about the consequences of using illegal drugs.

We must say yes to tough new measures that will make drug users think again before buying illegal drugs.

And we must say yes to helping people free themselves from drug use by making sure rehabilitation programs are available to all.

Drug abuse is not just a big-city problem. It touches us all, in every community whether it is rural or urban, rich or poor.

My constituents in middle Tennessee are worried. They have seen drug abuse touch their communities. They are demanding action, now, to turn the tide, to get illegal drugs out of our society.

We must do our job this week and pass this bill. The American people are counting on us.

#### DRUG PUSHERS FEEL HEAT OF DUKAKIS DRUG PROGRAMS

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

Mr. ATKINS. Mr. Speaker, while the administration boasts that it has not lost one square inch of ground to the Communists, it is in the process of losing an entire nation—this one—to an equally insidious enemy—drugs.

While cocaine imports have tripled in the past 6 years and cocaine deaths doubled between 1984 and 1986, the Reagan-Bush administration has sought deep cuts on many fronts in the war against drugs. Let's fight that war with programs, not platitudes.

In Massachusetts, under Governor Dukakis, those programs exist and the results have been impressive. Drug pushers have felt the heat from the Governor's drug task force that sent five times as many pushers to prison in 1987 than in 1983. The Governor's alliance against drugs, a school-based campaign has been called a model for the Nation by the Drug Enforcement Agency.

In Massachusetts, drug use by high school students has declined much faster than the national average, twice as fast for all categories of drugs and five times as fast for cocaine.

The administration talks a good fight, but Massachusetts is winning it despite the lack of Federal assistance. Crime is an obvious byproduct of drugs, but while crime has increased by 4 percent nationwide over the past 5 years, the crime rate in Massachusetts has decreased by 13 percent. In addition, Massachusetts now has the lowest homicide rate of any industrialized State in the Nation.

That is a solid record, not a broken record.

#### PROLIFERATION OF DRUGS THREATENS SECURITY OF OUR NATION

(Mr. LEWIS of Georgia asked and was given permission to address the House for 1 minute.)

Mr. LEWIS of Georgia. Mr. Speaker, I rise to urge the support of the Members on H.R. 5210, the Omnibus Drug Initiative Act.

Mr. Speaker, we are here today to draw the line. We are here today to say that we are sick and tired of drugs in our community. We are disgusted with the despair and violence associated with cocaine, heroin, and other controlled substances which have crossed our borders by the ton in recent years.

Mr. Speaker, the greatest threat to the security of our Nation is not from forces from the outside but the proliferation of drugs which are destroying the minds of a whole generation of young people. The passage of this legislation will send a clear and distinct message to the drug barons that we will regain control of our streets and our neighborhoods. This must be our message today.

#### BIPARTISAN DEBATE NEEDED ON DRUG PROBLEM

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

Mr. LUNGREN. Mr. Speaker, in a few moments we are going to begin the debate on the bipartisan antidrug bill. I hope the debate will be bipartisan. However, some of the comments of some of my colleagues on the other side have concerned me in that they seem to have a partisan tinge to them.

It just seems to me that the Rip Van Winkles of the Democratic Party ought to recall where we were when this administration came into office.

We had received cuts in the number of people who served in the FBI and the DEA prior to the time that this administration came into office. It took this administration two budget cycles to get the manpower levels of the FBI and the DEA up to what they were before the Carter administration came into office.

People should recall the FBI was never involved in drug matters until this administration came into office. They had a concern that being involved in drug investigations would have the possibility of corrupting some of their personnel. There was a longstanding tradition in the FBI, a tradition that no administration was able to overcome prior to the Reagan administration coming into office.

For the very first time we now have the FBI involved in drug investigation combined with the DEA, both of whom had to increase their manpower in the beginning of this administration to bring it up to what it was before the Carter administration came into office.

Mr. Speaker, if people want to talk about numbers and if they want to talk about personnel, if they want to talk about criticism, there is plenty there. We are happy to debate it. It would be far better if we had a bipartisan debate dealing with the problem

before us and how we are going to solve that problem. We will not solve the problems of drugs in this country until we have a comprehensive attack which results in the change of the culture of America from some tolerance of illegal drug use to zero tolerance.

#### HOUSE OF REPRESENTATIVES MUST LEAD IN BATTLE AGAINST DRUGS

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

Mr. SMITH of Florida. Mr. Speaker, I certainly liked the remarks of the previous speaker, but I tell the Members the truth, we are only going to win the war on drugs in this country when we begin to be honest with the American people.

Do the Members want to know how this administration fights drugs? Last year this body proposed and passed a bill that required a report of official foreign corruption by government officials and heads of state every 6 months. It is called the 2013 Report, and the first time they had to submit it, it was late. The second time they just submitted it 4 months late.

How did they treat official corruption in Laos? They admitted that the whole Government is corrupt, and then invoked the national waiver saying that we are not going to cut off their money because it is not the right thing to do at this time, but they admitted that the whole Government is corrupt.

In Mexico they admitted that there is no hot pursuit right, that one cannot get any resolution to the torture murders of Camarena or Cortez' brutal, vicious beatings.

Mr. Speaker, how did they treat that and the corruption which they admitted existed? Another national interest certification so that they do not have to deal with it.

The best one of all is Noriega. How did they treat Mr. Noriega, folks? Here is a little honesty for you: He was canned by Mr. Delvalle before Mr. Delvalle was overthrown. Therefore, Mr. Noriega is no longer part of the government. Therefore, they do not have to report on him. Therefore, there is no corruption in Panama. With a wave of the hand, with a wave of the hand, the most corrupt drug individual in government around the world today was made to not exist.

This is the Government's approach. This is this administration's approach to drugs and to the way to stop it.

It is this House that is going to be the catalyst for real drug fighting, and it is going to be the Democrats who are going to lead this battle, and in November the people are going to reward the Democrats for having done it.

#### VISIT TO HOLOCAUST CAMPS INDESCRIBABLE

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

Mr. DORNAN of California. Mr. Speaker, during the district work period I did some work that was not in my district. I went to the Soviet Union for a week and met with some of the internal security forces there, the two top people who run the prison camp system, all of their prisons, and the gentleman that also is head of all of the police forces in the state then met with about two dozen refuseniks, most of them Jewish.

I am going to do a special order tonight about that and some of my experiences at the end of that week in the nation of Poland where I visited all six Nazi extermination camps, including Treblinka, Sobibor, Belzec, Chelmno, where there is nothing left but rolling fields and the foundations of the crematoria.

Mr. Speaker, I then visited Auschwitz-Birkenau, two camps which are separated by only 3 kilometers and Maidanek outside of the city of Lublin, where there are the remains of the decayed buildings of the camps.

Mr. Speaker, it is an experience that will stay with me for the rest of my life. I thought I was approaching being an expert on the Holocaust and what had happened to Soviet Jewry and 6 million other citizens who were torn up by the Nazi horror, but to visit all the sites where so many souls were sent to God, where so many human beings were destroyed is just an absolutely almost indescribable situation. However, I will attempt to describe what I learned further in depth, further on the Holocaust on a special order tonight or tomorrow.

#### THE OMNIBUS DRUG ABUSE BILL

(Mrs. LLOYD asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. LLOYD. Mr. Speaker, I rise in strong support of the omnibus drug initiative of 1988. The drug epidemic in this country is taking a terrible toll. Large numbers of our citizens are suffering the direct effects of drug use—addiction, overdoses, unemployment, even death. We, as a society, are also the victims of abuse. Reduced productivity and higher health care costs impact our entire Nation.

The drug abuse problem in this country continues to grow instead of dissipate, reaching younger and younger victims with a wider selection of drugs. Enactment of the comprehensive omnibus drug initiative before us today is essential. The American people have told us that they are fed

up with the state of affairs regarding the drug crisis, and that they are looking to the Congress for concrete answers, strong leadership, and commitment. This bill fits that criteria with reasonable, thoughtful programs which allow us to use all the resources at our command. It authorizes funds for drug enforcement, treatment, prevention, and education and makes various changes to existing law which are intended to discourage or prevent drug use and improve antidrug law enforcement efforts. It builds on the omnibus drug legislation we enacted in 1986 and allows us to continue to send a strong signal to those involved in criminal drug enterprises, who are poisoning the minds and bodies of our children, that their crimes will not go unheeded. We must pass this legislation without prejudice and send it to the President with all possible speed.

I have made it a point to meet with many of the individuals in my district who are working in the community to combat the narcotics crisis and I am gravely concerned that our resources are not being directed to our county and city governments responsible for enforcing the law with the greatest possible efficiency. This critical measure would streamline drug enforcement assistance to local jurisdictions and increase the assistance for States and localities to \$500 million beginning in fiscal year 1990. It would create a system of block grants and mandate prompt delivery of those funds to city governments. If States do not expeditiously apply for the assistance, municipalities can apply directly to the Department of Justice. It also provides a pilot grant program to provide additional training and recruitment of local drug enforcement officers.

I have always been deeply committed to educating our youth, in their formative years, to the dangers of drugs. The economic and social costs of drug trafficking and addiction to this country are unacceptably high and our children must be reached before they fall prey to curiosity or peer pressure to experiment with illegal narcotics. The 1987 survey on drug use among high school seniors, sponsored by the National Institute on Drug Abuse, indicated that over half (57 percent) of high school seniors had tried an illicit drug, and over one-third had tried an illicit drug other than marijuana. One in six or seven high school seniors has tried cocaine (15.2 percent) and one in 18 (5.6 percent) has tried crack cocaine specifically. These numbers are far too high and illustrate the tremendous need to reach our kids before the onset of drug usage.

The comprehensive drug initiative of 1988 establishes a new program of formula grants for States, to develop

more effective juvenile justice programs targeted to drug abuse, and to refer juveniles and their families to drug abuse prevention, treatment, and rehabilitation services. The bill also establishes a new program of competitive grants for public and private non-profit agencies. These grants could be used for drug abuse education designed to reduce juvenile delinquency, to support relevant research, to develop community outreach and counseling programs, and to provide training and technical assistance relating to innovative and effective drug abuse education programs.

I believe that drug interdiction and international narcotics control must be stepped up if we are to stop the flow of drugs into our country. This bill authorizes the Coast Guard to engage in maritime air surveillance and interdiction and provides significant increases for the Customs Service to enhance customs' air interdiction program. It includes provisions to encourage development of a Latin American regional antinarcotics force; modify procedures for certifying countries as cooperating with narcotics control efforts and makes various other changes in laws related to international narcotics control.

Mr. Speaker, the economic and social costs of drug trafficking and addiction to this country are high and rising. Americans spend an estimated \$130 billion each year on illicit drugs. The cost of narcotics abuse in the United States amounts to more than \$100 billion annually in increased health care costs, lost productivity, and related crime and violence. We cannot sit by and allow the menace of illegal drugs to endanger our schools, our workplaces, our streets, and sometimes our families. We must defend the American people against this scourge. We must let the public know that there are many voices of reason on this issue in the Congress, and they must not allow themselves to be swayed by those who are ready to acquiesce. We will move forward, as a country, and address these issues head on. By fashioning this legislation we have acknowledged that the war on drugs will be long and hard-fought, but that it can be won. I urge my colleagues to join with me in strongly supporting the omnibus drug initiative of 1988.

#### COMMUNICATION FROM CHAIRMAN OF COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION

The SPEAKER pro tempore (Mr. TRAXLER) laid before the House the following communications from the chairman of the Committee on Public Works and Transportation; which was read and, without objection, referred to the Committee on Appropriations:

#### COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION, Washington, DC, August 10, 1988.

Hon. JIM WRIGHT,  
The Speaker, House of Representatives,  
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the provisions of the Public Buildings Act of 1959, as amended, the House Committee on Public Works and Transportation approved the following projects on August 4, 1988:

##### LEASE PROSPECTUSES

U.S. Customs Service and Social Security Administration, San Diego, California.  
Veterans Administration and Other Agencies, San Diego, California.  
U.S. Forest Service, Lakewood, Colorado.  
Department of Defense, Hartford, Connecticut.  
Judiciary, 1100—17th Street, NW, Washington, D.C.  
U.S. Secret Service, 1800 G Street, NW, Washington, D.C.  
Swing Space for Multiple Agencies, Washington, D.C.  
Internal Revenue Service, Covington, Kentucky.  
National Security Agency, Linthicum, Maryland.  
Health Care Financing Administration, Woodlawn, Maryland.  
Internal Revenue Service, 6 St. James Avenue, Boston, Massachusetts.  
U.S. Army Corps of Engineers, Vicksburg, Mississippi.  
U.S. Coast Guard and Railroad Retirement Board, St. Louis, Missouri.  
Drug Enforcement Agency, Edison, New Jersey.  
Internal Revenue Service, Middlesex County, New Jersey.  
Internal Revenue Service, Las Vegas, Nevada.  
Environmental Protection Agency, Houston, Texas.  
Executive Office of the President, Arlington, Virginia.  
Federal Bureau of Investigation, Springfield, Virginia.  
Census Bureau—3 Locations.

##### REPAIR AND ALTERATIONS

450 Golden Gate, San Francisco, California.  
Federal Center Building 810, Denver, Colorado.  
U.S. Tax Court, Washington, D.C.  
FY 88 Supplemental Design.

##### 11 (B) RESOLUTIONS

Agana, Guam.  
Brooklyn, New York.  
The original and one copy of the authorizing resolution is enclosed.  
Sincerely,

GLENN M. ANDERSON,  
Chairman.

There was no objection.

#### OMNIBUS DRUG INITIATIVE ACT OF 1988

The SPEAKER pro tempore. Pursuant to House Resolution 521 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 5210.

□ 1312

#### IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 5210) to prevent the manufacturing, distribution, and use of illegal drugs, and for other purposes, with Mr. CARR in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Washington [Mr. FOLEY] will be recognized for 1 hour and 30 minutes and the gentleman from Florida [Mr. McCOLLUM] will be recognized for 1 hour and 30 minutes.

The Chair recognizes the gentleman from Washington [Mr. FOLEY].

Mr. FOLEY. Mr. Chairman, I designate the gentleman from New York [Mr. RANGEL] to control general debate, and I ask unanimous consent he be allowed to yield blocks of time.

The CHAIRMAN. Is there objection to the request of the gentleman from Washington?

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from New York [Mr. RANGEL].

Mr. RANGEL. Mr. Chairman, I yield myself such time as I may consume.

(Mr. RANGEL asked and was given permission to revise and extend his remarks.)

Mr. RANGEL. Mr. Chairman, this afternoon we will have an opportunity to, in part, meet the challenge of the great scourge that drugs has brought upon our congressional districts, our regions, our States and, indeed, the world. We will have an opportunity for 3 hours to generally discuss this bill, and we look forward to having two or three amendments today, and the rest of the amendments and the conclusion of the bill tomorrow.

Mr. Chairman, I think that we all can go home pretty proud of the fact that once again the initiative and the leadership, in an attempt to do something about this serious problem, was initiated in our House of Representatives, and that we expect to have the full cooperation of the other body.

I think that our Speaker in, once again, selecting our majority leader to work with our whip and to reach across the aisle to the gentleman from Illinois [Mr. MICHEL], the gentleman from California [Mr. LEWIS], and the gentleman from Florida [Mr. McCOLLUM], has made the effort to make certain that we come out of here whole, not with Republican or Democratic legislation, but the type of legislation so that we can say we have done the best that we could.

I would like to take time to reach out to the gentleman from New York

[Mr. GILMAN] who has worked so hard over the years on the Select Narcotics Committee, and all of its members, all of whom serve on legislative committees like the gentleman from New Jersey [Mr. HUGHES], who in the Committee on the Judiciary will probably control much of the debate on the serious and important amendments that we will be addressing and, of course, the gentleman from Florida [Mr. SMITH] as we address the issues in foreign affairs and, of course, the gentleman from Oklahoma [Mr. ENGLISH] as we bring our military into what I think is an important role, and that is the protection of our Nation against this threat to our national security.

□ 1315

In 1986, for the very first time, comprehensive legislation was created by this body and the other body and signed into law. That was in October 1986.

In January the next year the administration, led by the Office of Management and Budget, was asking for severe cuts in the very programs that before the last election we were asking the American people to support.

Well, this time we can be certain that once we pass this bill it will not be the same people asking for cuts. Maybe sometime next year we will not have these drug initiatives coming from the Congress but we will find an administration to present to us for the first time a comprehensive program, a policy, a strategy, and ask this Congress to support it. Meanwhile, we cannot afford to wait. Even though Secretary Shultz has not asked us to do anything, we think it is about time to bring together the heads of these countries where the cocaine is being grown, processed, and exported to see whether or not, as friendly allies and partners, we can come up with some strategy to have these fragile democracies survive.

So we are sending help, military and economic assistance, we are going to the Export and Import Banks and saying, "Help these countries to help themselves."

But we are not stopping there. It is true that we have never gotten a request from Ed Meese to give any assistance to local and State law enforcement; it is true that the administration has, for 8 years, violently opposed any assistance to be given to local and State law enforcement.

But how can we have a war on drugs when our lead agency, the Drug Enforcement Administration, has a mere 2,800 agents to cover the United States and the entire world?

So we are moving to pump up and to give assistance to local and State law enforcement. We also are going to give support to our Federal agents.

We know that we never got a request from Secretary Bennett in Education,

but under the leadership of Chairman HAWKINS, we know that we are going to have to do something to reduce the demand, especially by our youth. We have to make a special appeal in sports to attract kids to do something besides ruin their lives, the runaway kids, the homeless kids, the kids involved in gangs. So we can be proud of the Committee on Education and Labor because they are not waiting for Cabinet people to ask for help; they are doing something.

And, of course, we did hear from the Watkins Commission. They said we should do something about this AIDS epidemic. Those of you who have visited the maternity wards and have seen these little children born addicted, born with AIDS, those of you who are so cost conscious to see that it costs \$500, \$600, \$700 a day to take care of these AIDS patients know that we have to do something about it before these diseases happen, and we have to be able to try to educate and to rehabilitate.

So we are not waiting for the administration to tell us as legislators what to do; we are doing it because the Committee on Energy and Commerce has brought to us comprehensive programs to deal with the AIDS and intravenous drug problem.

So we cannot win this battle just by throwing dollars at it. This bill would add some \$1.3 billion, bringing our overall antidrug effort to a total of some \$5 billion, but still we have to work to make certain that there is accountability.

You cannot make certain that local and State governments are doing what we would want, but all of us together can send a message to the American people that we expect the next administration to be held accountable for what we are doing.

I do hope, as my colleagues have suggested, that we do not get partisan as we start to discuss this bill. But more importantly, that we do not allow the emotionalism of some of the amendments we are going to hear discussed tomorrow to distract from what we really have to do and that is to try to give assistance to those people that are on the front line.

I do not know where we would be if Ed Meese had not been in charge of coordinating our national effort. That is a partisan question which I have agreed that I will not discuss.

I do not know where we would be if our Vice President did not dedicate himself to protect our borders against the drugs that have come in over the years. Again, I promised that that is a partisan question that I will not deal with. But I know one thing, that if we cannot find a national policy and we cannot find a national strategy, that we all should be able to thank Nancy Reagan for at least giving us her program in "Just Say No."

But today for our omnibus drug bill, H.R. 5210, I hope that you will be able to find it in your hearts to "Just Say Yes."

The CHAIRMAN. The gentleman from New York [Mr. RANGEL] has consumed 9 minutes.

Mr. McCOLLUM. Mr. Chairman, I yield myself such time as I may consume.

Reclaiming my time, I would like very much to very briefly analyze what this bill does and where we are going. It is a bipartisan effort that has gotten us here. I want to thank all of the parties, the leadership of both the Democrat and Republican sides of the aisles for bringing this bill out today, and the myriad of staff who worked very hard. I especially want to thank the 55 members of the House Republican task force who worked diligently to create and promote some of the ideas that have been incorporated in the bill itself that will not be debated during amendment time. I think their process, their work product, and the adoption of much of those proposals in the subcommittee and committee process leading to today, merits some comment and some praise, and also some praise of their staffs who worked very hard to do that.

Over 30 million, according to the American Medical Association, over 30 million Americans use marijuana today; over 500,000 are addicted to heroin, over 3 million regularly use cocaine; more than 12 million have tried it once in the past 3 years. I submit that that is a rather conservative figure and unfortunately I am afraid the usage is probably much more widespread than has been documented.

The bottom line is that we are engaged and we have been for some time in the war on drugs in this country. I do not know of many people who do not understand that. That is the No. 1 issue right now facing the United States.

The war, in terms of its strategy and the scope, has not changed much. But the need for certain specific programs continues to change.

Two years ago this body and the other body adopted legislation, the President signed into law a bill of omnibus nature similar to what we are doing today. The scope of all of this legislation, the scope of the program the Vice President has fought for and much of this administration has fought for and this Congress has endorsed basically comprises four components.

No. 1, the component of eradication: If we are going to win the war on drugs it has to be comprehensive, it has to start overseas where the crops are grown that lead to the production of the product, whether that be cocaine or heroin or marijuana. We need, as we always have had, to have

the resources to do that. We also need the cooperation of the foreign governments. That involves a diplomatic, an executive, and a legislative initiative. It involves in this case and what this bill before us today attempts to do further, it involves the use of herbicides and the funding and support concept to spray where possible.

It involves the support of our Drug Enforcement Administration; it involves attacks on the laboratories that are clandestine in those countries where the product is grown and where the product has to be refined. It involves restrictions on the shipment of those precursor chemicals that are necessary to produce the cocaine, for example, from the coca plant and the coca paste.

If we can do those things, and this legislation further promotes that, we can win part of that war in the eradication area, then we have made a successful step. And we are making those steps as we have been for the past several years. This bill enhances it considerably.

Second, to win the war on drugs we have to have an effective interdiction program.

Probably more attention and more publicity is in the area of interdiction than anywhere else. That is where the Coast Guard and the Customs and the military come in. That is where the Immigration Service comes in because they actually capture through their stopping of those who might be illegal immigrants into our country more people possessing narcotics than any other single law enforcement agency. More resources are needed and this legislation addresses it. But a lot of the past efforts of the administration and of this Congress have been devoted to that area.

We also, if we are going to win this war on drugs, have to support our local law enforcement. That means that we have to have grant programs like we adopted a couple of years ago.

We have to do everything we can to give local law enforcement, in addition to funds, the necessary tools in terms of legislative initiatives. And we need to give our Federal law enforcement folks on the street in the Federal judicial system the tools they need. That means not only the laws that we currently have on the books, but some that we can put on the books in this particular omnibus bill, such as the change in the exclusionary rule so that when we actually prosecute and have somebody arrested we do not have the evidence thrown out because of some technicality. We need to have the death penalty as a deterrent. We do not have that today for drug kingpins.

We have the opportunity in amendments before us in the next couple of days to adopt that additional tool for law enforcement.

We have the opportunity to do a number of things that will aid law enforcement very significantly. And I submit that we can and we should do that.

Perhaps the most significant thing is to add additional prisons and to add additional U.S. attorney areas.

We need to address that. It is somewhat addressed in the bill. A lot more can be done in the amendments that are to be offered.

It is that area that I have heard the most about in the last few days from local law enforcement back home in my State. I am confident most Members have heard that in their States as well.

But there is a fourth area besides eradication and interdiction and law enforcement that we have to address and that we have to enhance. Perhaps in this area we have been weakest of all. We have not appropriately, in my judgment, addressed the issue of demand.

If we Americans continue to use and consume the amount of narcotics that we are today, there is no amount of interdiction, eradication, or local law enforcement efforts that is going to win this war. Too many Americans are demanding it. It is the law of supply and demand, pure and simple.

We cannot seal the borders, we cannot stop the stuff from coming in in the quantities it is coming in unless we address the demand side.

That really involves three things. It involves education, not just Mrs. Reagan's "Just Say No to drugs" but a lot of education other than that in our schools. We have made an effort at that in the omnibus bill 2 years ago.

We are making more efforts here. The administration is making an effort. We have to do more.

It involves also rehabilitation. We do not have enough rehabilitation centers, we do not have enough effort in that area. That effort has been ongoing and it needs to be supplemented. The proposed legislation before us would do that.

It also involves a third component, one we have not adequately addressed at all in the past. That is creating some kind of a deterrence on the user side, to make a user accountable and to say to that young person in particular who does not heed the warning of the education component, who is not yet an addict, who is not beyond the pale, but who is thinking about it because of peer pressure or the enticements or whatever around him, thinking about using it or trying it or experimenting with it. We need to put on the books something besides jail time which is not practical, to say to that young person, "If you use and make that choice you are going to be held accountable, you are going to have to pay a price that is greater than you will want to pay." Such ideas

as the New Jersey suggestion which has come from their law, of a period of time of suspending or revoking a driving privilege of a 16-year-old or someone else who has been convicted once of possession, or taking away some Federal benefits for student loans and college opportunities for those who are convicted twice, subject of course to their opportunity to rehabilitate themselves and get their rights and those benefits back.

Civil penalties, perhaps and a lot of those kind of things.

The bottom line is this is a comprehensive effort. It is a part of an ongoing war which we have all been involved in, this Congress, the past Congress, the President, the administration. No amount of politics, no political rhetoric here on the floor over the next 2 or 3 days, no political rhetoric between the Presidential candidates in this campaign we are involved with will win this war.

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Mr. Chairman, it is not something that will be won in 1 year, with one master plan and with one new concept. It will be won with the overall concept and effort that we have been involved with. We can win, and we will win it. The legislation before us can be improved, and it will be improved, I am sure, by amendments over the next 2 or 3 days which will enhance that legislation and, I believe, give us a great boost in winning that war.

Mr. GILMAN. Mr. Chairman, will the gentleman yield?

Mr. McCOLLUM. I am glad to yield to the gentleman from New York.

Mr. GILMAN. Mr. Chairman, I am pleased to rise in support of H.R. 5210, the Omnibus Drug Initiative Act of 1988 and I commend the leadership on both sides of the aisle for their work in formulating this bipartisan, comprehensive measure and for bringing it to the floor of the House for consideration, and particularly the Speaker, Mr. WRIGHT, and the distinguished minority leader, the gentleman from Illinois [Mr. MICHEL], and the distinguished majority leader, the gentleman from Washington [Mr. FOLEY], the gentleman from California [Mr. LEWIS], the gentleman from Oklahoma [Mr. EDWARDS], the gentleman from Florida [Mr. McCOLLUM], and the distinguished chairman of our Select Committee on Narcotics, the gentleman from New York [Mr. RANGEL], and the distinguished chairman of the Judiciary's Subcommittee on Crime, and the chairman of our Foreign Affairs Task Force on Narcotics, the gentleman from New Jersey [Mr. HUGHES].

This measure builds upon the Anti-Drug Abuse Act of 1986 and authorizes urgently needed resources for drug crop eradication, for interdiction, for

local law enforcement, treatment, and most importantly, for education. H.R. 5210 would authorize \$6.1 billion for fiscal year 1989, a significant increase in resources over the \$2.7 billion provided by the Anti-Drug Abuse Act of 1986.

H.R. 5210 includes many proposals that are essential to a coherent and effective national narcotics strategy. The bill expresses clearly and unequivocally the sense of Congress in opposition to the legalization of drugs; it streamlines and increases drug enforcement assistance to local jurisdictions; it establishes new drug prevention programs targeted at youth gangs and at runaways; authorizes \$1.5 billion for treatment of those who have acquired AIDS through IV-drug use, as recommended by the President's AIDS Commission, and calls for a Western Hemispheric Summit Conference on Drugs.

The significant 1986 Anti-Drug Act made substantial progress but did not win the war against drugs and this 1988 Anti-Drug Act alone cannot win this war. We are in a long-term struggle against the curse of drugs with the soul of our Nation at stake. The American people, in poll after poll, indicate that they view drug trafficking and drug abuse as the most important issue facing this country. And with good reason.

Illegal drugs have overwhelmed our Nation. No neighborhood, town, city, or school, is immune from its evil effects. Drug-related crime and violence have made bloody shootouts an everyday event in some areas. Millions of Americans have lost control of their lives and become addicted to drugs.

Mr. Chairman, I have one major concern regarding H.R. 5210—a concern we must all address—and that is the question of where will the money come from to underwrite these worthy initiatives? Is it going to come from the Defense Department? Are we going to have to tap into the entitlement programs? I must remind my colleagues that a bill for this urgently needed drug initiative will be due. In that regard, I recently proposed an excise tax measure that would have increased the tax on beer by only 1 penny a can, on cigarettes by 2 cents per pack, and 3 cents on a bottle of wine, a modest increase that would have raised more than \$1 billion and was virtually no impact on the taxpayer. I urge my colleagues to bear in mind that the American people fully support greater efforts to wage a war on drugs but they are entitled to know where the scarce dollars are coming from to underwrite this initiative.

The war against drugs has many fronts and we must fight on all of them simultaneously. If our efforts are sustained over an extended period of time and if we provide our frontline troops—the law enforcement officers,

the drug educators, and the treatment, rehabilitation and prevention specialists with the urgently needed resources—then we will be able to make a difference in reducing the supply and demand for drugs. Mr. Chairman, this legislation before the House is an important step in the right direction in waging our war against drugs and I urge my colleagues on both sides of the aisle to cast aside political differences and to expeditiously resolve our differing views and to present to our Nation a strong unified strategy in stamping out this evil which is undermining our social institutions and which is killing so many of our young people.

Mr. Chairman, again I commend the gentleman from Florida [Mr. McCOLLUM] for his industrious work on this measure, and I hope we are going to be able to fully support what is now before us. I want to thank the gentleman for yielding.

Mr. McCOLLUM. Mr. Chairman, I want to thank the gentleman from New York [Mr. GILMAN]. His effort has been indeed a measure of great accomplishment on his part, both now and for a long time in the past on this issue. It has been a tremendous compliment to us that he has spent so much time on this issue, and I thank him for his time.

Mr. JEFFORDS. Mr. Chairman, I rise in support of title II, the Education and Labor Committee title of the bill. In the most recent annual Gallup poll of the public's attitude toward the public schools, 32 percent identified the use of drugs by students as the biggest problem facing local schools. This is the third consecutive year in which the public has identified drug abuse as the biggest local school problem. Lack of discipline scored a distant second, whereas in 1986 only 2 percentage points separated the two issues in the minds of the public.

The United States has the highest rate of drug use among young people of the world's industrialized nations. More than half [57 percent] of last year's high school seniors have tried an illicit drug, and more than a third have tried illicit drugs other than marijuana. No wonder then, that the public has become more acutely aware of drug abuse as a problem in our schools. The Gallup poll also revealed that there is general confidence in the schools' ability to deal with this societal problem.

In title II of this bill, H.R. 5210, the Education and Labor Committee attempted to address the need for greater education, information and outreach with respect to drug abuse and prevention. These efforts will come through a variety of programs including programs for youth gangs, incarcerated individuals, children of alcoholics, disadvantaged youth, runaway and homeless youth, and participants in the WIC Supplemental Food Program.

The problem of drugs cannot be addressed by focusing on the supply side only. Attention must be given to the demand as well. The programs authorized in title II complement

those activities included in the 1986 Drug-Free Schools and Communities Act, a program extended earlier this year as part of Public Law 100-297, the Augustus F. Hawkins-Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988.

Drug abuse results in costs related not only to higher health care costs, drug-related crime and violence and lost productivity, but in the number of lives lost unnecessarily. The effects of the problem are being felt across all economic levels and age groups. We must face this problem with a comprehensive approach which allows communities to develop a coordinated effort toward arresting the problem.

I would also like to address my remarks briefly to title IV, which concerned the drug-free workplace requirements imposed upon Federal grantees and contractors.

When the Education and Labor Committee considered its portion of the drug bill, I was successful in attaching an amendment requiring Federal grantees and contractors to have in place a drug-free workplace policy which is administered in good faith. Shortly thereafter, the Government Operations Committee reported its drug-free workplace bill, which imposed a similar, albeit more detailed, requirement. On their face, the two bills appeared to contain substantial differences. But, in spirit, they were virtually identical.

Because of this commonality of intent, I am pleased to inform the House that we have resolved our differences and the drug bill, therefore, contains a single unified approach to this problem. My principal concern with the Government Operations bill was with its prescriptiveness. I was afraid that it would place certain hurdles before a grantee or contractor which would be both administratively and financially burdensome. To create such a burden would be particularly inappropriate since it is so obvious that employers today already realize that it is in their own best interests to maintain a drug-free workplace.

With this in mind, Chairman HAWKINS and I worked very closely with the Government Operations Committee to modify the most potentially troublesome provisions. Most of these have now been clarified with committee report language which will dispel any potential ambiguities. Meanwhile, the text of the bill has been modified to remove the employee certification requirement, which was identified by members of the business community as the single most troublesome aspect of the bill.

In working out our differences, a key role was played by the original author of this requirement, the gentleman from Pennsylvania, Mr. WALKER. He is certainly to be commended for bringing this whole area to the attention of the House and for having the perseverance to see that something is actually done about the problem.

The result of all of our efforts is a drug-free workplace requirement that every Member of this House should be able to support.

Finally, I want to thank the chairman of the committee, Mr. HAWKINS, for his leadership in this area of grave concern. His willingness to work with the minority members of the Education and Labor Committee is appreciated.

Mr. McCOLLUM. Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. The Chair recognizes the gentleman from New York [Mr. RANGEL].

Mr. RANGEL. Mr. Chairman, I yield 8 minutes to the distinguished chairman of the Committee on Banking, Finance and Urban Affairs, the gentleman from Rhode Island [Mr. ST GERMAIN], and I ask unanimous consent that the gentleman be allowed to yield blocks of time out of his allotted time.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

(Mr. ST GERMAIN asked and was given permission to revise and extend his remarks.)

Mr. ST GERMAIN. Mr. Chairman, I yield myself 5 minutes.

Mr. HOYER. Mr. Chairman, will the gentleman yield?

Mr. ST GERMAIN. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Chairman, I rise in strong support of H.R. 5210, the Omnibus Drug Initiative Act of 1988. I would like to commend the majority leader and the members of the committees who shaped this legislation for their excellent work. The bill we have before us today is a reasonable and effective bill which will allow us to implement a comprehensive assault on drugs. It provides the means to help stop the flow of drugs into our Nation and to fight and punish those who produce and sell drugs. It also provides the means to help prevent our children from being seduced by drugs and to treat those who are caught in the nightmare of addiction.

Our Nation can ill-afford to pay the high price of drug use any longer. No longer can we afford to lose the contributions of our citizens whose drug addiction diverts their energies and talents. We cannot afford the deaths caused by drugs or the shattered lives of the innocent victims of drug-related crimes. We cannot afford to have our young people turn to drugs from despair or have their talents wasted on running messages for drug dealers. And we cannot allow the continued tragedy of our Nation's babies being addicts before they have even taken their first breath.

H.R. 5210 is a comprehensive assault on the drugs which are tearing apart our Nation. It provides the tools to halt the drugs which are flooding our borders. The bill will improve international cooperation to fight drug production and trafficking. The bill also increases drug enforcement assistance to State and local governments to provide them the tools they need to fight drugs on the streets and in our neighborhoods.

Furthermore, this legislation responds to the challenge of prevention. No matter what we do to stop the trafficking of drugs, it will be ineffective if we do not lessen the demand for them. H.R. 5210 does more than provide a catchy slogan. It contains important provisions to help reach and educate our citizens and our youth. H.R. 5210 also provides much needed funding for increased rehabilitation and treatment programs for our citizens who are suffering from abuse and addiction.

Mr. Chairman, we are making some strides in our war against drugs. But, much, much more needs to be done and we cannot afford to stop now. We must develop responsive, effective measures which will truly reduce drug abuse in America. This bill is an important step in that direction. I urge my colleagues to support this measure.

Mr. ST GERMAIN. Mr. Chairman, I rise in strong support of H.R. 5210, the Omnibus Drug Initiative Act of 1988. In particular, I would direct my colleagues attention to title I of the bill—the Money Laundering Control Amendments of 1988 which was unanimously ordered reported out of the Committee on Banking, Finance and Urban Affairs on June 9, 1988.

Mr. Chairman, it is news to no one that drugs generate massive sums of cash. This cash must be laundered—slipped into the mainstream of commerce—if the drug traffickers are to be successful. We intend to make these laundering operations as difficult and costly as possible. We cannot allow financial institutions, insured by the U.S. Government, to be used—whether by accident or design.

The subject of money laundering and the use of financial institutions to launder funds derived from illegal sources such as drug trafficking is not new to the committee. In fact, over 18 years ago, the Committee on Banking concentrated its efforts on ways to combat drug trafficking, organized and white collar crime, tax evasion and other crimes in which criminals use the Nation's financial institutions as a means to conceal or launder funds.

Just 2 years ago, the Banking Committee made a major contribution in combating drug trafficking and money laundering. The Anti-Drug Abuse Act of 1986, Public Law 99-570, contains the Comprehensive Money Laundering Prevention Act—which constituted the Banking Committee's efforts in combating drug trafficking. Although effective, we are mindful that certain improvements to that act need to be made. Title I in today's bill reflects those needed improvements. The provisions of title I will improve law enforcement efforts to get at the drug trafficker and money launderer without unduly burdening the recordkeeping or reporting requirements of financial institutions.

In addition, the committee has in certain instances amended the Right to Financial Privacy Act [RFPA] in an effort to prevent insider abuse and fraud within our Nation's depository institutions and to prevent drug dealers from taking over these entities.

As reported out by the Committee on Banking, Finance and Urban Affairs, title I of the bill would do the following:

#### AMENDMENTS TO THE BANK SECRECY ACT

First. It prohibits a financial institution from issuing or selling a bank

check, cashier's check, traveler's check, or money order to any individual in connection with a transaction that involves cash of \$3,000 or more unless such individual either has an account with the institution or the individual furnishes identification as prescribed in regulations by the Secretary of the Treasury. In addition, the institution is required to maintain a record of such transaction and report to the Secretary, upon request, the purchase of such instruments by any individual.

All too often a money launderer purchases these monetary instruments for less than \$10,000 in cash to avoid kicking off the currency transaction report [CTR] required to be filed by financial institutions for cash transactions of more than \$10,000. For the money launderer, carrying cashier's checks or money orders is much more convenient and easier to dispose of than having to carry an equal amount of cash around in his pockets. The Department of Treasury agrees that section 1002 will be a useful deterrent to the practice of smurfing through the purchase of monetary instruments and will not be overly burdensome for financial institutions.

Second. Section 1003 authorizes Treasury to target financial institutions in certain geographic locations for a certain period of time, involving cash transactions at an amount less than the current \$10,000 threshold. The purpose of this section—which has been favorably endorsed by the Treasury Department—is to use the authority of the Bank Secrecy Act to respond to epidemic drug money laundering in certain locations that: First, have been identified by law enforcement; and second, where launderers are dealing in transactions below the \$10,000 reporting amount. The reports would be analyzed separately from other currency transaction reports on the spot in an effort to break up the money laundering rings.

It should be noted that this provision does not automatically lower the more than \$10,000 threshold reporting requirement for cash transactions required by financial institutions under current law. Only those institutions specifically targeted for a limited duration would be affected by this new provision.

#### AMENDMENTS TO THE RIGHT TO FINANCIAL PRIVACY ACT

Third. Section 1004 amends the Right to Financial Privacy Act [RFPA]. That act was intended to protect the customer of financial institutions from unwarranted intrusion into his or her financial records—while at the same time permitting law enforcement to conduct legitimate investigative activity. The Right to Financial Privacy Act seeks to strike a balance between the privacy rights of bank

customers and the need for law enforcement officials to obtain financial records in legitimate investigations.

Section 1004 provides a limited exception to the notification requirement under RFPA and would permit a financial institution or a supervisory agency to provide the financial records of any officer, director, employee, controlling shareholder, or any major borrower from such institution whenever there is reason to believe that records are relevant to possible criminal activity against the financial institution or supervisory agency by such individuals. I would hasten to add that in the case of the major borrower exception, the records of such individuals would be provided only if there is reason to believe that such borrower may be acting in concert with any officer, director, employee, or controlling shareholder of a financial institution.

Mr. Chairman, this provision will help law enforcement authorities to detect money-laundering schemes that may be drug related and would help prevent bank fraud and other insider abuse which has taken a heavy toll on this Nation's deposit insurance funds.

I would point out to my colleagues that the Right to Financial Privacy Act, which was reported out of the Banking Committee in 1978, was never meant to protect these insiders who violate their position of trust—and their coconspirators. Under present law, the insider under investigation often has access to his own as well as his coconspirator's vital bank records and can alter, destroy, or conceal them if notified that some information has been transferred to a law enforcement agency, usually by way of a criminal referral.

The Department of Justice and the Subcommittee on Commerce, Consumer and Monetary Affairs of the Government Operations Committee agree that insider criminal misconduct in financial institutions today involve both insiders and borrowers acting in concert. There is mounting evidence that more major borrowers defrauding financial institutions are part of organized criminal elements and when acting in concert with insiders of financial institutions—can effectively kill major criminal investigations.

Section 1004 is a very limited exception to the notification requirement under the RFPA and will provide law enforcement officials the vital information they need to detect, prosecute, and convict all criminals—including those who are drug traffickers and dealers.

In addition, Mr. Chairman, in an effort to respond to the concerns of financial institutions who are hesitant to make criminal referrals or turn over evidence even when they are victimized by an insider because of potential civil liability, the good faith defense from civil liability available to finan-

cial institutions under present law is made applicable whenever records—exempted by the insider and major borrower provisions of this section—are provided to law enforcement agencies. Further, any State or local law which would otherwise prohibit disclosure of records of insiders and affected major borrowers is preempted.

#### NEW CIVIL MONEY PENALTIES

Fourth. Section 1006 provides civil money penalties for failure to comply with certain recordkeeping requirements. A civil penalty up to \$10,000 per violation per day is imposed on insured banks, thrifts, and other financial institutions for a willful violation of recordkeeping regulations pursuant to the Bank Secrecy Act. Violations of the recordkeeping provisions of the Bank Secrecy Act can be as harmful to law enforcement efforts to eradicate drug trafficking as violations of the reporting provisions of the BSA.

However, the committee trusts that Treasury will exercise its good judgment when imposing penalties for recordkeeping violations.

#### EXPORT-IMPORT BANK FINANCING AMENDMENT

Fifth. Under present law, the Eximbank is legally prohibited from financing sales of defense articles to Third World countries. There is, however, certain equipment which can be used for both defense and antidrug purposes. In order to ensure that all possible resources are made available to combat drug trafficking, an exception to the current Eximbank prohibition is provided in section 1011.

In order to maintain a balance between the bank's traditional role of helping exporters and its new role of helping with the war on drugs, this provision limits antidrug assistance to 10 percent of the Eximbank's overall guarantee authority per fiscal year.

Further, to ensure that the sale of defense articles or services would be in the national interest of the United States, the President shall take into account whether the sale would: First, be consistent with the antinarcotics policy of the United States; second, involve the end use of a defense article or service in a major drug-transit country; and third, be made to a country with a democratic form of government.

#### MULTILATERAL BANK PROVISIONS IN DRUG BILL

Sixth. Provisions encouraging the increased direct participation of the multilateral development banks in the fight against illicit narcotics are also included in the Banking Committee title. Specifically, the U.S. Executive Directors of the World Bank and Inter-American Development Bank are required to seek the establishment of targeted loan programs to reduce the economic dependence on illicit narcotics in the developing countries. We call on these banks to pursue those programs which would serve to provide

legal economic alternatives to income derived from the illegal drug trade. The committee believes that such a role is most appropriate for the MDB's. The plain truth is that drugs will continue to be produced unless the poor peasant farmer who grows the coca is provided with alternative means for acquiring the basic necessities of life. The MDB's can help provide these alternative means.

Let me just briefly comment on the other provision of the legislation relating to the MDB's. Section 3050 of the Foreign Affairs Committee title amends the Foreign Assistance Act by removing the MDB's from the country certification process. The purpose of removing the banks from this process is to streamline the certification procedure and remove unnecessary delays regarding resolutions of decertification. The U.S. "no" votes required in the MDB's if a country is not certified have little practical effect in any case. However, the so-called Rangel amendment requiring a negative vote by the United States if a country is making inadequate efforts to stem the flow of illegal drugs into the United States, remains in effect. Finally, I would point out that, through an understanding between myself and Chairman FASCELL, the presence of this provision in the Foreign Affairs title has no jurisdictional implications.

In conclusion, Mr. Chairman, I want to thank the ranking minority member of the committee, Mr. WYLIE and other members of the committee—both majority and minority—for their full cooperation for the work the committee has done under title I.

Only with this kind of participation and full cooperation can we truly combat effectively the drug epidemic that unfortunately engulfs this Nation.

Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. TORRES].

Mr. TORRES. Mr. Chairman, I rise today in strong support of the omnibus drug abuse bill. This issue affects every citizen of this country as the plague of drug abuse and related crimes reaches everywhere; onto our streets, into our schools, and across the borders of our Nation.

There is no singular solution to the drug problem and it remains an ongoing battle in our society. In 1986, with enactment of the Omnibus Drug Act, Congress took a major step to provide the ammunition to step up the war on drugs. The bill today provides additional critically needed resources and programs to continue to combat drugs on all fronts, from education and treatment to crop eradication.

I am particularly pleased to note that this bill also includes important money laundering provisions which strike at the very essence of narcotics

related crime. As a member of the House Banking Committee, I have been advancing these proposals for a number of years. Working with the chairman and my colleagues on the committee, the Treasury Department, the FBI, and the DEA, we have significantly strengthened provisions of the 1986 money laundering statute.

Southern California, in particular, is awash with dirty narcotics related cash. It is estimated, perhaps conservatively, that \$1 billion in drug generated cash is being laundered annually in the Los Angeles area alone, which I represent, through a variety of money laundering schemes. Our Nation's banks are being caught up in these schemes.

The money laundering provisions in this bill will allow the Treasury Department to target individuals banks or banks in a geographic area for stricter enforcement of bank record-keeping and reporting requirements for cash transactions. In addition, in order to purchase certain monetary instruments, an individual will either have to have an account at the bank or present identification. This identification requirement will make it much more difficult for money launderers to carry out their schemes.

Mr. Chairman, these enhancements will help provide law enforcement personnel with the tools they need to prosecute and penalize those engaged in money-laundering operations. By doing so, the bill goes a long way to shut down the drug lords in our society. I urge my colleagues to lend their support for these provisions and the entire drug bill. It is critically needed legislation.

The CHAIRMAN. The Chair wishes to state that the gentleman from Rhode Island [Mr. ST GERMAIN] has 45 seconds remaining.

Mr. ST GERMAIN. Mr. Chairman, I yield the balance of my time to the gentleman from Illinois [Mr. ANNUNZIO].

The CHAIRMAN. The gentleman from Illinois [Mr. ANNUNZIO] is recognized for 45 seconds.

Mr. ANNUNZIO. Mr. Chairman, H.R. 5210, the Omnibus Drug Initiative Act, is a good bill that, with the adoption of several amendments, can become a great bill. I want to commend the committees that worked on this legislation for their hard work and diligent effort in putting together a package of such a comprehensive nature. I also want to commend the Rules Committee and its chairman, the distinguished gentleman from Florida, Senator PEPPER, for allowing such a fair and equitable rule on the bill which allows for 36 amendments to be considered.

There has been some criticism that we are rushing this legislation too quickly. I reject that argument, for I do not believe that we can move fast

enough in the war on drugs. Nor can we deal with the drug problem by using the same old ineffective approaches that have been tried in the past.

Americans are deeply concerned about the drug problem. And in every poll taken about the issues affecting the American people, the issue of drugs is always at the top of Americans' concerns.

One of the provisions in the legislation that I support strongly is the 7-day waiting period before anyone buying a handgun would be permitted to take possession of the firearm. This waiting period will allow local law enforcement authorities to check the background of the purchaser to make certain that the sale would not violate Federal or State law. This provision would go a long way toward keeping handguns out of the hands of criminals. While it is true that not all criminals buy their weapons over the counter, a Justice Department study has shown that more than 20 percent of criminals do buy weapons from registered gun dealers. And in New Jersey alone, more than 500 convicted felons a year buy handguns over the counter using their own names.

The 7-day waiting period is not going to solve the problem of criminals obtaining guns, but it will have an effect on the problem. And even if we can stop only a few guns a year from getting in the hands of criminals, isn't it worth the effort? Civil libertarians often say, "it is better to acquit 100 guilty people than to convict one innocent person." Let me suggest then, isn't it better to stop one murder by requiring a 7-day waiting period, than it is to allow no waiting period at all, which may lead to hundreds of murders? Isn't a 7-day waiting period a small price to pay for stopping crime?

It should be pointed out that this provision in the legislation applies only to handguns. It will not stop the hunter who suddenly remembers that duck season opens the day after tomorrow and needs to get a new shotgun for the season, unless the hunter wants to go after duck with a .22 caliber snub-nose revolver.

As I said earlier in my statement, this is a good bill, it can be turned into a great bill with the adoption of several amendments. The gentleman from New York [Mr. WORTLEY] and I will offer an amendment that will allow the Justice Department to obtain records on money laundering cases from other Federal agencies without requiring that the Justice Department notify the person whose records are being obtained. This amendment is important because it will enable the Justice Department to build a case against the drug dealer who is laundering money without the drug dealer knowing about the investigation. Under existing law, the Justice De-

partment must notify the drug dealer of the investigation, which of course, gives the drug dealer ample time to flee the country or go into hiding. This is an important amendment that needs to be added to this bill.

I will also be supporting the amendment to add the death penalty for drug related killings. This amendment will allow the death penalty for anyone who intentionally kills a person during the course of committing or in furtherance of a drug felony, or while attempting to avoid the apprehension for or service of a prison sentence for a drug felony.

Mr. Chairman, it had long been my intention to offer a death penalty amendment to the drug bill. I had even gone so far as to instruct my staff to work on an amendment, and I have had conversations with other Members concerning my introduction of such an amendment. However, I felt that since I am not a member of the Judiciary Committee, the committee which would have jurisdiction over the death penalty provision, I decided that once I was certain that a death penalty amendment would be offered that I would let a member of the Judiciary Committee offer that amendment.

Pride of authorship is not important in this legislation nor with this amendment. Stopping drug dealing in the United States of America is what is important. And I intend to support every provision in the legislation and every amendment that will move toward that goal. The American people want a strong antidrug bill. The American people want strong criminal penalties against drug dealers. The House of Representatives is the house of the people, and we should give the people what they want.

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Mr. McCOLLUM. Mr. Chairman, I yield 8 minutes to the gentleman from Ohio [Mr. WYLIE], and I ask unanimous consent he be allowed to yield blocks of time to other Members.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. WYLIE. Mr. Chairman, I yield myself such time as I may consume.

Mr. WYLIE. Mr. Chairman, the legislation that we are debating today is one of the most important the 100th Congress will consider. Everyday we read about the drug problem—almost every night another homicide results from drugs. It has been estimated that Americans spend \$80 to \$150 billion a year on drugs. Organized crime, deeply involved in the drug trade, earns anywhere from \$40 to \$60 billion a year. As one can see this is a problem of massive proportions, and that is why this legislation designed to curb drug

use and punish drug dealers is critically important. The problem is so bad that we need to try in many ways to combat drug use.

One method of combating drugs in the financial community is to limit the ability of drug dealers to launder money. This too is a sizable problem. An estimated \$5 to \$15 billion a year is laundered through financial institutions every year. In 1986, the Congress began the fight against this problem by improving the Bank Secrecy Act. Under those changes, we made it a crime to structure transactions to avoid that act's reporting requirements. Moreover, we clarified that financial institutions could give limited information about accounts to Federal investigators where criminal activity is suspected.

It has been 2 years since the passage of Anti-Drug Abuse Act of 1986, and having had a chance to review the implementation of that law, the Treasury and Justice Departments have recommended some changes to build on the effectiveness of the law.

Title I of this bill will require that some limited information be recorded by the financial institution when issuing travelers checks, cashier checks, and other similar instruments over \$3,000. Additionally, the Treasury Secretary will have the authority to require more extensive transaction information for transactions of less than \$10,000 in targeted areas. For example, if the Secretary determines that money laundering is worse in the Los Angeles area—then he can require stiffer reporting requirements. I think this is a sensible provision.

This legislation will also make an important change in the Right to Financial Privacy Act. For the first time, law enforcement authorities will have the ability to review financial records of bank insiders without having to notify them that their records are being reviewed for possible criminal activity. As the Justice Department testified before our committee, they had a file cabinet full of cases where the suspect headed for the airport immediately after being notified that his records had been subpoenaed. Insiders are designated as officers, directors, employees, controlling shareholders, and in some cases, major borrowers.

Finally, the chairman mentioned title I allows the Export-Import Bank to provide financing for sales of military equipment, but only if the equipment is to be used to combat narcotics. A study is authorized as to whether \$100 bills should be removed from circulation and also to improve lending to Third World nations to lessen dependence on the drug trade. Title I is a good title, and will improve law enforcement in the money laundering area and I commend Chairman ST GERMAIN for leadership on this title. It definitely adds strength to this bill.

## AMENDMENTS TO TITLE I

Mr. Chairman, let me also discuss the two amendments that will be offered to this title. First, my Banking Committee colleagues Mr. ANNUNZIO and Mr. WORTLEY will offer an amendment that will allow a government agency to transfer financial records to the Attorney General or State law enforcement authorities without notifying the suspect. Why is this needed? Let me give you an example. Let's assume that a Federal agency in the course of routine examination uncovers some suspected fraudulent activity in an account. In order for a criminal investigation to begin they have to give these records to the Justice Department or a State authority. What happens when they inform the suspect that his records are in the hands of the Justice Department—the suspect is on the first plane to Europe or the Cayman Islands. You can see why we need to allow this transfer without notification.

The second amendment to be offered by my good friend Mr. WORTLEY is purely technical in nature. Current law requires the actual financial records of a suspect to be presented to a grand jury. Physical presentation, however, sometimes means traveling miles to a warehouse to simply look at stacks of records. How many jurors are going to physically review a warehouse full of records. You guessed it right if you said none. What the jurors will rely on is a summary of the records. This amendment would simply allow a summary of those records to be substituted for the actual records, when presenting the actual records is physically impractical. Again, the Justice Department testified that in many cases grand juries only sit for 1 day a month—that day can be wasted visiting a warehouse full of records. Finally, Criminal Rules of Procedure already protect against any tampering of subpoenaed records. Mr. Chairman, I urge my colleagues to support both of these amendments. Both have been requested by the administration, and are badly needed to combat drug-related crimes.

## AMENDMENT TO TITLE VI

Mr. Chairman, later on in this debate, some amendments will be offered to assist HUD in cleaning up the drug problem in public housing. A constituent wrote me on this issue earlier this year, and the letter read as follows:

The drug problem is worse than ever here. People live here who are not on leases. I have told my friends that live here, that there is hope that we can clean this place up, and make it the nice place it once was. With God's help and yours I have told my neighbors that we can clean it up.

Well we can start the cleanup by kicking drug dealers out of public housing and putting them in jail where they belong. Representative

DIOGUARDI's amendment will provide HUD with the authority to coordinate and provide training in drug prevention efforts for the purposes of establishing drug-free public housing. I urge my colleagues to support this amendment when it is offered.

This amendment will strengthen an otherwise excellent bill.

Mr. Chairman, I yield the balance of my time to the gentleman from New York [Mr. WORTLEY].

The CHAIRMAN. The gentleman from New York [Mr. WORTLEY] is recognized for 4 minutes.

Mr. WORTLEY. Mr. Chairman, I am pleased that the Congress is finally undertaking one of the most important pieces of legislation it has faced in the 100th Congress. Every person in the United States is touched in one way or another by the massive problem we are having with drugs. From the horrors of heroin addicts, to cocaine in the office, to pot in our schools, to drivers on our highways, to murdered police officers in our streets, we all yearn for a society that will be free of drugs.

Over the last several years, we have developed an increased awareness of the extent of the drug problem, the damage it can cause to individuals, families, and neighborhoods, the effect it has on productivity, and the connection between drug use and crime. This increased awareness has led to the necessity of what I call a four-pronged attack on drugs, all of which are interrelated.

We must make every attempt at eradicating all drug production at home and abroad. This includes the spraying of marijuana fields and limiting the diversion of cocaine-refining chemicals made in the United States to laboratories in drug-producing countries, such as Colombia. Moreover, we can halt drug production abroad by assisting, in both monetary and human terms, those countries in locating and dismantling drug processing sites.

The next leg of the drug war is the interception of illegal shipments of drugs entering the United States. We need to give any and all assistance, including the military, to stop this importation. I am disturbed that the bill does little to allow our Armed Forces to lend its support to drug interdiction efforts. However, I am pleased to see that the drug bill bolsters the U.S. Coast Guard interdiction efforts by appropriating money specifically for marine and air drug interdiction assets, including surveillance aircraft.

The foreign affairs title also calls for the Organization of American States to establish an antinarcotics force. With \$10 million set aside for this effort if other members of the OAS lend their support, this could prove to be a substantial investment to combat

what Secretary of State George Shultz properly calls the "pirates of the 20th century." The drug bill additionally assists allies by allocating some funds, by way of the Department of Defense, to train Latin American defense forces and police in antinarcotic techniques.

We must shore up our existing laws through more rigorous law enforcement which, unfortunately, is not adequately addressed in this bill. We should also pass tougher legislation to serve as a deterrent and at the same time rightly punish those who insist on dealing in drugs. This includes heightened penalties for production, distribution and use of all drugs—including marijuana—complete forfeiture of all assets, increased support for all law enforcement officials including prosecutors and a general concept of "zero tolerance." I would also urge my colleagues to support the amendment that would give the death penalty to drug traffickers and kingpins who cause the loss of human life.

A solid amendment to this drug bill is what many refer to as "user accountability." This provides that persons with drug possession convictions are ineligible for Federal benefits, contracts, or licenses for 5 years unless they have completed a drug rehabilitation program. Furthermore, there are 10 years of ineligibility after 1 conviction for drug traffickers. User accountability is also demonstrated by suspending drivers' licenses for drug offenses—I have to ask what could better deter our youth from experimenting with drugs?

Civil fines, in addition to current criminal penalties, would also deter many "casual users" from using drugs. These fines, up to 25 percent of the person's income, would give prosecutors another tool as they would not have to prove guilt beyond a reasonable doubt. Revenue collected from civil fines could also offset the enormous cost of this bill and avoid sequestration.

I will be offering two amendments to the drug bill on the floor of the House of Representatives that will strengthen law enforcement by cracking down on money laundering, a practice that drug kingpins and traffickers have mastered to an art. I would like to ask my colleagues to take a close, hard look at my amendments. I sincerely believe that they will greatly add to the current bill and will help our law enforcement officials investigate and prosecute drug dealers who launder money.

I am pleased that an important provision was included that permits the Export-Import Bank to guarantee bank credits for the export of military equipment, if the military hardware is used "primarily for antinarcotic purposes." This arrangement is especially crucial to countries such as Colombia who are shifting from a drug-produc-

ing to a drug-consuming society. Ironically, this has forced those governments to more fully realize the harmful effects of drugs. Unfortunately, those governments do not have the financial wherewithal to thoroughly combat the "narco-traffickers." This Export/Import Bank guarantee will ensure that countries like Colombia can more effectively secure loans in order to buy equipment to combat the drug menace.

The fourth, and most important, leg of the attack is demand reduction, to convince people, especially our youth, that drugs are bad and can kill. This is also the broadest part as it requires pieces of the above three legs along with education, prevention, rehabilitation, drug-free workplaces and assistance to individuals, including pregnant women, who are in special need of aid.

Public education about the ills of drugs will be greatly enhanced as many urban areas will receive direct block grants from the Federal Government. This will bypass the normal path of allocating money to the States, where much of the money gets bogged down in bureaucratic redtape, or is diverted to other favored programs. These block grants will especially help education children in our schools, where all too often experimenting with drugs leads to abusing drugs. A higher level of education will directly lead to enhanced prevention which will in turn lead to a reduced demand.

The Congress is faced with an excellent opportunity to enact new comprehensive antidrug legislation that will combat the growing menace of illegal narcotics. The war on drugs will undoubtedly need constant attention and updating from our courts, communities, families, churches, coaches, legislators, and the public in general. Through hard work, and through direct and indirect pressure from all branches of government, we can overcome this scourge of our society.

Mr. RANGEL. Mr. Chairman, I yield 8 minutes to the distinguished gentleman from California [Mr. HAWKINS], and I ask unanimous consent that the gentleman from California be allowed to yield blocks of that time out of his allotted time.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. HAWKINS. Mr. Chairman, I yield myself such time as I may consume.

One of the best ways to eradicate drugs from our communities is through a coordinated and comprehensive effort of education, prevention, and supportive counseling and other social services.

Title II of the Omnibus Drug Initiative Act of 1988 provides a good beginning for education and social service

programs to augment community resources in the war on drugs and to intervene directly with at-risk populations.

It authorizes the Secretary of Health and Human Services to target funds to fight the epidemic of youth gangs which commit drug-related crimes, by supporting educational outreach by local law enforcement, as well as informing gang members and their families of the availability of treatment and rehabilitation services.

The Secretary of HHS is also authorized to make grants to conduct a free-standing National Youth Sports Program [NYSP] targeted to economically disadvantaged boys and girls, a key target population for efforts to address the demand for illegal drugs.

The boys and girls receive instruction in sports, and education and counseling in such areas as drug and alcohol abuse prevention, and personal health and nutrition. Each youngster receives a free medical examination and followup, and a free daily nutritional meal.

The activities authorized include training staff in the most effective methods of drug abuse education and prevention and involving parents of NYSP participants in the drug abuse education and prevention activities.

Title II would increase the number of colleges and universities currently participating in the NCAA-sponsored program—138 in 1988—by about 30 a year for 3 years. Currently, the NYSP is conducted only in the summer, but we could make it into a year-round program.

Title II also authorizes a new program, administered by the Office of Juvenile Justice and Delinquency Prevention [OJJDP] in the Justice Department, with two components. Part 1 provides formula grants to States to further the development of more effective juvenile justice programs targeted to the illicit use of drugs by youth and to provide juveniles and their families referral to education, prevention, treatment, and rehabilitation.

The Administrator of JJDPA is also authorized to make grants, on a competitive basis to: First, prevent or reduce juvenile delinquency by drug abuse education; second, develop community outreach and counseling programs; and third, provide training and technical assistance relating to innovative and effective programs.

Title II establishes a new program to prevent and reduce illicit drug use among runaway youth. It authorizes the Secretary of HHS to make competitive grants to: First, provide counseling to runaway youth and their families, and to homeless youth; second, develop and support peer counseling programs and community education programs; and third, provide

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similar assistance to runaway and homeless youth in rural areas.

The programs authorized reflect the prevailing professional view that substance abuse problems among youth are frequently a consequence of similar problems within the family or an attempt to cope with family problems. Therefore, substance abuse problems of youth must be addressed in a comprehensive manner.

The bill also ensures that women receiving nutrition assistance through the WIC program are given drug abuse education; that the Secretary of Education be allowed to fund innovative alcohol abuse education programs; that States may use Adult Education Act funds for drug abuse education programs for incarcerated individuals; and that VISTA fund innovative community-based volunteer demonstration projects which provide drug abuse education to youth during the summer months.

These are extremely modest programs that are intended to build on the Drug-Free Schools and Communities Act which has already been reauthorized. They merit the strong support of all Members.

I am deeply concerned, however, about a proposal which came before the Education and Labor Committee.

The committee has twice been faced with amendments that would, if adopted, prevent students convicted of drug-related offenses from receiving student financial assistance under title IV of the Higher Education Act. On both occasions during the consideration of two different bills, the committee rejected these amendments. The majority of the committee believed that this is an ineffective deterrent to drug abuse and that enacting such user accountability provisions would prove to be an obstacle to rehabilitation.

It is perverse to deny offenders particular benefits while other convicted criminals continue to receive them. Do the proponents of such proposals mean to imply that we find even a relatively minor drug-related offense more heinous than murder, rape, and other violent felonies?

Rather than deter drug use or provide an incentive to rehabilitation, user accountability has the potential to permanently condemn drug users to addiction and inferior status in our society, and increase, not reduce, our Nation's drug problem.

I, therefore, urge you to reject the amendment to be offered by Mr. McCOLLUM which punishes victims for their inability to say "no" to drugs.

Instead, I strongly urge you to support the Montgomery-Dingell-Rangel alternative which is a much more thoughtful approach to user accountability. Its aim is to push drug users into rehabilitation and treatment programs rather than into the streets.

Mr. McCOLLUM. Mr. Chairman, I yield 5 minutes to the gentleman from California [Mr. MOORHEAD].

Mr. MOORHEAD. Mr. Speaker, the drug problem in America continues to have the dimensions of a plague. It has and will continue to scar each of us physically and economically until the scourge is defeated by the combined best efforts of each of us. The International Narcotics Control Strategy Report, issued by the State Department, indicates that every major drug-producing nation increased production of drugs in 1986 and 1987.

More potent forms of drugs are making the war more difficult as crack and black-tar heroin continue to infiltrate our cities and towns. In 1986 more than 150 tons of cocaine, 12 tons of heroin, 60,000 tons of marijuana, and 200 tons of hashish, entered the United States. Since then the demand has increased. In 1987, Americans spent \$140 billion on illegal drugs. The social and economic costs of drug use—prevention, treatment, related crime, violence, death, property destruction, lost productivity, and drug enforcement—totals an additional \$100 billion.

The Federal Government is doing more than it ever has in the past to fight drugs but clearly enough has not been done. In that regard, H.R. 5210, the Omnibus Drug Initiative Act of 1988, is an important and timely initiative that will provide additional resources for the war on drugs. The gentleman from New Jersey [Mr. HUGHES] and the gentleman from Florida [Mr. McCOLLUM], the chairman and ranking member of the Judiciary Subcommittee on Crime are to be commended for their work on H.R. 5210. By the same token, the distinguished majority and minority leaders, Mr. FOLEY and Mr. MICHEL, have been instrumental in fashioning this important piece of legislation, as well as the gentleman from New York, Mr. HAMILTON FISH, the ranking Republican on the full Judiciary Committee.

Earlier this year I attended hearings in Los Angeles conducted by the House Judiciary Subcommittee on Crime on gangs and their nationwide drug-selling operations. The hearings contributed several worthwhile ideas that have since been incorporated in H.R. 5210, such as the establishment of a new drug prevention program targeted at youth gangs.

When the legislation was being considered by the Judiciary Committee, I added an amendment to provide \$1.4 billion in funding for the Federal prison system for fiscal year 1989. My amendment was based on the recognition that overcrowding is currently the most serious problem confronting the Bureau of Prisons. Accordingly, as we consider initiatives such as H.R. 5210, that will clearly impact on the Federal

inmate population, I believe that it is imperative that we provide the Bureau with the resources necessary to cope with an ever-increasing-inmate population.

At the present time our Federal prisons are 50 percent overcrowded. We also have the problem of letting prisoners out very early. I was approached not long ago by a constituent from my district whose sons were both drug dealers. He was complaining that they were let out after 2 months in jail, saying that they did not even have a chance to begin to try to reform them or to change their ways so that they would go directly out on the streets. We cannot allow this to happen.

I also introduced an amendment to increase criminal penalties for drug dealers operating in or near public parks. Although this amendment was not made in order by the Rules Committee, I am hopeful that down the road the concept will in some way be implemented as an important safeguard for our children, as has been a similar amendment that deals with the public schools.

Finally, it had been my intention to offer an amendment to H.R. 5210 that would modernize and consolidate the existing statutory provisions relating to the Marshals Service and to provide a clear statutory basis for its current responsibilities. This amendment is based on H.R. 3551, the U.S. Marshals Service Act, which was introduced by the gentleman from Wisconsin [Mr. KASTENMEIER] and which I was pleased to cosponsor. It is my understanding that this amendment will be offered as part of a noncontroversial bloc amendment by the distinguished majority leader, Mr. FOLEY.

Additional amendments will be offered by my Republican colleagues to add the death penalty for those who commit murder during a drug felony, to change the exclusionary law to make it easier to convict drug offenders and to make drug users more accountable. Southern California is now the Nation's distribution center for PCP, heroin, and cocaine. In the past year, drug-related arrests in Los Angeles jumped nearly 20 percent. In 1987 over 7 tons of cocaine were seized by Los Angeles police.

It is important that we give support to our police forces and to the Border Patrol, which has done more to capture narcotics that have been sent to the United States at the border than any other law enforcement agency.

The abuse of dangerous drugs remains a visible and disturbing aspect of American life. We must continue to diligently pursue effective and responsible legislative solutions to combat one of the most pressing problems of our generation, the war on drugs.

Mr. RANGEL. Mr. Chairman, I yield 8 minutes to the gentleman from Flor-

ida [Mr. SMITH] and I thank the gentleman for the distinguished job he has been doing to share with us section 3 of the bill.

Mr. Chairman, I ask unanimous consent that the gentleman from Florida [Mr. SMITH] be allowed to yield blocks of time out of his allotted time.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. SMITH of Florida. Mr. Chairman, I thank the gentleman from yielding me this time. I want to commend the gentleman from New York for his continuous long-term battle in the war against drugs and his significant leadership in this fight.

Mr. Chairman, title III contains the contribution of the Foreign Affairs Committee. As chairman of the Task Force on International Narcotics Control, we have written much of what is in the foreign affairs title and the task force and the committee wholeheartedly endorse these proposals.

I think it is very, very important for those who are listening to this debate to understand that it is the Foreign Affairs Committee that was in the forefront in the international battle against narcotics for years. With the help of the gentleman from New York [Mr. RANGEL], who years ago with others dreamed up a significant and important part of the battle, the Rangel-Gilman amendment, which cut off aid which makes the U.S. cooperation with other countries contingent on their cooperation with us, and other people, we have had some major and significant advances; but more is being grown, more is being thrown at us, and unfortunately we have not kept pace with the problem.

So in the 1986 omnibus antidrug bill, the Foreign Affairs Committee fashioned what I think was a very good package, and in 1988 once again we have contributed what I think is an important part of the total bill. It is one of the least costly in terms of dollars, but I think it can be utilized effectively in the fight against narcotics and drugs, which is the cheapest part of the fight, and that is eradication and interdiction.

Roughly half of the title consists of narcotics-related provisions of H.R. 3100, which is the foreign aid bill as passed by the House. Another portion is largely technical corrections designed to unify the standards used in the certification process for bilateral and multilateral aid and for trade.

I might say, Mr. Chairman, that this morning I did a 1-minute speech on how this particular administration unfortunately deals with the problem of certification by closing their eyes to it, waving away those people in foreign governments who are involved in drugs and corrupt practices.

The remainder of the title consists of modest new initiatives. The most significant include asking the OAS to review the need for a multinational regional antinarcotics force and regional strategy, with a hemisphere conference to follow if there is agreement on these concepts.

I might add in that regard, Mr. Chairman, just in the last few weeks we have seen a group known as IDEC, the International Drug Enforcement Conference, actually foster and develop and make a significant drug raid simultaneously in three different countries: Colombia, Peru, and Bolivia. With all those and other countries cooperating in the region, even Western European countries, this can work. The regional approach does work. They confiscated tons of cocaine, millions of dollars, put clandestine laboratories out of business and bombed clandestine airstrips. It can work if we get cooperation.

Another item is a special assistance package for Colombia, which is trying hard but suffering mightily under the drug traffickers and because of the connection between narcotics traffickers and terrorists, what we call narco-terrorism.

There is a process for determining which countries are major drug transit countries for the purposes of certification as to whether they receive foreign aid, a waiver of section 660 which prohibits the provision of weapons and ammunition to foreign antinarcotics police, so that we will be able to provide some training and some weaponry for people if they qualify, with appropriate human rights safeguards.

There is a prohibition on economic and military aid to drug traffickers, which may sound silly, but right now some drug traffickers have in fact applied for some AID grants.

It waives the Export-Import Bank's prohibition on financing military sales if the sales are for equipment to be used for antinarcotics purposes.

It makes the Secretary of State the coordinator of and the reporter on all American overseas antinarcotics aid, as he now does for antiterrorism aid. It requires the Secretary of State to revoke passports for convicted drug felons and authorizes the President to stamp travel documents of drug violators.

Finally, we authorize funds to the State Department to develop machinery for visas. This is a problem, because quite honestly drug traffickers who have valid passports who would otherwise need a visa cannot be discovered because some of our machines are not capable of having the information stored.

So we have done a number of things, which again will marginally help beyond where the Foreign Affairs Committee has already gone in terms of the last few years.

All of this, together with all the other items that are in this complete package, are significant when taken as a whole. If in fact this House passes, and I hope they do, this package, I believe it will go again further down the road in making the battle against drugs more winnable and more successful.

I think that if there is a place to commend people for having been involved in this fight for a long time, it is right here in the House of Representatives. The men and women who serve here, I believe, have been more attuned to the needs and the problems of this Government and of the governments around the world and have done more than anywhere else, not in the other body, not in the administration that have come and gone or are currently in power, but in this body there has been more of a significant response to the problem of drugs than anywhere else.

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Mr. Speaker, a lot of the Members, my good friend, the gentleman from New York [Mr. GILMAN], over on the other side, who was a cochair of the task force with me, have been involved for many years in fighting this battle. I am proud to be with them once again on an issue like this where with bipartisan support the American people know that somebody, at least, is going to stand up and lead the battle against drugs and try to win the war.

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

Mr. FASCELL. Mr. Chairman, I rise in support of H.R. 5210, the 1988 omnibus antidrug bill.

I am pleased to have sponsored title III of this bill, the Foreign Affairs Committee's contribution to the legislation. Title III is substantially the same as H.R. 4841, which the committee approved on June 15. It is the latest in a long list on narcotics control legislation sponsored by the committee over the past two decades.

The committee has not only enacted legislation, but has carefully monitored the impact of that legislation as well. Since passage of the Omnibus Antidrug Abuse Act of 1986, the committee's Task Force on International Narcotics Control has held almost two dozen hearings on international narcotics control issues. Many of the provisions in title III stem directly from those hearings. Also included are several recommendations made by a series of GAO reports mandated by the committee.

The committee's long and active history in narcotics control issues has led to the conclusion that there are no easy answers or quick fixes to the problem of international narcotics control. Title III of the bill therefore contains none of the more radical proposals which might be politically attractive in an election year. Instead, it authorizes a number of modest but nonetheless sensible approaches which will assist in the fight against narcotics production and trafficking. These include:

Asking the Organization of American States to review the need for a multinational regional antinarcotics force, and requiring the Secretary of State to consult with these nations to develop a comprehensive regional strategy to combat cocaine;

Authorizing a special assistance package for Colombia;

Establishing a process for determining which countries are major drug transit countries for purposes of certification;

Providing aid to foreign law enforcement agencies for antinarcotics purposes, under specified conditions;

Waiving the Export-Import Bank's prohibition on financing military sales if the equipment is for antinarcotics purposes;

Revocation of passports for convicted drug felons;

Making the Secretary of State the coordinator of, and report to Congress on, all U.S. Government overseas antinarcotics aid; and

Authorizing funds to the State Department to develop machine-readable visas.

I continue to believe that demand reduction provides the only realistic long-term hope for effectively dealing with the narcotics problem. Nonetheless, these and other measures in the bill provide useful tools in the battle overseas. Finally, I want to commend Congressman LARRY SMITH and Congressman BEN GILMAN for their long hours of work on this legislation. As chairman and cochairman of the committee's task force, along with Congressman ED FEIGHAN, they have made vital contributions to this bill.

The CHAIRMAN. The gentleman from Florida [Mr. SMITH] has 1 minute remaining.

Mr. SMITH of Florida. Mr. Chairman, I yield my 1 minute to the gentleman from New York [Mr. SOLARZ].

Mr. SOLARZ. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, the administration tells us we are engaged in a war against drugs, but it really turns out that we are barely involved in a skirmish.

In July I went down to Peru, where most of the cocaine in the world is produced, and to Colombia, where much of it is processed. It turned out, in talking to our people down there, no thought, no planning, no consideration whatsoever has been given to the development of a master plan for breaking the back of the cocaine cartels in Latin America.

A provision of this title would mandate the Secretary of State, in consultation with the producing and processing countries in South America and with the other industrialized nations that, like ourselves, are the victims of cocaine, to report to the Congress on a master plan for the eradication of the production and processing of cocaine in South America, how much it will cost, how long it will take, and how it can be done so that at long last we will be able to have before us a plan and a master strategy for winning this war against drugs by beating it at the source.

Mr. LUNGREN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the remarks of the previous gentleman were most interesting and certainly we must do something on the supply side. But I think all of us have to recognize that unless we do something on the demand side, which is something many of the governments of the world have been suggesting we do and something many in this Congress have been suggesting we do, we are fooling ourselves. Until we have user accountability, until we hold the the user responsible as well as the provider of this poison, we are not going to defeat the problem. While we still have the sights on national television of coaches bemoaning the fact that certain million dollar athletes cannot play a couple of games because they have been caught repeatedly using drugs and yet no one suggests that the individual is responsible for his own actions, the individual is insulting the young people of America, and the individual is the one who is bringing problems upon himself. Unless we change this attitude, we are not going to solve the problem here in America; we are only going to fool ourselves.

One of the major elements of this bill, hopefully, on final passage will be user accountability. I hope people keep that in mind.

Mr. Chairman, I yield 8 minutes to the gentleman from Michigan [Mr. BROOMFIELD] and I ask unanimous consent that the gentleman from Michigan be allowed to yield blocks of time.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. BROOMFIELD. Mr. Chairman, I supported the foreign affairs section of the drug bill as reported out of committee. My colleague, Chairman FASCELL, also supported the bipartisan effort to craft an effective Foreign Affairs Committee section of the drug bill. I believe that we were successful. Many Republican drug bill initiatives have been included in whole or in part in the bill before us today.

Some of these new initiatives call for the creation of a Latin American antinarcotics strike force and permit police training for foreign antinarcotics units to combat the drug problem in their own country.

Also included are funds for weapons and ammunition for foreign police units who confront the drug producers and traffickers on a daily basis.

Another commendable proposal in the bill authorizes funds for training programs for personnel from drug producing and trafficking countries.

In addition, MAP funds are authorized for equipment that will be used in antinarcotics efforts in Colombia.

If America is to win the battle against illegal drugs, both domestically and internationally, we must use all the available tools possible to aggressively confront and shut down the international drug traffickers.

I have an amendment which I intend to offer during consideration of the bill. It is very simple and promotes yet another arrow to America's quiver in the war against drugs. My sense-of-Congress initiative calls upon the executive branch to actively use covert action, military and paramilitary activities specifically, in the war against drugs.

America should not fight the drug lords with one hand tied behind its back. If we are really in a war, let us use all of our Nation's formidable resources in the attack. We clearly cannot afford to lose this battle.

Mr. Chairman, I yield for 1 minute to the distinguished gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Chairman, I rise in support of title III of H.R. 5210, the foreign affairs section of the Omnibus Drug Initiative Act of 1988. I would like to commend the distinguished Foreign Affairs chairman, Mr. FASCELL, the ranking minority member, the gentleman from Michigan, [Mr. BROOMFIELD], and our narcotics task force chairman, Mr. SMITH for their good work in putting together title III, the foreign affairs section of this bill.

The foreign affairs section of this measure contains a number of significant provisions: the authorization of \$10 million for a Latin American regional antidrug force; earmarking of \$900,000 to arm antidrug aircraft and \$3.5 million for weapons and ammunition to Latin America and Caribbean police for narcotics control purposes; providing \$5 million for rewards to those helping law enforcement authorities capture narco terrorists; in addition to denying passports to convicted drug violators and the requirement that the United States oppose multilateral development bank financing to uncooperative countries. This omnibus antidrug legislation also includes increased funding for the DEA, the FBI, INS, the Federal prison system, the Coast Guard and Customs.

This legislation also calls for a long overdue Western Hemispheric drug summit. Accordingly, I urge my colleagues to fully support title III.

Mr. BROOMFIELD. Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. LAGOMARSINO].

(Mr. LAGOMARSINO asked and was given permission to revise and extend his remarks.)

Mr. LAGOMARSINO. Mr. Chairman, I rise to offer my support and to congratulate my colleagues for the expeditious manner in which they have

brought this much needed and most important legislation to the floor.

As a member of the Task Force on Drugs, I have been involved in formulating an antidrug measure which would accomplish several necessary objectives if we are to obliterate this menace to society. Since the problems caused by the widespread use of drugs touch people in all parts of the country and at every level of the social spectrum, including our schools, the workplace—both the private and public sectors, sports, and law enforcement to name but a few, it is imperative that we accomplish this long overdue task.

I would, of course, like to ensure that the minority initiatives are included in the final package which is to be debated further here this week. The Republican bill, H.R. 4842, contains several key provisions which I believe would strengthen this bipartisan effort.

There are several provisions in the Republican bill which zero in directly on the problem of drug abuse and the best avenue of attack to use against this problem.

One of the primary provisions which I hope to see included in this legislation is the death penalty for certain drug related murders. I believe this would act as one of the greatest deterrents possible in putting a stop to the thousands of drug related deaths which occur each year. Last year alone over 37,000 deaths occurred as a direct result of drug use. In addition, we must stop future generations from killing themselves. Statistics show us that drugs are responsible for many more deaths than through the direct use of these illegal substances. For instance, most experts agree that there is a direct correlation between the use of drugs and teenage suicide. In addition, 10 to 15 percent of all highway fatalities involve drug use. Drug users also are three times more likely to be involved in on-the-job accidents. The most horrendous example of this would be the recent Amtrak collision which cost many innocent people their lives.

Whether we examine the cost in terms of human life—including future lives which will be lost and ruined—or in terms of the continuing strain this scourge puts on the entire populace, we must recognize the fact that we cannot continue to pay the high price this abuse demands. We must endeavor to eradicate the drug cartel which has made our streets a virtual battleground. Death to those who profit from death and who kill is the price we must demand—a lesser price will only cause our Nation to continue on the same path of destruction. Aristotle put it quite succinctly when he said: "The generality of men are naturally apt to be swayed by fear rather than by reverence, and to refrain from evil

rather because of the punishment that it brings, than because of its own foulness." What was true then, is still true today. The death penalty as proposed in the Gekas amendment would certainly be a signal to members of the drug cartels that we mean business.

There is also an urgent need to adopt the exclusionary rule amendment to be offered by Representative LUNGREN. If we do not adopt this provision, we weaken our efforts in the fight to bring more drug dealers to trial. This provision would not be in violation of fourth amendment rights as some might suggest because use of this type of search would not be sanctioned unless it was done in a "good faith" manner. That is, the belief that it was constitutional. Fighting drugs is not a game. Drug dealers should be brought to trial where searches and seizures are made in good faith.

We must also do all we can to insure that those seeking help to recover from drug and alcohol abuse have some place to go. This type of rehabilitation requires long-term treatment and followup programs.

Last, we must do all that we can to stop these illicit drugs from ever entering our country. There are several important mechanisms at our disposal which we must employ in conjunction with the cooperation of our friends in the international community to make sure this aspect of the war on drugs is successful. We should have a sense of Congress resolution stating that fighting narcotics trafficking is an important foreign policy goal. Along with this we should urge the President to convene a Western Hemisphere conference on antinarcotics cooperation. In addition, we need to: Encourage extradition agreements, waive prohibition on export-import financing of military sales to major producer countries if equipment is needed to combat drugs, and also insure that passports of people who have committed drug violations should either be revoked or marked.

There must also be the establishment of a multinational anti-drug strike force so that we can combat illicit narcotics production and trafficking. In connection with this, we must not cut Coast Guard funding as the majority did last year. The Coast Guard has been instrumental in stopping the flow of illegal drugs into this country. We must also make better use of our Armed Forces by giving them the authority to locate, pursue, and seize aircraft and vessels suspected of carrying narcotics on board. We also should encourage, and, where, appropriate, demand that private and public institutions follow the example of the U.S. armed services in stopping use of drugs in the workplace. We need to do more to make drug users accountable; some such amendments will be offered

by Republican sponsors, including things as loss of driver's licenses.

Mrs. Reagan deserves a lot of credit for the "Just Say No" campaign. It is very clear, really, that if there is no demand, there is no sale—no buy, no sale.

Throughout my years in the California State Senate and here in Congress, I have consistently supported, authored, and voted for efforts to control the spread of illegal drugs and to increase penalties for those who bring this poison to our streets and to our children.

In the past, I have cosponsored several measures designed to stop the spread of drug abuse. Many of the bills I have cosponsored relating to the drug problem will be addressed in the Omnibus Drug Initiative Act of 1988. I look forward to seeing this bipartisan effort becoming law.

The CHAIRMAN. The gentleman from Michigan [Mr. BROOMFIELD] has 3 minutes remaining.

Mr. BROOMFIELD. Mr. Chairman, I yield back the balance of my time.

Mr. RANGEL. Mr. Chairman, I yield 8 minutes to the gentleman from Texas [Mr. Brooks], and I ask unanimous consent that the gentleman from Texas be allowed to yield blocks of time out of his time.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. BROOKS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, title IV of the Omnibus Drug Initiative Act is identical to H.R. 4719, the Drug-Free Workplace Act of 1988, as approved unanimously by the Government Operations Committee on June 29 of this year.

H.R. 4719 has broad bipartisan support, and I know of no opposition to the measure. A drug-free workplace is essential for the safety of American workers and for the production of high quality goods and services.

Title IV provides that an organization cannot be a Government contractor or grantee unless it has certified that it will provide a drug-free workplace by adhering to six separate and specific requirements, including:

First, publishing a statement prohibiting the unlawful manufacture, distribution, dispensation, possession, or use of drugs in the workplace and specifying sanctions that will be taken against employees;

Second, establishing a Drug-Free Awareness Program for employees;

Third, requiring each employee to certify that he or she received a copy of the statement, understands it, and will abide by it, and that the employee will notify the employer of any drug conviction in the workplace;

Fourth, notifying the contracting agency within 10 days after receiving notice from an employee;

Fifth, imposing a sanction on a convicted employee, or requiring his satisfactory participation in a Drug Abuse Assistance or Drug Rehabilitation Program; and

Sixth, continuing, in good faith, the implementation of these five requirements designed to maintain a drug-free workplace.

Members should note that this bill does not require drug testing. This is a highly controversial issue, which is currently being examined in litigation before the Supreme Court, and the committee did not believe that such tests or searches should be incorporated as a requirement in this bill.

Federal Government contractors and grantees will be subject to suspension and debarment if they fail to meet any of the six requirements I have outlined or if such number of their employees have been convicted of drug violations in the workplace as to indicate that the contractor has failed to make a good faith effort to provide a drug-free workplace. The suspension and debarment proceedings would be carried out by the Boards of Contract Appeals in the case of contracts, and in accordance with applicable law and regulations in the case of grants. If a contractor or grantee is debarred, it shall be ineligible for any Federal contract or grant for a period up to 5 years.

Title IV of the Omnibus Drug Initiative Act would enlist the Government's contractors and grantees in our Nation's efforts to combat drug abuse. It clearly sets out the requirements that those contractors and grantees must follow to maintain their business with the Government, and it provides a fair process for determining if they have met those obligations. The bill is comprehensive and tough, but it is also rational and fair.

Mr. ENGLISH. Mr. Chairman, will the gentleman yield?

Mr. BROOKS. I am happy to yield to the gentleman from Oklahoma.

Mr. ENGLISH. Mr. Chairman, 2 years ago Congress passed the Anti-drug Abuse Act of 1986. That law marked an important first step in developing a long-term approach to the war on drugs.

However, it is clear that more is needed. Drug-related crime continues to be an epidemic plaguing our Nation. The price of cocaine is low. We are running out of prison space. There are yearlong waiting lists to get into drug rehabilitation programs. The 1986 bill was a start, but now it's time for the next step.

Earlier this year, I introduced a comprehensive bill as a model for addressing demand reduction, international programs, and law enforcement efforts. I am pleased to see that the core

bill which we will consider over the next few days bears a remarkable resemblance to that model.

The core bill provides more grant moneys for States and localities; more funds for education; more personnel and assets for the agencies; and more incentives for foreign source and transshipment countries.

One of its effects will be to build accountability into our efforts in the war on drugs. In the past, we have not had the mechanisms in place to determine which programs work and which don't. This bill includes feedback provisions so that we can encourage successful education, rehabilitation, and law enforcement programs, and weed out those that are not working.

This legislation builds on the foundation which Congress laid 2 years ago for a sound and long-term antidrug abuse strategy. It addresses issues of vital concern in all areas of drug abuse—from treatment, rehabilitation, and education, to law enforcement and interdiction.

In most respects, this core bill presents a bipartisan approach to the war on drugs. It includes increased funding for the Drug Enforcement Administration, the FBI, the Customs Service, and the Coast Guard. It includes chemical diversion provisions to track precursor chemicals. It includes standards for laboratories performing drug testing. It encourages the development of a Latin American regional antinarcotics force. And it revises and extends grants to States for drug abuse programs.

Mr. Chairman, as we begin debate on the controversial amendments which will be offered in the next few days, let's not lose sight of this core legislation. With a few exceptions, the amendments which will command the headlines will have little effect on the war on drugs.

But the core bill is sound. It is important. And it will provide the resources for turning the tide in the war. The House of Representatives has done an excellent job with this core bill, and that fact should not be forgotten.

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Mr. BROOKS. Mr. Chairman, I reserve the balance of my time.

Mr. LUNGREN. Mr. Chairman, I yield 8 minutes to the distinguished gentleman from New York [Mr. HORTON] and I ask unanimous consent that he be allowed to yield time.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. HORTON. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, I rise in strong support of the Drug-Free Workplace Act of 1988. The Government Operations

Committee worked in a truly bipartisan manner to develop this provision.

Drugs adversely affect the quality of the American workplace. One study indicated that productivity loss due to substance abuse—both drugs and alcohol—reached nearly \$100 billion in 1983. The same study reported that workers using drugs are 28-percent less productive than their peers.

In June, the Republican Leadership Task Force on Drugs heard from a former Greene County, OH, undercover agent. He now works with corporations to determine the extent of company drug use and to rid them from the workplace. That former undercover agent testified that the "safest place to sell drugs is in the corporate setting." He explained that the workplace is the safest place to deal drugs for two main reasons. First, the dealer knows his peer group—who is using and who is susceptible. Second, the dealer knows that law enforcement won't be present.

The problem is grave. The Drug-Free Workplace Act uses the enormous leverage of the Federal procurement and grant systems to crack the problem. As a result, we'll reach hundreds of thousands of people with the message that drugs will not be tolerated.

When we first became involved with this issue, I was concerned about the feasibility of what was being attempted. But through the work of the Government Operations Committee, especially Chairman BROOKS and Mr. WALKER, the act is very workable. It doesn't set up new enforcement mechanisms. It uses those currently in place. Important procedural due process is already built into these systems. The Drug-Free Workplace Act will work, and will benefit American workers.

For all of these reasons, I strongly support title IV, the Drug-Free Workplace Act of 1988.

Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. McCANDLESS].

Mr. McCANDLESS. Mr. Chairman, I thank the gentleman from New York for yielding me this time.

Mr. Chairman, I rise in strong support of title IV of this bill, the Drug-Free Workplace Act of 1988. This concept has been championed by my good friend from Pennsylvania, Mr. WALKER. It has been reworked in a bipartisan fashion by another friend, the distinguished chairman of the Government Operations Committee, JACK BROOKS.

The act is crucial. Drugs in the workplace must be made unacceptable in the United States.

Drugs in the workplace hurt the country. They make us less competitive in the world market. Drugs in the workplace cause defective products to

be released on the American public. Neither the American public nor the Japanese nor the Europeans nor the South Americans want defective products produced by impaired minds and uncoordinated hands. Quite simply, if we want to be the best, we've got to be in the best shape.

Drugs in the workplace jeopardize the lives and health of innocent co-workers. A saw that slips, a forklift that drops its load, the switch that doesn't get thrown: These are the hazards of drugs in the workplace.

Users of illegal drugs are dangerous to themselves and those around them. We must make it socially unacceptable to use illicit narcotics. The only way to win the war on drugs is to eliminate demand. So long as a market exists, big-money smugglers will find a way to bring drugs into the country. This act will create an avenue by which to reach hundreds of thousands of people with this message.

American industry and American labor must fight for market share with superior products. We've got to ensure that something stamped "Made in U.S.A." sets the world's standard for quality and performance.

Setting that standard begins with a drug-free workplace.

I strongly support the provisions of title IV, the Drug-Free Workplace Act of 1988.

Mr. HORTON. Mr. Chairman, I yield the balance of my time to the gentleman from Pennsylvania [Mr. WALKER], who is one of the coauthors of this bipartisan effort as far as the drug-free workplace is concerned.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. WALKER] is recognized for 4 minutes.

Mr. WALKER. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, a few months ago the idea of taking action against drugs in the workplace was merely an idea. But it is an idea that has now been through a process that I think has made it into a workable concept and one which will contribute markedly to this bill.

I rise in support of title IV. I want to congratulate the gentleman from Texas [Mr. BROOKS], chairman of the committee, for the work that he did in helping to fashion this particular provision in the drug bill, and also thank my good friend, the gentleman from New York [Mr. HORTON], for the work that he has done along the way to make certain that we did accomplish this portion of the bill. I think it is a good provision.

As has been pointed out by my colleagues, this is a problem that we deal with in our society. We are, in fact, in a position where in world competition we are undermined by drugs in the workplace. We will improve our competitive position, we will improve our

ability to have a responsible work force by having drugfree workplaces.

The question was how to go about achieving that, and the concept here is one of using Federal leverage, of having the power of the Federal Government, the power of contracting and grants to the Federal Government used in order to assure compliance.

We are coming at this from two approaches. Later on today we will have an appropriations bill on the floor that will shut off all money under the appropriations act to anyone who does not have a policy, and under this provision under title IV in this bill we put a strategy into place where we put a policy into place whereby the Federal Government can implement that kind of a standard. I think it works, and I think it will work well.

I think the bottom line is that what it will create in the workplace is peer pressure against drug usage. As the situation now stands, too often fellow workers of someone using drugs protect that person, not that they like it, but they simply are not in a position for calling in law enforcement officials or going to management about someone using drugs. Under this provision, knowing that a Federal contract could be lost, knowing that their work could be jeopardized by a drug user, or by drug usage in the workplace, workers will now begin to have peer pressure go the other way. They will begin to tell their fellow workers that their use of drugs jeopardizes my job and I am not going to tolerate it any more.

With that we can begin to change what happens with drug use. It seems to me that in the workplace that is important, and it seems to me that in society that is important.

This is a step. It is one way that we can deal with this problem of drugs as it pervades our society, and I rise in strong support of title IV and hope that this particular provision of the bill, as well as the whole bill, will be endorsed by the House.

Mr. HORTON. Mr. Chairman, I yield 1 minute to the gentleman from New Jersey [Mr. SMITH].

Mr. SMITH of New Jersey. Mr. Chairman, I thank my friend for yielding time to me and I rise in strong support of the Omnibus Drug Initiative Act of 1988.

I recently spent an entire evening with the Trenton police, the proactive use unit in Trenton, at which time a number of drug busts were made, and I saw firsthand the devastation that drugs are causing in our communities.

Mr. Chairman, I rise today in strong support of the Omnibus Drug Initiative Act of 1988. H.R. 5210 represents a comprehensive bipartisan response to beef up Federal efforts in this war on drugs.

Mr. Chairman, drug abuse in the United States has cast its ugly shadow on every aspect of life in America. Today, the widespread use of drugs such as heroin, cocaine,

and marijuana and their inescapable social consequences are found in the cities and the suburbs; white-collar and blue-collar occupations; among the famous and the infamous; among the best and the brightest; among the destitute and the lonely; and among the weak and the strong. By now, every American has known at least one friend whose family life has either been terribly disrupted or tragically affected by the American drug problem.

The adverse consequences of drug abuse are devastating, not only for the user and his or her immediate family, but for society as a whole. A study conducted for the Alcohol, Drug Abuse, and Mental Health Administration [ADAMHA] estimated that the economic cost of drug abuse to the United States was \$59.7 billion in 1983—the most recent available figures. This estimate does not include the cost of the drugs, but is inclusive of estimated crime costs, upgraded enforcement procedures, incarceration, reduced productivity, medical treatment, and other related expenses.

Mr. Chairman, I recently witnessed firsthand the incredible drug trafficking and drug abuse problem in Trenton, N.J., which is part of my congressional district. During several drug raids of the night of August 27, I observed the courage and professionalism of the pro-active units of the Trenton Police Department. Drugs on our streets is a shocking reality and local law enforcement units do their best to change this situation given their limited resources.

Mr. Chairman, how to prevent illicit use of drugs has been a public policy concern for at least a century. And while opinions continue to vary on exactly what the Federal Government should do to control drug abuse, most agree that the drug crisis has grown to such proportions that a more comprehensive, nationally coordinated approach must be enacted if we are to have any chance of winning the drug war.

Mr. Chairman, the bill before us is a blueprint for such an approach to wipe out America's drug problem. H.R. 5210 incorporates the provisions from reported bills and recommendations of 10 House committees. This comprehensive legislative package will provide approximately \$2.5 billion in new moneys for our antidrug effort. The bill will bolster both fronts of the American war on drugs. H.R. 5210 attacks the supply front through increased efforts of enforcement, interdiction, and confiscation; it attacks the demand front through increased efforts in the areas of education, treatment, and research.

On June 22, the House Foreign Affairs Committee, of which I am a member, reported out its antidrug bill. As a cosponsor of this initiative, I am proud of contributions the committee has made to H.R. 5210 to halt the tide of illegal drugs entering the United States. With the United States currently being the largest single market for illegal drugs in the world, it is clear that we must beef up our drug interdiction and international drug control efforts. I would like to now highlight some of the key provisions of the Foreign Affairs portion of H.R. 5210:

Directs the Administrator of the FAA to ascertain the feasibility of requiring each aircraft entering the continental United States to have

installed an operating transponder to facilitate drug interdiction.

Greatly expands funding for the operation and maintenance of the U.S. Customs Service's air interdiction.

Provides moneys for new helicopters, patrol boats, and radar equipment for the Coast Guard.

Adds 500 new full-time Coast Guard positions to help with drug interdiction.

Enhances ability of FBI and DEA to seize violators' assets and conveyance items in drug-related offenses.

Provides new moneys for Immigration and Naturalization Service to be used for interdiction, investigations, detention, and deportation.

Authorizes new moneys for international narcotics control programs which include crop irradiation and substitution in foreign countries.

Sanctions against noncooperating narcotics producing countries.

Defensively arms aircraft used in narcotics control eradication or interdiction efforts.

The Secretary of State is made coordinator of, and reporter to Congress on, U.S. Government antinarcotics aid.

Directs the Secretary of State to revoke the passport of any individual convicted of any felony violation of Federal or State law involving controlled substances if the passport was used in the crime.

Mr. Chairman, I urge my colleagues to support this vital piece of legislation.

Mr. HORTON. Mr. Chairman, I yield back the balance of my time.

Mr. BROOKS. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The gentleman from Texas [Mr. Brooks] yields back 1 minute.

Mr. RANGEL. Mr. Chairman, I yield 8 minutes to the distinguished gentleman from Arizona [Mr. UDALL] and I ask unanimous consent that he be allowed to yield blocks of his time.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. UDALL. Mr. Chairman, I yield 2½ minutes to the distinguished gentleman from Minnesota [Mr. VENTO].

Mr. VENTO. Mr. Chairman, I rise in support of the Omnibus Drug Initiative Act which is the result of the comprehensive work of 10 House committees and many Members of Congress. This legislation will provide the country with additional assistance for law enforcement, drug interdiction, and special education and treatment for those individuals who fall into the web of drug abuse.

One of the priorities of this Congress must be to address the growing problems presented by drug abuse in our society. Hard, fast, and effective action is required now, as it is clear that the policy of "just say no," however well intended, has not adequately funded our border patrols, equipped our law enforcement officials, or decreased the demand for drugs in our parks and public lands, in our commu-

nity streets, and in our Nation's schools. Contrary to the Reagan State of the Union Address, we are not winning the war on drugs.

Mr. Chairman, first I would draw my colleagues attention to a proposal initially offered by myself and Mr. WAXMAN that has been included in H.R. 5210. As written in this bill, the proposal would authorize funding for demonstration projects to provide prevention, education and treatment services for substance-abusing pregnant women. It also funds research efforts focused on the effects of abuse on women and their infants. Education, counseling, and research have to be a focus of breaking the drug abuse cycle in our society.

I introduced this legislation to address the severe and growing problem of drug and alcohol abuse among pregnant women. A recent report from the National Institute on Drug Abuse estimated that 10½ million women between 18 and 34 years of age used an illicit drug in the last year. In one hospital in my district alone, over 60 babies have been born in the past year to women who were abusing crack or cocaine. Just over the August recess, I visited the Ramsey and Hennepin County Medical Clinics in Minnesota where counseling and treatment is available for substance-abusing mothers. I met with dedicated doctors, nurses, social workers, and others who are increasingly alarmed at the growing number of mothers that abuse drugs during their pregnancies.

On August 29, a comprehensive study completed by the National Association of Perinatal Addiction Research and Education found that at least 11 percent of women in the 36 hospitals surveyed had used illegal drugs during their pregnancies. Further, this study suggests that 375,000 newborn babies from urban and rural communities alike are exposed to health risks each year because of their mothers' substance abuse. These infants are the most innocent victims in the vicious cycle of drug and alcohol abuse in our society and this problem of drug babies—cocaine or "crack" babies—has mushroomed just this past year and could well explode if the challenge is not met.

This study and others have reported that babies born to mothers who abuse drugs suffer not only from lower birthweight, irritability, and developmental problems, they are also often delivered prematurely, increasing the risk of complications and their possible death. Cocaine-exposed babies face a tenfold increase in the risk of crib death. These children deserve our help and support.

Second, this bill contains provisions that would help eradicate the production and trafficking of illegal drugs on the one-third of our Nation's land mass that are in national stewardship

and ownership. Some of these national parks, national forests, and public lands are being misused for the cultivation, production, and distribution of illegal substances. This misuse has become a threat to the health and safety of recreationists, polluting the environment and harming the natural resources of our Nation. H.R. 5210 is an important step toward ensuring that our parks, forests, and public lands have healthy environments that are safe places for Americans to visit and enjoy.

H.R. 5210 combats illegal drugs on Federal lands in several significant ways:

First, it authorizes increased annual funding for drug related law enforcement for the major land management agencies. It authorizes \$1.5 million for the Bureau of Land Management, \$3 million for the National Park Service and \$10 million for the Forest Service.

Second, the bill makes it a criminal act with stiff penalties to pollute national forests with poisons and hazardous substances while manufacturing or distributing illegal drugs.

Third, it gives the Forest Service, for the first time, the authority to combat drugs outside the boundaries of the national forests as long as these activities pertain to violations within the national forests. The agency now would be able to pursue drug traffickers who flee across national forest boundaries, to interview witnesses after they have left national forests and to make arrests wherever suspects are apprehended. The National Park Service and Bureau of Land Management already have this authority.

Fourth, the bill gives the Forest Service the authority to deputize law enforcement officials from other agencies to help fight drugs on the national forests. Similar authority already exists for the Park Service and the BLM.

Fifth, the bill strengthens all Forest Service law enforcement activities, not just those related to drugs, by codifying into law the agency's authority to enforce its regulations.

I want to thank Chairman Volkmer of the Subcommittee on Forests and Family Farms and Chairman DE LA GARZA of the full Agriculture Committee for their help in developing these provisions and special credit is due Representative RON WYDEN who introduced specific legislation on this matter. All of their support was instrumental in enabling this bill to strengthen the Forest Service's drug law enforcement efforts.

I also appreciate the cooperation we had from the Judiciary Committee. After working closely with us, Judiciary included in its title of the bill the important provisions that I have mentioned that codify Forest Service law enforcement authorities and that give

the agency the authority to deputize and to pursue drug cases beyond national forest boundaries. The Judiciary Committee was willing to compromise with the other committees and sponsors in limiting the scope of the Forest Service's memorandum of understanding with the Justice Department to include just those law enforcement activities related to drugs.

Mr. Chairman, all these provisions that help our land management agencies fight the war on drugs are the result of a consensus. Not only do they have the support of the Interior, Agriculture, and Judiciary Committees, but the agencies and the minority helped in their development as well. I am pleased that so many diverse interests were able to come to an agreement on how we should engage the drug problems on national lands.

Mr. Chairman, I urge my colleagues to lend their support to this bill on behalf of these proposals and the many others present in the legislation.

Mr. UDALL. Mr. Chairman, I yield myself 2½ minutes.

Mr. Chairman, title V of the Omnibus Drug Initiative Act of 1988 includes provisions within the jurisdiction of the Committee on Interior and Insular Affairs.

These provisions were developed on a bipartisan basis within the committee. They address serious problems of drug abuse on Indian reservations, public lands and in insular areas.

I will limit my remarks to the subtitle on Indian Alcohol and Substance Abuse and Treatment.

Chairman BRUCE VENTO of the Subcommittee on National Parks and Public Lands is speaking to the subtitle on the National Park System, Public Lands, the National Forest System, and the Bureau of Land Management Program.

Chairman RON DE LUGO of the Subcommittee on Insular and International Affairs is addressing the subtitle on the insular areas for which the United States has responsibilities; in particular American Samoa, Guam, the Northern Mariana Islands, Palau, Puerto Rico, and the Virgin Islands.

Subtitle A of title V continues the efforts begun in the 1986 act for Indians and Alaska Natives. Alcoholism and alcohol abuse is the No. 1 health and social problem in Indian reservations. In addition, the use of illegal narcotics and other deleterious substances is growing on the reservations.

The Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986, included in the 1986 Omnibus Act, establishes a comprehensive program for dealing with this severe problem on the reservations. The act's provisions included community development and organization authorities; education and prevention efforts; law enforcement enhancement; training

requirement and programs, and comprehensive treatment efforts.

In general the Indian provisions of title V reauthorize funding for these programs and fine-tune some of the authorities and programs established in the 1986 act. It also creates a new program for the funding of alcohol and drug programs for Indians in the urban areas.

Mr. Chairman, I will insert in the RECORD a section-by-section analysis of subtitle A of title V containing the Indian provisions.

In concluding, Mr. Chairman, I want to recognize the leadership on this legislation of Speaker WRIGHT; the majority and minority leaders, our colleagues TOM FOLEY and BOB MICHEL; and Chairman RANGEL of the Select Committee on Narcotics Abuse and Control.

Their initiative—and the hard and thoughtful work of many other Members as well—with all of the committees concerned has made it possible for us to be able to consider the comprehensive approach to the terrible scourge of drug abuse embodied in this bill.

#### SECTION-BY-SECTION ANALYSIS OF TITLE V OF H.R. 5210, THE OMNIBUS DRUG INITIATIVE ACT OF 1988

##### TITLE V—COMMITTEE ON INTERIOR AND INSULAR AFFAIRS

###### Subtitle A—Indian and Substance Abuse Prevention and Treatment

###### Section 5001

Section 5001 provides that amendments or repeals made by subtitle A shall be considered to be made to the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2401 *et seq.*).

###### Section 5002. Minimum Performance Standards

Subsection (a) amends subsection (a) of section 4205 of the 1986 Act, which requires that the Memorandum of Agreement between the Secretary of the Interior and the Secretary of Health and Human Services include minimum standards for program responsibilities, by changing the phrase "minimum standards" in subsection (a) to "minimum performance standards". This simply makes clear that it is the level of minimum performance in each such program which must be developed and implemented.

Subsection (b) amends subsection (c)(1) of section 4206, which establishes criteria for Tribal Action Plans developed pursuant to section 4206, by changing the phrase "minimum standards" to "minimum performance standards".

Subsection (c) provides that the Secretary of the Interior and the Secretary of Health and Human Services shall submit a joint report to Congress with the FY 1988 budget request on the minimum performance standards developed pursuant to section 4205 of the 1986 Act.

###### Section 5003. Remedial Plan for Complying With Minimum Performance Standards

Subsection (a) amends subsection (c) of section 4206 by adding a new paragraph (3) which requires that any Tribal Action Plan shall include a remedial plan for complying with the minimum performance standards

incorporated under paragraph (1) of the subsection.

Subsection (b) amends subsection (b) of section 4207, establishing an Office of Alcohol and Substance Abuse in the Bureau of Indian Affairs, by requiring such office to monitor compliance with minimum performance standards established and to report to Congress on program deficiencies in that respect.

###### Section 5004. Definitions

Section 5004 amends section 4204 of the 1986 Act, which contains definitions, by adding a new paragraph which provides that the terms "Urban Indian", "Urban Center", and "Urban Indian Organization" are to have the same meaning as provided in section 4 of the Indian Health Care Improvement Act.

###### Section 5005. Amendment and Revision of Tribal Development Plan

Section 5005 amends section 4206 by providing that Tribal Action Plans established pursuant to that section shall include procedures for the amendment or revision of such plans as determined necessary by the Tribal Coordinating Committee.

###### Section 5006. Authorization of Appropriations for Grants

Section 5006 amends subsection (d) of section 4206, which authorizes appropriations for technical assistance grants to Indian tribes for the development of Tribal Action Plans, by reauthorizing the appropriation of not to exceed \$1,000,000 for fiscal years 1990, 1991, and 1992.

###### Section 5007. Leasing of Tribal Property

Section 5007 amends section 4209, relating to the use of Federal facilities, property and equipment under Tribal Action Plans, by adding a new subsection (c) authorizing the long-term lease of tribal facilities or property to house programs under the Act where it would be practical or cost efficient to do so. It also provides that, where a program is to serve several tribes, the lease of a tribal facility for such program must be with the consent of all tribes to be served.

###### Section 5008. Emergency Shelters and Halfway Houses

Subsection (a) amends subsection (a) of section 4213 to make clear that halfway houses funded under the section can be used either for intake or aftercare facilities for youth admitted to long-term treatment. It also authorizes the Bureau of Indian Affairs, the Indian Health Service, or the tribes to use their resources to staff and operate such facilities.

Subsection (b) amends subsection (e) of section 4213 by reauthorizing funding for the design, construction, and renovation of emergency shelters and half-way houses at \$3,000,000 for fiscal years 1990, 1991, and 1992. It also amends subsection (e) by authorizing the appropriation of \$2,000,000 for fiscal year 1990 for staffing and operation costs for such facilities and by providing that, thereafter, such costs will be included in the base budget for the Bureau of Indian Affairs.

Finally, it amends subsection (e) to provide that funds appropriated are to be allocated among the various tribes on the basis of need and that such funds will be subject to tribal contracting under the Indian Self-Determination Act.

###### Section 5009. Certain Illegal Narcotics Trafficking

Subsection (a) amends subsection (a) of section 4216, providing funding to the

Tohono O'odham Tribe of Arizona for the interdiction of illegal narcotic traffic on the tribe's reservation, by providing similar assistance to the St. Regis Mohawk Tribe of New York. In addition, the amendment reauthorizes funding for the Tohono O'odham Tribe at \$500,000 for fiscal years 1990, 1991, and 1992 and authorizes funding for the St. Regis Mohawk Tribe at \$450,000 for fiscal years 1989 and 1990.

Subsection (b) amends subsection (b) of section 4216, which establishes a program for the eradication of marijuana cultivation on Indian reservations, by reauthorizing funding for such program at \$500,000 for fiscal years 1990, 1991, and 1992.

#### Section 5010. Law Enforcement and Judicial Training.

Section 5010 amends section 4218 of the 1986 Act, which establishes alcohol and substance abuse training for BIA and tribal law enforcement personnel, by reauthorizing appropriations for such training at \$1,500,000 for fiscal years 1990, 1991, and 1992.

#### Section 5011. Treatment of Juvenile Offenders

Section 5011 amends section 4219, which provides for the medical assessment and treatment of Indian juvenile offenders with respect to alcohol and substance abuse, by adding a new subsection (b) which provides that the Indian Health Service must provide interim treatment to Indian juvenile offenders who are referred under the section unless a court has prohibited such treatment or has found the juvenile to be a danger to others.

#### Section 5012. Juvenile Detention Centers

Section 5012 amends section 4420, which provides for the construction of juvenile detention centers on Indian reservations, by reauthorizing funding for the construction or renovation of such centers at \$5,000,000 for fiscal years 1990 and 1991. In addition, it authorizes the appropriation of \$5,000,000 for fiscal year 1990 for staffing and operation of such centers and provides that, thereafter, such funding shall be included in the base budget of the Bureau of Indian Affairs.

#### Section 5013. Indian Health Service Youth Program

Subsection (a) amends subsection (a) of section 4227, providing for detoxification and rehabilitation services for Indian juvenile abusers, to make clear that it is the Secretary of Health and Human Services who has that responsibility.

Subsection (b) rewrites subsection (b) of section 4227, which provides for the establishment, by construction or renovation, of a youth regional treatment center for each Indian Health Service area, to make clear that the subsection includes authority to appropriately staff and operate such centers. It reauthorizes funding for such construction or renovation at \$5,000,000 for the fiscal years 1990 and 1991. In addition, it authorizes the appropriation of \$9,000,000 in staffing and operation funds for fiscal year 1990 and provides that, thereafter, such funding shall be included in the base budget of the Indian Health Service.

#### Section 5014. Training and Community Education

Section 5014 amends section 4228 of the 1986 Act, which provides for the development and funding of certain community education and training programs on Indian reservations, by reauthorizing funding for such programs at \$5,000,000 for the fiscal years 1990, 1991, and 1992.

#### Section 5015. Navajo Alcohol Rehabilitation Program

Section 5015 amends section 4229, which establishes a Navajo alcohol rehabilitation program in Gallup, New Mexico, by reauthorizing funding for such program at \$200,000 per fiscal year with the limitation that not more than 10% of such funds can be used for administrative purposes.

#### Section 5016. Urban Indian Program

Section 5016 amends the 1986 Act by adding a new section 4231 to the Act which establishes a comprehensive program to combat alcohol and substance abuse among Indians in the urban areas. Funding is made available for such purposes to Urban Indian organizations which have a contract with the Indian Health Service under the Indian Health Care Improvement Act. The section establishes goals and criteria for grants and authorizes funding for such grants at \$5,000,000 for fiscal years 1990, 1991, and 1992. The section also authorizes the appropriation of \$1,000,000 each fiscal year beginning in fiscal year 1990 for research in the area of alcohol and substance abuse among Indians.

#### Section 5017. Treatment of Funds Appropriated To Carry Out Act

Section 5017 amends section 4207 of the Act to generally provide that funds appropriated pursuant to the Act shall be separately identified by the Secretary of the Interior and the Secretary of Health and Human Service in agency accounts and in agency budget requests.

□ 1445

Mr. Chairman, I yield 1½ minutes to the gentleman from New York [Mr. SCHEUER].

Mr. SCHEUER. Mr. Chairman, this bill is a good bill and it is a step forward. I would like to congratulate Mr. RANGEL, the chairman of the Select Committee on Narcotics Abuse and Control, for the outstanding leadership that he has given in working with the other committees and the other leaders of the Congress in moving this bill forward.

I would like to put a footnote on the remarks made by the gentleman from Minnesota [Mr. VENTO]. We are not going to solve this problem by eradication of crops on hills around the world and we are not going to solve this problem by interdiction.

From "zero tolerance" to "just say no" the Reagan-Bush administration has resorted to slogans instead of making the tough decisions needed to control drug abuse.

This administration has greased its biceps on the drug issue but it has accomplished far too little in treating substance abusers and educating our children against the scourge of drugs.

In the area of treatment, the Omnibus Drug Initiative Act will improve upon the President's request with programs to reduce the transmission of AIDS and shorten the waiting lists for drug abuse rehabilitation programs. The bill will also add some innovative programs in education and prevention.

I am dismayed, however, that we continue to increase funding for inter-

diction and law enforcement at the expense of education and treatment.

In fiscal year 1988 we are spending only 1 percent of our education budget on drug education and just over 0.5 percent of our health budget on substance abuse.

In the Anti-Drug Abuse Act of 1986 we authorized \$250 million for drug education. Last year the President only requested \$100 million of these funds. Finally, in the 1988 election year the President has requested \$250 million for drug education.

I am pleased that this bill will add to the President's request in the area of drug education. We must do better.

Only by reducing the demand for drugs can we stop or at least control drug abuse.

Our policies of interdiction and enforcement have barely made a dent in the flow of drugs through our borders. Of the tons of narcotics flooding into the United States, we intercept only 5 to 15 percent.

We could triple the current level of funding for drug law enforcement and still stop no more than 20 to 25 percent of the drugs that make their way into the bodies of our youth.

If we do spend the billions upon billions of taxpayers dollars that it would take to reduce significantly the importation of more deadly synthetic drugs like PCP will increase.

Education can be successful in the long run. Just witness the turnaround in attitudes and behavior on diet, physical fitness, drunk driving, cigarette smoking, and casual multi-partner sex.

Increasingly, law enforcement officers are calling for vastly expanded drug education efforts. Col. Ralph Milstead, director of public safety in Arizona, testified in the Select Committee on Narcotics:

Let's bring our people back and let's go ahead and work on the problem here and let's work on the demand side rather than keep pouring money on the supply side. I liken it to killing a snake tail first. We ought to start at the head and the head, of course, is the demand.

The Omnibus Drug Initiative Act is a good beginning. We must, however, establish ongoing programs to teach all children why they should stay off drugs and provide treatment for all those who need it.

The CHAIRMAN. The gentleman from Arizona [Mr. UDALL] has 1½ minutes remaining.

Mr. UDALL. Mr. Chairman, I reserve the balance of my time for the benefit of the gentleman from the Virgin Islands [Mr. DE LUCA].

Mr. McCOLLUM. Mr. Chairman, I yield 6 minutes to the gentleman from Michigan [Mr. DAVIS].

Mr. DAVIS of Michigan. Mr. Chairman, I am pleased to support this legislation—the product of a lot of hard

work, combining the efforts of 10 House committees, including the Merchant Marine and Fisheries Committee of which I am the ranking member. Clearly the drug epidemic in this country is one of our greatest challenges and one which we are today continuing to address.

I would like to address myself primarily to those parts of this package in which I have had a hand.

First, this bill will provide some very important funding for our U.S. Coast Guard, the agency that has primary responsibility for the maritime interdiction of drugs coming into this country. As we all know, the United States is the largest and most lucrative market for illegal drugs in the world. The Coast Guard has made that market more difficult to get to, but we need to do more. We are authorizing \$264 million for Coast Guard equipment, as well as additional funding and personnel for operating that equipment. Although many see the Coast Guard's drug interdiction role as their most important, the Coast Guard has a daily lifesaving mission, as well as other law enforcement missions such as maritime pollution control and fishing treaty enforcement. It is absolutely imperative that we give the Coast Guard the resources necessary to conduct an aggressive Drug Interdiction Program without sacrificing these other missions. This bill does that.

H.R. 5210 also makes changes in our maritime enforcement laws which will allow us to prosecute drug smugglers who are hiding behind foreign flags on the high seas.

As a Member of Congress who represents the Great Lakes region I am also glad to say that this bill contains provisions which will promote the cooperation between the United States and Canada on drug interdiction in the Great Lakes. We are asking the State Department to negotiate an agreement with Canada on information sharing and cooperation in these activities on the Great Lakes. We are also asking the Transportation Department and the Treasury Department to get together on Coast Guard and Customs efforts in this region.

Finally, I would like to take a little time to talk about our "innocent owner" provision, which will protect the innocent citizen from the seizure of boats, vehicles, or aircraft when drug activities are discovered and the owner had no knowledge or gave no consent to the drug offense. This is very important. Earlier this year, when the Coast Guard and Customs adopted what they called a zero tolerance attitude toward drug use, some citizens found that a boat they owned but were not aboard, or a car their son or daughter was driving, was suddenly in the hands of the Federal Government with no appeal available. While I

strongly support the maxim that drug users must be accountable for their actions, I have to ask if the seizure of vessels when the owner of the vessel is innocent of any drug use or even the knowledge of any drug use is fair? I also ask whether these highly publicized seizures are really the best use of our strained resources? Finally, I ask whether these actions are not alienating our most important resource against drug use—the law-abiding U.S. citizen?

It is for these reasons that I worked hard to get this innocent owner provision included in this bill. We must make sure that we are not punishing anyone but the drug user, and that we are not unfairly depriving an innocent citizen of his or her property, whether it is used for recreation or for livelihood. This provision does that without giving up the authority to prosecute the drug user—the person who, after all, we're after.

In conclusion, Mr. Chairman, I think this Congress is making it very clear today that we do not tolerate drug pushers or drug users in this country and I urge all my colleagues to support this bill.

I have an amendment that simply adds a provision to establish a vessel identification system similar to the ones we have for cars and planes. It will help identify vessels and their owners in drug cases. We have worked out positive and constructive changes with the administration to improve this measure.

It will be part of an omnibus amendment that will be offered later on and I am sure it will be adopted.

This is an excellent bill, Mr. Chairman. A lot of people have worked hard to put it together.

Mr. Chairman, I urge a strong vote of support when we reach final passage.

Mr. RANGEL. Mr. Chairman, I yield 1½ minutes to the distinguished gentleman from the Virgin Islands [Mr. DE LUGO].

Mr. DE LUGO. Mr. Chairman, not too long ago, drugs were a problem for only a few people in the territories and commonwealths. Today, they are a problem for every island resident.

The need to get money to buy drugs and the big money that can be made selling them has spawned a vicious, new type of crime in the islands. Ruthless and brutal drug crime has victimized family after family.

Violent crime rates in some islands actually range to double the national average or more. Police estimate that three-quarters of these crimes are drug related.

And this is an insular problem that doesn't just affect the people of the islands. It affects their fellow Americans in the States as well.

This is because drug abuse in the islands is often a byproduct of interna-

tional trafficking. Drugs are shipped to the islands primarily to be transhipped to the States.

The U.S. insular areas are the Nation's insular borders in the Caribbean and the Pacific. They are also the least protected of the Nation's borders.

Drug traffickers know this. In recent years, they have used our islands to smuggle their deadly goods to the large and lucrative U.S. market.

My home islands, the Virgin Islands, are right on the smuggler's route from South America to the United States.

Drug crime is too big a problem for insular governments to handle alone. They lack the resources and capability needed to fight it.

To provide the needed help, our colleagues from the other insular areas and I sponsored the U.S. Insular Areas Drug Abuse Act of 1986. Unfortunately, though, the administration hasn't implemented this law as intended.

The authorized spending for Puerto Rico was appropriated; but the administration made me fight hard to get the \$4 million that was authorized for the Virgin Islands. Further, none of the special assistance authorized for the Pacific has been appropriated.

The Customs Service has finally agreed to station an aerostat radar for Puerto Rico and the Virgin Islands; but we are still waiting for the Coast Guard to station a patrol vessel in St. Croix.

The administration hasn't given us the first required report on insular drug problems, even though its almost time for the second.

Meanwhile, insular drug problems have gotten worse. New types of drugs, like the killer crack, are coming in.

Over the past 5 years, Palau has developed a staggering heroin problem so serious that it is spilling over to Guam and other United States areas as well. According to the Drug Enforcement Administration and the World Health Organization, hundreds of Palau's 15,000 people may have used heroin.

So, as chairman of the Insular and International Affairs Subcommittee, I sponsored the Insular Areas Drug Amendments of 1988. Our other colleagues from the insular areas, Fofu Sunia, JAIME FUSTER, and BEN BLAZ joined me in sponsoring this bill.

Its intent was to build upon the 1986 law by providing ongoing attention to the Nation's drug problems in the insular areas. A hearing I held on our bill underscored the need for it. Testimony from witnesses such as Governors Alexander Farrelly of the Virgin Islands and Joseph Ada of Guam, Lt. Gov. Eni Hunkin of American Samoa, and senate president Iver Stridiron of the Virgin Islands as well as Reagan administration officials made it clear

that the insular drug problem has become serious and has worsened.

The hearing also made it clear that Federal law enforcement agencies are doing little about the problem, shortsightedly not fully recognizing how it fits in to the drug problem faced by the Nation.

With the support of the subcommittee's ranking Republican, BOB LAGOMARSINO, full committee chairman MO UDALL, as well as the Speaker and the majority and minority leaders, almost all of our bill's provisions have been included the bill we are debating today, the Omnibus Drug Initiative Act of 1988.

Subtitle C of title V would allocate more money, training, and equipment for insular drug abuse control efforts. It would dedicate these resources on a long-term basis. Assistance would be provided for locally developed—but federally approved—comprehensive drug abuse plans.

The few differences between the omnibus bill and the bill we initially introduced reflect agreements with the minority and the Judiciary Committee.

The bill would provide help for insular drug law enforcement. But it also recognizes that fighting drug crime is just one of the ways we must battle drug abuse.

Education and rehabilitation are just as important as law enforcement because demand has to be reduced. As long as the demand exists, someone will figure out a way to meet it.

Kids have to be taught not to be led into abusing drugs. Those on drugs already have to be gotten off them. Basic values have to be instilled.

It will take a dedication of resources to beat the Nation's drug problem in the insular areas. This bill would provide the resources needed and I urge the House to pass it.

Mr. RANGEL. Mr. Chairman, I yield 8 minutes to the distinguished gentleman from New Jersey [Mr. RODINO], the chairman of the Committee on the Judiciary, and I ask unanimous consent that he be allowed to yield blocks of time out of his allotted time.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. RODINO. Mr. Chairman, I yield myself such time as I may consume.

Mr. RODINO. Mr. Chairman, the social, economic, and human costs to our Nation of drug trafficking and drug abuse are staggering. Those of us who have been working on this problem for many years know that the solutions are not easy. Our drug enforcement efforts are still fragmented among too many agencies. While some progress has been made, much greater coordination is needed. Drugs also must be made a top priority on our foreign policy agenda. More resources

and efforts at all levels of our society must be devoted to education and prevention.

I support H.R. 5210, the Omnibus Drug Initiative Act which should assist in this effort. This legislation will get desperately needed funds to our communities which are being terrorized every day by drug trafficking and drug abuse.

Considerable resources rightly have been directed recently toward cracking down on those suppliers and distributors of illegal narcotics who are contemptuous of human life. Not enough have been concentrated on the other aspect of this grave problem: education of our young people to save them from becoming slaves to drugs, and treatment to give addicts a chance to become productive members of society. This bill will increase Federal assistance for State and local education and rehabilitation programs and provides a vehicle for expediting delivery of those funds.

H.R. 5210 also will provide more funds to the Drug Enforcement Agency, the Customs Service, the Organized Crime Drug Enforcement Task Forces, and the Coast Guard. It establishes new controls over substances used to produce illegal drugs. It is designed to fight money laundering and it creates new offenses to stop the supply of arms to drug traffickers.

The bill reauthorizes State and local drug law enforcement programs and increases current Federal assistance.

One of the most important provisions of this legislation in fighting crime is the requirement for a 7-day waiting period before a handgun can be sold, to give police time to check an applicant's background for drug trafficking or other criminality, or for drug abuse or insanity.

As you know, Federal law already prohibits the sale of handguns to such persons. But that prohibition is meaningless in most States, because purchasers need only say they are not disqualified and they can get their guns, no further questions asked.

The waiting-period requirement gives our public-safety forces 7 days to tell a gun dealer whether would-be buyers have records that would deny them a handgun under current law. It provides time for dealers to ensure that the sale would not violate existing law. If you are law abiding, if you are mentally competent, you can buy a gun. If records provide that you are not, then you cannot. In life-threatening circumstances the waiting period could be waived.

This legislation is not gun licensing. It is not gun registration. It is not a ban on the manufacture of guns. It in no way impinges on one's legitimate right to own a gun. This legislation will merely accomplish that which we

already have deemed desirable: It will make it harder for the criminal and the unbalanced to get guns; it will curb the frightening flow of deadly weapons into the wrong hands. And it is a sensible step that will help make the stress-filled job of our police officers a little less perilous. There is no doubt about the danger of their job. Seventy-two officers were murdered last year. Fifty of those murders involved handguns. Police groups strongly support this legislation.

A waiting period is not a concept foreign to our society. You cannot drive a car without passing a test. You cannot get a loan until your credit is checked. You cannot get a job in many cases without a reference check. No matter your academic credentials, you cannot practice your profession until you have proved your right to do so.

In short, many activities require waiting periods to protect us from those who are reckless or incompetents or who have criminal backgrounds. Several States already have waiting periods for the purchase of handguns. But many do not. Interstate trafficking in handguns, therefore, is notoriously easy. A trip across a State line permits criminals to buy handguns in States with weak laws and resell them in areas with tough laws.

That is why we need a national waiting period: To stem this deadly trafficking, to keep these weapons out of the hands of those who have no right or reason to have them, to help our police to protect themselves and us from those who should be denied guns but can buy them today all too easily.

Opponents of this legislation tell us that a waiting period will not prevent all criminals from getting guns. No one claims otherwise. But as Joe D. Casey, Nashville chief of police and president of the International Association of Chiefs of Police, wrote recently, gun laws do work. My own State of New Jersey has required background checks for handgun purchases for many years. New Jersey State Police say that they have caught 10,000 convicted felons trying to buy handguns.

California has a 15-day waiting period. The State stopped 1,515 prohibited persons from buying handguns in 1986, Chief Casey wrote. President Reagan, you recall, said at the Toronto Economic Summit that he supported the California law. The Department of Justice has said it supports the concept of a waiting period.

For daring to voice support for a waiting period, the President was condemned by the gun lobby for having "undercut" tens of millions of his supporters. "Fortunately for him, he will never again have to face those voters \* \* \*," the gun lobby said. And the gun lobby threatened in this letter to Members of Congress: "Other public

officials, however, do not necessarily find themselves in the same luxurious situation." This attack is puzzling, because the gun lobby some years back, in what seemed its more reasonable days, actually had words of support for a waiting period.

So let us not be intimidated, and let us not be deceived with the notion that this issue would be best left to the States. Like drug trafficking, gun running is a national problem demanding a national response.

Gun trafficking is directly related to drug trafficking. They go hand in hand. The Bureau of Alcohol, Tobacco and Firearms reports that in 1986 and 1987 a Virginia man bought 79 guns in that State. Four were found in New York in drug-related investigations. Three New York residents and a Dallas-area resident were charged with smuggling 131 handguns from Texas to a Brooklyn drug ring this year.

The Judiciary Committee unanimously approved this legislation last June 30, 35 to 0. The police are strongly urging its passage. Hubert Williams, president of the Police Foundation, has said: "There is no way that we can keep firearms out of the hands of criminals, people who are demented, and those bent on violence, people with serious criminal records, unless we have an opportunity to first do a background check and investigation."

And, Chief Casey notes that a reasonable waiting period will simply allow police to find out who is seeking to buy a weapon that could become an instrument of death. How can anyone who supports law enforcement be against that?

The Judiciary Committee voted to call this provision the Brady amendment, in honor of James S. Brady, the White House press secretary who was gravely wounded in the 1981 assassination attempt on President Reagan, and his wife, Sarah Brady, whose tireless efforts on behalf of a national waiting period were crucial to committee approval of this legislation. In the aftermath of the tragedy that struck her and her husband, Sarah Brady's personal commitment to this proposal has made a profound contribution to the growth of the public's information and support for it.

I urge support of H.R. 5210. It has the strong backing of the leaders of our communities. Drug abuse is a disease that infects the Nation. It breeds crime that infests our communities, regardless of wealth or circumstance. It is a national problem that demands a comprehensive approach.

Drugs are the No. 1 enemy confronting our families and our children today. Although we have made progress in mobilizing our resources to combat this terrible problem, the scope and magnitude of drug abuse in the United States continues to grow. The tragic, drug-related deaths of our

youngsters, the drug pushers who populate our schoolyards and neighborhoods, the overwhelming flow of illicit, deadly drugs across our Nation's borders—all of these sap our Nation's strength and productivity. These are urgent problems that demand and deserve nothing less than an urgent, serious response.

We are still a long way from declaring victory in our battle against drugs. H.R. 5210, however, will be another important weapon in this fight.

Mr. Chairman, I yield 5 minutes to the gentleman from New Jersey [Mr. HUGHES], the chairman of the Subcommittee on Crime of the Committee on the Judiciary.

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Mr. HUGHES. Mr. Chairman, the Committee on the Judiciary has general oversight of the Nation's law enforcement effort and all criminal justice proceedings. This includes all aspects of drug enforcement. Like many committees, our work on drug enforcement and drug abuse is ongoing. Therefore many of the measures which we have reported as our contribution to the Omnibus Drug Initiative Act, included in title VI, are matters which we have been considering for some time.

Let me just summarize some of the key provisions of title VI.

#### CHEMICALS

One of the most significant provisions, and perhaps as a consequence of that fact, one of the last controversial and most broadly supported provisions, is the chemical diversion and trafficking act. This major initiative was requested by the administration to prevent the flow of chemicals, such as ether and acetone, from the United States to countries like Colombia, Peru, and Bolivia because the chemicals are essential to the refining of cocaine. The bill would also substantially strengthen the ability to control the commerce in precursor chemicals—chemicals which are the raw materials for making dangerous drugs such as amphetamines, methamphetamine, and PCP.

#### FORFEITURE

The title also reflects our long experience and numerous oversight hearings on the forfeiture of the assets and property of drug traffickers. It requires an annual audit of the Department of Justice forfeiture fund by GAO. It provides more flexibility for the U.S. Marshals Service to procure computers for operating the forfeiture fund. It provides an innocent owner defense for owners of conveyances in civil forfeiture proceedings if they were not involved in illegal activity and provides expedited administrative procedures within the Department of Justice for these transactions.

#### STATE AND LOCAL ASSISTANCE

The title also reauthorizes the State and local drug law enforcement program. It expands the program from an authorized level of \$225 to \$250 million in fiscal year 1989, and to \$500 million in each of the next 3 fiscal years. It encourages expediting the processing of funds to local units of government, which have the bulk of the burden of fighting drug traffic in their neighborhoods, and provides an entitlement concept for grants of more than \$25,000 for local governments. The State and local units still will have to provide a 50-50 hard match for the Federal money.

#### ADDITIONAL RESOURCES

The title provides for additional resources for drug law enforcement. It provides, in the current fiscal year, \$4.9 million to relocate DEA's headquarters from Washington, DC, to Pentagon City thereby centralizing staff now scattered in a half-dozen downtown locations, and achieving substantial rent decreases.

For fiscal year 1989 it provides for \$115 million for increased DEA programs that the committee has identified as critical for maximizing our antidrug efforts. These include a 25-percent increase in the foreign cooperative investigations program of \$15 million, \$19 million for DEA's airwing, \$9 million for DEA's intelligence program, \$23.5 million for DEA's South American initiative against the cocaine traffic, \$30 million to enforce the chemical diversion bill, and \$10 million to complete DEA's relocation to Pentagon City.

The bill provides for \$9 million for the prosecution of cases by the multi-agency organized crime drug enforcement task forces for fiscal year 1989.

At the suggestion of RON MAZZOLI, chairman of the Immigration Subcommittee, it includes \$82.3 million for enhanced functions of the Immigration and Naturalization Service that support the drug enforcement mission: interdiction, investigations, detention and deportation, training and orientation.

#### FIREARMS

The title creates two new offenses to stop the supply of firearms to drug traffickers and provides for a 7-day waiting period before a handgun transaction can be completed to permit local police to check if the purchaser has any criminal background. Waiting periods have been proven in many jurisdictions around the country to be effective in preventing criminals and drug traffickers from buying handguns. There is no question that guns are as essential to the drug business as drugs, precursor chemicals or money laundering services. This provision will help us disarm traffickers.

## AMENDMENTS

The Judiciary Committee reported two other important provisions which have not been included in H.R. 5210 due to jurisdictional concerns: user accountability and the so-called drug czar.

These provisions will be enforced as amendments. I will be supporting the McCollum amendment on user accountability which was reported by the committee. I will support the Brooks amendment which creates a drug czar in a form modified some from what the committee reported.

Mr. RANGEL. Mr. Chairman, I yield 1 minute to the gentleman from Kentucky [Mr. MAZZOLI].

Mr. MAZZOLI. Mr. Chairman, I rise in support of H.R. 5210, the Omnibus Drug Initiative Act, which seeks to attack the drug problem from many angles. It will come down hard on drug traffickers and persistent users while encouraging and funding drug education and rehabilitation programs.

During Judiciary Committee consideration of the bill we expanded many of the programs started in the 1986 Omnibus Drug Act—such as special Federal assistance to State and local law enforcement efforts to combat drugs. We revised the 1986 program to assure that local governments—such as Louisville and Jefferson County, KY—receive all the the Federal money they are due from the State and quickly as possible. The bill also provides for cities and counties to apply directly to the Federal Government should any untoward delays occur at the State level in passing through their entitlements.

I am disappointed, however, that language was included revising the Federal-local cost-sharing formula from the current 75-25 Federal-local match to a 50-50 match. I proposed an amendment, which unfortunately the rules committee rejected, which would have restored the current 75-25 formula. I hope this provision will receive further scrutiny as the bill proceeds through the legislative pathway. This increased match places an unreasonable burden on our local governments who wish to participate in the program.

Also during Judiciary Committee consideration of the bill, we included language which would create a correctional officers' training center under the National Institute of Corrections to assist Federal, State, and local prisons in their drug rehabilitation efforts. I understand that my colleague JACK DAVIS of Illinois plans to offer an amendment to strike this language, and I urge my colleagues to vote against such a move. In a recent study conducted in my hometown of Jefferson County, KY, over 50 percent of a group of parolees tested positive for illegal drug use. This is but one example of the growing problem of drug abuse

in our Nation's correctional facilities and the corresponding rate of recidivism due to drug-related offenses. Effective drug rehabilitation programs in our Nation's prisons could curb this often-endless cycle of drug abuse and crime—and in the long run help us curb our ever-increasing expenditures for prisons and prison construction. It makes good sense for us to maintain this language in the bill.

Another important provision included by the Judiciary Committee would require a national 7-day waiting period before a handgun can be purchased or transferred. The "Brady amendment"—named after Presidential Press Secretary Jim Brady, who was shot and permanently injured during the 1981 assassination attempt on President Reagan, and his wife Sarah—makes sense. It is not a step toward confiscation of handguns, but will help to keep handguns out of the hands of the wrong people—including those involved in the dirty illegal drug trade. Earlier this year Sarah Brady visited Louisville to talk about the waiting period bill. She exhibited during her day with us, wit, charm—and real stamina—as she answered friendly and not-so-friendly questions about the bill. It was in large part through the hard work of Mrs. Brady and members of the law enforcement community—including Sgt. Ralph Orms of Louisville, who holds a national office with the Fraternal Order of Police—that we were successful with the waiting period bill. I urge my colleagues to vote against any amendments to strike or weaken this important language.

The Judiciary Committee also included increased resources for the antidrug activities of the FBI, DEA, and for the first time, at my request, the Border Patrol of the Immigration and Naturalization Service. The Border Patrol has seized over 60 percent of all illegal narcotics coming into the United States along the United States-Mexican land border since the beginning of fiscal year 1987 and deserves adequate resources to continue this important work.

Lastly, although the Judiciary Committee did not consider this matter, I would like to bring it to the attention of my colleagues. The U.S. Customs Service operates a little-known facility in Front Royal, VA, which trains drug-detecting dogs and dog handlers for Federal, State, local, and international law enforcement efforts. Because this training is a critical component in our war against drugs, I would urge my colleagues to consider at some point authorizing funding to upgrade and expand the Customs Canine Enforcement Training Center. It is the only such Federal-civilian facility in the Nation and has trained dog and dog handlers from 69 State and local law enforcement agencies since 1974, including several from the Kentucky

State Police. There is no money in the bill specifically earmarked for such upgrading and expansion, but I urge my colleagues to give this matter further consideration down the road.

I urge support—strong and bipartisan support—on final passage of H.R. 5210.

Mr. McCOLLUM. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, while we on this side are not debating the bill on the same order the other side is, I want to take this opportunity, being a member of the Committee on the Judiciary, to commend both gentlemen from New Jersey, my subcommittee chairman and the chairman of the committee, for their work and to point out the fact that this bill does already contain provisions that will not be amended on precursor chemicals that are really fantastic new improvements to the DEA law enforcement fighting tools, changes in the State drug-grant program that includes some encouragement for user accountability, prison funding, at the President's request, of \$1.38 billion, changes in the Postal and Forest Service authority to apprehend drug dealers and a money-laundering tax predicate offense, which I think are every good solid, new proposals out of the Committee on the Judiciary in this legislation that will not otherwise be debated, and I think the public needs to be aware of it. It is a very major effort.

I also want to commend the gentleman from New Jersey [Mr. HUGHES] for his efforts in helping with the user accountability provisions that will be before us for amendment probably tomorrow to further strengthen the area that is really remiss right now on the demand side to make users pay a price to help deter their areas.

The CHAIRMAN. The Chair wishes to announce that the gentleman from Florida [Mr. McCOLLUM] has 41 minutes remaining and the gentleman from New York [Mr. RANGEL] has 33 minutes remaining.

Mr. McCOLLUM. Mr. Chairman, I yield 3 minutes to the gentleman from Illinois [Mr. DAVIS].

Mr. LENT. Mr. Chairman, will the gentleman yield?

Mr. DAVIS of Illinois. I yield to the gentleman from New York.

Mr. LENT. Mr. Chairman, I am pleased to support H.R. 5210, the Omnibus Drug Initiative Act of 1988, and, in particular, title X of the bill which was crafted in the Energy and Commerce Committee on which I serve. I congratulate you and my colleagues for packaging a wide range of innovative legislative proposals to address the manufacture, distribution, and use of illegal drugs.

I have a particular interest in this legislation since the New York State Office of Substance Abuse estimates that 260,000 IV drug abusers reside in New York and that perhaps as many as 3 million persons in New York used drugs

for nonmedical purposes during 1987. These figures clearly demonstrate how far we have to go in meeting our Nation's drug problem.

Title X of the bill makes some major changes in Federal drug, alcohol abuse, and mental health programs to strengthen drug and alcohol prevention and demand reduction programs and to improve and expand drug and alcohol treatment and mental health services. What was formerly a single State block grant for \$487 million will be reauthorized as two separate State block grants; one for \$475 million for alcohol and drug abuse, and one for \$350 million for mental health services. Separating these authorities will allow funds to be more effectively targeted.

Title X also establishes a new block grant for IV drug abuse treatment and outreach for drug abusers at risk of transmitting the AIDS virus. This \$250 million program requires a dollar-for-dollar match by the States. Another important provision, the result of a Republican amendment, is the special one-time grant program for \$100 million to expand drug abuse treatment programs in order to reduce the waiting time for persons needing treatment.

I am also pleased that these provisions set aside funds to support demonstration projects for alcohol and drug abuse prevention and treatment programs for pregnant women. Clearly, innovation in this critical area is needed.

These changes along with other health programs reauthorized in title X should provide for a strong combination of programs to launch this important initiative against drug abuse.

Finally, I must voice my concern over a provision included in title X that was not part of the version reported out of the Energy and Commerce Committee. These provisions establish Federal standards for the certification of all drug testing laboratories. While I certainly support the need for high standards for such laboratories, these provisions are so stringent that few laboratories will be able to pass certification, and drug testing programs will, in effect, be eliminated. Regardless where one stands on the sensitive issue of drug testing, I believe that reasonable and workable standards for laboratories are needed. I intend to support the amendment to be offered by the gentleman from Virginia [Mr. BLILEY], that will delete these provisions and substitute reasonable standards that will improve the quality of both drug testing programs and the drug testing laboratories. I urge my colleagues to join me in supporting the Bliley amendment.

Mr. DAVIS of Illinois. Mr. Chairman, today I am pleased that we are here debating the merits of this omnibus drug bill because it illustrates to America that we in Congress believe it is time to set in motion a comprehensive policy and program to deal with the drug problem in this country.

In 1986, 1987, and again in 1988, I proposed the four-legged program known as PIER—punishment, interdiction, education, and rehabilitation.

I think that the bill that we are considering today is very strong in the areas of education and rehabilitation. Unfortunately, it is not so strong on punishment, and it is completely lack-

ing at this point in interdiction. I will be offering two amendments which go hand in hand to add strength and efficiency in this punishment area. One of the amendments strikes a provision which spends \$22 million on a center to train prison officials to conduct a drug rehabilitation program, and the other adds the \$22 million, plus \$8 million, back to the Department of Justice for offices of U.S. attorneys in areas where the moneys are desperately needed for prosecutions.

The Department of Justice already has a Federal law enforcement training center in two locations in America and is building a third, plus they have a 5-year training plan currently under way and do not support a facility which duplicates the purposes of their Federal law enforcement training centers and the Bureau of Prisons.

As I said before, we need to deal comprehensively with the drug problem, and I should add that we need to do that efficiently and effectively. My constituents are willing to help pay for the war on drugs, but they expect us to do it in a manner which does not waste tax dollars on unnecessary facilities.

On the other side of the coin, Congress has consistently cut the President's request for new U.S. attorneys while giving more money to investigators, and that is causing a terrible backlog in the system. We have to make an effort to free the logjam at the courts and get our judicial system back into balance.

My amendments are small but significant steps toward that end, and the need we have in this country for Federal prosecutors is no secret. I am sure every Member could check back with his own U.S. attorney's offices in his State and hear first hand the problems and frustrations they face. In fact, in my home State of Illinois I know of two pending cases in which one of the U.S. attorney's offices could indict 100 or more criminal felons on drug charges if they had prosecutors to put them through the justice system. The best studies show that in order to have a more effective drug law enforcement, the Federal prosecutor ratio should be 4½ to 1. That ratio is currently 19 to 1, and that does not take into account the fact that most investigators are the product of a coordinated Federal, State, and local effort.

Mr. Chairman, I ask the Members to please support the Davis amendments when they come to the floor during the next 2 days.

Mr. McCOLLUM. Mr. Chairman, I yield 3 minutes to the gentleman from Idaho [Mr. CRAIG].

Mr. CRAIG. Mr. Chairman, at the outset let me, first of all, congratulate the chairman of the Committee on the Judiciary and the appropriate subcommittees, along with the ranking minor-

ity members of those subcommittees, for a piece of legislation that I think has long been needed in this country. I am, of course, talking about the omnibus drug control bill. It will go a long way in beginning to build some controls on the streets and education with our young people that is so critically necessary to fight this national plague.

Let me address myself, though, specifically to title VI, subsection 6503. This is an important issue and an important area, and I have to believe that the Subcommittee on Crime in large part added a portion to this legislation that is, if not needed, at least unworkable. I am talking about a 7-day waiting period on handguns.

This morning I was privileged to introduce 115 rank-and-file cops on the beat, you could call them, from over 27 States in this Nation. They came here to lobby. They came here to lobby us Members of Congress on this legislation, not in opposition to the omnibus crime control bill but certainly in opposition to this section, because, as they said so clearly this morning, it will not deter the criminal; it will be the honest law-abiding citizen that might be without a gun or that will be limited in his or her right to acquire a gun while the criminal, the drug dealer on the street, will still be buying his gun from behind the bar for an exorbitant amount of money because he has it or out of the back of a car that moves into a community to sell handguns to young kids on the street that are pushing crack.

That is really the issue. I hope as we debate this bill and as we move toward amendments, that we will look at some reasonable alternatives that are valuable to us. As we move to amend this important legislation, I hope when we arrive at this section, we will look most clearly at the McCollum alternative or the McCollum substitute that will devise a mechanism by which we will be able to track and identify those individuals who are criminals attempting to acquire a gun. That really is the issue here, to take guns away from criminals and not take guns away from law-abiding citizens or in some way to restrict the right of the individual law-abiding citizen to do so.

We have provided positive alternatives for the law-enforcement community, alternatives that 115 rank-and-file cops on the street supported and endorsed today as they came to lobby us here. Let us make the appropriate amendments, pass this most important legislation for our country, and hopefully improve the climate on the streets for the young people and for the law-abiding citizen.

Mr. McCOLLUM. Mr. Chairman, I yield 2 minutes to the gentleman from Connecticut [Mr. ROWLAND].

Mr. ROWLAND of Connecticut. Mr. Chairman, first let me congratulate and thank the many Members who have worked on this legislation and the various committees and also the Select Committee on Narcotics Abuse and Control, the gentleman from New York [Mr. RANGEL], chairman of the committee, and the ranking minority member, the gentleman from New York [Mr. GILMAN].

Mr. Chairman, I have spent a lot of time over the last 4 years talking with young people across my State and across my district, and, quite frankly, the conclusion I have come to is really that the way to resolve this issue is to rely on our next generation, to rely on those young people, and hopefully what we are doing today and through this week is to give them the tools, the support, and the encouragement to get the job done. If our first graders and our eighth graders and our high school kids out there are not willing to participate, if they are not willing to shut down the drug dealers across this country, we are not going to be successful.

So I hope that as we debate these amendments, some 36 amendments, during the next several days, that we keep this in mind. This is political, there are party differences, but when all is said and done, I hope this is the type of vehicle everyone can use to resolve the problem.

I would like to highlight a few key provisions I see in the legislation. First of all, it is comprehensive. We ask for supply and demand. On the demand side, we want more money for drug rehab programs, no legalization of drugs, youth programs, educational programs, recognition of problems with gangs in our urban areas, alcohol abuse problems, and yes, we will debate the death penalty and other provisions which may be very, very helpful.

On the supply side, we want more money for the Coast Guard, law enforcement, more money for DEA regional cooperation, and cooperation with other countries. We are going to go after drug trafficking, and we want money for the FAA and DOT, and we want money-launders provisions.

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Mr. RANGEL. Mr. Chairman, I yield 8 minutes to the gentleman from Florida [Mr. HUTTO], and I ask unanimous consent that he be allowed to yield blocks of time out of his allotted time.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. HUTTO. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I want to commend the leadership on its tremendous effort in assembling the legislation before us today. This was no small

task and I believe H.R. 5210 is basically a sound bill that deserves our strong support.

The distinguished chairman of the Merchant Marine and Fisheries Committee, the gentleman from North Carolina [Mr. JONES], is unable to be here this afternoon. However, I ask that his statement fully outlining the provisions of our committee's title in H.R. 5210 be inserted in the RECORD.

Mr. Chairman, I won't take a lot of time to describe the provisions of title VII. I will simply highlight the main provisions.

Several sections of our title clarify a number of legal questions relating to Coast Guard drug law enforcement activities, and should help the Coast Guard to do its job more effectively.

Section 7002 would extend the same liability protection Coast Guard commanders now have under the law to Navy commanders of ships on which Coast Guard personnel are assigned for drug enforcement missions.

Section 7003 closes loopholes in existing law whereby smugglers who sink their boats in an effort to prevent detection may be prosecuted if they are American citizens or resident aliens and there is sufficient evidence to indicate possession with intent to distribute, and would allow Americans and resident aliens arrested by a foreign nation on the high seas for drug charges to be prosecuted by the United States if the arresting nation does not do so.

Section 7003 also requires persons on ships of unknown status to make foreign registry claims at the time of boarding, rather than making the claim later in court to escape prosecution.

Section 7004 would provide indemnification of Coast Guard employees from personal liability for claims arising from performance of their duties during law enforcement activities.

Section 7005 would amend the Suits in Admiralty Act and the Public Vessels Act to ensure that Coast Guard law enforcement personnel are afforded the same protection under the law at sea that other Federal law enforcement officers enjoy on land under the Federal Tort Claims Act.

Section 7006 clarifies existing law to state that the Coast Guard has law enforcement authority over, as well as on and under, waters subject to the jurisdiction of the United States and the high seas.

Section 7007 addresses the most effective use of interdiction efforts on the Great Lakes.

Section 7008 would amend title 49 of the United States Code with relation to forfeiture of conveyances in drug-related offenses.

Finally, Mr. Chairman, section 7009 will provide a total of \$346 million to the Coast Guard to fund 500 new full-time positions, to enhance existing

equipment, and to purchase additional vessels, aircraft, and surveillance radar for drug enforcement activities. Most of the new equipment will be additional 110-foot patrol boats and HH-60 helicopters, which are not only critical to our drug effort but can also be used by the Coast Guard for its other missions should we ever truly turn the corner in this increasingly violent battle.

Mr. Chairman, the Coast Guard is on the front line in our drug interdiction efforts. It has done a tremendous job in the past. However, it wants to do a better job and it will do a better job with the additional equipment and personnel provided by this bill.

Mr. JONES of North Carolina. Mr. Chairman, I rise in strong support of H.R. 5210 and would like to commend you and our distinguished majority leader for your leadership in formulating and coordinating the development of this essential legislation. Plenty has been said as to the need for this legislation, legislation which should permit us to "round the bend" in this war to eradicate drug abuse in this great country. Instead, I rise to explain the provisions of title VII, the portion of the anti-drug bill developed by the Committee on Merchant Marine and Fisheries in a true bipartisan fashion.

In developing our title, the committee sought to provide for more effective Coast Guard enforcement of laws relating to drug trafficking. This goal is addressed through two avenues. First, this legislation clarifies several legal questions which have arisen since the enactment of the Anti-Drug Abuse Act of 1986. Second, the legislation authorizes additional appropriations for Coast Guard operations and the purchase of equipment for fiscal years 1989 through 1992.

Allow me to briefly explain the provisions contained in our title and our reasoning behind their inclusion. Since the passage of the Anti-Drug Abuse Act of 1986, several legal questions have arisen which had the potential to adversely impact the Coast Guard's drug interdiction efforts. These include: First, personal liability exposure of naval commanding officers involved in drug interdiction activities; second, enforcement problems related to difficulties in determining the flag status of vessels; and third, liability exposure of the Coast Guard and its employees.

The Anti-Drug Abuse Act of 1986 authorized Coast Guard law enforcement detachments [LEDETS] to engage in drug interdiction activities from Navy vessels. Liability problems may occur when naval vessels have to fire into a vessel suspected of drug smuggling which refuses to stop. If personnel on the suspect vessel are injured and a search of the vessel turns up no drugs, the naval commanding officer may be subject to a law suit. Under section 637 of title 14, United States Code, commanding officers of Coast Guard vessels, and persons acting under their orders, are indemnified from penalties or damages when a Coast Guard vessel fires at or into another vessel that does not stop following an order to do so.

On two occasions Navy ships with Coast Guard LEDETS aboard have had to fire into suspect vessels that refused to stop. On both occasions the vessels contained large amounts of drugs. In one instance, one person was injured; fortunately, no one was killed. Given the continued escalation of drug smuggling and the associated violence, the frequency of these types of events will likely increase, thereby exposing naval personnel to increased opportunities for personal liability claims. Section 7002 of our title serves to correct this problem by extending indemnification protection to naval commanding officers and personnel acting under their orders aboard Navy vessels on which Coast Guard law enforcement detachments are assigned pursuant to section 379 of title 14 United States Code.

The Coast Guard has encountered two types of cases where it has had difficulty in enforcing the Maritime Drug Law Enforcement Act of 1980 because of problems related to determination of the flag status of a vessel. The first case occurs when drug smugglers sink their vessel to avoid detection during the boarding. A related situation occurs when the occupants of a vessel, the registry of which cannot be determined at the time of the boarding, later raise a valid foreign registry as a defense in court. The second case occurs when the vessel's flag state retains jurisdiction, but shows little interest in prosecuting U.S. citizens or resident aliens. Current law does not allow the Coast Guard to proceed against U.S. citizens or resident aliens in either of these cases.

Under section 3(a) of the Maritime Drug Enforcement Act (46 U.S.C. App. 1903(a)), it is unlawful to "knowingly or intentionally manufacture or distribute, or to possess with intent to manufacture or distribute, a controlled substance" on any vessel subject to the jurisdiction of the United States. Section 7003 of our title extends the application of section 3(a) of the act to include U.S. citizens and resident aliens aboard a vessel of any nation. This would allow the United States to try a U.S. citizen or resident alien for a violation of the Maritime Drug Enforcement Act if the flag state of the foreign vessel fails to try the individual for the offense under the law of that country. This section is not intended to limit the authority of the flag state to take custody of and proceed against the individual. It would also not change the existing requirement for consent of the flag state before the Coast Guard boards a foreign vessel on the high seas or in the territorial waters of another nation. Nor would it change international procedures and arrangements for obtaining custody of U.S. citizens through extradition proceedings.

Subsection (b) of section 7003 amends section 3(b)(2) of the Maritime Drug Enforcement Act to require that claims of vessel nationality or registry be raised at the time of boarding by the Coast Guard. This addresses the situation in which a vessel appears to be a U.S. vessel at the time of the boarding, but individuals charged with a violation of the act later raise the vessel's foreign registry as a defense to prosecution. Requiring that a claim of foreign registry be raised at

the time of boarding would allow an inquiry into the vessel's registry and appropriate requests to the state of registry for a waiver of jurisdiction.

The Coast Guard's increased emphasis on drug interdiction has also led to increased exposure of Coast Guard employees and the Coast Guard itself to law suits. Currently, Coast Guard employees are liable for actions undertaken in the performance of their duties. This exposure has resulted in 32 suits being filed against Coast Guard personnel. The Coast Guard itself is also subject to suits for all of its maritime activities, under the authority of the suits in Admiralty Act. On land, however, it is protected from common law torts by the Federal Tort Claims Act [FTCA]. This has the anomalous effect of exposing the Coast Guard to a variety of suits for actions taken at sea which would be protected by FTCA if they were carried out on land. We have sought to alleviate this problem through the legislation incorporated as sections 7004 and 7005. Section 7004 authorizes the Commandant of the Coast Guard to indemnify any Coast Guard member or employee against personal liability for actions taken within the scope of their official law enforcement duties. It is patterned after the authority of the Federal Aviation Administrator to indemnify Federal Aviation Administration employees for damages for actions taken within the scope of their employment.

Section 7005 incorporates certain of the exceptions to suits against the United States presently contained in the Federal Tort Claims Act (28 U.S.C. 2671-2680) and is intended to clarify maritime law relating to the liability of the United States.

Prior to 1960, admiralty suits against the United States, other than those arising from the operation of certain vessels, were brought under the Federal Tort Claims Act. In 1960, Congress amended the suits in Admiralty Act (46 U.S.C. App. 741-752) to encompass all admiralty actions, in order to remove uncertainty over the proper forum for certain claims against the United States.

On land, the U.S. Government and its employees are protected from common law torts by the Federal Tort Claims Act. The Federal Tort Claims Act does not apply on the navigable waters of the United States or on the high seas. On those waters the suits in Admiralty Act applies. The suits in Admiralty Act does not contain several of the exceptions to suit contained in the Federal Tort Claims Act. Section 7005 would amend the suits in Admiralty Act to include several exceptions currently provided under the Federal Tort Claims Act.

Specifically, the exceptions for discretionary function and customs detention are particularly important

with respect to Coast Guard law enforcement efforts. For example, claims frequently arise with respect to seizure of vessels during maritime law enforcement efforts. In some cases, vessels containing large quantities of illicit narcotics have been seized but have sunk before they could be returned to a U.S. port, and claims have been filed against the United States for loss of the vessel. Because the vessel is destroyed, no property is available to effect a forfeiture. Therefore, the ability of the United States to use the defense that the vessel was subject to forfeiture, and that title vested in the United States at the time of commission of the act, notwithstanding the lack of a declaration of forfeiture, is unclear. Inclusion of the Federal Tort Claims Act customs detention exception from suit within the suits in Admiralty Act provision would insure that the United States is not liable for damage to detained property on navigable waters of the United States or the high seas under the same circumstances as is presently the case for damage to detained property that occurs ashore.

Section 7006 amends section 2 of title 14, United States Code, to specifically authorize the Coast Guard to enforce and assist in the enforcement of all U.S. laws over, as well as on and under, waters subject to the jurisdiction of the United States and the high seas. The section also adds maritime air surveillance or interdiction to the Coast Guard's primary law enforcement duties. The committee does not intend that this section interfere with or override the provisions of the memorandum of understanding between the U.S. Coast Guard and the U.S. Customs Service signed May 11, 1987, and approved by the National Drug Policy Board.

Section 7007 requires the Secretary of Transportation and the Secretary of the Treasury to sign an agreement reflecting the most effective use of U.S. Coast Guard and U.S. Customs Service resources to interdict illegal drugs on the Great Lakes. The section also encourages the Secretary of State to begin negotiations with officials of the Canadian Government on an agreement to increase cooperation between and coordination of our respective Governments' efforts to interdict drugs on the Great Lakes.

The agreement and negotiations under this section will not only increase the effectiveness of drug interdiction on the Great Lakes, but will also have a deterrent effect against any increase of drug activity on the Great Lakes.

Section 7008 has as its basis the belief that the owner of a conveyance and those who rely on the continued operation of that conveyance in order to earn a livelihood should not be punished for the actions of another which are beyond the knowledge and without the consent of the owner. This concern arose as a result of the implementation of the administration's zero tolerance policy. Seemingly

overnight, we are apprised of numerous inequitable instances when, for example, a fishing vessel would be seized and be subject to being forfeited because some small amount, perhaps even just a trace of illegal substances, were found in the personal belongings of one of the crew members. This placed an economic hardship upon the innocent, when in fact it was the guilty individual who should bear the burden of the punishment.

Section 7008 of our title provides that no vessel, vehicle, or aircraft shall be forfeited to the extent of an interest of an owner for a drug-related offense established by that owner to have been committed or omitted without the knowledge or consent of the owner.

Finally, a perennial Coast Guard problem is the lack of adequate funding. These problems are evidenced by the fact that over the past 5 years, in constant dollar terms, the Coast Guard has been level funded. By way of comparison, the Department of Defense has seen its budget increase by over 15 percent during the same period. In an effort to help alleviate Coast Guard's funding problems, the Department of Defense has periodically provided the Coast Guard with additional funds for the purchase of new equipment, but has provided very little additional funds for operations. The Coast Guard's operating expenses problems reached the breaking point in fiscal year 1988 when it suffered a \$103 million funding shortfall. This forced it to close a number of units, to reduce law enforcement efforts by 55 percent, and to cease performing discretionary search and rescue patrols.

Section 7009 authorizes appropriations for the Coast Guard, to remain available until expended, of \$264 million for acquisition, construction and improvements, \$82 million for operating expenses for fiscal year 1989, and \$30 million per year for operating expenses for fiscal years 1990, 1991, and 1992. This money shall be used to provide 500 additional full-time positions, and to procure, enhance, relocate, operate, and maintain additional equipment and facilities for drug interdiction activities of the Coast Guard. Amounts and personnel authorized by this section are in addition to any other amounts or personnel strengths authorized.

To guard against the siphoning off of Coast Guard resources from its more traditional missions such as the protection of life and property at sea, this section contains a proviso that nothing in this omnibus drug bill shall require the Coast Guard to engage in new drug enforcement missions, except to the extent that additional funds are appropriated or transferred to the Secretary of Transportation for those drug interdiction purposes. I feel that this section is particularly important because of recent actions taken by the Coast Guard. As I am sure many of you know, the Coast Guard closed numerous search and rescue, and marine safety units this past year. At the same time, however, it was expanding its drug interdiction operations in the Bahamas. While I certainly don't oppose expansion of the Coast Guard's drug interdiction efforts, I strongly oppose doing so at the expense of other Coast Guard missions. In plain English, this section requires the Coast Guard to ask Congress for additional appropriations if it wants to expand drug interdiction efforts.

I urge all Members to support this important legislation in order to avoid any additional delay which can only serve to exacerbate this already grievous problem which this great Nation faces.

Mr. HUTTO. Mr. Chairman, I yield such time as he may consume to the gentleman from Louisiana [Mr. TAUZIN].

Mr. TAUZIN. Mr. Chairman, I would like to ask my distinguished colleague from Florida to clarify a section of this legislation that is critical to our interdiction of illegal narcotics traffickers. Title VII of the omnibus drug bill authorizes appropriations of \$264 million for the Coast Guard for acquisition, construction, and improvement of assets. Additional funds are authorized for operation and maintenance purposes. I would first like to commend the gentleman for deferring to the Coast Guard's expertise in what is needed out there by not trying to mandate specific types of equipment. There is, however, an urgent need to address gaps in radar surveillance in the gulf coast region. This is of obvious concern because many of those gaps occur over my district and the gentleman's district as well. Would a viable drug interdiction option be the purchase of aerostate radar systems by the Coast Guard, then basing those systems on private vessels chartered for that purpose and modified by private industry in the most economical means possible?

Mr. HUTTO. Mr. Chairman, will the gentleman yield?

Mr. TAUZIN. I yield to the gentleman from Florida.

Mr. HUTTO. Mr. Chairman, hearings before the House Armed Services Committee confirmed that the gulf coast region is extremely vulnerable to narcotics traffickers due to gaps in radar coverage. Additionally, the statement of managers to the Department of Defense authorization bill identified aerostats as a cost-effective way to fill the gaps in our border detection network. The agencies charged with drug surveillance and interdiction must determine the most effective and efficient mix of drug surveillance and interdiction assets to meet this threat. Among such assets are aerostate radar systems which can provide 24-hour surveillance of possible narcotics traffickers. Such systems are extremely cost effective, operating at lower acquisition and life-cycle costs than fixed-wing radar aircraft. Given that aerostat systems are able to provide effective deterrence and interdiction of drug smugglers, they should continue to be a critical element of our national war on drugs.

Mr. TAUZIN. Mr. Chairman, I thank the gentleman from Florida [Mr. HUTTO] for his response, and I also want to commend him for the excellent job he is doing on behalf of the

Coast Guard and its efforts at interdiction for this country.

Mr. HUTTO. Mr. Chairman, I yield such time as she may consume to the gentlewoman from New Jersey [Mrs. ROUKEMA].

Mrs. ROUKEMA. Mr. Chairman, I rise in support of the omnibus antidrug bill and ask unanimous consent to revise and extend my remarks. This is a good bill which understands the vital partnership necessary to fight the war on drugs both on the supply and demand side of the problem.

Mr. Chairman, 2 years ago Congress passed an omnibus antidrug bill that was supposed to help the Nation fight its battle against illegal drugs. The legislation was a compilation of proposals primarily aimed at attacking the supply side the drug equation through drug interdiction and enforcement.

In the intervening 2 years, it has become apparent that this approach alone simply is not working. Drugs are more prevalent than ever. Treatment centers are overburdened. Prisons are filled to capacity. Clearly, it is time to develop a new approach that focuses on on the other side of the equation; that is, reducing the demand for drugs.

How do we go about reducing demand? We do it by creating a "no drug culture," a culture in which it isn't fashionable to use drugs, a culture that doesn't accept the idea of "recreational drug use."

For a long time, we have tolerated the idea of the casual user. That has to stop. We need to impress upon people that in using drugs there is a cost, not only to the individual, but to the community: that buying and using drugs enriches criminals in this country and abroad. We need a society that rejects that cost because the ultimate price is lost productivity, lost revenue, and lost lives here at home.

Later there will be an amendment offered which will help create this "no drug culture" by making drug users accountable. The amendment would limit access to certain government privileges and benefits, like grants and licenses. The American taxpayer should not provide privileges and special assistance to drug criminals.

As the ranking minority member of the Housing Subcommittee, I also want to emphasize that this amendment would prohibit Federal housing assistance to individuals twice convicted of drug felonies. At a time when we have long waiting lists of law-abiding citizens who hope to receive housing assistance, it makes no sense to allow even a single unit of assisted housing to be occupied by a criminal who preys on others in housing projects and their neighborhoods. It's a tough approach, but one which sends a clear message that "There is a cost to using drugs."

I also want to point out to the membership that our colleague from New York, Mr. DIOGUARDI, may offer an amendment to establish a drug abuse clearinghouse within the Office of Public Housing of HUD and to establish a regional training program to help housing officials deal with drug crime. The gentleman from New York has been a leader in our subcommittee on this issue, and I commend him for it.

H.R. 5210 will create new offenses for supplying firearms to drug dealers, new sentences for possession of crack, and expansion of drug testing within the criminal justice system. Again, these are penalties to be imposed upon those who support and contribute to the drug culture.

To help those who want to eliminate the drug culture through education, prevention and treatment, we have provided in this bill a major increase in Federal funding. Specifically, we have authorized \$85 million in funding for programs which target juvenile delinquents, youth gangs, homeless youth, and women enrolled in the WIC Program.

We have provided new money for local drug prevention programs and targeted that assistance to those centers that have long waiting lists. Furthermore, we allow States to use the Adult Education Act to fund drug abuse prevention and rehabilitation programs for prisoners.

Though H.R. 5210 focuses on the demand side of the drug equation, we have not overlooked the importance of reducing the supply of drugs.

The bill includes a number of provisions designed to combat money laundering by drug traffickers. For example, the bill prohibits banks from selling bank checks, cashier's checks, travelers checks, or money orders over \$3,000 to those without proper identification, and requires institutions to maintain records of all such transactions. Second, H.R. 5210 would allow law enforcement to access certain financial records when they are relevant to an investigation. Finally, the bill establishes severe penalties for violation of these recordkeeping rules.

H.R. 5210 provides over \$700 million in increased funding for Federal agencies involved in drug interdiction and enforcement; \$1.75 billion in matching grants over 4 years to boost State and local drug enforcement efforts; and \$449 million for the Federal prison system. This is an unprecedented commitment of money by Congress to combat drugs, and I think, it shows a willingness on the part of Congress to "put its money where its mouth is."

In conclusion, Mr. Chairman, I am pleased with the drug bill before us today. I think the legislation properly focuses on demand for drugs and does not simply throw money at the problem.

Mr. McCOLLUM. Mr. Chairman, I yield 4 minutes to our distinguished minority leader, the gentleman from Illinois [Mr. MICHEL].

Mr. MICHEL. Mr. Chairman, there are many words that might be used to describe drug abuse.

I think the best one is waste.

Waste of promise. Waste of money. Waste of lives. And waste of the American future.

Think of all the human potential that has been devoured by this monster of waste.

We have to stop this disaster in two ways: in cutting off supply and in holding users accountable.

That is what this drug bill is all about.

As this debate continues you will hear about the supply problem. Let me for a moment talk about the demand problem.

How do we reduce drug demand? We all agree that education and treatment are necessary.

Yet these critical elements are not enough. Many casual drug users are already educated on the dangers and illegality of drug use and choose to get high anyway.

More education won't make any difference to the already educated.

The new and necessary element to reduce demand is user accountability.

Three Republican amendments to this bill establish Federal user accountability provisions for the first time.

At the very heart of our civilization is the belief in individual responsibility. But a belief in individual responsibility without individual accountability is a belief without substance in the real world.

We often use the metaphor of war when we talk about our fight against illegal drugs.

I am reminded that during World War II, those in conquered nations who aided the Nazis were known as collaborators. They were scorned by their neighbors. And after liberation, they were punished.

Well, those who use illegal drugs are collaborators with those who sell them.

And collaborators have to know they will be held accountable for their collaboration.

We say to those who use drugs—if you use you lose.

That's part of the message we want to send in this legislation to users.

Our message to traffickers is the same tough drug enforcement response we have advocated for years. Once again we have the opportunity to provide the death penalty and exclusionary rule to show how serious we are about stopping drug trafficking.

For the first time we will allow military training and assistance against international drug trafficking. Dramatic action is required.

So I urge the adoption of the amendments dealing with accountability, along with the other good provisions of this bill.

May I take this moment in conclusion quickly to thank the kind cooperation we have had from the majority side. The Speaker initially determined that it would be a bipartisan effort and had the distinguished majority leader get in touch with us so that we might work together, as we have now with 11 or more of our committees involved, but we are back here with the package that will get support from both sides of the aisle on admittedly some controversial issues that we have got to discuss by way of the amendments that have been made in order.

But I certainly want to applaud the distinguished gentleman from New York [Mr. RANGEL] too, and the gentleman from New York [Mr. GILMAN], who I see here, who serve as our chairman and ranking member on the Select Committee on Narcotics Abuse and Control. What they have done to help push and motivate this whole piece of legislation we are grateful to the two of them for and all those who played such a vital role in what we have to work with today.

Mr. McCOLLUM. Mr. Chairman, I yield 4 minutes to the gentleman from California [Mr. GALLEGLY].

Mr. GALLEGLY. Mr. Chairman, I am pleased that we have before us today legislation to address one of the most serious threats to our Nation's well-being, the Omnibus Drug Initiative Act. Unfortunately, we have evidenced the personal destruction that results from drug abuse, and the violent and illegal methods that are used to promote such activities. Without necessary resources and truly effective enforcement measures, we will be unable to successfully deter this enemy. For this reason, I specifically draw your attention to an amendment to be offered by my colleague from Pennsylvania, Mr. GEEKAS, that I believe will prove effective in fighting the spread of drug abuse and ending the free reign that drug dealers have enjoyed as a result of lax punishment for the crime of murder.

I will rise in strong support of the Gekas amendment to the Omnibus Drug Initiative Act of 1988. Let me take this opportunity to compliment my colleague for his persistence in this matter. As my colleagues in the House have already demonstrated during a 1986 vote on a similar amendment, a vote in favor of the death penalty for drug dealers who kill in the course of a criminal activity is desperately needed and, most importantly, wanted by the majority of Congress and the American public.

The need for the Federal death penalty is made abundantly clear by a shocking situation I was recently exposed to. In the course of a life-threatening undercover drug operation, a drug enforcement agent from my district was fatally wounded by two suspected heroin dealers. As one of the suspects later testified, the incident had originally been planned "as a rip-off from the beginning."

The ultimate rip-off, however, was the death of a respected Federal agent and the subsequent grief suffered by his family and friends. And a just punishment may not be served because of a glaring deficiency in Federal law: The lack of a death penalty for any offense other than murder during a hijacking.

In fact, Federal prosecutors felt obligated to turn this case of heinous vio-

lence over to State authorities since the State of California does have a death penalty on the books. My concern over this issue, and my longstanding support for the reinstatement of the Federal death penalty, led me to introduce a bill that would provide the death penalty for anyone convicted of the killing of a Federal law enforcement officer. I am pleased to inform my colleagues that already there are 48 cosponsors of my proposal.

How many more times will we allow this sort of senseless drug massacre to occur without a fitting punishment? Must we continue to read the bold headline—"Drug Related Murder"—and be reminded that hardened and calculating criminals may only face weak and uncertain penalties under Federal law?

I believe that the drug enemy must not be permitted to continue to recklessly ruin the lives of our youth and take the lives of our Federal agents without the fear of serious punishment.

These agents are people who place their lives on the line everyday in order to protect each and every citizen of this country. If we expect to protect the rights of victims and send a resounding message to the drug abusers and dealers, then we should once again vote in favor of the death penalty.

Now that the Senate has approved a death penalty measure, the House must not pass up this opportunity to demonstrate to the American public that our fight against the drug war is real. The need is apparent, and the time to take decisive action is now.

I urge you to vote in favor of the Gekas amendment.

□ 1530

Mr. RANGEL. Mr. Chairman, I yield 8 minutes to the gentleman from California [Mr. ANDERSON], and I ask unanimous consent that the gentleman be allowed to yield blocks of time out of his allotted time.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. ANDERSON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I thank the gentleman from New York for yielding me this time.

Mr. Chairman, I rise in support of H.R. 5210, the Omnibus Drug Initiative Act of 1988, and in particular title VIII of the bill.

That title, reported by the Committee on Public Works and Transportation, marks the culmination of an extensive, bipartisan investigation into the role and responsibilities of the Federal Aviation Administration in carrying out the 1984 and 1986 Aviation Drug Laws and in providing as-

sistance to Federal, State, and local agencies involved in the enforcement of the Nation's drug laws.

In 1987, the drug trafficking industry in the United States expanded to an estimated \$180 billion a year business. The drug lords have created an underground empire of crime, violence, and corruption.

Drug abuse, which has been a serious health problem in the United States for two decades, is now a major national public health threat that continues to grow.

It was estimated for 1987 that there were 600,000 active heroin addicts in the United States. The number of addicts has been increasing steadily because there is more heroin available on the streets.

Whether one looks at overall trends or annual statistics, the picture is bleak. These figures are only the tip of the iceberg. The actual extent of the problem is even greater and may become even worse in the future because the sad fact is that drugs continue to infiltrate our borders.

The smuggling of narcotics through the use of general aviation aircraft—from South America, the islands, or wherever—is a major contribution to the current drug epidemic.

The amount of cocaine and marijuana seized from general aviation aircraft as a percent of the total volume of illegal drugs seized was 69 percent in 1984, 60 percent in 1985, 53 percent in 1986 and 64 percent in 1987. In the last year alone, some 40,000 pounds of cocaine and almost 13 billion dollars worth in street value, were confiscated.

The Office of Technology Assessment estimates 1,300 to 3,500 general aviation aircraft drug smuggling flights per year or about 3.5 to 10 per day. These are the ones we've tracked—there are undoubtedly countless others about which we are unaware.

Moreover, this method of drug smuggling, once generally limited to the gulf and southern borders, is appearing increasingly at all our border areas. For example, less than a year ago, in New York, 610 pounds of cocaine were seized from a twin-engine Cessna. The flight originated in Colombia.

Drug-trafficking has become a national crisis—one that is eating at the fabric of American society. The law enforcement community, which is in the front line in this battle, experiences one frustration after another. They are faced with limited personnel, facilities, equipment and funding, and confronted by a sophisticated and ruthless enemy. The frustration that law enforcement agencies have expressed with respect to the FAA's system for registering aircraft, certifying airmen, and filing major forms was the focus of the committee's in-

vestigation, and is the basis for title VIII of H.R. 5210.

Basically, title VIII focuses on three issues:

First. Should the current FAA system of registering aircraft, certifying pilots and processing major repair and alteration forms be improved, especially as it relates to assisting law enforcement agencies in the enforcement of the Nation's drug laws?

Second. Should current FAA drug aviation information activities be improved to assist in drug interdiction and enforcement?

Third. Are the 1984 and 1986 aviation drug statutes being enforced and are they adequate to support effective drug enforcement and prosecution?

In so doing, title VIII attempts to address complaints voiced by law enforcement officials that the FAA's "system" for registering aircraft, certifying airmen and filing major repair and alteration forms is too lax and is, therefore, subject to abuse by drug smugglers; and the FAA does not enforce what rules it does have in these areas.

To meet these concerns, title VIII directs FAA to assist law enforcement agencies in drug-trafficking efforts, consistent with aviation safety, and to issue rules within 10 months to correct failures in aircraft registration, pilot certification and repair and alteration of airplanes. These changes would aid the identification, tracing and prosecution of aircraft and pilots engaged in drug smuggling.

It also increases the civil penalties for violation of registration requirements from \$1,000 to \$10,000 and grants FAA the authority to impose them administratively; sets new criminal penalties of up to \$15,000 in fines and 3 years in prison for violation of registration and related requirements; and gives law enforcement agencies the authority to seize aircraft when there are violations of the new criminal provisions whether controlled substances are involved or not.

For a more detailed explanation of these and overall legislative intent, I refer you to the report accompanying H.R. 4844 which was filed today.

I believe title VIII is quality legislation. It reflects a thorough effort; it addresses an area of vital concern to our Nation's law enforcement community; and it will make a difference in the war on drugs.

I urge your support for H.R. 5210 and in particular title VIII.

Mr. Chairman, I yield the balance of my time to the chairman of the Aviation Subcommittee, the gentleman from California [Mr. MINETA].

The CHAIRMAN. The gentleman from California [Mr. MINETA] is recognized for 1½ minutes.

Mr. MINETA. Mr. Chairman, I rise in support of H.R. 5210 and to speak particularly about title VIII which was developed by the Committee on Public Works and Transportation.

Title VIII of the omnibus drug legislation addresses problems associated with the interdiction of drugs smuggled by air. Title VIII is identical to H.R. 4844, which was reported by the committee on June 21.

Over the past year, the Committee on Public Works and Transportation has conducted an indepth investigation into what the Federal Aviation Administration could do to better assist the drug interdiction and enforcement efforts of local, State, and Federal authorities.

What this investigation revealed was that the FAA's system of registering aircraft and certificating pilots should be changed in order to make the false registration of aircraft more difficult. It is also clear that there is a need to improve the FAA's information on pilots and aircraft ownership to facilitate investigations of and legal actions against drug smugglers.

When drug enforcement authorities learn that a particular aircraft is being used in drug smuggling activities, it is sometimes difficult or impossible to discover the identity of the true owners. The difficulty is caused by the ease with which the FAA's aircraft registration and pilot certification requirements can be circumvented by smugglers. In addition, there are some significant holes in the FAA's system of registering aircraft and pilots even when a pilot or owner is acting in good faith.

The FAA's registration system is adequate to its purposes of recording liens on aircraft; however, it is not well suited to assisting in drug interdiction and enforcement. Title VIII of the bill directs the FAA to initiate a rulemaking to reform the registration of aircraft and pilots so that the records on pilots and aircraft ownership will be as accurate and reliable as possible and will serve as a valuable law enforcement tool.

The title also provides new criminal penalties for the forging of airman certificates, false marking of aircraft, and other registration and aircraft alteration violations.

Testimony before the committee by law enforcement officials indicated strong support for changes in the FAA's system of registration. The law enforcement community believes that the FAA and its records can become a vital tool in the Nation's efforts to interdict drugs and punish smugglers. This title, when enacted, will enable this to happen.

Mr. McCOLLUM. Mr. Chairman, I yield 4 minutes to the gentleman from Arkansas [Mr. HAMMERSCHMIDT].

Mr. HAMMERSCHMIDT. Mr. Chairman, I rise in strong support of

title VIII of H.R. 5210, the Omnibus Drug Initiative Act of 1988.

It is all too clear that illegal drugs are a growing threat to our society and that we need to strengthen our efforts to stem the tide of these drugs flowing across our borders.

Certainly our awareness of the problem has been heightened by the tough initiatives undertaken by the drug task force headed by Vice President GEORGE BUSH, along with the ongoing hard work and commitment of our law enforcement officers who must deal on a daily basis with the problem.

With this legislation, and especially with title VIII, we expect to build on those efforts that have already been made. The Vice President, in all of his public and private statements, continues to view the drug battle as one of his highest priorities.

We have learned from our experiences in dealing with the relentless and ruthless drug lords that there are loopholes in the system and that these people are more than savvy enough to take full advantage of the situation.

Title VIII, drafted by the Public Works and Transportation Committee, specifically addresses the growing problem of using aviation in illicit drug transportation. This title reflects conclusions reached following many months of intensive investigation by our committee into this issue. From start to finish, it was conducted on a strong bipartisan basis and in a very thorough manner.

At the conclusion of the investigation, our committee held a most enlightening hearing on our findings, during which we learned just how effective drug smugglers have been in transporting their illegal cargo by air.

I might add that title VIII is identical to H.R. 4844, reported by the Public Works and Transportation Committee, and for a complete legislative history, my colleagues can consult the report filed by our committee with that bill.

Essentially, title VIII will tighten the Federal Aviation Administration's aircraft registration, pilot certification, and major repair and alteration procedures.

It is essential that we do this if we are to put an end to a variety of abuses, including the registration of aircraft to fictitious persons, the use of phony addresses, and the use of illegal tail numbers on aircraft.

The title also adds criminal penalties, increases civil penalties, and authorizes the Secretary of Transportation to impose very reasonable user charges to finance the cost of the proposed changes in the system.

What we are not doing in this title is succumbing to the temptation to micromanage the program. Perhaps the greatest strength of this title is the important balance it strikes between solving this very serious aviation drug

trafficking problem while giving the executive branch enough discretion to come up with specific solutions to the problems we have targeted.

Finally, I think it is important to note that what is being proposed in no way minimizes the primary safety role of the FAA.

We should also recognize that the approach we are taking to improve the aircraft registration system will not only help law enforcement but also all users of the system.

I, therefore, urge my colleagues to support this legislation.

Mr. McCOLLUM. Mr. Chairman, I yield 4 minutes to the gentleman from Ohio [Mr. DEWINE].

Mr. DEWINE. Mr. Chairman, I rise in support of this bill. I think we have to be realistic, though, with the American people. It is a good bill. It is a solid bill. It is going to help, but it certainly is not going to work miracles.

I think as we analyze the bill, we have to tell the American people what we are trying to accomplish. I think one of the things we are trying to accomplish is to drive up the price of drugs. There is, in fact, a relationship between use and price. Clearly, there is that relationship. It is simply a matter of economics, an inverse relationship actually between the price and use.

It is an interesting thing as I look back 10 or 11 years ago when I was a county prosecuting attorney in Green County, OH, when I compare the price of cocaine on the street at that time versus the price of cocaine today. It is about one-third today what it was 10 or 11 years ago. What that means is that it is more readily available to people. The consumption goes up as the price does, in fact, go down and get cheaper.

On the streets of America today, the streets of our major cities or smaller cities, you can buy crack for \$15 or \$20 a hit. You see 14- or 15-year-old boys who are involved in very sophisticated methods, part of a very sophisticated marketing system. They are the runners who carry beepers around. There is a very sophisticated marketing system to get these drug into the hands of people.

What is needed I think is a full court press, and I think this bill helps in this direction. If we are going to drive the price of drugs up, we have to keep pressure on. We have to make the cost of doing business very, very high for all concerned, not just in the production stage, but in consumption as well.

□ 1545

We have to go to the source, and this bill deals with that. We have to make it more difficult for the production of the drugs to occur in Central America and South America. We have to make it more difficult to get the

drugs into the United States, make it more costly for the drug dealers to accomplish this.

Then on the streets of America where the local law enforcement takes over, we have to keep in mind that 98 to 99 percent of all drug enforcement is done at the local level. We have to give them the assistance to make it tougher on the drug pushers and then, yes, it has been talked about, we have to make it tougher as far as those who consume the drugs. We have to make user accountability, and that will be one of the amendments which will be offered. This is one way, I think, we deal with the problem.

There is another part of this bill that I would like to briefly mention, Mr. Chairman, and that has to do with an amendment that I offered in our committee that is passed, and is now part of this bill. It plugs a loophole that is in current law. I received a letter some time ago from Michael Merz, who is a U.S. magistrate in Dayton, OH. He pointed out to me a loophole in current legislation, in current law, which provides that if one is drunk and gets in their car and drives onto a Federal enclave that while that Federal judge or that Federal magistrate can put that person in jail, confine them, he or she cannot take the individual's license away. What this bill does as currently written is to plug up that loophole and allows that Federal judge to apply the local State law as far as a license suspension.

This provision is supported by the Mothers Against Drunk Drivers, and it is supported by law enforcement. It is a good measure, and I think it is an added addition to this bill.

Mr. RANGEL. Mr. Chairman, I yield 8 minutes to the chairman of the awesome and powerful Committee on Ways and Means and one of the most distinguished leaders that we have in this Congress, the gentleman from Illinois [Mr. ROSTENKOWSKI], and I ask unanimous consent that the gentleman from Illinois may yield blocks of time from his time.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. ROSTENKOWSKI. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of H.R. 5210, the omnibus antidrug bill. The drug problem facing our Nation today poses a major threat to virtually all aspects of our society. It is a bipartisan issue which follows no regional, racial, or religious boundaries. We all agree that our best efforts must be directed toward the elimination of this insidious problem.

The Anti-Drug Abuse Act of 1986 contained a number of provisions reported by the Committee on Ways and Means which significantly strength-

ened Customs' enforcement capability in fighting the war on drugs. In particular, these provisions revised many of our outdated Customs laws to close loopholes that had made it easier for drug traffickers to smuggle drugs into our country; increased the penalties for violations of Customs drug laws; provided funding for drug interdiction programs through the Customs forfeiture fund; significantly increased Customs' manpower and equipment for waging a more effective campaign against drugs and created a tool for the President to use by requiring denial of preferential trade status to nations which are the source of illegal drugs if they refuse to cooperate in arresting illegal drug traffic. All of these provisions have been helpful in fighting the war on drugs but yet the problem continues to worsen.

The Ways and Means title of H.R. 5210 therefore contains additional provisions to further strengthen the enforcement capability of the U.S. Customs Service. Title IX, which was approved unanimously by the Committee on Ways and Means would authorize appropriations for the U.S. Customs Service providing an increase over that requested by the administration of \$73 million for the addition of 500 Customs officers, \$55 million devoted exclusively to the enhancement of Customs' Air Interdiction Program, and \$15 million for the construction of an x-ray imagery vapor sensitive scanning device.

Further, title IX provides for a five-fold increase in the penalty for failure to declare a controlled substance—from 200 to 1,000 percent of the value of the article—and an amendment which would allow the Secretary of the Treasury to transfer forfeited property to State, local, or foreign governments "that cooperate with the U.S. Customs Service in joint law enforcement operations."

These provisions should complement the strong Customs enforcement provisions the committee included in the omnibus drug bill enacted in the 99th Congress to provide for effective Customs interdiction of narcotics at our borders.

I urge my colleagues to join me in supporting this important piece of legislation.

Mr. Chairman, I yield 2 minutes to the gentlewoman from Connecticut [Mrs. KENNELLY].

Mrs. KENNELLY. Mr. Chairman, I thank the gentleman from New York [Mr. RANGEL] for his work on this bill, and the chairman of the Committee on Ways and Means, the gentleman from Illinois [Mr. ROSTENKOWSKI], the gentleman from California [Mr. ANDERSON], and the gentleman from Michigan [Mr. DINGELL] and the other chairman who worked so expediently to bring this bill to the floor at this time.

Mr. Chairman, 2 years ago we were all in this same Hall calling for a war on drugs. Our rhetoric was full-blown. We almost acted like a football team at a rally before the celebrated Thanksgiving game.

Listening to this debate, we see a little difference. We see more practicality. We see that we are much more serious about what we are about. We know the war cannot be fought from Washington, but it has to be fought in our communities, in our schools, our hospitals, our prisons.

We know that the Customs Service has its work cut out for it and that the Coast Guard can only do so much, that we have to back our local police forces, because they know who is doing what in our cities and towns.

We hear today as much about demand as we do about supply. We know that those who use the drugs have to be held responsible. I commend the chairmen and the committees who worked so hard to bring this bill to us today. I commend the people who have spoken so far because we are not being nonpartisan about this problem, and, yes, we have a war in our cities and towns. We read about it every day in the newspapers. It sounds like random killing, and it is not just killing concerning drug actions.

I am in support of this bill, and I know we are going to pass a good bill, because we cannot become the country we are if we continue to be diminished until we solve this problem.

The CHAIRMAN. The gentleman from Illinois [Mr. ROSTENKOWSKI] has 3 minutes remaining.

Mr. ROSTENKOWSKI. Mr. Chairman, I yield 1 minute to the gentleman from New Jersey [Mr. GUARINI].

Mr. GUARINI. Mr. Chairman, today our national treasures are under siege from a slow and deadly poison: drugs.

This crisis represents a fatal attraction eating away at our children, our cities and our way of life.

Just weeks ago, our own Secretary of State, George Shultz, was attacked in Bolivia.

We are reminded, again, of the powers that are promoting drugs.

We are reminded, again, that we are dealing with multinational merchants of death.

Judges are murdered, police are bribed, mayors are bought, communities are terrorized.

Democratic institutions are corrupted, controlled, disrupted, and devastated by a shadow government of fear that profits from the misery of drugs.

Panamanian dictators, Honduran generals, Mexican politicians, Haitian soldiers, Asian godfathers, Bolivian terrorists—the list is endless and growing.

From Bogota to Panama City, from Los Angeles to New York City, drugs

are flown in, shipped in, trucked in, and smuggled in.

Make no mistake: By targeting the Secretary of State, in Bolovia the drug lords are sending us a message.

And by passing the bill before this House, we are sending a message back.

At home there is some good news. In towns and cities across this country, people are ready to march.

They are angry, determined, and ready to fight back.

They want to win this war, and they are waiting for a call to action.

This legislation makes the money available to fight this war.

It supports Federal, State, and local law enforcement programs.

To find, capture, convict, and imprison those who profit by dealing in drugs.

It improves education, treatment, and rehabilitation programs.

To teach our children to say no, and to help them when they make the mistake of saying yes.

It makes drug users accountable for their actions in the workplace.

To ensure the safety of our workforce and to strengthen our national economy.

Mr. Chairman, when we talk about drug use, we talk about people.

Not simply numbers, not merely programs, but people.

Ultimately, the war against drugs will not be won at our borders. It will be won in our hearts, in our souls, in our national conscience.

It will be won by giving our kids something to believe in, something to work for, something to fight for.

It will be won by renewing that sense of purpose, that spirit of idealism, that American notion of decency and compassion.

It will be won when children are born with hope, not hunger; when they live by dreams, not despair.

It will be won by healing wounds, uniting families, and bringing our people together.

It will be won by regaining respect for law, and defining law as promoting justice.

It will be won with books and learning and the power of knowledge.

It can be won when every boy and every girl can grow up to be president, when every man and every woman has a right to a decent job.

It will be won when the richest child, and the poorest child, wake up and say: "I can use my talents. \* \* \* I can accomplish great things. \* \* \* I have equal opportunity. \* \* \* I can be somebody, \* \* \* and nothing can stop me. \* \* \*"

Yes, we need police, and prosecutors, and courts, and money, and military, and foreign policy.

But even more, perhaps, we need hope, we need opportunity, we need inspiration and leadership.

This bill balances these priorities and gives us the wings that will lift our people above the need for drugs.

And by doing so, we can lift our country to new heights of achievement, excellence and justice for all.

This bill deserves our strongest support.

Mr. ROSTENKOWSKI. Mr. Chairman, I yield back my remaining time.

The CHAIRMAN. The gentleman from Florida [Mr. McCOLLUM] has 18 minutes remaining, and the gentleman from New York [Mr. RANGEL] has 11½ minutes remaining.

Mr. RANGEL. Mr. Chairman, I yield 1½ minutes to the gentleman from Washington [Mr. Lowry].

Mr. LOWRY of Washington. Mr. Chairman, too many people in our Nation face a crisis caused by too little economic opportunity and diminished hope of living a rewarding life. And one of the worst symptoms of this crisis is the drug problem that affects every community in our Nation. Jumping on the antidrug bandwagon every election year will not solve the problem of drug abuse. We need a sustained effort and a willingness to invest in our young people so that they will make the right choices and say no to drugs and yes to a quality education, a quality job, and a fair and just community.

With common sense, we can rise above the drug problem in our country. We shouldn't panic. We should rely on the basic principles that have guided this country for hundreds of years.

This week the House is considering another anti-drug abuse bill and the bill, as crafted by our committees, deserves support. This bill has a balanced approach. It is my hope that we can reject misguided amendments that may grab headlines. Those misguided amendments won't solve the drug problem, but they will jeopardize individual liberties and rights under our Constitution.

We need education and rehabilitation and we need to support responsible local law enforcement. We need to set up this spending so that the money gets to local providers and isn't hung up in the bureaucracy—\$3 billion included in the 1986 bill became entangled in bureaucratic delays and a year later the U.S. Conference of Mayors found that only one city had received money earmarked for local law enforcement and less than a third of the drug education money had found its way to local drug education programs.

This is a tragedy because of all the people who voluntarily apply to drug treatment and rehabilitation centers, 90 percent are turned away and put on waiting lists for 6 to 18 months. From 1980 to 1986, Federal support for drug abuse service declined by about 40 percent. We can turn that around.

We need to support drug interdiction as part of our drug control efforts. That's why I've supported increased funding for the Coast Guard. And that's why I fought to keep Coast Guard cutters from going to the Persian Gulf. Coast Guard ships should be used in antidrug patrols in our own waters where they have a much more important mission. We've got to use the Coast Guard properly and we also have to make sure that both the Coast Guard and local police have the resources they need to do the job. Importantly, let us remember the reasons we keep law enforcement under civilian control. I appreciate what both Secretary Weinberger and Secretary Carlucci have said about the need to separate military and law enforcement missions. I agree with them.

Drug use in our country is a tremendous problem. Our people need better choices than drugs. I believe this year's omnibus drug bill is a step in the right direction. Among its best provisions are:

Drug-free workplaces for Federal contractors;

Drug enforcement funding; Chemical Division and Trafficking Act to prevent the flow of solvents used to refine cocaine;

Combating money laundering; A handgun waiting period; Coast Guard drug enforcement funds;

Customs Service funding; Youth drug abuse prevention; AIDS and drug abuse prevention; Reduced waiting for drug abuse treatment;

Alcohol, drug abuse and mental health grants and research.

There's a lot in this bill to support. Let's keep it that way. Let's not tie it up with amendments of dubious constitutionality and dubious effectiveness. We can battle the drug problem in our country with hope and leadership. We can battle the pain with education, treatment and with interdiction. With courageous leadership and common sense, we can move toward overcoming drug use in this country.

Mr. EDWARDS of Oklahoma. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, debating an antidrug bill is like debating motherhood, but the consensus breaks down when we begin to discuss how we go about fighting drugs.

Who should we hold accountable for the drug problem? Not just traffickers, not just smugglers, not just illegal drug manufacturers, but the drug user, too, the man or woman whose money keeps the whole operation flowing day after day.

Mr. Chairman, it almost seems sometimes that the interests of the users have become more important than the interests of society. Yet, poll after poll

shows that Americans rank drug abuse as one of the greatest problems facing the country. Americans care about the crime caused by the drug trade. Americans care about a generation of urban youth carrying beepers to elementary school so they will be available for an unexpected drug run. Americans care about public housing being taken over by crack houses and drug gang warfare, and they recognize that country-club cocaine users are financing the drug trade. They recognize that backyard marijuana smokers are directly linked to smuggling operations in the Florida Keys, drug drops in Texas and gang deaths over turf battles in Los Angeles.

Drug users are not to be pitied. Drug users choose to use illegal drugs. They choose to expose themselves to addiction. They choose to violate Federal and State laws. They choose to risk the consequences of their selfish acts, and it is not unreasonable to attach consequences to those acts.

Clearly the American people want the Congress and the President to do whatever it takes to stop the drug problem, but for too many years we have not been willing to do what it takes to discourage drug use among the millions of recreational users who make up the backbone of the drug trade industry. For too many years we have intentionally ignored the role that the casual user plays in our national tragedy.

I urge my colleagues to support amendments that will fill this gap by providing reasonable penalties to deter drug use and balance our attack in this war against illegal drugs.

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

Mr. McCOLLUM. Mr. Chairman, I yield 4 minutes to the gentleman from New York [Mr. FISH].

Mr. FISH. Mr. Chairman, I am pleased that H.R. 5210, the Omnibus Drug Initiative of 1988, in being considered today and the next 2 days. Clearly, the war against drugs is one of our highest national priorities. I also am grateful for the many bipartisan efforts which have preceded consideration of this measure. Initiatives involving international narcotics control, eradication and interdiction, and initiatives addressing the demand side, education and treatment are included in H.R. 5210. Without a question, Mr. Chairman, we must continue these efforts. Interdiction, as difficult a task as it is, must be a high priority. Widely available treatment must be available. I congratulate the chairmen and ranking minority members of the several committees involved. To a large extent issues have been worked out.

On my Judiciary Committee the chairman and ranking minority member of the Crime Subcommittee deserve great credit.

Our 1986 authorizations to combat drugs have not been realized. To a large extent we are going over the same ground as in 1986. The exception and an important one is the greater emphasis on the demand side. We cannot hope to reduce the amount of narcotics in our land without addressing its demand.

The strategy to reduce demand has several components. Of course, prevention and education attempt to keep nonusers from ever starting, while encouraging those minimally involved to stop. But it is also important to go big on education and try to identify users. Children in school and those in the workplace can be helped if symptoms are recognized.

User accountability is a necessary element in the reduction of demand. It is not a penalty but a help in prevention. The goal is to get users off drugs.

The addicted needs treatment. The user who is not addicted but who continues to use has been generally neglected. By not paying attention to this group, this use has in effort been legalized. User accountability will help while sending a message to others.

Three amendments will be offered addressing the need for user accountability. The gentleman from Florida, Mr. McCOLLUM, will offer an amendment to remove eligibility for certain Federal benefits from individuals convicted of a drug-related offense.

This amendment sends the right signal to drug users—the American public does not want tax dollars spent for those who refuse to act responsibly. The other McCollum amendment concerns the highway trust funds. It requires States to enact laws which revoke or suspend drivers' licenses of those convicted of drug offenses. States which refuse to enact such measure will lose a percentage of their highway funds. This amendment should prove to be a deterrent to young people who are often unaffected by other criminal penalties. Finally, Mr. EDWARDS from Oklahoma will offer an amendment which adds the option of imposing civil penalties on those who possess small personal use amounts of a controlled substance. This will provide an additional tool to the Attorney General to penalize drug users. I urge support of these amendments and the bill.

□ 1600

Mr. McCOLLUM. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania [Mr. COUGHLIN].

Mr. COUGHLIN. Mr. Chairman, as a long-time member of the Select Committee on Narcotics Abuse and Control, I want to join in congratulating the distinguished gentleman from New York, Mr. CHARLIE RANGEL, the chairman of the committee, and the gentleman from New York, Mr. BEN GILMAN, my friend and the ranking minority

member, for the work they have done on this bill. It contains many, many good sound provisions.

But it also contains a danger. It contains a danger because there is a tendency to shower the problem with money to try to stop the supply of drugs coming from other countries. There is a danger because there is a tendency to blame those nasty foreigners. They are without a doubt an easy target.

Sure, we have to stop the supply. Sure, we have to interdict the drugs. But we also have to be willing to be tough enough to combat the demand here at home. We have to be willing to say no to drugs. We have to be willing to have zero tolerance for drugs in our schools and in our workplaces. We have to be willing to penalize the purchasers as well as the pushers.

Mr. Chairman, in my city of Philadelphia, as in many cities around this country, some of those who sell drugs are juveniles, literally children on the streets selling, pushing if you will. Adults with lots of money drive up in big cars and buy drugs from these kids. These adults should be subject to prosecution. They should be forced to forfeit their cars and their drivers' licenses. We need to penalize the purchasers as well as the pushers.

Mr. Chairman, we have to be tough enough to have a random drug testing policy for those who are responsible for the safety of others. It is hard to believe that we can have a drug bill before us today that does not contain provisions for random testing for those who are responsible for the safety of others. So while I commend the chairman and the ranking minority member of the Select Committee on Narcotics Abuse and Control, as well as the others responsible for this bill, I hope that we will adopt many of the amendments that will be offered in the course of its consideration.

Mr. RANGEL. Mr. Chairman, I yield 8 minutes to the distinguished gentleman from Michigan [Mr. DINGELL], the chairman of the Committee on Energy and Commerce, and I ask unanimous consent that he be allowed to yield blocks of his time to other Members.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. DINGELL. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I thank my beloved friend, the gentleman from New York [Mr. RANGEL] for this among many other courtesies which he has so graciously shown me during our long and close friendship and service here today.

Mr. Chairman, the bill before the House today represents a continued

response from the Congress to the escalating costs to our society caused by illegal drugs. Nowhere are those costs more obvious than in the human lives that are damaged and destroyed by drug use.

The provisions of this bill as reported by the Committee on Energy and Commerce respond to the increased needs for drug abuse prevention, for treatment, for rehabilitation, and for education. Within title X, the committee has reauthorized the substance abuse programs within its jurisdiction at significantly increased levels, including \$100 million to help eliminate the waiting lists at clinics for rehabilitation. The committee has implemented the recommendations of the President's AIDS Commission, and has established a bloc grant program to the States and to localities for the treatment and prevention of AIDS through IV drug use.

The committee has also included legislative language to ensure that laboratories which conduct workplace drug testing are held to the highest standards of accuracy. Our committee has gone into this question in considerable detail in connection with hearings held before the Subcommittee on Oversight and Investigation. There, Mr. Chairman, we have found that through careless, slovenly and disinterested work by laboratories that honorable and decent citizens are destroyed. Their earning capacity is reduced, their possibility of reemployment or employment or gainful work are virtually eliminated, and the ability to correct the wrong done through careless and slovenly testing or through false reporting of results is not only impossible to correct, but is crushing in terms of its impact upon those who submit to these testing programs.

Surely no drug testing program can have merit unless it assures that the test is fair and reliable and that wrongdoers, if such they be, are identified, but that innocent men and women are protected against the hideous consequences of improper and inadequate testing. This Congress must then recognize that lives can and will be damaged unless the Congress requires that the highest possible care be used in connection with falsely positive random drug testing.

I would urge my colleagues to support the bill. I would urge them to support the provisions of title X.

Mr. Chairman, I commend my colleagues, the gentleman from New York [Mr. RANGEL], distinguished chairman of the committee, and I am pleased that we have been able to work so fruitfully with him.

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

The CHAIRMAN. The gentleman from Michigan [Mr. DINGELL] has consumed 3 minutes.

Mr. McCOLLUM. Mr. Chairman, I yield such time as he may consume to the gentleman from Arizona [Mr. KOLBE].

Mr. KOLBE. Mr. Chairman, I rise today in strong support of H.R. 5210. Never before has a more complete piece of legislation to fight drugs been introduced.

We, as a nation, are facing what may well be the greatest threat we've encountered in 200 years of nationhood. We are seeing the fabric of our society ripped and torn by drug abusers and drug traffickers. Many have termed our fight against drug abuse and the drug trade the war on drugs. I think this is a legitimate term to be used—in our neighborhoods, in our schools, indeed even in our homes, the fight against drugs truly is a war.

In this war, we need to craft a four-pronged attack. First, we must work with Mexico and our other Latin American neighbors to stem the flow of drugs being produced and shipped into our country. On this front we must not only strengthen the patrols of our borders, but we must help provide economic assistance to promote development. With alternative industries available for people to earn an honest living, the drug industry becomes less attractive.

Next we must turn our attention to stemming the supply internally. Tougher enforcement measures for existing laws must be put into place. Drug pushers and kingpins must understand the seriousness with which their menace is viewed. Penalties must be sure, strict, and swift, and our law enforcement community must be given the resources they need to implement these measures.

Third, we need better education for children and families to warn against the dangers of drugs. We need to give our children the weapons they will need in this war—an understanding that drug use is wrong, as well as a prospect of a brighter and promising future, a future where drugs are not involved.

Finally, we need better and more programs to help the casualties of this war, the individuals who have become prisoners to the addiction of drugs and their families and friends. We need to provide the help needed to break these addictions, to turn a broken home into a family, and an individual dependent on society into a contributing member of the community. We must provide this help, and then enlist the aid of these individuals to help in the efforts to educate others against the dangers of drugs.

H.R. 5210 has provisions to address each of these areas. This bill would establish a multilateral strike force that will enable the United States to join with other nations to wage war on the drug problem. As the Representative of a border State, I believe that combining our antidrug forces with Mexico and other nations offers a constructive way to meet this common threat. We will be able to eliminate illicit crops, prevent the laundering of drug money, and launch assaults on drug-trafficking bases and staging areas. Such a multilateral drug strike force is also essential if we are to capture drug runners who move back and forth across international borders virtually at will. A multilateral strike force, with joint air surveillance and apprehension operations between Mexico and the United States, staffed by crew members from both countries, would

facilitate pursuit of traffickers who retreat across the border, and ease concerns about territorial sovereignty.

H.R. 5210 also reaffirms our support for the highly successful Assets Forfeiture Program, a program vital to boosting our enforcement efforts. This program provides financial incentives for State and local law enforcement to get more involved. A percentage of the property seized in a drug bust will go to State and local law enforcement agencies. They in turn can dispose of them to raise money to support antidrug efforts.

I'm pleased by the assistance this bill provides for the Tohono O'odham Tribe of Arizona. With their tribal lands along the Mexican border, the Tohono O'odham Tribe needs the assistance this bill provides for investigating the controlling drug trafficking. Specifically, this bill earmarks \$500,000 for drug enforcement on the Tohono O'odham Reservation.

In addition, H.R. 5210 greatly expands our programs available to educate our youth and families in risk against the threat of drugs. Grants made to public and nonprofit private agencies will help in the development of efforts to prevent and reduce gang involvement, programs to provide counseling and rehabilitation for drug and alcohol abuse, and other programs to provide support and assistance programs. Ultimately, it will be these educational efforts, and the involvement of private citizens that will result in our victory in this war.

H.R. 5210 is the result of many hours of work, by many individuals, and a commitment to achieve a common goal. All who have been involved in crafting this bill are to be commended. With some final amendments and refinement to be completed during these next few days, H.R. 5210 will be an outstanding bill, the legal cornerstone of our war against drugs. I urge my colleagues to support the legislation. Let's make America drug free.

Mr. McCOLLUM. Mr. Chairman, I yield 4 minutes to the gentleman from Florida [Mr. LEWIS].

Mr. LEWIS of Florida. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, nothing is more important than our war on drugs, and this new bill is a big, big step in meeting the problems that we have with both the users as well as those producers.

Drugs are causing a severe, terrible decay in our society, and we must stop this decay. It is destroying our youth, corrupting our law enforcement, separating and destroying families.

This bill will go a long way in preventing some of those things from happening. But we must have the courage, each and every one of us, to do what we can to stop the recreational use of drugs in this country. We must cut off the supply and certainly we must cut off the demand. This bill will help us do that.

But this legislation is absolutely worthless unless we, the Congress, keep our commitments to those to whom we said we would do something

for those to whom we have been committed. We, the Congress, made commitments in 1986, just about this time, just shortly before the election with an antidrug abuse bill. It was a very fine bill. But we reneged on those commitments, and we reneged on those promises. We cannot do that again.

Those that we reneged on the most were our first line of defense against the drugs in our streets, the local law enforcement officers. We told them we would help them, we would supply them with the funds, and we told them we would give them certain amounts of money to do their job, and we did the first year. The second year we cut most of it out, and this year we are only giving them about \$70 million of the \$230 million that they were promised.

These people need the help from this Congress and must have the commitment to do it. We can blame everybody else, we can blame administrations, this one, previous administrations, we can blame the churches, we can blame the families, but this Congress still has a commitment to keep the promises that it makes, and it has not done that as far as this Congressman is concerned to our local law enforcement officers.

Within the past 10 days I have had two local policemen gunned down in the streets by drug dealers, one shot right through the heart. He just received a meritorious award a month prior for his outstanding work fighting crack in the streets. Another one was shot dead and left two children and a pregnant wife.

I say to my colleagues in this Congress are we going to continue to allow this to happen? I do not think we can. We all have a responsibility, both the Congress and the American people, and if the American people want to stop the scourge on our society, they are going to have to take the solemn pledge that they want to do something about it, that we cannot tolerate recreational drugs, we cannot have the use of drugs in our families.

Most of the people that come in contact with us will tell us that certainly they do not want drugs in our society. They know many families, all of us do, that have been touched by this terrible thing.

I will tell my colleagues this day as we are going to pass this legislation that it will do what we want it to do if we will make it work and the American people will make it work.

Mr. RANGEL. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Arkansas [Mr. ALEXANDER].

Mr. ALEXANDER. Mr. Chairman, I thank the gentleman from New York for yielding time to me.

Mr. Chairman, I rise to support the bill that he and his committee have brought to the Congress. Like all Members, I learned about the severity

of the drug problem in my district during my first term when I observed drugs being available freely in the colleges. Twenty years later, the same drugs are now available in high schools and in the elementary schools.

□ 1615

This bill is welcome. It provides tough laws and money for enforcement and education. I am grateful for the leadership of the gentleman from New York [Mr. RANGEL], the gentleman from Florida [Mr. MCCOLLUM] and all the Members of the committee who have contributed to this effort.

They bring us a comprehensive bill that provides hope to attack the drug problem in America.

Mr. Chairman, I have one amendment that I think would improve this bill, No. 32, which would promote cooperation among the various agencies of the executive branch. Perhaps some of you observed about 6 weeks ago that the head of the DEA wrote letters to General Manuel Noriega congratulating him on the cooperation that he provided us in our war on drugs when in fact Noriega was about to be indicted for complicity and for drug running himself.

Federal agencies need to cooperate with one another. My amendment would establish a process, a procedure for sharing information together with safeguards that are necessary for national security, counterintelligence and for investigations of drug activities.

I would invite the Members to review my amendment and I hope that they will support it when it is presented. At the appropriate time I will ask for consent to include extraneous material.

Also, I discussed my amendment in detail and inserted various documents relevant to this subject in the August 11, CONGRESSIONAL RECORD.

In 1972, I was deeply concerned about the problem of drug abuse that was just beginning to trouble my State of Arkansas. I organized a forum on the subject of drug abuse, and experts from all over the country attended the event. The forum was held at Arkansas State University in October 1972. I would ask that a transcript of a discussion session of that forum be included at this point in the RECORD.

DRUG FORUM AT ARKANSAS STATE UNIVERSITY, OCTOBER 1972

Speaker 1. Forrest Baker, Pharmacist from Clinton, discussion leader: I'm the reporter for group one and we really didn't get anything definite decided except maybe that the penalty for drug possession was too high. We went into deeper things like sex, double standards and things like that. We really got involved in a lot of things. But one point we thought was pretty good that was brought out was that it wasn't really the drug that was so bad, it was the person that was using it. That his standards in his mind and the defects of his mind, you might

say, were wrong. But like I said, we didn't really get anything decided and we went into a lot of different fields.

Narrator (H.T. Moore, congressional aide): Okay group two. Incidentally, the discussion group leader in group one was Forrest Baker a pharmacist from Clinton and I do want again to thank all the people who did lead the discussion groups for us, many of them came long distances. I don't know if any of you know where Clinton is, but as they say there is no way to get there from here, but Forrest did come over and others did also and at their own expense and everything. We're greatly appreciative. Group two was led by Sergeant Roven Andrews of the Forrest City Police Department. Donna Ford is going to report for them.

Speaker 2. (Donna Ford): I'm Donna Ford and I'm from Paragould. In our group we did all agree that there is a problem and we discussed that if alcohol is legal then why shouldn't marijuana. But most of them decided that there should be stricter laws on drug abuse. That's not necessarily my feelings, but the majority of the people in our groups' feelings. We think that drugs affect everybody in different ways. Well mostly, everybody thought that there should be stricter laws on drug abuse. We came to the conclusion that one of the solutions to drug abuse should be more education for the parents. One person in our group stated that you can't teach an old dog new tricks but I think he later decided that everybody should be taught about drugs. They start with younger children like in grade school and they should be taught by their parents. In order for their parents to teach them this they should have better education. Some agreed that parents should be literally made to go to a class on drugs and they should be taught about it so they can relate to their children about it and set their children in what they think is the right direction. Whether the children do that or not it's their own opinion, I mean their own . . . well their own . . . they can do what they want but yet the parents should be taught I think, myself, all about drugs so they can better understand it so they can teach their children and set their children on the right paths that they think is right for them. Whether they go down the path or not is their own decision and well basically the conclusion we reached is that there should be better education for everybody on drug abuse. Stricter laws, not like death penalties for one marijuana cigarette if you're caught with it. I myself think that if alcohol is going to be legal, why shouldn't marijuana because alcohol basically has the same effect on you as marijuana and if you're not going to drink alcohol you're going to smoke marijuana and if you're not going to smoke marijuana you're going to drink alcohol. We discussed to about prohibition time whenever there were bootleggers and everything, people couldn't buy alcohol but they could get it from the bootlegger. Well if marijuana isn't going to be legalized it's still going to be around because the people that want it, are going to get it, whether it's going to be legal or not and it's going to be there. Well this way should almost stop it, I mean you know you can get the ring leaders of it and everything and have real strict laws. Some people are going to have it whether they want you to or not and I feel that it's going to be there, and if it's there it's going to be used, it's going to be abused and I see no way that it can be completely stopped. I think it should be legalized if alcohol is going to be legal too. If marijuana is not

going to be legal, I think alcohol should be ruled out too. But then there you have there is going to be bootleggers, there are going to be people selling marijuana secretly. Well that's my opinion but that's not our group's opinion, our group thinks that there should be stricter laws because if there are stricter laws that people will not want to get caught and go to prison ten or twenty years for being caught with a little marijuana, and they think it's going to make people not want to use it because of these penalties but still it's going to be around and then, like I said, our solution to the problem is better education. Thank you.

Speaker 3. Fred Rogers, Arkansas College, Batesville: Our group came to the conclusion that everyone was from a rural area, well just about everyone, and no one knew enough about drugs to really talk about it and so we decided that there were a lot of myths about drugs that people believe and the way to get rid of these myths and get people to know what the drugs were is through education. That was the initial thing and then we went and we talked about crime's with no victim, which in most cases deals with marijuana and the smoking of marijuana. We decided that you should be allowed to have marijuana to smoke, there should be no penalty, I mean no laws against marijuana. But we said for the selling of marijuana, there should be laws and there should be licensed pushers. We also started a discussion about heroin and methadone program we decided the methadone program was more or less like a crutch and the user just kept going and going and going. We said that there should be more personal relationship and that's the only way you're really going to help a junky is through a personal relationship with them, an intimate relationship, not so much a sexual relationship but an intimate relationship. We decided it wasn't working and we were trying to come up with ways how we could more or less give ourselves to get help for the junky and we decided that it wasn't working if he just came up to you and asked you for help because a lot of people are afraid of the stigma of someone who's a junky coming up to you and you being associated with them. We said there should be centers, which there are not enough of them and the only people who you're going to be able to help are the people who want to be helped. You can't help anyone who doesn't want to be helped and we decided that is no need to try and help anyone on marijuana because that's ridiculous. They don't need the help. I mean there is no help to be given. Heroin addicts, we said that they can be cured, if they want to be cured, but you can't force them.

Narrator: Next is group four, Diane Stevens. Group four was led by Mr. Robert Turniman.

Speaker 4. Diane Stevens: Our group was led by Mr. Robert Turniman and I am Diane Stevens from Imboden and we talked about the extent that drugs are being used and we all came to agree that nobody really knows what extent in each area that drugs are being used, and that three times as many people are being killed by drinking and driving than there are in the wars. On the penalties for drug use, we decided that they weren't harsh enough, that they should be stricter and all. The drug stores and drug pushers and people who use drugs are the ones that, well that's where we get drugs from and we thought the penalty should be stricter on these. In the general public, we don't think they know enough

about drugs and we think everybody should know more about drugs and should learn about them and tell their children about them so that they will know about drugs and pass it on to their children and so that there will be less drug users today.

Narrator: Group number five is led by Butch Bradley from Jonesboro. Scott Melton will report for that group.

Speaker 5. Scott Melton: I'm also a staff member at Harbored House in Paragould and our group covered quite a bit of ground and we came out with I'd say maybe, three or four basic ideas which we feel need work on them. One is to stop the classifying of the casual user of drugs as an addict. Now this is a thing, I think, which the general population is definitely guilty of. You say I smoke one marijuana joint and automatically someone will come up to you and say alright you're a junky. Then you go on the general education of the population and I think the community fails to realize that the problem is there, and exactly what type of education it will take, I don't know but it definitely is needed. Also that most people use drugs on a recreational basis, I would say about 95% of them do and they still function in society. They have a job, take care of their children and everything else, and yet they are still classified as drug users. Also on the drug laws there needs to be more of the appropriate law for the appropriate drug. They can coincide more, like with the marijuana laws especially. The laws are very harsh often in many states and somewhat less in Arkansas but still harsh and I think they need to be, concerning this particular drug when it is not, the way you feel in general, that bad. One person in our group brought out a real fine thing, I thought, on statistics. There is too much classifying people as statistics. Like you'll say 20% does this, 5% does this and go on through that. It's going to have to be taken on a more individual type basis to really get anything done towards helping the people, especially when you get into your hard drugs if you want to help them. There was one lady in our group, a school teacher and I think I just heard her giggle over there, ah she (can't understand tape) which she is entitled to and brought out some very good points during the talk and more or less bounced us off quite a bit and we enjoyed having her, ah that'll be it.

Narrator: Group number six was led by Wayne Jarvis of Rector. Huth Ward will report.

Speaker 6. Thank you. I'm also from the Harbored House in Paragould and although group six talked about a lot of things including sex but that was trivial. But ah to mention what we did talk about and I'm a realist, I don't believe in statistics or other things that labels or what ever you want to call it. Communication between parent and child or parent and son and daughter, what ever age is lacking in this area of Arkansas. I mean the parents are so hung up on all their little hard headed ways and their mixed up ways you know be proud that they won't give in a little bit. Children are also not giving in. They can't sit down and talk to their parents either, so the communication between parent and son and daughter and ah these meetings aren't very frequent and they're lacking, they really are. If it happened where something like this could happen every three months, if everybody could agree on it and get it out in the open, I mean face to face with it, get down to the nitty-gritty of it and instead of just talking about it, going about it or what ever and I

feel that group six alone did not really get anything other than the communication, and everything else was just bad statistics, ah, lack of knowledge and that's about it. Thank you.

Narrator: Group seven was led by Ruth Hutchison of Paragould and Tina Tinker from Imboden will give the report. Excuse me, it's Dena.

Speaker 7. My names Dena Tinker and I'm from Imboden and our group seemed to think that the drugs were a universal problem and in some places it was decreasing and some places it was increasing and ah, marijuana was the most widely used drug. There was also reports of LSD, cocaine and THC and ah, the opinion was that the penalty for drugs was slightly harsh and that they should be sort of lightened a little. There seemed to be some sentiment that legalization of marijuana should be, and the general public, they think that well drugs is just some place else, it's not here.

You know it couldn't happen to us but it can and it does and then ah some schools have had drug programs most of them have and they seem to be ineffective or just very little effective at all and ah, that there is only a few service places available for the addicts that's Hunnington House in Jonesboro, Harbored House in Paragould. We thought that materials on drug abuse could be improved by making them more realistic instead of just being completely down and telling them oh, it's horrible, it's horrible then they go and talk to somebody that's not on drugs and they say well it's really neat you know, you ought to try it. Well you should tell them the whole facts about it, and that's what we come to the conclusion of.

Narrator: Group number eight was led by Harry Mains of Little Rock. Keith Inman will report.

Speaker 8. (Keith Inman): Our group didn't have much time to talk about the abuse problem really. We talked about some of the other things but about drugs, some of us said that marijuana should be legalized. It would possibly make the drug pure and less dangerous. But then somebody else said there should be education before it's legalized and then let them make up their own mind whether they should use it or not and let the government stay out of it, other than making it more pure. As for legalization, I think marijuana should be legalized and not, or at least not such a harsh penalty and I believe that's about it. I think if you'd had more students in the class, in our discussion group we could have gotten more done.

Narrator: Group nine was led by Carrie Rogers of Paragould and he received also the dubious honor of giving his own report so.

Speaker 9. (Carrie Rogers): I want to know why I was the only group leader who got stuck with making his own report? Our group talked about what drugs are being used in this area first. We all agreed that there is widespread use of marijuana, but this is not the problem, the problem is with harder drugs such as amphetamines, barbiturates, LSD, and there is not much use of hard narcotics such as heroin and morphine in this part of the country yet. Ah, we also felt that there is too much emphasis put on the use by the teenage group and not enough by adults, not legal drug abuse. Where adults go to their doctors and get barbiturates and amphetamines and abuse them. We don't think there is enough emphasis put on this problem because it's not

as widely seen by the public. We also discussed the legalization of marijuana. Some of the pro's for legalization were that it would take kids out of the drug culture and not put them in contact so much with harder drugs and also the quality of the drug would be controlled. Some of the con's against it were that there is not enough known yet about marijuana and that it would just be another problem, like we have so many alcoholics now, we would just have a lot of potheads running around. We also agree that the system as it is doesn't work. That putting people in jail is not the answer to the problem and that there is a need for some kind of counseling service after people are arrested or even before, and some kind of professional help for them if they need it. We also decided that a lot of communities fail to realize their problem or if they do realize it they push it under the rug and don't want to deal with it because they are afraid it might be their kid. We also decided that when they do face up to the problem, maybe find out that their kids are using drugs they deal with it irrationally without enough education. We decided that one of the problems is lack of communication between various people. There needs to be more communication between parents and children. More realistic communication. Also that between the facilities that are trying to help drug users such as Huntington House and Harbor House, more communication between them and the community people that help and law enforcement agencies. We decided that ex-users are a great help in dealing with the problem because they do know what they are doing and kids can handle their own problems, if their trusted and their given the chance. We also felt that there is just not enough services available yet and that more community action towards drug abuse is needed.

Narrator: Group ten was led by Bob Franks of Arkansas College at Batesville.

Speaker 10. Our group mostly talked about drugs and that was really our main subject, we didn't get on sex or anything. Our group has several, several recommendations. Five people felt that marijuana should be legalized, that there should be no more penalties for first offenders but recommended counseling. Penalties should be harsher though for the pusher. Three felt that all drugs should be legalized but declared contraband if found on the person on the street and recommended he get counseling so that there would be no criminal record for the rest of his life. Our group felt all drug commercials even anticommercials should be banned and we feel drug education is what we need right now, so the parents and the young people would understand more of why, some people think drugs should be legalized. Some people need to be excused for something because sometimes life is a rat race so we need something to sort of bring us down off of it now and then. So we felt drugs should be legalized but first before there are all these commercials, I have to be careful or I'll get sued, but some commercials opposing drugs or anti drugs like why they have to call it dope and stuff like that, should be abandoned and put stuff on there that is down right to comprehend everything just so a magazine can be published and everything. We need things to help the people understand more about drugs which will be legalized.

Narrator: Our 5th panelist has now joined us. He is Doctor H.W. Smith from Memphis, he's the research director for the Memphis

Drug Abuse Commission and he's also an advisor to the Crowley's Ridge Development Council Program on narcotics and drug abuse. This is your chance now, I'm going to get away from the microphone and I think everybody else is besides you. If you have questions that you would like to ask of any of the panelists, so everyone can hear you, know what your question is, will you please just come to the mic' there's one on each side so you can kind of sneak up on it and you can ask your questions directly, again let me go over the names of the people on the panel in case you want to ask them directly. Starting first Mr. Gene Raft, Prosecuting Attorney, C.L. Stinette, Administrator of the State Drug Abuse Program, Bernnie Red with the Bureau of Narcotics and Dangerous Drugs, Doctor Buckman and Doctor Smith. Let's see who can ask the first question. Let me ask you to do one more thing. Please speak directly into the mic', that way everyone can hear you.

Question 1. Ah, Mr. Raft, I believe you're on the end. You're the Attorney General.

Answer: No, I'm not the Attorney General.

Question 1. Prosecuting Attorney. Do you believe that the rap for the marijuana drug law is too strict or could be stricter, or do you think there is a possible way it could change in the future, near future?

Answer: Let me answer that in this way. I don't know how many of you are aware of this, probably most of you are. The law with respect to the state of Arkansas was changed the last time the legislature was in session. As a lot of you know, there are some very strict laws in this country dealing with simple possession of marijuana. For example in the state of Texas, for simple possession of marijuana, unless they have changed it recently, you could receive life in prison. I think that we all probably pretty well would agree that that is certainly too strict a law dealing with simple possession. I think the Arkansas legislature realized that and where it was a felony prior to the last session it is now a misdemeanor and for simple possession of marijuana, the penalty for that is up to one year in the county jail and a fine not to exceed \$250. Well I think at first blush when we're thinking in terms of those maximums that I've just said, we'd say not perhaps that's a little to strict too, and I think in most cases it would be but let me say to you and I'm fairly familiar with what I think most prosecutors do within the state of Arkansas. Very few people who are picked up for simple possession ever receive anything near the maximum sentence. As a matter of fact in the first judicial district which I represent, the bottom five counties which would be the First Congressional District. Normally a person for simple possession of marijuana received a fine of \$100 and cost and they do not receive any jail time whatsoever and do not go behind the jail for any period of time. I think as far as the leniency of the law is concerned with respect to marijuana that's probably about as lenient as you're going to get as long as it does in fact remain illegal and as long as there is some penalty placed upon it. I think at the present time, in light of the research that's been done, the inconclusive nature as it rests in my judgment at least at this time with respect to what harmful effects if any that marijuana has, that Arkansas has as well as in light of the law dealing with the possession of marijuana as any state in the union. At this time I think it's a proper law. Does that answer your question? I presume it does.

Narrator: Who's next with a question? I know you people have lots of questions to ask and this is the time to do it.

Question 2. I'd like to address just anybody on the panel that can answer it. Do you know how many people we have in Arkansas prisons today for narcotic violations? Can any of you answer that question?

Answer 2. (speaker unidentified): If I may gentleman, I don't think anyone on this panel, unless I'm sadly mistaken, would be in a position to answer that question because some of the penalties as you well know are felonies and they would be incarcerated in the Arkansas Department of Corrections. Other penalties are misdemeanors and they could be incarcerated in any jail in any county in the state of Arkansas, which there are quite a few, I don't think any of us would have that answer for you, sir.

Question 2. (continued): OK, none of you know that answer. This rebuttal for presumption law that was passed through everybody here, which becomes part of Act 590. If you have within this quantity, it's considered a misdemeanor. Is that correct?

Answer 2. (continued): If you have over that quantity it's considered a felony and the presumption is created that you intended to deliver or sell, however that presumption is rebuttable.

Question 2. (continued): Now when we get to this hard drug hearing Ed, give you 100 milligrams. Is that correct? And I'd like you all to rise to have 100 milligrams of heroin and still be under the misdemeanor law.

Answer 2. (continued): You're talking about heroin?

Question 2. (continued): That's right. Incidentally, I'm from Virginia.

Answer 2. (continued): And you say you're authorized to have that? No sir, you're not authorized to have less than that. We're talking about the difference between a misdemeanor and a felony.

Heroin has no legal purpose that is recognized in Arkansas what so ever at this time, if you have any heroin on you it's in violation of the law, with respect to what law it violates would be the amount that you have on you and that's the amount that if you have more than that then you would be charged with a felony. Any amount of heroin would be in violation of this state.

Question 2. (continued): If you had 100 milligrams or less it would be a misdemeanor or is that correct?

Answer 2. (continued): That's correct as I interpret it.

Question 2. (continued): 100 milligrams as I see it here would be approximately 33 doses at 5%, as it's broken down in street value of approximately \$330. An this opium 3 grams of opium, that's approximately 50 doses. With the morphine, incidently I have this all broken down by druggist and doctors and so forth that tells just the quantities that it gives you. For instance on Cocaine, you're authorized 2 grams or less and still be a misdemeanor. That 2 grams has the street value of \$400 and 40 doses. Now I have no fault with the marijuana and I don't believe that a user with 4 or 5 cigarettes and is picked up should be sent to any prison. I don't think he should be given a year in jail, which they can give you know, for the possession of it, but then I think some of these things are ridiculous. The quantities that is considered under the presumption law, because it gives a license, as I see it, to the pusher. What's to keep the pusher if he's pushing this particular item here, let's say cocaine, to stay within \$400 street value. Go to his catch or his stash or

whatever you want to call it, take that amount or that quantity with him and unless you actually catch him making a transaction or sell all you have him for is a misdemeanor. To a law enforcement, that's far too much and I'd like to know the panels feelings on that and the peoples feeling here. Know I'm not for taking a user and putting him in jail at all but the pusher I have no sympathy for him and I feel he is the person we have to get to.

Narrator: If we could have a comment from any of the panelist, I think that's what we're after here. Mr. Redd is head of the BMDD.

Answer 2. This is naturally state law and not the federal law that I would be involved with, but well, we do get involved with state law quite often. I think there are some discrepancies in the way the rebuttable presumption law was written, I think some amounts were set if they are going to have a rebuttable presumption section which I'm not in full agreement with in the first place, but if they do I think they should be more equal in the amount. Some of the amounts are like Chief Hanley stated, approximately \$400 worth of drugs, others are \$2 worth of drugs and I don't think that's a fair equation. That's about the only thing I have to comment on.

Second spokesman for same question: Let me say to you to broaden that chief, if I may, the state legislature now in their committees are discussing that problem that you have just raised and that's with respect to the disproportion amounts involved with respect to the various drugs. Their viewing the rebuttable presumption in two lights. Their viewing it in the street sale light which you mentioned but their also viewing that with respect to how dangerous that particular drug is. There is some thought in Arkansas advanced by some groups and some legislators that when you are dealing with hard drugs such as heroin that that should be classified as a felony, because it has no known medical use and the addictive-ness of heroin is beyond question.

Narrator: It might be helpful if maybe Doctor Smith could comment on the use of smaller dose and larger doses.

Doctor Smith: Well I don't know that I could add much to what has been said that except that when they made this up that probably some people weren't familiar with how these dosages go and so it just seemed reasonable like most laws, so I would say the discrepancy certainly exist but is probably very innocently, someone making up the law that didn't know the difference between heroin and marijuana too much. It probably will be cleared up and I think the next legislature will probably close that gap a little bit.

Narrator: Thank you Doctor Smith.

Question 3. In attendance to one of the discussion groups, I was pleased to be a spectator. One of the groups indepth aspects of that particular group was the motivation behind the participant in drug abuse. Though the expert of that particular group felt like that it was not such a thing as peer group pressures. Many in the group expressed that it was. Such a thing as what I and my late terminology would call this rebellion against authority in many instances prompted this kind of thing. I would like to ask Doctor Buckman on the basis of his expertise and life background if he would comment on that, how he views this as it effects drug abuse.

Answer 3. That honestly is yes and no. There are numerous motivations for drug

abuse and for any one person there may be at least one dozen reasons why he or she will abuse drugs. Each one of those reasons is valid. You can be more dogmatic about why a certain person may be finished up on a certain drug because he seeks a special type of relief of oblivion or psychedelic experiences. The general question of drug abuse, many motivations, certainly peer group pressure, certainly the need to rebel and they need to be caught, to be punished, to be an escape goat, to be a martyr, to provoke. Those are the more valid reasons maybe to explore to understand, I don't think I can really answer it any other way. Many motivations for every abuser. Some are socially determined, also people conform to our stereotypes quite often and I'd like to back track if I may to the last question. I think the difficulties we were discussing just now, same as with motivation. The motivation in those who want to use and abuse and the motivation in those who want to stop it and the difficulty here, is trying to legislate for public and private morality. It's a question of opinions and a constantly changing situation. I think I would be interested if legislators were asked to write opinion when they change the law and say why they decreased the penalty. In the same right the judges have to write opinions. It would be very enlightening I think.

Speaker for same question: Let me add something to that too, you know it seems to us in Memphis, we have been sort of studying these problems for about two years there. We've gone through two different phases and I certainly agree that there are many causes. At first we start out with a lot of abusers with something we call a counter culture. There were very visibly dressed in different ways if were talking about dropping out and so on and so forth. So the first about two years or two and a half years ago in Memphis, most of the drug use was confined to this group of people. Today that's not true anymore, it's moved into the suburbs in the middle class. Probably you've noticed in or on most college campuses, you don't quite have the disagreement with college policies we had before but I would say that talking across time the problem shifts. It used to be everybody says the drug abusers are somebody else but our experiences have been that it is now shifting from a rather vocal anti-establishment group to now, the thing is sort of like hoola-hoops. We find probably this shift is certainly something you must consider when you're trying to understand what motives are and how to deal with it. We studied one group that one of crises intervention center and also all the people that came in on bad trips in were sitting in the Memphis hospital and we selected at random about forty people and we found for example they were really addicted and quite often more than 50% of them were psychotic so they were something else, there was a great history before this one instance came along. So it is a very complex situation but I would suggest as far as Memphis and I would think even it seems that other cities you'll find a little change in your population of users as it goes along.

Mr. McCOLLUM. Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. LUNGREN.]

Mr. LUNGREN. Mr. Chairman, it is comforting to see there is much bipartisan support for us to do something, anything, in the war on drugs. The American people will be watching to

see whether what we do is actually effective.

This is a massive comprehensive bill attempting a comprehensive approach to the problem, but I would like to underscore what I have said before, a comment that we have heard from some of the outside who have been taking the brunt of some of our criticism, some in other countries who basically said they will work with us to try to interdict illegal drugs coming into this country but they would expect us, as the consumer nation, to do something with respect to the consumers.

We cannot actually point to the traffickers as the total problem. We have to recognize that a good portion of the problem remains within our borders, not only with the traffickers within our own borders but with the users.

Until we accept the responsibility that individuals make individual decisions and that individuals should accept the consequences of those decisions and that our laws will make them accept the consequences of those decisions, we will not truly be serious about what we are embarking upon here today, which is to eradicate the problem of drugs in our country.

Frankly we need a cultural change, we need to have a change all the way from the entertainment community to the floor of the House of Representatives. We must say to our young people that both by our words and our deed, illegal drug use is unacceptable.

A number of amendments will go in that direction.

I will say with respect to the last amendment mentioned by the gentleman from Arkansas [Mr. ALEXANDER] sometimes issues are more complex than they appear and sometimes presenting a bill which suggests that you should share more broadly the information, even raw intelligence information about possible illegal drug use, does not help the problem; it hinders the solution to the problem.

Many people know that our intelligence community, involved as it is around the world with a whole host of requirements, receives information that must be first reviewed and must be seen as to its credibility and that somehow send it up the channel immediately portends political problems across the board.

Someone would have to be blind not to realize that we do not have problems with leaks both on this side of Pennsylvania Avenue and the other end of Pennsylvania Avenue.

Think, if you will, if we had more possibilities for leaks of raw intelligence information with respect to initial investigations about drug dealings around the world whether that will help or that will hinder our efforts to do something seriously about the problem.

One of the major problems we have is there is the temptation toward the political rather than the substantive and I hope in this debate we will know the difference and we will act on that difference.

The CHAIRMAN. The gentleman from Florida [Mr. McCOLLUM] has 3 minutes remaining and the gentleman from Michigan [Mr. DINGELL] has 5 minutes remaining.

Mr. McCOLLUM. Mr. Chairman, I yield 2 minutes to the gentleman from Florida [Mr. SHAW].

Mr. SHAW. I thank the gentleman for yielding.

Mr. Chairman, I would like to congratulate the gentleman from Florida [Mr. McCOLLUM] as well as the gentleman from New York [Mr. RANGEL] as well as all of the others in this House who have worked together to speed a most important bill, and the bill that is going to be the most important bill coming out of the 100th Congress.

I would also like to congratulate the 140 cosponsors of H.R. 4446 which I filed some 6 months ago because of the provisions that had been lifted from that bill as that bill in fact lifted from other bills to put together a very concise and valuable bill.

This bill includes such things that are included in H.R. 4446 such as the sense-of-the-Congress against legalization of drugs; the drug treatment of pregnant women which had been beyond their grasp until now. Moneys that are appropriated by the Federal Government to the States will be available to women who are expecting babies and who are in fact addicted to drugs. It sets up an international narcotics task force which is most important if we are going to attack the drug problem at the source, and that is in the source country.

It provides for the suppression of international narcotics trade as one of the highest and important foreign policy objectives of this country. It provides for eradication of coca plants and it goes on and on and on. There are going to be a number of amendments that are most important and I hope the Members will listen very carefully.

Unfortunately the procedure that has been followed by the House has not allowed for hearings. However, this bill has been out, it has been studied by the Members and their staffs and a lot of very important amendments are going to be offered.

So I would encourage all of the Members to listen very carefully when these amendments come to the floor, listen to the debate, stick either on the floor or to your television sets so that you know exactly what is going on and we can intelligently vote.

One of the things we have to be very careful about is we do not use this bill as a vehicle to weaken existing law.

And to that many of the amendments will be directed.

Mr. DINGELL. Mr. Chairman, I yield back the 5 minutes which I had remaining.

Mr. RANGEL. Mr. Chairman, what is the time situation?

The CHAIRMAN. The gentleman from New York [Mr. RANGEL] has 5 minutes remaining and the gentleman from Florida [Mr. McCOLLUM] has 1 minute remaining.

Mr. RANGEL. Mr. Chairman, I yield 1 minute to the gentleman from New York [Mr. GARCIA].

Mr. GARCIA. Mr. Chairman I thank the gentleman for yielding time to me.

Mr. Chairman, I rise in support of H.R. 5210, the Omnibus Drug Initiative Act, to be considered here today and tomorrow. Drug abuse has become a national problem of crisis proportions. During the last 25 years there has been a significant increase in drug abuse in the United States. During this same time, Congress has responded with increased levels of spending to help combat the drug problem. Spending has risen from \$82 million in 1969 to approximately \$3.9 billion and \$3.5 billion in 1987 and 1988 respectively.

I want to commend Congressman CHARLIE RANGEL, chairman of the Select Committee on Narcotics Abuse and Control, for his valuable and outspoken leadership in our war on drugs and in the formulation of this legislation today. I also commend the different House committees of jurisdiction and their members for their hard work in putting together this legislation.

We can all be proud of the measure being considered here today. It represents a strong step forward in our war on drugs and a renewed commitment to eliminate drugs from our streets and classrooms. I am particularly proud of their provisions designed to reduce drug abuse among our young people and to make more readily available drug treatment facilities to all those in need. In my district in the South Bronx, the incidence of youth participation in drug use and trafficking is alarming. I therefore support the provisions in this bill that attempt to prevent drug abuse among our young people and attempt to reach out to members of youth gangs and juvenile delinquents to bring them into a more productive and meaningful life.

After World War II, there was a sharp increase in the use of heroin in our inner cities, and more recently, there has been an alarming increase in the use of cocaine, and cocaine derivatives, such as "crack" and "rock." In New York City alone, there are an estimated 250,000 to 300,000 heroin addicts. Deaths due to cocaine abuse in the city have risen from 7 in 1983 to 92 in 1984, 196 in 1985, and 287 in 1986. Deaths due to AIDS among IV drug users has risen from 88 in 1983 to 293 in 1984, 488 in 1985, and 1,000 in 1986.

Drug arrests in New York City are equally telling, rising from 60,000 in 1985 and 69,500 in 1986 to over 80,000 in 1987.

Equally alarming is the fact that the increased use of drugs, and especially the use of "crack," has involved population groups previously not associated with the problem. This of course includes the tragic use of drugs and involvement in drug running by school-age youth and adolescents. Today, the problem has reached such crisis proportions that it comes as no surprise when we hear of youngsters in grammar school involved in drugs, or when we hear of youth gang violence and law enforcement fatalities. This simply cannot be allowed to continue. We must make the full commitment necessary to eliminate drugs from our society.

The Federal strategy in the war against drugs is multifaceted. It includes initiatives to reduce the supply of drugs through drug and narcotics regulations, and international control of drug production and trafficking. It also includes initiatives to reduce the demand for drugs through education, prevention, treatment and rehab programs, as well as programs funding research into drug dependency, treatment and prevention.

The first major drug initiative, the Anti-Drug Abuse Act of 1986, increased spending by \$1.7 billion for fiscal year 1987. This included new authorizations for State and local law enforcement and Federal drug enforcement activities. It also authorized new international narcotics control and drug interdiction activities, as well as domestic drug abuse education, treatment and research programs. Today and tomorrow Congress will consider an omnibus drug bill which authorizes a total of \$6.1 billion for new and existing programs. This figure represents a \$2.1-billion increase over amounts presently provided in fiscal year 1989 appropriation measures.

This new bill provides much needed funding for antidrug abuse education, treatment and prevention programs. It authorizes \$30 million for drug abuse prevention targeting youth gangs and \$15 million targeting runaway and homeless youth. The legislation also authorizes \$15 million for a National Youth Sports Program and \$10 million for drug abuse education in WIC programs.

The drug bill will also provide funding for increased law enforcement and drug interdiction activities. It authorizes \$2.5 billion for a variety of enforcement and correctional programs in the Department of Justice, and provides \$346 million to the Coast Guard and \$1.2 billion to the Customs Service for interdiction efforts. It is essential that we do all that we can to stop the flow of drugs into our country and to

address the problems associated with drug abuse and narcotics trafficking.

As chairman of the Subcommittee on International Finance, Trade and Monetary Policy, I have carved out a role for the Eximbank to make loans to democratic governments to reduce the production of drugs within their borders and the shipment of drugs into this country. I also recommended the inclusion of a discretionary grant program for the expansion of existing drug treatment facilities and a special research and treatment program to address the growing problem of infant addiction.

This war against drugs is ongoing. We are not nearly done and therefore we must not let up our effort. We must work toward positively influencing young people in their attitudes toward illegal drugs and providing them with alternatives that will lead them into productive lives. No level of funding or amount of commitment is too great in this war on drugs—this fight for our youth and our future. It requires a participation by all of us. Today as we begin the debate on the Omnibus Drug Initiatives Act of 1988 we move forward in our war against drugs. I urge all of my colleagues to join in.

Mr. RANGEL. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from California [Ms. PELOSI].

Ms. PELOSI. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, today we are considering a comprehensive drug initiative in an attempt to find a solution to the crippling effects of the drug abuse epidemic. This legislation would create new opportunities for drug prevention and treatment programs while increasing Federal assistance for law-enforcement efforts. Congress must recognize that the time has come to find new creative approaches, because the old ones have not worked in combating our drug problems.

My own district of San Francisco has experienced an unprecedented rise in drug related crime. Over the last 5 years, we have experienced a 439-percent increase in dangerous drug offenses, and a 245-percent rise in drug related emergency room treatments. Since 1980, the bay area has witnessed an increase of over 400 percent in cocaine overdose deaths. Despite our efforts, these figures continue to rise.

We must work to develop innovative programs to stop drug abuse. One such project in my district which has been very successful is the Delancey Street project. Delancey Street participants rid themselves of drug dependency while acquiring useful job skills. The participants are currently financing and providing 80 percent of the labor in the construction of their new home, the Embarcadero Triangle. This kind of innovative project should be encouraged.

The city of San Francisco has developed a plan for drug prevention, treatment, and counseling intended to respond to the critical drug problem in low-income housing areas. I believe that this plan is just the type of innovative program this bill seeks to promote.

The program is designed as a series of centers to be located in public housing sites throughout the city, to provide multiple drug treatment, intervention, and prevention services. The plan is intended to bring to the individual housing site all the necessary resources to organize community drug treatment efforts, to provide treatment, to prevent juvenile drug use, and to intervene in serious drug crises affecting housing projects. Prevention strategies and interventions would be targeted specifically at housing projects and other low-income housing to reduce the risk of drug addiction in those populations.

This proposal requires multiple sites throughout the city because experience shows that success in one single neighborhood can simply shift the problem to other neighborhoods. City-wide coordination will help to reduce drug supply and demand within the whole city. Programs that prove to be effective should be identified, encouraged, and where possible, replicated. Should this program prove effective, as expected, similar programs could be planned for other major metropolitan areas.

I commend my colleagues for their work on this comprehensive drug initiative. By combining forces on the Federal, State, and local levels, coordinating our efforts, and rewarding innovative programming we can expect to make gains against the rising illegal narcotic trade in this country.

Mr. McCOLLUM. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. HUNTER] to close debate.

Mr. HUNTER. Mr. Chairman, I want to commend the many authors of this particular bill which is coming up. Particularly, I want to commend the gentleman from Florida [Mr. McCOLLUM] and the gentleman from New Jersey [Mr. HUGHES] for their work on the meth lab legislation that they have commenced work on earlier this year and particularly the precursor ephedrine which is a substance used in many legitimate enterprises, being used right now as a centerpiece of the meth-lab making of chemicals that has rendered San Diego, where I come from, the meth-lab capital of the world. It is a very dangerous drug. It kills people in its use, it also kills people in its manufacture.

I want to give particular commendation to Peter Nunez, our U.S. attorney for holding a meeting earlier this year that resulted in certain language being given to the committee, particularly

the language that requires that a certificate of lawful use be required of people who buy ephedrine from chemical companies. Right now you have chemical companies that are selling large amounts of ephedrine for illegitimate use.

The CHAIRMAN. The gentleman from New York [Mr. RANGEL] has 2 minutes remaining.

Mrs. COLLINS. Mr. Chairman, when our youth disfigure their futures by wielding the chain saw called "drugs," we cannot be an absent parent. When drugs cause our workers to produce a work output that is mediocre in both quantity and quality, we cannot be the friendly foreman. When walking our boulevards becomes a hazardous activity due to a proliferation of drug-related violence, we cannot be the social theoretician, asking citizens to live in fear and defend themselves while the problem is being studied.

Drugs have created myriad social and socioeconomic disasters in recent years. Although some problems conveniently disappear over time drug abuse has proven itself to not be one of them. On a regular basis, in virtually every major newspaper, one reads of teenagers killed over drug deals, school test scores falling while dropout rates rise due to drug abuse, and chronic unemployment, again with a direct link to narcotics abuse.

The time to extract this parasite from the body of our culture is now. The need for a comprehensive, effective attack on all fronts of the drug war is manifest. Drug abuse is not an isolated phenomenon devoid of impact. To the contrary, drug misuse and abuse today assures us of problems tomorrow. A child, adolescent, or adult who uses drugs—and the numbers who do are staggering—is impaired in ways which are irreversible. Spirit is dampened; attitude becomes dour; enthusiasm succumbs to apathy; the nervous system becomes distorted; interests are diverted. This later translates to social problems, economic problems, psychological problems, family problems, personal problems, and possibly even physiological problems, such as the incapacity to produce a healthy child. Not only are these circumstances unacceptable on an individual level, they spell bad news for society and for the country as a whole. In a period where the word "competitiveness" is on everyone's lips, how can our country expect to be fully competitive if any of those participating in our economic growth are dulled by drugs.

Without question, drug trafficking and abuse has led to a massive increase in crime. It has become so bad that senior citizens often hesitate to leave their homes for fear of being caught helpless amidst such an atmosphere. When our cities become unlivable for many of their denizens, remedial action is long overdue.

With problems as extreme as these, one might think that the American Government would be leading the fight against this evil. Instead, Nancy Reagan tells us to "say no" to drugs while President Reagan says no to developing an effective policy which will lead to the rapid eradication of this blight on America. Substance abuse is deeply rooted and cannot

be solved by a mere slogan. Drug use has almost become a custom institutionalized in numerous sectors of our society and customs cannot be shattered with lip-service.

Thus, it has become the responsibility of Congress—this Congress—to begin to try to combat this evil by passing the Omnibus Drug Initiative Act. Some of the causes are too comprehensive to rectify in the short term. For example, in the Reagan years, where people with material means were helped to increase it while the people without sufficient means were forgotten, the division between rich and poor has grown. Unfortunately, many such people see drug trafficking as a ticket to big money and their road to glory. But once again, this is far too deep a problem to be solved today.

Today, we must turn our attention to more feasible solutions such as community-sponsored afterschool activities, drug abuse education, addiction cure centers, mass media efforts, family bond enhancement, and afterschool jobs. These are important measures which can decrease the demand for drugs among the young. The Omnibus Drug Initiative Act of 1988 initiates a laudable well-directed effort at steering the American community toward a more healthy course.

Now no antidrug effort can be complete without addressing the supply side of the drug equation. This bill makes a solid, serious attempt to reinforce law enforcement efforts to eradicate the production of illegal substances and interdict any shipment of them aimed at the United States. In so doing, H.R. 5210 intelligently provides avenues for tackling this massive problem.

One such avenue, which many of you mistakenly believe will assist in our efforts, is the imposition of the death penalty in cases where drugs lead to murder. This may seem, at first glance, like a good idea, but when one considers the details of when it would be used and for whom it should be used, serious misgivings begin to take place. A death penalty provision—should any be deemed the least bit appropriate—must be very narrowly circumscribed and specifically tailored so as not to be indiscriminately applied, nor applied discriminatorily.

Mr. Chairman, on the whole, this bill is a very solid, comprehensive attack on drugs. It embraces the future rather than write it off. America needs it badly. Therefore, I believe it is not just our right, but our duty, to enthusiastically support this legislation.

Mr. FEIGHAN. Mr. Chairman, today, we are considering an extremely crucial piece of legislation, the omnibus drug bill. This bill intensifies and improves our efforts in the war on drugs. We have learned that this battle must be fought on several fronts. The omnibus drug bill reaffirms this commitment.

Perhaps the most important component of this bill is the fact that support and necessary funding will go to people who are truly fighting to rid America of the drug scourge. These people are in our States and small towns. They are the men and women of the Customs Service and the Coast Guard. For too long now, they have tirelessly performed their duties with inadequate resources provided by the Federal Government. Today, we send a message to them, "we will help you." Today,

we also send a message to the drug traffickers, dealers and pushers, "we will fight you at every border, street corner, alley, and playground."

H.R. 5210 increases drug enforcement grants to State and local agencies. State and local forces bear the primary burden of waging the war on drugs. These funds represent the very least we should do to help. The Custom Service and Coast Guard will receive the additional moneys needed to protect our borders and police our coasts.

However, there is a whole other area, separate from the battle cries and war analogies; the area of education and prevention. As we strive to cut off the supply side, we also have to work to lessen the demand for illicit drugs. Here, the omnibus drug bill also provides the much-needed impetus. We must warn America's young people about the dangers of drug use and addiction. Community alcohol and drug abuse education programs will finally receive the Federal backing they deserve. Those who have already suffered, need to be helped. Specific programs will treat and rehabilitate runaways, homeless youths, gang members, and juvenile delinquents.

I am pleased to see that Congress has realized the great threat posed by intravenous drug abusers who transmit the horrible AIDS virus. Increased funding will provide both training for new drug abuse counselors and outreach activities encouraging IV drug abusers to seek treatment. These programs are wisely targeted for the areas that need it most.

I would also like to take this time to express my support for a couple of the amendments offered to this bill. While we have heard a lot of antidrug tough talk from this administration, we have yet to see a clearly defined or effective national drug policy. Representative HUGHES' drug-czar amendment would change this. Currently, there are 11 Cabinet departments, 32 Federal agencies, and 5 independent agencies charged in some way with fighting the war on drugs. With a Cabinet-level drug administrator, such diffusion of responsibility would be avoided. An effective and comprehensive national agenda could be implemented.

I would also like to thank all of my colleagues who have supported the 7-day waiting period amendment. In the past few months, I have urged my colleagues to recognize the drug-gun connection. We cannot win the drug war unless we can disarm the dealers. The omnibus drug bill should include a 7-day waiting period on handgun sales, so that police may conduct a background check to ensure that handguns stay out of reach of drug dealers.

In closing, I would just like to thank all of the members and respective committees, who put together a responsible and sensible drug bill. We cannot lose faith in our resolve to correct societal ills. This is not only a battle we can win, but a battle we must win.

Mr. CONTE. Mr. Chairman, the war on drugs, in which we are now engaged, is the most serious challenge to the fabric of our society that I have seen in my 30 years in Congress. Drugs are overpowering our children, plaguing our economy, and killing innocent citizens who get caught in the crossfire of the drug traffickers' wars.

I have advocated and I support a strong Federal role in combating drugs, and I applaud the approach and the goals of the Omnibus Drug Initiative Act. It attacks the drug problem from both the supply side and the demand side. My good friends BOB MICHEL, the minority leader, and TOM FOLEY, the majority leader, deserve credit for putting together a good, comprehensive bill.

On the demand side it increases our commitment to drug prevention through education, care, and treatment, through greater penalties for drug users, and by creating alternatives to involvement in drugs for youths.

One such alternative program, which I have long advocated, is the National Youth Sports Program for disadvantaged youths, which would be expanded from a summer program to a year-round program. While the program is not specifically focused on drugs, and perhaps should have been separately authorized, it is worthwhile and deserves our support.

The Drug Act tackles the supply side of drugs by expanding our commitment to drug enforcement and interdiction. It provides additional tools to get to the big dealers, the powerful drug lords who hide behind their laundered money. It permits greater international efforts to reduce drug production and smuggling.

It is, to outside appearances, a serious attempt at handling the Nation's drug problem. But a glaring oversight threatens to make it little more than rhetoric. The war against drugs cannot be fought where there is no money. To be responsible, the commitment we make through the Drug Act must be backed up with dollars, and right now we are backed up against the \$146 billion spending ceiling for fiscal year 1989. Any additional spending will trigger an automatic sequester of a minimum \$10 billion across the board, cutting into the very antidrug programs that we are supplementing in the Drug Act.

I am disappointed that the Rules Committee did not make in order the two amendments I proposed to the Drug Act which would have handled the funding problems. The first would have answered positively the question of paying for the act, and the second would have raised \$100 million for the Coast Guard which would have helped offset a fraction of the Drug Act's \$4 billion cost.

My first amendment would have provided that authorizations for additional spending not take effect unless equivalent offsetting reductions in spending for other programs are made, or equivalent additional revenue is provided. This offsetting amendment is necessary to avoid a sequester and to demonstrate that we are really serious, that we are really going to war on drugs.

The House should have had an opportunity to vote this issue up or down. We did once before, on April 20, when we voted unanimously, 412 to 0, to comply with the bipartisan budget agreement spending caps when fighting the war on drugs. Why not implement that decision now? The American people deserve a real war on drugs, and I, for one, am saddened that by not ensuring funding, we are responding to this terrible scourge with rhetoric.

My second amendment rejected by Rules was a \$20 annual user fee on recreational boaters who use U.S. waterways. The user fee would raise about \$100 million annually for the Coast Guard. Since the Coast Guard spent \$266 million in fiscal year 1987 in support of recreational boaters, a user fee is already justified. In view of the expanded role of the Coast Guard in drug enforcement under this Drug Act, I think a user fee is even more necessary to provide boaters with the services they have received in the past while keeping the Coast Guard in the war on drugs.

We don't have to sacrifice our war on the deficit in order to fight our war on drugs, but the Drug Act, unfortunately, doesn't give us a choice in its present configuration. Without offsets, a \$4 billion appropriation herein authorized is going to trigger a sequester and break the agreements we worked so hard to reach last year. I support the Drug Act, and will work to prevent a sequester, but I am disappointed that we have taken an approach that does not responsibly address the real and immediate funding pressures with which we are faced.

I have some additional comments I would now like to insert for the RECORD. Thank you, Mr. Chairman.

#### ADAMHA REAUTHORIZATION

In many ways this bill goes beyond the assigned topic of drugs and branches into many different areas. One of them, on which I would like to comment, is the reauthorization of many of the programs of the Alcohol, Drug Abuse and Mental Health Administration.

#### NIDA RESEARCH

One provision, about which I have grave reservations, involves the proposal to set aside 15 percent of research monies at the National Institute on Drug Abuse for service demonstration programs. There are multiple reasons why this is not a good idea.

First of all, it has the potential to reduce research funding at precisely the time when it is needed. It is most important to provide services and experiment with better services to substance abusers. But it is important to recognize that any real answers to the problems of addiction depend on research. At the present time, getting abusers into treatment is not a guarantee of recovery. In fact, with some exceptions, there is a very good chance that addicts who go into treatment will relapse. The reason is because we are just beginning to support the research that is necessary to come to an understanding of the nature of the addictive process and how it can be effectively treated.

It would be wrong to reduce our effort to understand drug dependence and treat it more effectively through research, in order to fund short term demonstration programs that are important but not a substitute for new knowledge. It is ironic that on a problem like AIDS we are willing to invest billions of dollars in research, but on a problem like drug dependence, we are talking about diverting the few dollars that are spent on research into service projects.

This is even more critical, because it is not clear against what funding base the set aside would be applied. NIDA research is currently funded under two different provisions of the Public Health Service Act, section 301 and section 517. The provision in this bill, Section 10013, would authorize the 15% set aside against funding provided under section 517 (renumbered as section 518). It is unclear how much funding is con-

sidered provided under section 517 and how much funding is considered provided under section 301. It is possible to consider at least 3 different figures as being provided under section 517, the NIDA research line in the FY 1989 appropriations bill, which provides \$115 million, the NIDA research line in the FY 1989 bill plus the NIDA AIDS funds provided under the ADAMHA AIDS line, which amounts to something like, estimating \$238 million, or the NIDA research line in the FY 1989 bill plus the NIDA AIDS research (and not prevention or service) funds only, which would fall somewhere in between.

If there were a set-aside, I would hope it would be taken against the larger figure, since it is likely to match up more closely with the Institute's current activities. If it were applied against the smaller figure, it would be a clear diversion of funds from research and disruptive in the extreme of the research program at NIDA.

But I want to indicate my strong opposition to the set-aside and my strong desire to see this provision changed as this bill moves along. If service demonstrations need to be funded, let them be authorized separately.

#### EFFECT OF REAUTHORIZATION ON APPROPRIATIONS

Furthermore, if this bill does go through, there will be the situation of having an FY 1989 appropriation based on the existing panoply of ADAMHA programs, with a subsequent revamping of those programs due to this reauthorization. As the Ranking Minority Member of both the Appropriations Committee and the Subcommittee on Labor, Health and Human Services and Education, it is my opinion that before the agency could spend any funds in accordance with the new authorization, there would have to be a reprogramming sent up to the Committee for its approval of the agency's proposed plans to spend the appropriated funds in accord with the new authorization.

Mr. ROTH. Mr. Chairman, I rise to express my strong support for H.R. 5210, the Omnibus Drug Initiative Act. This legislation adds important new weapons to our fight against the scourge of drug smuggling and abuse. It is the product of months of work by several committees of the House. With the American people citing the drug epidemic as the Nation's greatest domestic problem, this bill must be our top priority for action.

H.R. 5210 builds on the legislation we passed in 1986. It addresses all aspects of the drug abuse problem, combining tougher controls at our Nation's borders on smuggling; stronger penalties for the manufacture, distribution and use of narcotics; and improved measures to prevent drug dependence.

I am proud to have contributed to this bill, through both my Banking and Foreign Affairs Committee assignments. In June, we on the Banking Committee approved important new powers for our law enforcement agencies in tracking the flow of drug-related money, which is the lifeblood of the drug trade. The Treasury Department will have broader authority to require reporting of large transactions in localities where drug smuggling is rampant. This will help us locate the smugglers and shut them down, as they try to move their funds through the Nation's financial network.

In the Foreign Affairs Committee, we approved new programs to fight the international drug cartels. A new multinational antinarcotics force will be set up in Latin America, combin-

ing our resources with those of the Organization of American States and other member governments. We will provide new armaments to protect drug control agents from the already well-armed smugglers. We will step up our research on effective herbicides for use against the basic narcotic-producing crops. And we will tighten passport and visa controls to stop smugglers from entering our country.

Although this bill is a big step forward in our fight against drugs, by no means is this the end of our work. I will vote for amendments to make this bill even stronger, and I urge my colleagues to do the same.

Yet, in acting on this bill, we must recognize that winning the war against drugs will require far more than new laws and law enforcement. Every American must enlist in this struggle, because drug abuse is a problem that permeates all parts of our Nation, from big cities to our small towns.

Every family, every teacher, every community leader must do their part. We are in a battle to preserve the fabric of our society, and we must do what is necessary to win.

Mr. YOUNG of Alaska. Mr. Chairman, today we in the House have the opportunity to take action against the greatest threat to the health and safety of our Nation today, the scourge of drug. I have had to deal with the pain and suffering of this blight first hand. I have lost two nephews to drugs and I have seen how this parasite preys on our young people, the extent that it steals the very life from our greatest national treasure, our young people.

This bill gives us the opportunity to fight back against this scourge and to make it clear to those who would profit from the poisoning of this Nation that we are not going to take it anymore. Mr. GEKAS will give us the opportunity to make it clear to those who would kill our young people that their lives will be in jeopardy if they persist in such activity. The bill also makes many necessary reforms which will assist our law enforcement efforts. This is a worthwhile and essential goal, but we must not in our zeal to improve drug enforcement trample the rights of innocents.

Subtitle B of title VI and title VII would protect the rights of innocent conveyance owners from forfeiture. These sections also provide numerous procedural safeguards to innocent owners who have had their conveyances seized. Unfortunately these sections do not apply to the customs laws. This leads to the untenable situation where the lead agency involved in vessel, aircraft, and auto seizures are not compelled to respect the basic rights of our citizens. Mr. STUDDS will be offering an amendment to ensure that the basic rights of innocent owners are respected by all Federal agencies.

I am also proud of the title V sections which would reauthorize the Indian alcohol and substance abuse sections of the 1986 drug bill. These sections were the result of 3 years of hearings by the Interior Committee and constitute a strong effort to stop drug use by Native Americans at an early age. Subtitle A would amend the 1986 act to reach a greater number of Indians and Native Alaskans in urban areas.

This is important legislation and while I feel that it could be improved by amendments in

some areas, I would still urge its expeditious passage.

Mr. MANTON. Mr. Chairman, I rise in strong support of H.R. 5210.

No action the 100th Congress has taken or will take in the remaining months is as important for our Nation than the passage of the Omnibus Drug Initiative Act. This is a much needed initiative to shore up our actions of 2 years ago in the passage of the Omnibus Anti-Drug Abuse Act.

Mr. Chairman, we must stop the flow of drugs into our Nation. Illegal drugs are killing our Nation's youth and having a devastating impact on every segment of our society. There is no greater menace to our children and our neighborhoods.

To illustrate just how serious this problem is, Mr. Chairman, I would like to recount a recent telephone call to my office. My constituent did not believe the Congress was doing enough to eradicate the drug plague. She did not understand why Congress could not declare war on drugs. She was not talking about the rhetorical war we all often speak of, but rather, a real declaration of war; involving all that a state of war would involve—a draft, full use of the military, and even the suspension of certain rights which might result from such a state of emergency. This was not a facetious request, Mr. Chairman, and it clearly demonstrates how far the average citizen wants the Congress to go in eliminating the flow of drugs into our society.

The amount of drugs pouring across our borders is both mindboggling and heartbreaking. I know we have all heard the gruesome statistics about drugs in America; however, I believe they bear repeating. In 1986 an estimated 150 tons of cocaine, 12 tons of heroin, up to 60,000 tons of marijuana, and 200 tons of hashish flooded into the United States. This is in addition to the estimated 4,000 tons of marijuana illegally cultivated in the United States, and more than 10 tons of psychotropic drugs which were manufactured domestically.

Mr. Chairman, these statistics are all the evidence we need to conclude we have a raging drug epidemic that must be shut off with strong, decisive congressional action.

These statistics are even more telling when put in human perspective. These are not just numbers, they show the toll taken on human health and well-being.

There are more than 600,000 heroin addicts in the United States and their numbers have been growing steady every year since the late seventies. More than 1 million Americans are estimated to be addicted to cocaine and in need of professional help. In New York alone there were some 600 drug-related deaths in 1986. The rate of drug-related emergency room admissions and deaths continues to grow across our Nation.

According to the House Select Committee on Narcotics Abuse and Control, the total social and economic cost of this drug epidemic was \$100 billion in 1986. These costs include drug prevention programs, treatment, related crime, violence, death, property destruction, lost productivity, and drug enforcement.

The figures speak for themselves. We have a deadly disease which has permeated every facet of our society. We presently are losing—not winning—the war on drugs.

One of the major reasons we are losing this war has been the lack of support and leadership from the administration. With the passage of the 1986 Anti-Drug Abuse Act Congress sought to make drug abuse education an essential element of our national antidrug strategy. Yet, every year since then the President has requested funding well below that authorized for this and other valuable programs to fight drugs. In some instances they even asked for zero appropriations. However, this is not a new approach for this administration. From 1980 to 1986, Federal support for drug abuse services declined by approximately 40 percent, severely straining our States' public treatment programs. This administration may call this a war on drugs but I call it a surrender.

Also, this administration has pursued the irrational policy of zero tolerance while allowing major international drug dealers to go about their business unfettered. We have a policy of confiscating private boats for having on board infinitesimal quantities of marijuana while allowing drug kingpins such as General Noreiga to remain in power.

General Noreiga has been indicted by two U.S. grand juries on drug trafficking and racketeering charges. He has been charged with conspiring to import tons of illicit drugs into the United States and using Panamanian banks to launder the proceeds of these illegal activities. This administration was for many months unwilling to recognize this source of drugs threatening our country, and for many months now has been incapable of removing this threat. This is an outrage and an insult to our ability to remain a world power.

Mr. Chairman, this legislation will supplement our previous anti-drug efforts by strengthening existing law and providing new resources in our fight against drugs. With the passage of this legislation we will finally place controls on many of those chemicals commonly available which are used in the manufacturing and processing of illegal narcotics; greatly improve our ability to control the laundering of drug money; increase our assistance to State and local drug enforcement by increasing their overall authorization and providing direct grants to municipalities; broaden the jurisdiction of several branches of the Federal Government to play a wider role in drug enforcement; and, establish additional mandatory penalties for certain drug offenses.

Finally, Mr. Chairman, I want to add my voice in strong support of the amendment to provide the death penalty for drug kingpins. I believe such an amendment is necessary to enhance the enforcement of our Nation's anti-drug laws. I have introduced similar legislation to provide this long-overdue weapon in our arsenal to fight the illicit drug trade, which is carried out by vicious killers who are destroying our neighborhoods and our country.

Mr. Chairman, my support for the death penalty for certain drug-related crimes is a product of my years as a New York police officer and my years representing Jackson Heights which has long been one of the major cocaine trafficking centers in New York. The drug trade has bred more crime and more violence every year. Last year, this plague culminated in the cold blooded murder of officer Edward Byrne who was gunned down execu-

tion style while guarding the Queens home of a witness in a major drug investigation.

Mr. Chairman, we are losing our war on drugs and we will not start winning this war until we take decisive action. The drug dealers responsible for the killing of Eddie Byrne sent our society a message. They told us they do not care about human life. They only care about obtaining money and power at any cost. We have the opportunity with the adoption of this death penalty amendment to send our own equally clear message that we as a society will not hesitate to impose the ultimate penalty on those who are killing our youth, our neighborhoods, and our law enforcement officers.

We, as a nation, simply must have the resolve to take this step if we are to defeat these drug czars who are destroying our society.

Mr. Chairman, the legislation we will be considering in the days ahead provides the needed ammunition for our fight. I urge approval of the bill and of the death penalty amendment.

Mr. TRAFICANT. Mr. Chairman, I rise today in strong support of H.R. 5210, the Omnibus Drug Initiative Act of 1988. As a former director of a countywide drug program and as a former county sheriff, I know the grave threat drugs pose to our Nation. In 1986, I coauthored the omnibus antidrug bill that marked an important step forward in addressing America's serious drug problem.

However, since that time the drug problem has remained a serious and tragic problem. From professional athletes to train operators to junior high school students the problem has pervaded every sector of our society. A comprehensive approach is the only answer and I am gratified that Congress is building upon the foundation that was laid in 1986. H.R. 5210 is a comprehensive measure—one that will address the drug problem on all fronts: enforcement, treatment, education, eradication, interdiction and counseling. As a member of the House Select Committee on Narcotics Abuse and Control, I am pleased that the legislation before us today addresses many of the problems the Select Committee has reviewed and also adopts several recommendations the Select Committee has made.

I would like to single out and express my strong support for several key provisions in this bill I feel are particularly important. H.R. 5210 permits eligible localities to apply directly for Federal drug law enforcement funds if States fail to make timely applications for grants—this provision will ensure that local governments have streamlined access to desperately needed Federal drug fighting moneys.

For fiscal year 1989, the bill authorizes \$1.38 billion for the Federal Prison System. Expansion of the prison system is the only way to ensure that those convicted of serious drug offenses serve hard time and are not put on probation or released early because of prison overcrowding. I also support the amendment being offered of Mr. ORTIZ of Texas which would make 50 percent of asset forfeiture funds secured by local law enforcement agencies under equitable sharing available to their corresponding State and local governments for prison construction, expan-

sion, maintenance and operations. This amendment would be of little or no cost to the U.S. taxpayer and would provide State and local governments with urgently needed funds to ease the prison overcrowding problem.

I strongly support provisions in the bill calling on Federal contractors to establish and announce antidrug policies, education programs and to deal with drug violations in the workplace. The time has come for the Federal Government to provide clear and unambiguous leadership in getting those who deal with the Federal Government to adopt tough and clearly defined antidrug programs and policies. While it is important to identify when a worker is using drugs—it is equally important for employers to inform and educate employees that help and treatment is available. All employees should be encouraged to seek help and treatment if they have a drug problem—without the fear of being fired.

I strongly support the provision in the bill expressing the sense of Congress that proposals to legalize illicit drugs should be rejected. Although it is to get discouraged when examining the enormous scope of the Nation's drug problem, legalization is not the answer. Any discussion of legalization hinders our drug fighting efforts and diminishes the very real threat posed by drugs—especially to our young people. Drugs kill and drugs ruin people's lives. They should never be legalized. We must continue to wage an all-out, comprehensive war on drugs—the future of our Nation is at stake. Legalization is a nonsolution.

One other important provision of the bill I feel is important to single out is the authorization of funding for grants to drug treatment programs to expand their capacity in order to reduce waiting periods for those seeking treatment. One of the tragedies of the drug problem is that those addicted to drugs who want help many times have to wait several months to get into a treatment program. This overload has caused countless addicts undue pain and suffering. Hopefully this program can be expanded upon so that in the future drug treatment programs have the resources they need to provide assistance to all who seek treatment.

I would like to also express my strong support for the death penalty amendment to be offered by Mr. GEKAS of Pennsylvania or myself. I have supported a Federal death penalty for drug traffickers who kill for quite some time—it is time for Congress to enact this much needed provision. Today many of my colleagues will argue that the cost of prosecuting a capital punishment case is too great and that it will hinder efforts to extradite kingpin drug dealers. Let me remind Members that the death penalty amendment under consideration today only allows the death penalty for those of convicted of intentionally killing a person during the course of committing or in the furtherance of a drug felony or to avoid apprehension for or service of a prison sentence for a drug felony. It does not require the death penalty and provides as an alternative a life sentence or at least 20 years in prison.

This is balanced provision that will allow prosecutors to seek the death penalty for those drug dealers who are preying upon our society. Conventional penalties have not

worked. The American people overwhelmingly support the death penalty for drug dealers who kill and I say the time has come for Congress to truly get tough on the drug dealers. As far as the cost goes—what about the cost to the families of the victims of these drug dealing murderers? What about the untold cost to society these murderers have caused through ruined lives. One thing is for sure—a drug dealing murderer who is convicted and executed will never kill again and will never again poison our children with drugs. I urge all Members to support the death penalty amendment to H.R. 5210.

In closing, Mr. Chairman, I urge all Members to support final passage of H.R. 5210 and to work hard to ensure that this important bill is signed into law before Congress adjourns for the year.

Mr. WEISS. Mr. Chairman, I wish to compliment the distinguished committee chairmen and members of the various committees who have shaped the Omnibus Drug Initiative Act of 1988.

In more than 20 years in government as a prosecutor, city council member, and Member of Congress, I have never seen worse devastation that that currently wrought by narcotics trafficking and abuse. The drug crisis is ravaging the Nation from the streets of my district in Manhattan to the remote countryside along our borders. There is an urgent need to find remedies, but effective solutions require careful, collective thought and planning.

The Reagan administration's so-called war on drugs has proven to be a barrage of empty rhetoric. The drug crisis is a complex problem that requires actions with integrity. The administration has responded with sloganeering and a task force, headed by Vice President BUSH, which generated no significant recommendations or policies in 6 years. During that period the situation has deteriorated greatly.

We must do better than this. We can achieve solutions to the drug crisis while safeguarding the rights of individual Americans. We must fight increasing violent drug-related crime with increased Federal support of local law enforcement. We must improve and expand drug treatment programs which currently keep thousands on waiting lists. And we must do everything possible to educate our children so they do not face the same frightening situation in the future.

The Omnibus Drug Abuse Initiative of 1988 represents a continuing effort by Congress to address the complexity of narcotics abuse. One of the best ways to solve the drug problem is to stop drug use before it begins. I am pleased that H.R. 5210 expands upon the education programs initiated in the 1986 Drug-Free School and Communities Act. We should pay heed to the sage assertion in the Department of Education's recent report on the 1986 act, which states that " \* \* \* there is little evidence to challenge the basic premise that prevention is the most humane and cost-effective response to drug and alcohol use related problems among youth."

I am also pleased the 1988 omnibus bill expands on sorely needed treatment programs and funding. Both in- and out-of-prison drug treatment programs currently face extensive waiting lists and drastic underfunding. Title X of the 1988 bill helps move us closer to cor-

recting this problem, with provisions such as increased grants to high-risk treatment programs, and new funding for AIDS treatment for IV drug users. When we condemn the use of illicit drugs, we also oblige ourselves to extend a hand to those who are struggling to follow our exhortations and rid themselves of their addictions. And if we succeed in treating drug abusers who are in prison, we reduce the chance of their committing drug-related crimes when they get out.

The omnibus bill also takes steps to remedy the negative consequences of the administration's inconsistent policy on drug law enforcement. It is ironic that the same administration that prides itself on being "tough on drugs" requested no funding for 1989 State and local law enforcement grants. I support the initiatives in the 1988 bill on local law enforcement officer training and logistical support, as well as the 7-day waiting period provision on gun purchases. We should give our law enforcement officials time to make background checks on the people they could meet face to face in the drug wars on our streets.

On an international level, the administration's vacillating narcotics enforcement policy has done little to crack down on drug trafficking across our borders. The 1988 Omnibus Act begins to redress the deficiencies in administration policy with measures that include encouraging the development of a Latin American regional antinarcotics force, and modifying procedures for certifying countries as cooperating with drug control efforts.

The Omnibus Drug Initiative Act of 1988 could be an important component in our long-term fight against drug abuse. It is therefore unfortunate that many of the amendments to the bill are ill-considered, pernicious, and at best marginally germane to the subject of this important legislation.

I refer in particular to the amendment offered by Mr. LUNGREN, the gentleman from California, which would drastically modify the exclusionary rule in criminal trials. Fortunately, Mr. LUNGREN's attempts to add a similar amendment to the 1986 omnibus drug bill failed, and there is no place for the Lungren amendment in this year's bill either.

The Lungren proposal has implications which go far beyond narcotics control. By undercutting the primary tool for protecting Americans against unreasonable searches and seizures, this proposal would strike at the very foundations of the fourth amendment to the Constitution.

I would also like to draw the attention of my colleagues to the user accountability amendment offered by the gentleman from Florida, Mr. MCCOLLUM. This measure mandates the denial of Federal benefits to individuals convicted of two or more drug-related offenses within a 10-year period, or one conviction for distribution of a controlled substance. On a practical level, this amendment makes little sense, since its penalties are not related to the underlying offenses. Beyond that, it is simply inhumane, as it works directly against reintegration of individuals who have already served their sentence into the community.

Finally, I am deeply disturbed by the amendment offered by Mr. GEKAS, the gentleman from Pennsylvania which would permit imposi-

tion of the death penalty in new categories of cases. This amendment has no place in a bipartisan effort to address the drug problem, which already contains increased penalties for drug-related crimes. The taking of human life by the Federal Government will do nothing to reduce the availability of drugs, and may in effect serve the opposite purpose by hindering our efforts to extradite foreign citizens engaged in drug trafficking. Some foreign countries prohibit extradition of their citizens to face trial for violations punishable by death.

Furthermore, to vote for the Gekas amendment is to place this country in a category of nations, many of which are pariah nations, whose human rights violations have been repeatedly condemned by Congress and this administration. It would place the United States in direct contradiction to the recent trend in the last decade toward abolition of the death penalty.

Many of our Western allies have followed the trend of abolishing the death penalty, including Portugal, Spain, France, Argentina, Australia, and the German Democratic Republic. By passing the Gekas amendment, we place the United States alongside of some of the most oppressive regimes in the world: South Africa, Iran, Kampuchea, Libya, Syria, North Korea, and the U.S.S.R.

I hope that we can pass this important, comprehensive drug abuse legislation without corrupting it with pernicious, unconstitutional amendments. The Omnibus Drug Initiative Act of 1988 before us today contains programs and incentives that could make a valuable contribution to our battle against drug abuse, but we must not jeopardize the basic rights of individual Americans in the process.

Drug abuse is a frightening, escalating crisis, which requires our urgent attention. We can find solutions to the drug epidemic while maintaining the values that have always shaped progress in this Nation. There should be no conflict between constitutional rights and a strong effort to address the challenge of the drug crisis. Assuming that amendments of the type I have described are not adopted, it is my intention to vote for this bill. It is urgently needed to give our communities and especially our children a chance to fight off this dreadful epidemic.

Ms. SNOWE. Mr. Chairman, this week the House will be considering a measure which will have a significant impact on the future of this country—a future which is currently clouded by illegal drugs.

I am pleased with the bipartisan approach that the House leadership has taken in developing comprehensive legislation that will address the critical issue of drug abuse. This bill, which is the product of 10 House committees, seeks to combat the drug problem with a multifaceted approach by providing funds and informational assistance for drug education, rehabilitation, law enforcement and eradication programs.

And while every Member may not agree with all of the provisions in this legislation, there can be no disagreement about the magnitude of the drug abuse problem facing our Nation. It is estimated that 1.2 million people in this country are addicted to cocaine, and millions of people use marijuana regularly. In fact, a 1986 survey of high school seniors

found that 57 percent of them admitted to illicit drug use. Tragically, many of these drug users are teenage children.

These figures only hint at the enormous human and economic costs our Nation suffers due to drug abuse. We spend hundreds of millions of dollars annually to combat it. In my own State of Maine, the cost of drug and alcohol abuse is estimated at \$700 million per year for lost productivity, crime, fire, and health costs.

And while the ravages of drug abuse are demonstrated vividly within our borders, the solution to this problem will not solely be found domestically. Over 100,000 tons of illicit drugs entered the United States last year and unfortunately only 5 to 15 percent of that amount was intercepted.

In that regard, Mr. Chairman, I cosponsored the legislation that resulted in title III of this bill, developed by the Foreign Affairs Committee, on which I sit. We seek, in this section, to address the drug supply problem by promoting cooperation with other countries. Through the sharing of resources, information and technology we will, along with our allies, be able to stem the flow of illegal drugs to countries around the world, including the United States.

Mr. Chairman, for the most part I am pleased with this bill. However, I would like to outline briefly my concern about the waiting period provisions included in this legislation by the House Judiciary Committee. The bill's language would institute a mandatory, nationwide 7-day waiting period for individuals trying to purchase certain firearms. Clearly, this is a poorly conceived attempt to use popular omnibus drug legislation as a vehicle to enact unnecessary gun control legislation.

High ranking military officials have said that the term "war on drugs" is a misnomer. For my part, I disagree. Cocaine, speed, heroin and crack have invaded our playgrounds, our workplaces and our neighborhoods. They are trying to capture this country's most valuable resource, her people. In all too many cases, the enemy has won. Hospital mentioned deaths related to cocaine alone rose from 314 in 1983 to 1,092 in 1986.

But there is hope. Over 7,000 groups have been started across this Nation by parents who are concerned about the effects of drug and alcohol abuse on their children. And First Lady Nancy Reagan has shown us all that our young people can and will stay away from drugs with a little encouragement, help and support.

This bill is an important step in reclaiming our ground. We must educate our children so they understand the dangers of drug use. We must provide treatment for those who have been captured, and we must arrest and jail those who seek to continue the war.

The battle plan is not simple for this war must be fought in the back alleys, the penthouses, the parks and the borders of every State in this country. We must support our educators, our police officers, our courts and our doctors with money, technology, information, education, and other necessary tools. This is a war we cannot afford to lose.

Mr. Chairman, I am hopeful that my colleagues will join me in producing a final anti-drug abuse bill that the 100th Congress can support and that President Reagan will sign

into law. It is the best way for the House to demonstrate its support to the individuals across the country and around the world who are working every day to win the war on drugs. I urge all of my colleagues to help in this life-or-death battle.

Mr. FAUNTROY. Mr. Chairman, I rise in support of H.R. 5210, the Omnibus Drug Initiative Act, which is to be considered by the U.S. House of Representatives beginning on September 7, 1988.

We in the U.S. Congress—and in the Nation—are faced by a growing, rather than lessening, crisis in the worldwide production, distribution, and use of narcotics. Every report indicates a growing problem in an ever larger number of countries—even those which previously did not have a serious problem. Accompanying this expansion, are related problems in economic conversions that threaten the political stability of many countries, that endanger the world banking system—as well as individual countries' banking systems, narcotics problems that have elevated "piracy" on the high seas and in the skies to new levels of corruption, drug problems that have reduced production and safety standards in the business world through addiction, bringing even greater losses and, in general, disrupting family life, personal achievement, and causing individual tragedy through the massive increases in drug usage.

I have served on the Select Committee on Narcotics Abuse and Control for over 8 years and during that time, I have had the opportunity to participate in the diligent efforts of the Select Committee and the Congress in developing legislation and engaging in public oversight activities that have worked toward eradicating this scourge from the life of our Nation. Our efforts have drawn upon the informed, talented contributions of every facet of the U.S. Federal Government, with constant working linkages to State and local efforts in the eradication of narcotics production, distribution, and usage.

It is from this close-in review of all the problems, all the good attempts at solutions, and all the elusive factors that still haunt us that I salute and join the effort by the U.S. Congress in its careful consideration and enactment of H.R. 5210.

As the 4th ranking member of the Committee on Banking, Finance and Urban Affairs, and as chairman of that committee's Subcommittee on International Development Institutions and Finance, I have another base of experience and service from which to view our continuing efforts on the crisis of narcotics.

As all my colleagues know, the Congress has pursued on a steadily continual basis legal reforms that deal with the problem of money laundering—a practice by drug czars that has endangered banking systems, eluded many nations' tax structures, and provided enormous sums of unidentified moneys with which to bribe and destabilize whole governments. The latest provisions in H.R. 5210 to address the threat of money laundering have my fullest support. They add further strength to already existing laws we have enacted, and should do much to take us through the next steps of controls.

In my capacity as chairman of the Subcommittee on International Development Institutions and Finance, I refer to another provision in H.R. 5210 which instructs the U.S. executive directors of the World Bank and Inter-American Development Bank to link programs that reduce economic dependence on illicit narcotics crops to U.S. policies on lending programs to those countries. We have worked over a period of time with the agenda of crop substitution in countries where poor workers have found the narcotics crops their only source of meager income—with the large profits of the drug trafficking going to the drug czars in their country. Together with my colleagues on the Subcommittee on International Development Institutions and Finance, I renew with further intensity the need to use U.S. lending policies with these countries to enforce adequate crop incomes for their poorest workers through nonnarcotics crop production. However, I must repeat an oft-stated concern that the American people must assume their fair share of the joint responsibility in this critical issue. The demand for illicit narcotics here in the United States is the ultimate cause of drug production and trafficking in foreign countries. We cannot delude ourselves on this point. This, in turn, means that the best-laid drug eradication programs will not work without simultaneous effective efforts to curb drug abuse here at home. The provision in H.R. 5210 is designed to work in an atmosphere of reduced demand by fostering alternative, income-generating opportunities for people living in drug-producing regions of developing countries. People who actually grow coca leaves are essentially low-income farmers who are trying—under very adverse circumstances—to provide for their families. Their struggle to attain a minimum living standard is what motivates them—not huge profits reaped by the drug cartel. In the end, the only way these poor farmers will stop growing illegal drugs is when they have alternative and legal-income opportunities.

This provision by the Subcommittee on International Development Institutions and Finance in H.R. 5210 instructs the U.S. executive directors of the banks to seek the establishment of country lending programs which will build roads and schools, generate employment opportunities and provide agricultural extension services. The multilateral banks are involved in the economic development business. That is why they exist. With some fine tuning of programs to reflect the particular circumstances of drug producing and trafficking regions, I believe they can have a significant impact on curbing illicit narcotics production. With attention to demand and the provisions on supply, H.R. 5210 will effectively carry the fight further in our efforts.

Mr. Chairman, in connection with the international aspects of the narcotics crisis, I am also in support of a provision contained in title III of H.R. 5210 that urges consideration by the Organization of American States for the creation of a regional antidrug force, with a focus on regional strategy and a possible hemispheric presidential conference.

In a significant effort that would bring the voice of our individual citizens to the need for international—Western Hemisphere—dialog last April, the Greater Washington Council of

Churches held a series of demonstrations at five embassies of Western Hemisphere countries heavily utilized by the international drug cartels. It is clear, if one looks at the human condition in those countries, that the people of these respective countries are suffering, as are our own, from the effects of drug traffic. Therefore, I want to commend the Committee on Foreign Affairs for authoring this important provision which sounds a clarion call for all Nations to join together in the fight against the international drug cartels.

Mr. Chairman, another issue of great urgency that I have been concerned with for several years, is the scope of treatment needs in our country. We need to know the types of treatment patients require; we need an accurate evaluation of the treatment modalities presently available; we need surveys, preferably by one of our Federal agencies like the National Institute for Drug Abuse or U.S. Health and Human Services, that provide current figures on treatment needs; and last but not least, we need a special emphasis on research on treatment modalities.

I am deeply concerned about the need for treatment at all levels of American Life. From our prisons, where the need is crucial, to treatment for the worker in the workplace, treatment availability and the elimination of long lists of waiting referrals must be addressed through the leadership of the U.S. Congress.

I am pleased to support the beginning of a commitment by the Federal Government under the provisions of title X in H.R. 5210, through the model programs listed and the thorough approach to every aspect of treatment in these provisions.

We are approaching the time when all too many American homes and families have had some contact with the tragedy of drug use, however diverse that experience or contact might have been.

In the light of this great diversity of exposure to the drug problem which leaves, in some degree, countless people subject to evaluation, suspicion, or accusation, I am completely opposed to any provisions for death penalties in any drug-related activities. I support life imprisonment for drug cartels and czars; appropriately severe imprisonment penalties for distributors and dealers; and I support Congressman EDWARDS' amendment that would provide for civil penalties of up to \$10,000 per violation against persons found to be in possession of small "personal use" amounts of marijuana, cocaine, and any other controlled substances.

I also support the provisions in H.R. 5210 that oppose legalization of drugs and I support the 7-day waiting period for the purchase of guns as outlined in the Brady provision.

H.R. 5210 has been carefully crafted by the experienced efforts of the Members of the House of Representatives through the hard work of House committees. H.R. 5210 offers hope, support, and—in many cases—experienced and sophisticated levels in addressing a national crisis that challenges the conscience of every American, in or out of Government. The coming debate on this legislation will further refine and clarify provisions and provide careful consideration of amendments.

It is my earnest hope that H.R. 5210 can be moved forward expeditiously to a vote and that we can count on this legislation to give an important boost to all our efforts toward narcotics prevention and control.

Mr. FEIGHAN. As a cochairman of the international narcotics control task force of the Foreign Affairs Committee, I rise in strong support of this title. These provisions are designed to strengthen our international efforts at fighting the drug trade at the source. I want to commend my colleagues Mr. SMITH and Mr. GILMAN for their fine work on the task force. I also want to thank the chairman for his leadership and determination in making the drug fight a key concern of our committee and our Congress.

These recommendations come in the face of some very hard facts. The Select Committee on Narcotics estimated in 1986 that 150 tons of cocaine entered the United States; as much as 60,000 tons of marijuana; 200 tons of hashish; and 12 tons of heroin. The Department of State reported increased production in almost every major drug producing nation in the last 2 years.

To put it simply, we face a relentless tide of illicit drugs coming into this Nation. We can't "Just say no" and leave it at that. We have to say "yes" to increased funding for the State Department's Bureau of International Narcotics matters. We have to say "yes" to a new initiative for fighting drugs in this hemisphere. And most important, we have to say "yes" to improving our certification procedures so that drug-producing and drug-trafficking nations do not enjoy the benefits of U.S. aid and trade.

In hearings earlier this year before our task force, we discussed with the State Department the idea of creating a regional anti-narcotics force under the auspices of the Organization of American States. It was clear from that testimony that the idea, while subject to some consideration, was not likely to be acted upon in the absence of congressional action.

The response comes today in the drug bill's call for a regional anti-narcotics force. First, we call for an exploration of the idea at the O.A.S. If promising, we ask that the leaders of the hemisphere meet for a presidential conference on narcotics control. If the idea of a regional anti-narcotics force is approved, the bill authorizes \$10 million as the U.S. contribution to the force.

This idea gives us a regional approach that we haven't had before. It offers a partnership with other democracies in the hemisphere that are facing the same drug threat that we do. And finally, it responds to the reality that we must work cooperatively with countries that do not have the resources to wage this battle alone.

As a member of the task force for the last 5 years, I have had the opportunity to deal each year with a certification process that has done a reasonably good job in identifying the countries that have not cooperated with U.S. drug enforcement efforts. However, that process has been flawed by a failure to adequately identify major drug-transiting countries—the gatekeepers of drugs flowing into this country. The bill calls for the administration, in consultation with Congress, to specify a standard to

be used in deciding whether or not to certify these countries.

This is a small change in our laws. But it will greatly improve the certification process. I urge my colleagues to support these recommendations and pass a bill that will increase our efforts to ensure that we fight the suppliers, the shippers, and the gatekeepers of the drug trade.

Mr. STARK. Mr. Chairman, sometimes it's amazing how counterproductive good intentions can be. With consideration of the House's version of the antidrug bill, H.R. 5210, the Omnibus Drug Initiative Act, we're destined to a ill-fated and doomed national drug policy.

Let's fact it—we're losing the so-called war on drugs and it's our current policies which contribute and exacerbate the crisis. By making this a criminal problem rather than a health problem, we're destined to lose this war.

The 1988 antidrug bill has fallen victim to the deceiving assumption that we can prosecute our way out of the drug problem. The result of this bill will be an ever-increasing need for additional law enforcement resources: police and court systems overburdened with tracking, arresting, prosecuting, convicting, and incarcerating those who violate our drug laws. But a war on drugs without sufficient programs to eliminate drug addiction or a commitment to provide drug or substance abuse treatment and rehabilitation to everyone who needs help is an ill-fated, failing policy.

Consider the testimony of the Alcohol, Drug Abuse, and Mental Health Administration: Because of a serious lack of personnel, space and resources, we currently turn away 90 percent of those who voluntarily seek drug or other substance-abuse treatment and rehabilitation. Half of those who seek treatment are under the age of 18; the typical waiting list is 6 months to 18 months; only one-third to one-half of those who first seek treatment will actually reapply after the waiting period.

Whenever we deny drug and substance-abuse treatment and rehabilitation to those who need help, we're simply fostering and facilitating the crime problem. A report by the Justice Department, in fact, reveals that the addict who is turned away from needed treatment commits, on average, a crime every other day—180 crimes per year—to maintain an expensive habit.

Granted, this antidrug bill is a step in the right direction in that it provides for a much-needed increase in drug treatment grant moneys to be directed to the States. It is, however, an increase that will not meet the glaring need for "treatment on request." Ironically, by passing the 1988 omnibus drug initiative in its current form, and not providing treatment to all those in need, we should recognize that lack of affordable, available treatment and rehabilitation contributes to our rising drug-related crime rate.

A result of our tendency to seek well-intended, but shortsighted, "Miami Vice"-type solutions to the problem is that we face insurmountable overcrowding of our Federal, State, and local prisons. A total of 38 States are currently under court order to reduce prison capacity due to overcrowding. Thus, those who

violate our drug laws can expect to serve a fraction of their prison terms.

Overcrowding of our prison system is a reality we have to face and, given the fiscal realities, we'll never be able to fully fund our prison facilities. Anyone who states otherwise ignores the enormous costs: \$71,000 per year per maximum-security prisoner; \$53,000 per year per medium-security prisoner; \$30,000 per year per minimum-security prisoner. By comparison, the cost for comprehensive drug and substance-abuse treatment is often less than \$4,000.

By imprisoning and not rehabilitating the drug user and abuser, we've pushed the system past the breaking point and, at the same time, we've created a revolving door for not only drug dealers and smugglers, but countless murderers, rapists, and other violent offenders. Those who violate our drug laws can expect to serve roughly 39 percent of their prison terms.

What's most startling is the fact that over 70 percent of our prisoners are in need of addiction treatment, yet less than 10 percent are provided the critical treatment assistance. Ask any prison official or law enforcement officer and they'll tell you the easiest place to find drugs is in prison. It's safe to say that our prison system resembles a "negative laundromat."

We take prisoners who go in soiled, and then they come out dirty—a "negative laundromat." Therefore, we've created a "revolving door" prison system which creates and develops drug addicts and puts them back into society with a need and willingness to commit more crimes to fulfill an awful drug habit.

Since 1981, we've more than doubled the Federal funds allocated to law enforcement and interdiction efforts. During the same period, we've decreased the share of war-on-drugs funding aimed at drug treatment and rehabilitation. The knee-jerk focus on the supply side, demonstrated by spending three-fourths of our war-on-drugs funding for supply side activities, has crowded out the demand side's health-oriented solutions, contributing to our current never-ending drug crisis. No wonder the demand for illicit narcotics thrives throughout our country.

Let's stop the silliness, end the hysteria, and redesign our failing war on drugs before it's too late. This antidrug bill won't end the drug dilemma, as some of my colleagues might like to believe, and, in fact, it's likely to increase the devastation of drug use and abuse. When the dust settles and it becomes obvious the drug policy status quo guarantees continual failure, let's be willing to regroup and develop a winnable war on drugs.

Mr. BATES. Mr. Chairman, there is no doubt that drugs are the greatest threat to the security of the United States. The drug problem is not simply just a "drug problem" as it is frequently referred to, but a government policy problem as well.

The recent National Narcotics Intelligence Consumers Committee report showed that wholesale prices for drugs during this past year were the lowest ever reported, while the purity of most drugs remained at high levels. Furthermore, as a reflection of the widespread availability of cocaine in this country, the

number of cocaine-related hospital emergencies is projected to be almost four times more this year than in 1984. Miami, the primary domestic entry point for much of the Nation's cocaine supply is losing the war on drugs. New York, the drug trading center of the Nation is losing the war on drugs. The States adjacent to the Mexican border are losing the war on drugs. San Diego, the methamphetamine capital of the United States, is losing the war on drugs. Mr. Speaker, America is losing the war on drugs.

What can be done to stop the drug flow in our country? From a congressional standpoint, H.R. 5210, the Omnibus Drug Initiative Act, is an excellent tool for the next President to work with. The interdiction provisions of this drug bill are impressive. By providing increased Federal funding for several Federal law enforcement agencies such as the Drug Enforcement Agency, the Federal Bureau of Investigation as well as several prisons, this bill presents an opportunity for America to win the war on drugs.

Further, the bill contains provisions from separate legislation introduced by myself and my colleagues from San Diego, Representatives HUNTER and LOWERY, which establishes recordkeeping and reporting requirements for the distribution, sale, and importation of the methamphetamine drug. The Omnibus Drug Act makes it a crime to sell, import, or distribute certain precursor chemicals and combinations of those chemicals used to produce methamphetamine.

The recent NNICC report noted that most of the methamphetamine illicitly available comes from clandestine laboratories in the United States. This bill would fight the drug flow by stopping the problem at its conception—in the laboratory. The practice of producing methamphetamine in illicit drug labs is a key step in winning the war on drugs.

Another major provision of the bill, title X, provides for the establishment of health and environmental guidelines for the cleanup of substances associated with these clandestine drug labs. The cleanup of these toxic wastes is vital to ensure that in combating one problem—drugs, we do not contribute to another problem—the destruction of our environment. Let's pass H.R. 5210.

Mr. McGRATH. Mr. Chairman, I rise in strong support of the omnibus drug bill of 1988. This is the most important legislation yet devised to combat the increasingly deadly war on drugs. It is designed to bolster drug enforcement and drug abuse programs. From the President on down, every member of this administration is totally committed to this war, and we are in it to win. We are all aware of the enormous and unprecedented commitment of the First Lady to drug prevention in nation's schools and communities. We all follow her example. The antidrug programs are among the highest priorities in the Attorney General and other Cabinet members' departments. During the past 25 years, the Congress has enacted a large number of laws which were intended to prevent the misuse of narcotics and other dangerous drugs. Some of them are designed to reduce the demand for such drugs, and others are supposed to reduce drug supply—through regulation of

production and distribution, by curbing illicit traffic and by foreign assistance for the control of drug production and trafficking abroad.

The omnibus drug bill contains measures that go further in securing a drug-free society. I would like to express my support for some of the amendments offered within this legislation. Among them, the amendment proposed by Representative MCCOLLUM relating to user accountability. It establishes the ineligibility for Federal benefits to all persons convicted of drug trafficking or two possession offenses. I especially think of those young people who might think twice before "saying yes" if they know they will miss an opportunity of going to college by losing eligibility for Federal student loans and grants. Of course, this is not the only group of our society that this proposition would touch upon. There also are contracts, licenses, or entitlement to public housing—lost for at least 5 years, unless a treatment or rehabilitation program is successfully completed.

The other amendments I would like to mention are: An expedited driver's license suspension or revocation system for individuals who operate motor vehicles while under influence of alcohol—also offered by Representative MCCOLLUM; and civil penalties amendment offered by Representative EDWARDS. It allows the Justice Department to assess civil penalties of up to \$10,000 for violation for possession of small "personal use" amounts of drugs such as marijuana and cocaine.

I am very pleased to have my amendment included in the title IX of the Ways and Means Committee. I recommend that the Customs Service be authorized \$15 million for a demonstration project to construct an operational advanced technology cargo container scanning device. The fiscal year 1987 drug budget contained some \$58 million to buy five aerostats for the Southwest border. These are radar balloons that will be used to detect drug smuggling aircraft entering the United States from Mexico. These five aerostats and the one bought in fiscal year 1986, will provide full coverage of the entire United States-Mexican border. My proposition is only furthering what we already began. With today's technology we can have a prototype of a scanning device which would inspect cargo and vehicles using high resolution images of an X-ray generator and analysis of vapors detected by chemical sensors. We could have as many as 40 containers inspected within 1 hour as opposed to several hours that our inspectors have to spend right now. This investment of \$15 million has a great potential to lead to great development in the field of cargo inspection and drug interdiction.

In conclusion, Mr. Chairman, I would like to add that I hope we all recognize that winning the war against drugs is not necessarily directly correlated with spending ever increasing Federal dollars on antidrug programs. This fight is and should be a partnership of the Federal, State and local governments, schools, churches, unions, charitable organizations and private citizens. The Omnibus drug bill should be a totally bipartisan effort. Our success depends on enlisting more and more institutions in our great struggle.

Mr. Chairman, I urge all of my colleagues to support this important legislation.

Mr. EMERSON. Mr. Chairman, there is no question that drugs have invaded every nook and cranny of our society. There is no safe haven; not our schools, nor our parks, nor even our homes are free from the threat posed by illicit drugs, and we have seen time and time again that drug abuse is not a victimless crime.

We must be tough and aggressive in our battle against drug abuse. We must punish those who perpetuate the drug market—everyone from the "weekend user" to the "drug kingpin." Stiffer civil and criminal penalties are in order for drug traffickers, and the adoption of the death penalty for those who intentionally kill another human being in the commission of a drug-related crime is a crucial element in our war on drugs. We must send a message that we will no longer tolerate either drug use or the crimes directly related to it.

I urge my colleagues to support these tough antidrug measures. The menacing threat of drug abuse will continue to rob our society of its health and safety unless we stand firm in our commitment to end drug abuse.

Mr. DAVIS of Illinois. Mr. Chairman, I am pleased that we are here debating the merits of the omnibus drug bill. It illustrates to America that we in Congress believe that it is time to set in motion a comprehensive policy and program to deal with the drug problem in our country.

In 1986, and again in 1988, I proposed a four-legged program known as "P.I.E.R."—punishment, interdiction, education, and rehabilitation.

I think that the bill we are considering today is strong in the areas of education and rehabilitation. Unfortunately, it is not so strong on punishment and completely lacking on interdiction.

I will be offering two amendments which go hand in hand to add strength and efficiency in the punishment area. One of the amendments strikes a provision which spends \$22 million on center to train prison officials to conduct drug rehabilitation programs. And the other adds \$30 million to the Department of Justice for the offices of U.S. attorneys, an area where the money is desperately needed.

The Department of Justice already has a Federal Law Enforcement Training Center in two locations and is building a third. Plus, they have a 5-year training plan currently under way and do not support a facility which duplicates the purposes of their Federal Law Enforcement Training Centers and the Bureau of Prisons.

As I stated before, we need to deal comprehensively with the drug problem and I should add that we need to do that efficiently and effectively. My constituents are willing to help pay for the war on drugs but they expect us to do it in a manner which does not waste their tax dollars on unnecessary facilities.

On the other side of the coin, Congress has consistently cut the President's budget requests for the U.S. attorneys while giving more money to investigators.

This is causing a terrible backlog in the system. We have to make an effort to free the logjam at the courts and get our judicial system back into balance. My amendments are a small, but significant step toward that end.

The need we have in this country for Federal prosecutors is no secret. I am sure that every Member could check with the U.S. attorneys' offices in their State and hear first hand the problems and frustrations they face.

In fact, in my home State of Illinois, I know of two pending cases in which one of the U.S. attorney's office could indict 100 more people on drug charges if they had more prosecutors.

The best studies show that in order to have an effective drug law enforcement system, the Federal investigator to Federal prosecutor ratio should be 4.5 to 1. That ratio is currently 19 to 1 and that does not take into account the fact that most investigations are coordinated Federal, State, and local efforts.

I am very disappointed that the Rules Committee did not accept my amendment to add the military interdiction language adopted by the House-Senate conference on the fiscal year 1989 defense authorization bill to this bill.

In my opinion we will pass a fatally flawed drug bill by letting partisan politics get in the way of passing a responsible, comprehensive policy to fight the war on drugs through my interdiction amendment to expand the role of the military in our war on drugs.

In effect, we will be letting 150 tons of cocaine, 12 tons of heroin, up to 60,000 tons of marijuana, and 200 tons of hashish cross our borders unchallenged.

I understand that the majority leader worked with the minority leader for many hours and many compromises were reached and I commend both of them for all of their hard work. In general, the bill we have before us today is a good one. But I cannot help but express my disappointment in the fact that no military interdiction measure was included in the omnibus drug bill and hope those gentlemen will agree to add on the interdiction amendment.

I will vote for this bill on its other merits however, and look forward to seeing the final product. I do hope that during the amending process that my colleagues on both sides of the aisle will support the amendments which make the user more accountable for his or her actions.

Mr. RANGEL. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, as we wrap up this debate I hope the Members would really pay attention and kind of support the thrust of this bill and be wary tomorrow, as we look at the provisions that have the death penalty, as to whether or not it could really work against the efforts that we are trying to achieve.

The truth of the matter is that the State Department, the Justice Department, recognized that we have extradition treaties with many countries that the drug kingpins are seeking haven in, and in some countries like Colombia they cannot even prosecute these criminals and they rely on sending them to the United States. But they will not do it if they believe that their nationals are subjected to laws which they have not enacted. Of course, I refer to the death penalty.

The death penalty has not worked in the States that have it; it certainly is

not working in the State of Florida and there is no reason to believe that we will be providing any great service to the American people by just acting tough without really having tough laws that we are prepared to have people to acknowledge.

What we should do is to say that every criminal who is arrested is going to have a speedy trial and that the sentence is going to be certain and that is what the criminal justice is all about.

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Mr. Chairman, for us just to talk about the ability of this Congress to stoop as low as those killers in the street, I think, is below the dignity of this great House. How in God's name can we have ourselves a belief that these thugs, these people who have no respect for human life, these people who are killing each other off, are going to be threatened by the deterrent of a drug sentence? Let us face it. They do a better job at killing than we would expect government to do, and I hope we would not give support for that concept.

Mr. MURTHA. Mr. Chairman, I ask unanimous consent to strike the last word.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. MURTHA. Mr. Chairman, I know we are waiting here for the chairman of the Subcommittee on Treasury, Postal Service, and General Government, but I just wanted to commend the gentleman from New York and the ranking minority member, the gentleman from Florida [Mr. McCOLLUM] for the tremendous work they have done.

I was just home during the whole recess, and even in an area where we have one of the lowest crime rates in the Nation, people there talk about the most awesome problems they perceive not only in our district but throughout the Nation, and that is with drugs. So I want to say that the work the gentlemen have done, along with the rest of the committee, on this issue, is absolutely on target, and this is what the American people are interested in. In my district people do not usually get excited about an issue, but this issue has been concerning them and worrying them. They see their children going off to college and even working in the mills, and so forth, and it is just one of those things that they look to the committee chairman, the gentleman from New York [Mr. RANGEL] for the work that has been done on this issue over the years. And the gentleman from Florida [Mr. McCOLLUM] has done such a great job to try to make sure that we solve this problem in an equitable manner.

We may have some disagreements here on exactly the right way to do it, but one thing for sure, this bill is something the American people want, and I know the people of my district commend the gentlemen for all the work they have done.

Mr. Chairman, if the gentleman would like to use some of my time to talk on this matter while we wait for the chairman of the subcommittee, we would appreciate his comments.

Mr. RANGEL. Mr. Chairman, I would certainly appreciate that if the Chairman would recognize me for that purpose.

Mr. MURTHA. Mr. Chairman, I yield to the gentleman from New York.

Mr. RANGEL. Mr. Chairman, I would really like to point out in an extension of what I was saying about the death penalty, that we are concerned with a sentence that is certain, we are talking about the speedy trial, and we also are talking about the fact that if you take a look at the length of time that these people are laid to languish, waiting to determine whether or not the Government is going to enact the provisions of the death penalty, then what we are talking about is not only a very costly provision as we have found out from our State experiences, but what we are talking about is that we are not making penalties certain. So it seems to me that if we can allow this bill to pass in the present form, without carrying the burden of this controversy, then the House can come back and take a look at this and take testimony to see whether or not this death penalty is one provision that we would want to take away from the States.

If the States believe that it is in their best interests to have the death penalty, 30 States have it. I think over the last decade there have been less than 12 executions. There have been no Governors saying this has served as a deterrent, but I ask you check with the State Department, check with the Justice Department, and see whether or not we are talking about the overall best interests of the security of the United States and take a look at the extradition treaties. I have here a letter from one of the most outstanding public servants that we have. This gentleman, the U.S. attorney from the Southern District of Florida, was a person who had the courage to go out and indict this international drug thug Noriega. He indicted the man, took a lot of courage for him to do it, and he said in a letter dated to us on September 1, that it would be wrong for us to do it because the existence of the death penalty would provide an excuse to countries in Central and South America, and Europe to refuse to cooperate in sending drug kingpins to the United States for trial.

Mr. LUNGREN. Mr. Chairman, will the gentleman yield on that point?

Mr. MURTHA. I yield to the gentleman from California.

Mr. LUNGREN. Mr. Chairman, the gentleman's argument is an interesting one, but the gentleman's argument does not merely go to this bill. If the gentleman's logic is to be followed, that is an argument for us to remove the death penalty that presently exists in the various States that the gentleman just mentioned and the death penalty we adopted on the floor several years ago for espionage committed while in uniform.

Now the point is, that when we do those extraditions from those particular countries, if they refuse to extradite because the death penalty would be imposed, the action of the individual States is to make sure that that individual will not be charged with the death penalty. That is the way it works.

So, if the gentleman's argument were to follow, for us to remove the considerations of the death in this bill, we should therefore tell all the States they ought to remove it as well, because it somehow interferes with the extradition agreement.

The CHAIRMAN. The time of the gentleman from Pennsylvania [Mr. MURTHA] has expired.

Mr. MURTHA. Mr. Chairman, I ask unanimous consent that I may be recognized for an additional 5 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. RANGEL. Mr. Chairman, will the gentleman yield to me?

Mr. MURTHA. I continue to yield to the gentleman from New York.

Mr. RANGEL. Mr. Chairman, let me say one thing. We have a narcotics bill that is here, and we are expected to use the benefits of our experience as it relates to these drug kingpins. You want to review all of the State laws, you want to review whether Congress should go. We will do that.

What I am asking is this: Do not burden this historic piece of legislation with a controversial death penalty provision which you know the country and this Congress is divided on.

If you take a look at the situation that exists in Colombia today, you would know, they are not prosecuting any cases in Columbia with the drug kingpins. They are not doing it in the military, they are not doing it civilly, and we are, today, working on agreements with them to send those people here to the United States, and I am telling you who has better experiences in dealing with these things than our U.S. attorneys, appointed by the Department of Justice, and the Attorney General, who has better knowledge than the Secretary of State?

Now, I would agree we do not hear too much from the Secretary of State

on drugs, and I would agree that the Attorney General had other problems, but here we have a U.S. attorney that historically has provided the indictment of General Noriega of Panama.

Now, would you not yield on the question that this gentleman has more experience in dealing with international thugs than you do, or than I do?

Don't take away the tools from these crime fighters.

Mr. McCOLLUM. Mr. Chairman, will the gentleman yield to me?

Mr. MURTHA. I yield to the gentleman from Florida.

Mr. McCOLLUM. Mr. Chairman, I thank the gentleman for yielding.

I have a very strong objection to these concerns over the death penalty. In this Congress, 2 years ago, on another drug bill, this House passed essentially the same death penalty. There is no question the American public wants to see the death penalty for drug kingpins, especially when murders have been committed.

There has been a longstanding problem over getting this issue up to the floor out of the Committee on the Judiciary for not only this but for a lot of other reasons. It is long past time that we put the death penalty in place.

The argument about the death penalty is specious. Most people in the Justice Department that I have talked with want to see the death penalty. They are not going to worry about the extradition question. It is going to occur very rarely, but when it does, it will be overcome.

The message the death penalty sends to those out there dealing in drugs is an extremely important one, the missing deterrents on the main side of this issue, outside of the demand side where user accountability is missing, and we simply, as a body, cannot afford to leave here in the next couple of days, when we consider this bill, without putting the death penalty in.

With all due respect for the gentleman from New York, there are other things in here that I strongly agree about, but strongly disagree with him on this, and encourage my colleagues to put the death penalty provision in when the time comes.

Mr. Chairman, I thank the gentleman for yielding.

Mr. MURTHA. Mr. Chairman, let me add a thing from my experience of going down to Colombia. I went down with the Secretary of the Army, and we met with the President of Colombia, and, of course, he talked about how the judiciary system in Colombia had been taken over by the drug dealers. There is no question in my mind, how tragic the situation is, and how they need help, and the type of things we can extend to them with a comprehensive overall view of international

relations in dealing with this drug situation.

I can see the differences, we can all see the differences, and we may disagree on one part of the drug bill or the other, but this is the type of thing that is needed in order to pull everything together, to attack at every front.

For instance, when we were down there he said not only do we have to worry about Colombia if we are to stop the transmission of drugs through Colombia, they will open it someplace else, and it has to be a coordinated effort, no question in my mind, and this is the type of bill that coordinates that effort to the greatest degree.

Mr. Chairman, I see the gentleman from California [Mr. ROYBAL] walking in the hall, and so my filibuster is over.

The CHAIRMAN. Before the gentleman from New York [Mr. RANGEL] makes his motion that the Committee do now rise, the Chair wishes to make a statement.

Pursuant to the rule, the bill is considered as having been read for amendment under the 5-minute rule.

The text of the H.R. 5210 is as follows:

#### H.R. 5210

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Omnibus Drug Initiative Act of 1988".

(b) TABLE OF CONTENTS.—

#### TABLE OF CONTENTS

Title I—Committee on Banking, Finance and Urban Affairs
Title II—Committee on Education and Labor
Title III—Committee on Foreign Affairs
Title IV—Committee on Government Operations
Title V—Committee on Interior and Insular Affairs
Title VI—Committee on the Judiciary
Title VII—Committee on Merchant Marine and Fisheries
Title VIII—Committee on Public Works and Transportation
Title IX—Committee on Ways and Means
Title X—Committee on Energy and Commerce

#### TITLE I—COMMITTEE ON BANKING, FINANCE AND URBAN AFFAIRS

##### Subtitle A—Money Laundering Control

#### SECTION 1001. SHORT TITLE.

This subtitle may be cited as the "Money Laundering Control Amendments of 1988".

#### SEC. 1002. IDENTIFICATION REQUIRED TO PURCHASE CERTAIN MONETARY INSTRUMENTS OF \$3,000 OR MORE.

(a) IN GENERAL.—Subchapter II of chapter 53 of title 31, United States Code, is amended by adding at the end thereof the following new section:

"§ 5325. Identification required to purchase certain monetary instruments

"(a) IN GENERAL.—No financial institution may issue or sell a bank check, cashier's check, traveler's check, or money order to

any individual in connection with a transaction which involves United States coins or currency (or such other monetary instruments as the Secretary may prescribe) in amounts or denominations of \$3,000 or more unless—

"(1) the individual has an account with such financial institution and the financial institution—

"(A) verifies that fact through a signature card or other information maintained by such institution in connection with the account of such individual; and

"(B) records the method of verification in accordance with regulations which the Secretary of the Treasury shall prescribe; or

"(2) the individual furnishes the financial institution with such forms of identification as the Secretary of the Treasury may require in regulations which the Secretary shall prescribe and the financial institution verifies and records such information in accordance with regulations which such Secretary shall prescribe.

"(b) REPORT TO SECRETARY UPON REQUEST.—Any information required to be recorded by any financial institution under paragraph (1) or (2) of subsection (a) shall be reported by such institution to the Secretary of the Treasury at the request of such Secretary."

(b) CLERICAL AMENDMENT.—The table of sections for chapter 53 of title 31, United States Code, is amended by adding at the end thereof the following new item:

"5325. Identification required to purchase certain monetary instruments."

#### SEC. 1003. MONETARY TRANSACTION RECORDKEEPING AND REPORTING REQUIREMENTS FOR TARGETED INSTITUTIONS.

(a) SECRETARY AUTHORIZED TO REQUIRE RECORDKEEPING FOR DOMESTIC COIN AND CURRENCY TRANSACTIONS.—Subchapter II of chapter 53 of title 31, United States Code, is amended by inserting after section 5325 (as added by section 2(a) of this Act) the following new section:

"§ 5326. Records of certain domestic coin and currency transactions

"Under such circumstances as the Secretary of the Treasury may prescribe by regulation, the Secretary may issue an order requiring any domestic financial institution—

"(1) to obtain such information as the Secretary may describe in such order concerning—

"(A) any transaction in which such financial institution is involved for the payment, receipt, or transfer of United States coins or currency (or such other monetary instruments as the Secretary may describe in such order) the total amounts or denominations of which are equal to or greater than an amount which the Secretary may prescribe; and

"(B) any other person participating in such transaction;

"(2) to maintain a record of such information for such period of time as the Secretary may require; and

"(3) to file a report with respect to any transaction described in paragraph (1)(A) in the manner and to the extent specified in the order."

(b) CLERICAL AMENDMENT.—The table of sections for chapter 53 of title 31, United States Code, is amended by inserting after the item relating to section 5325 (as added by section 2(b) of this Act) the following new item:

"5326. Records of certain domestic coin and currency transactions."

**SEC. 1004. FINANCIAL RECORDS OF INSIDERS.**

Section 1113 of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3413) is amended by adding at the end thereof the following new subsection:

"(1) **CRIMES AGAINST FINANCIAL INSTITUTIONS BY INSIDERS.**—Nothing in this title shall apply when any financial institution or supervisory agency provides any financial record of any officer, director, employee, or controlling shareholder (within the meaning of subparagraph (A) or (B) of section 2(a)(2) of the Bank Holding Company Act of 1956 or subparagraph (A) or (B) of section 408(a)(2) of the National Housing Act) of such institution, or of any major borrower from such institution who there is reason to believe may be acting in concert with any such officer, director, employee, or controlling shareholder, to the Attorney General of the United States, to a State law enforcement agency, or, in the case of a possible violation of subchapter II of chapter 53 of title 31, United States Code, to the Secretary of the Treasury if there is reason to believe that such record is relevant to a possible violation by such person of—

"(1) any law relating to crimes against financial institutions or supervisory agencies by directors, officers, employees, or controlling shareholders of, or by borrowers from, financial institutions; or

"(2) any provision of subchapter II of chapter 53 of title 31, United States Code."

**SEC. 1005. DELEGATION OF ENFORCEMENT POWER TO POSTAL SERVICE.**

Section 5318(a)(1) of title 31, United States Code, is amended by inserting "and the Postal Service" after "appropriate supervising agency".

**SEC. 1006. PENALTIES FOR FAILURE TO COMPLY WITH CERTAIN RECORDKEEPING REQUIREMENTS.**

(a) **INSURED BANKS.**—Section 21 of the Federal Deposit Insurance Act (12 U.S.C. 1829b) is amended by adding at the end thereof the following new subsection:

"(j) **CIVIL PENALTIES.**—

"(1) **PENALTY IMPOSED.**—Any insured bank and any director, officer, or employee of an insured bank who willfully violates any regulation prescribed under this section shall be liable to the United States for a civil penalty of not more than \$10,000.

"(2) **TREATMENT OF CONTINUING VIOLATION.**—A separate violation of any regulation prescribed under subsection (b) of this section occurs for each day the violation continues and at each office, branch, or place of business at which such violation occurs.

"(3) **ASSESSMENT.**—Any penalty imposed under paragraph (1) shall be assessed, mitigated, and collected in the manner provided in subsections (b) and (c) of section 5321 of title 31, United States Code."

(b) **INSURED INSTITUTIONS.**—Section 411 of the National Housing Act (12 U.S.C. 1730d) is amended—

(1) by striking out "The Secretary" and inserting in lieu thereof "(a) REGULATIONS.—The Secretary"; and

(2) by adding at the end thereof the following new subsection:

"(b) **CIVIL PENALTIES.**—

"(1) **PENALTY IMPOSED.**—Any insured institution and any director, officer, or employee of an insured institution who willfully violates any regulation prescribed under subsection (a) of this section shall be liable to the United States for a civil penalty of not more than \$10,000.

"(2) **TREATMENT OF CONTINUING VIOLATION.**—A separate violation of any regulation prescribed under subsection (a) of this section occurs for each day the violation continues and at each office, branch, or place of business at which such violation occurs.

"(3) **ASSESSMENT.**—Any penalty imposed under paragraph (1) shall be assessed, mitigated, and collected in the manner provided in subsections (b) and (c) of section 5321 of title 31, United States Code."

(c) **OTHER FINANCIAL INSTITUTIONS.**—

(1) **INSTITUTIONS SUBJECT TO RECORDKEEPING REQUIREMENT.**—Section 123(b) of Public Law 91-508 (12 U.S.C. 1953(b)) is amended to read as follows:

"(b) **INSTITUTIONS SUBJECT TO RECORDKEEPING REQUIREMENTS.**—The authority of the Secretary of the Treasury under subsection (a) extends to any financial institution (as defined in section 5312(a)(2) of title 31, United States Code), other than an insured bank (as defined in section 3(h) of the Federal Deposit Insurance Act) and any insured institution (as defined in section 401(a) of the National Housing Act), and any partner, officer, director, or employee of any such financial institution."

(2) **INCREASE IN AMOUNT OF CIVIL PENALTIES.**—Section 125(a) of Public Law 91-508 (12 U.S.C. 1955(a)) is amended by striking out "\$1,000" and inserting in lieu thereof "\$10,000".

**SEC. 1007. GOOD FAITH AS A DEFENSE FROM LIABILITY FOR DISCLOSURE OF FINANCIAL RECORDS OF INSIDERS.**

Section 1117(c) of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3417(c)) is amended—

(1) by inserting "or pursuant to the provisions of section 1113(l)" after "certificate by any Government authority"; and

(2) by inserting before the period at the end thereof the following: "under this title, the constitution of any State, or any law or regulation of any State or any political subdivision of any State".

**SEC. 1008. TECHNICAL CORRECTIONS.**

(a) Subparagraphs (T) and (U) of section 5312(a)(2) of title 31, United States Code, are amended to read as follows:

"(T) any agency of the United States, or of any State or political subdivision of any State, which engages in any activity in which any business described in this paragraph is authorized to engage, including the United States Postal Service; and

"(U) any business or agency which engages in any activity which the Secretary of the Treasury determines, by regulation, to be an activity which is similar to, related to, or a substitute for any activity in which any business described in this paragraph is authorized to engage."

(b) Section 5312(a)(5) of title 31, United States Code, is amended—

(1) by inserting a comma after "Puerto Rico"; and

(2) by striking the second comma after "Pacific Islands".

(c) The first sentence of section 5321(a)(1) of title 31, United States Code, is amended by inserting "(if any)" after "transaction".

**SEC. 1009. STUDY OF WITHDRAWAL OF LEGAL TENDER STATUS OF \$100 FEDERAL RESERVE NOTES.**

(a) **STUDY REQUIRED.**—The Secretary of the Treasury, in consultation with appropriate law enforcement agencies, shall conduct a study of the feasibility of withdrawing the legal tender status of \$100 Federal Reserve notes.

(b) **FACTORS TO BE CONSIDERED.**—The study conducted pursuant to subsection (a) by the Secretary of the Treasury shall include an analysis of the following factors:

(1) Whether \$100 Federal Reserve notes are being used predominately for illegal activities, especially drug-related transactions.

(2) Whether withdrawing the legal tender status of \$100 Federal Reserve notes would help deter such illegal activities.

(3) Whether withdrawing the legal tender status of \$100 Federal Reserve notes would impair legitimate business transactions.

(4) Whether withdrawing the legal tender status of \$50 Federal Reserve notes (in addition to the \$100 notes) would result in even greater deterrence of illegal activities.

(c) **REPORT REQUIRED.**—Before the end of the 180-day period beginning on the date of the enactment of this Act, the Secretary of the Treasury shall submit a report to the Congress on the study conducted pursuant to subsection (a).

**Subtitle B—International Provisions**

**SEC. 1011. EXPORT-IMPORT BANK FINANCING FOR SALES OF DEFENSE ARTICLES AND SERVICES FOR ANTI-NARCOTICS PURPOSES.**

Section 2(b)(6) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(6)) is amended—

(1) by inserting "(A)" before "The Bank";

(2) by striking "paragraph" and inserting in lieu thereof "subparagraph"; and

(3) by adding at the end the following new subparagraphs:

"(B) Subparagraph (A), and section 32 of the Arms Export Control Act, shall not apply to any sale of defense articles or services if—

"(i) the Bank is requested to provide a guarantee or insurance for the sale;

"(ii) the President determines, in accordance with subparagraph (C), that the sale is in the national interest of the United States;

"(iii) the Bank determines that, notwithstanding the provision of a guarantee or insurance for the sale, not more than 10 percent of the guarantee and insurance authority available to the Bank in any fiscal year will be used by the Bank to support the sale of defense articles and services; and

"(iv) the sale is made on or before September 30, 1992.

"(C) In determining whether a sale of defense articles or services would be in the national interest of the United States, the President shall take into account whether the sale would—

"(i) be consistent with the anti-narcotics policy of the United States;

"(ii) involve the end use of a defense article or service in a major illicit drug producing or major drug-transit country (as defined in section 481(i) of the Foreign Assistance Act of 1961); and

"(iii) be made to a country with a democratic form of government.

"(D) The Board shall not give approval to guarantee or insure a sale of defense articles or services unless the President determines, in accordance with subparagraph (C), that it is in the national interest of the United States for the Bank to provide such guarantee or insurance, and such determination has been reported to the Congress not less than 25 days of continuous session of the Congress before the date of such approval. For purposes of the preceding sentence, continuity of a session of the Congress shall be considered as broken only by an adjournment of the Congress sine die, and the days

on which either House is not in session because of an adjournment of more than 3 days to a day certain shall be excluded in the computation of the 25-day period referred to in such sentence.

"(E) The provision of a guarantee or insurance under subparagraph (B) shall be deemed to be the provision of security assistance for purposes of section 502B of the Foreign Assistance Act of 1961 (relating to governments which engage in a consistent pattern of gross violations of international recognized human rights).

"(F) To the extent that defense articles or services for which a guarantee or insurance is provided under subparagraph (B) are used for a purpose other than anti-narcotics purposes, they may be used only for those purposes for which defense articles and defense services sold under the Arms Export Control Act (relating to the foreign military sales program) may be used under section 4 of such Act.

"(G) As used in this paragraph, the term 'defense articles and services' means articles, services, and related technical data that are designated as defense articles and defense services pursuant to sections 38 and 47(7) of the Arms Export Control Act and listed on the United States Munitions List (part 121 of title 22 of the Code of Federal Regulations)."

**SEC. 1012. LOAN PROGRAMS TO REDUCE ECONOMIC DEPENDENCE ON ILLICIT NARCOTICS.**

The International Financial Institutions Act (22 U.S.C. 262 et seq.) is amended by redesignating section 1606 as section 1607 and by inserting after section 1605 the following new section:

**"SEC. 1606. LOAN PROGRAMS TO REDUCE ECONOMIC DEPENDENCE ON ILLICIT NARCOTICS.**

"(a) FINDINGS.—The Congress finds that—  
 "(1) the illicit narcotics epidemic currently afflicting the United States represents a direct threat to the well-being of every United States citizen;

"(2) every effective means must be pursued to reduce the foreign production and subsequent importation into the United States of illicit narcotics;

"(3) the multilateral development banks can play an integral role in efforts to control the production of illicit narcotics;

"(4) producer country narcotics eradication programs will not be effective unless such programs provide an economic alternative to the production of narcotics;

"(5) efforts to address the illicit narcotics epidemic through production control are doomed to failure unless greater effort is applied to curb use of and demand for illicit narcotics; and

"(6) the appropriate role for the multilateral development banks in the 'War Against Drugs' is through coordinating and financing alternative economic opportunities in producer and trafficking countries.

"(b) LOAN PROGRAMS TO REDUCE ECONOMIC DEPENDENCE ON ILLICIT NARCOTICS.—The Secretary of the Treasury shall instruct the United States Executive Director of the International Bank for Reconstruction and Development and the United States Executive Director of the Inter-American Development Bank to initiate discussions with other executive directors of such institutions and to advocate and support the creation, within such institutions, of specific country lending programs and policies (including crop substitution, creation of roads conducive to the expansion of markets for licit goods, other infrastructure development measures such as development

projects generating employment, agricultural extension assistance, and region-specific development plans) which are particularly oriented to reducing or eliminating the economic dependence of regions of borrowing countries known to be areas in which illicit narcotics are produced or trafficked, on such production and trafficking.

"(c) COORDINATION AMONG ASSISTANCE PROGRAMS DESIGNED TO REDUCE ECONOMIC DEPENDENCY ON ILLICIT NARCOTICS.—In addition, the Secretary of the Treasury should instruct the United States Executive Director of the International Bank for Reconstruction and Development and the United States Executive Director of the Inter-American Development Bank to encourage such institutions to provide coordination among other multilateral and bilateral assistance programs designed to reduce the economic dependence of regions of borrowing countries known to be areas in which illicit narcotics are produced or trafficked, on such production and trafficking."

**TITLE II—COMMITTEE ON EDUCATION AND LABOR**

**Subtitle A—Drug Education and Prevention Relating to Youth Gangs**

**SEC. 2001. ESTABLISHMENT OF DRUG ABUSE EDUCATION AND PREVENTION PROGRAM RELATING TO YOUTH GANGS.**

The Secretary of Health and Human Services, through the Administration on Children, Youth, and Families, shall make grants to, and enter into contracts with, public and nonprofit private agencies, organizations (including community based organizations with demonstrated experience in this field), institutions, and individuals, to carry out projects and activities—

(1) to prevent and to reduce the participation of youth in the activities of gangs that engage in illicit drug-related activities,

(2) to promote the involvement of youth in lawful activities in communities in which such gangs commit drug-related crimes,

(3) to prevent the abuse of drugs by youth, to educate youth about such abuse, and to refer for treatment and rehabilitation members of such gangs who abuse drugs,

(4) to support activities of local police departments and other local law enforcement agencies to conduct educational outreach activities in communities in which gangs commit drug-related crimes,

(5) to inform gang members and their families of the availability of treatment and rehabilitation services for drug abuse,

(6) to facilitate Federal and State cooperation with local school officials to assist youth who are likely to participate in gangs that commit drug-related crimes,

(7) to facilitate coordination and cooperation among—

(A) local education, juvenile justice, employment and social service agencies, and

(B) drug abuse referral, treatment, and rehabilitation programs,

for the purpose of preventing or reducing the participation of youth in activities of gangs that commit drug-related crimes, and

(8) to provide technical assistance to eligible organizations in planning and implementing drug abuse education, prevention, rehabilitation, and referral programs for youth who are members of gangs that commit drug-related crimes.

**SEC. 2002. APPLICATION FOR GRANTS AND CONTRACTS.**

(a) SUBMISSION OF APPLICATIONS.—Any agency, organization, institution, or individual desiring to receive a grant, or to enter into a contract, under section 2001 shall

submit to the Secretary an application at such time, in such manner, and containing or accompanied by such information as the Secretary may require by rule.

(b) CONTENTS OF APPLICATION.—Each application for assistance under this subtitle shall—

(1) set forth a project or activity for carrying out one or more of the purposes specified in section 2001 and specifically identify each such purpose such project or activity is designed to carry out,

(2) provide that such project or activity shall be administered by or under the supervision of the applicant,

(3) provide for the proper and efficient administration of such project or activity,

(4) provide for regular evaluation of the operation of such project or activity,

(5) provide that regular reports on such project or activity shall be submitted to the Secretary, and

(6) provide such fiscal control and fund accounting procedures as may be necessary to ensure prudent use, proper disbursement, and accurate accounting of funds received under this subtitle.

**SEC. 2003. APPROVAL OF APPLICATIONS.**

In selecting among applications submitted under section 2002(a), the Secretary shall give priority to applicants who propose to carry out projects and activities—

(1) for the purposes specified in section 2001 in geographical areas in which frequent and severe drug-related crimes are committed by gangs whose membership is composed primarily of youth, and

(2) that the applicant demonstrates that it has the broad support of community based organizations in such geographical areas.

**SEC. 2004. COORDINATION WITH JUVENILE JUSTICE PROGRAMS.**

The Secretary shall coordinate the program established by section 2001 with the programs and activities carried out under the Juvenile Justice and Delinquency Prevention Act of 1974 and with the programs and activities of the Attorney General, to ensure that all such programs and activities are complementary and not duplicative.

**SEC. 2005. AUTHORIZATION OF APPROPRIATIONS.**

To carry out this subtitle, there are authorized to be appropriated \$30,000,000 for the fiscal year 1989 and such sums as may be necessary for each of the fiscal years 1990 and 1991.

**Subtitle B—Alcohol Abuse Education Programs**

**SEC. 2101. INNOVATIVE ALCOHOL ABUSE EDUCATION PROGRAMS.**

Part F of title IV of the Elementary and Secondary Education Act of 1965 is amended—

(1) by redesignating section 4607 as section 4608, and

(2) by inserting after section 4606 the following new section:

**"SEC. 4607. INNOVATIVE ALCOHOL ABUSE EDUCATION PROGRAMS.**

"(a) PROGRAMS FOR CHILDREN OF ALCOHOLICS.—The Secretary is authorized to develop materials for innovative programs of alcohol abuse education, especially programs that focus on the effect of the disease of alcoholism on families of alcoholics, particularly with respect to children of alcoholics. Programs for which materials are developed under the preceding sentence should be programs designed to benefit young children, particularly children in grades 5 through 8.

"(b) TRAINING PROGRAMS FOR EDUCATORS.—The Secretary may make grants to programs for educators that are designed to—

"(1) increase awareness of children's problems that may be caused by an alcoholic parent;

"(2) enhance the ability of such educators to identify children at risk for alcohol abuse;

"(3) inform such educators concerning referral of children of alcoholics for appropriate professional treatment; and

"(4) train such educators to inform the public about the special problems of children who have an alcoholic parent."

**Subtitle C—Drug Abuse Education and Prevention Programs for Incarcerated Individuals**

**SEC. 2201. DRUG ABUSE EDUCATION AND PREVENTION FOR INCARCERATED INDIVIDUALS.**

Section 326 of the Adult Education Act is amended—

(1) by inserting "(a) MANDATORY PROGRAMS.—" before "Funds set aside";

(2) by redesignating subsection (b) as subsection (c);

(3) by inserting after subsection (a) the following new subsection (b):

"(b) OPTIONAL PROGRAMS.—Funds set aside under section 322(b)(1) by a State may be used for the cost of drug abuse education and prevention programs and referral to drug abuse treatment programs for criminal offenders in corrections institutions," and

(4) by inserting "DEFINITIONS.—" after the subsection designation for subsection (c) (as redesignated by paragraph (2)).

**Subtitle D—National Youth Sports Program**

**SEC. 2301. ESTABLISHMENT OF NATIONAL YOUTH SPORTS PROGRAM.**

The Secretary of Health and Human Services may make grants to eligible entities in accordance with this section to carry out a national youth sports program to provide to disadvantaged youth—

(1) medical and nutrition services,

(2) exposure to college and university campuses,

(3) sports instruction and competition in settings that provide high quality facilities and supervision, and

(4) related educational and counseling services.

**SEC. 2302. APPLICATIONS FOR GRANTS.**

A grant may be made under section 2301 only to an eligible entity that—

(1) submits to the Secretary an application at such time, in such manner, and containing or accompanied by such information, as the Secretary may reasonably require, and

(2) provides to the Secretary satisfactory assurances that—

(A) not less than 90 percent of the youth who participate in each activity for which such grant will be expended to carry out the program established under such section will be from families with an income not exceeding the poverty line,

(B) to carry out its activities under such program, such entity will provide a non-Federal contribution (in cash or in kind) that equals or exceeds the amount of such grant, and

(C) such entity will comply with section 2303.

**SEC. 2303. REQUIRED ACTIVITIES.**

Each eligible entity that receives a grant under section 2301 shall expend such grant and the contribution required under section 2302(2)(B) to carry out activities for disadvantaged youth throughout a 1-year period, concentrating such activities in June, July, and August. Such activities shall include providing to all participating youth—

(1) access to the facilities and resources of all the institutions of higher education at which such activities are carried out;

(2) an initial medical examination and follow-up referral or treatment, without charge, while such youth participate in any of such activities in the 90-day period beginning on June 1;

(3) at least 1 nutritious meal per day, without charge, while such youth participate in any of such activities in the 90-day period beginning on June 1;

(4) high quality instruction in a variety of sports by college, high school, and junior high school coaches and teachers; and

(5) enrichment instruction and information on matters relating to the well-being of youth, such as drug and alcohol abuse prevention, educational and career opportunities, health and nutrition, study practices, and job responsibilities.

**SEC. 2304. SPECIAL EMPHASIS ON DRUG ABUSE EDUCATION AND PREVENTION.**

In selecting among applications submitted under section 2302, the Secretary—

(1) shall give special emphasis to the applications of eligible entities that propose to carry out activities relating to drug abuse education and prevention,

(2) may approve the use of such grant—

(A) to train in the most advanced and effective methods of drug abuse education and prevention the staff that will carry out such activities,

(B) to provide quality technical assistance to develop and implement drug education and prevention activities,

(C) to develop, implement, or operate a drug education and prevention program at sites where the applicant carries out the activities required by section 2303,

(D) involve in drug education and prevention activities the parents of youth who participate in the national youth sports program, and

(E) develop and provide anti-drug abuse educational materials, including videotapes and booklets, for use in carrying out activities under section 2301, and

(3) shall give priority to eligible entities that propose to carry out such activities in or near geographical areas in which drug abuse and related problems are concentrated.

**SEC. 2305. AUTHORIZATION OF APPROPRIATIONS.**

There is authorized to be appropriated \$15,000,000 for fiscal year 1989, \$17,000,000 for fiscal year 1990, and \$20,000,000 for fiscal year 1991 to carry out this subtitle.

**Subtitle E—Programs Relating to Juvenile Delinquency and to Runaway and Homeless Youth**

**PART 1—PROGRAM TO ENHANCE JUVENILE DELINQUENCY PREVENTION**

**Subpart A—Projects and Activities of State and Local Governments**

**SEC. 2401. ESTABLISHMENT OF PROGRAM.**

The Administrator shall make grants to States for purposes of planning, establishing, operating, coordinating, and evaluating projects, directly or through grants and contracts with public and private agencies—

(1) to develop more effective education, prevention, treatment, and rehabilitation services related to the illicit use of drugs by juveniles,

(2) to provide to juveniles and their families referral to such services and to other appropriate services available to them, and

(3) to coordinate the referral and services described in paragraphs (1) and (2).

**SEC. 2402. ALLOTMENT.**

(a) IN GENERAL.—Except as provided in subsection (b), funds appropriated to carry

out this part shall be allotted by the Administrator among the States based on the relative population of individuals who are less than 18 years of age.

(b) MINIMUM ALLOTMENTS.—(1) Any allotment made under subsection (a) to a State shall be not less than \$75,000, except that an allotment to the Virgin Islands of the United States, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and the Trust Territory of the Pacific Islands (other than the Northern Mariana Islands) shall be not less than \$20,000 each.

**SEC. 2403. APPLICATIONS FOR ALLOTMENTS.**

(a) To receive an allotment under section 2402, a State shall submit an application that satisfies the requirements of section 2403 and that contains a plan that describes the drug abuse education, prevention, treatment, and rehabilitation projects and activities it proposes to carry out over a 3-year period with such grant. To the extent practicable, such projects and activities shall be designed to increase or enhance the programs and activities for which financial assistance is received under the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601 et seq.) and the Drug-Free Schools and Communities Act of 1986 (20 U.S.C. 4601-4663). Such plan shall be developed with the participation and review of the advisory group established pursuant to section 223(a)(3) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)(3)).

(b) In expending the amounts allocated under subsection (b), each State shall give priority to projects which—

(1) propose innovative methods of preventing or reducing juvenile delinquency through drug abuse education, prevention, and treatment programs,

(2) assist or support families,

(3) cooperate and coordinate with other youth serving agencies and organizations in the community,

(4) demonstrate strong community support, and

(5) provide services in geographical areas with a high frequency of illicit drug use.

**SEC. 2404. AUTHORIZATION OF APPROPRIATIONS.**

(a) AUTHORIZATION.—Subject to subsection (b), to carry out this subpart, there are authorized to be appropriated \$30,000,000 for fiscal year 1989 and such sums as may be necessary for each of the fiscal years 1990 and 1991.

(b) LIMITATION.—No funds are authorized to be appropriated for a fiscal year to carry out this subpart unless the aggregate amount appropriated to carry out title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611-5672) for such fiscal year is not less than the aggregate amount appropriated to carry out such title for the preceding fiscal year.

**Subpart B—Other Projects and Activities**

**SEC. 2411. ESTABLISHMENT OF PROGRAM.**

(a) IN GENERAL.—The Administrator shall, on a competitive basis, make grants to and enter into contracts with public and private nonprofit agencies, organizations, institutions, and individuals to carry out activities designed—

(1) to prevent or to reduce juvenile delinquency by carrying out drug abuse education, prevention, and treatment projects,

(2) to support research on—

(A) the illicit use of drugs by juveniles,

(B) the effects on juveniles of the illicit use of drugs by family members,

(C) innovative and effective approaches to prevention and treatment of such use, and

(D) the correlation between delinquent behavior and such use,

(3) to develop community outreach and counseling projects related to reducing and preventing the illicit use of drugs, which involve providing services to juveniles by juveniles, and

(4) to provide training and technical assistance relating to innovative and effective drug abuse education, prevention, and treatment to persons and organizations involved in the prevention and treatment of juvenile delinquency.

(b) **LIMITATION.**—A grant or contract may be made under subsection (a) for a period not to exceed 3 years.

#### SEC. 2412. AUTHORIZATION OF APPROPRIATIONS.

(a) **AUTHORIZATION.**—Subject to subsection (b), to carry out this subpart, there are authorized to be appropriated \$15,000,000 for fiscal year 1989 and such sums as may be necessary for each of the fiscal years 1990 and 1991.

(b) **LIMITATION.**—No funds are authorized to be appropriated for a fiscal year to carry out this subpart unless the aggregate amount appropriated to carry out title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611-5672) for such fiscal year is not less than the aggregate amount appropriated to carry out such title for the preceding fiscal year.

#### Subpart C—Reports

#### SEC. 2431. ANNUAL REPORT.

Not later than 180 days after the end of a fiscal year for which funds are appropriated to carry out this part, the Administrator shall submit to the President, the Speaker of the House of Representatives, and the President pro tempore of the Senate a report that contains—

(1) a description of—

(A) the projects and activities for which each State expended in such fiscal year funds received under subpart A, and

(B) how each State coordinated the projects and activities for which such funds were so expended with projects and activities for which funds were expended under the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601) and the Drug-Free Schools and Communities Act of 1986 (20 U.S.C. 4601-4663).

(2) a summary of each project or activity for which funds received for such fiscal year under subpart B were expended, an evaluation of the results of such project or activity, and a determination of the feasibility and advisability of replicating such project or activity in other locations, and

(3) a description of exemplary drug abuse education, prevention, and treatment projects and activities, with particular attention to community based juvenile delinquency prevention projects and activities that involve and assist families of juveniles.

#### PART 2—PROGRAM FOR RUNAWAY AND HOMELESS YOUTH

#### SEC. 2451. ESTABLISHMENT OF PROGRAM.

(a) The Secretary shall make grants to public and private nonprofit agencies, organizations, and institutions to carry out research, demonstration, and services projects designed—

(1) to provide individual, family, and group counseling to runaway youth and their families and to homeless youth for the purpose of preventing or reducing the illicit use of drugs by such youth,

(2) to develop and support peer counseling programs for runaway and homeless youth related to the illicit use of drugs,

(3) to develop and support community education activities related to illicit use of drugs by runaway and homeless youth, including outreach to youth individually,

(4) to provide to runaway and homeless youth in rural areas assistance (including the development of community support groups) related to the illicit use of drugs,

(5) to provide to individuals involved in providing services to runaway and homeless youth, information and training regarding issues related to the illicit use of drugs by runaway and homeless youth,

(6) to support research on the illicit drug use by runaway and homeless youth, and the effects on such youth of drug abuse by family members, and any correlation between such use and attempts at suicide, and

(7) to improve the availability and coordination of local services related drug abuse, for runaway and homeless youth.

(b) **PRIORITY.**—In selecting among applicants for grants under subsection (a), the Secretary shall give priority to agencies and organizations that have experience in providing services to runaway and homeless youth.

(c) **LIMITATION.**—Grants under this section may be made for a period not to exceed 3 years.

#### SEC. 2452. ANNUAL REPORT.

Not later than 180 days after the end of a fiscal year for which funds are appropriated to carry out this part, the Secretary shall submit to the President, the Speaker of the House of Representatives, and the President pro tempore of the Senate a report that contains—

(1) a description of the types of projects and activities for which grants were made under this part for such fiscal year,

(2) a description of the number and characteristics of the youth and families served by such projects and activities, and

(3) a description of exemplary projects and activities for which grants were made under this part for such fiscal year.

#### SEC. 2453. AUTHORIZATION OF APPROPRIATIONS.

(a) **AUTHORIZATION.**—Subject to subsection (b), to carry out this part, there are authorized to be appropriated \$15,000,000 for fiscal year 1989 and such sums as may be necessary for each of the fiscal years 1990 and 1991.

(b) **LIMITATION.**—No funds are authorized to be appropriated for a fiscal year to carry out this part unless the aggregate amount appropriated to carry out title III of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5701-5751) for such fiscal year is not less than the aggregate amount appropriated to carry out such title for the preceding fiscal year.

#### PART 3—GENERAL PROVISIONS

#### SEC. 2461. APPLICATIONS.

(a) **SUBMISSION OF APPLICATION.**—Any State, unit of local government (or combination of units of local government), agency, organization, institution, or individual desiring to receive a grant, or enter into a contract, under this subtitle shall submit an application at such time, in such manner, and containing or accompanied by such information as may be prescribed by the Federal officer who is authorized to make such grant or enter into such contract (hereinafter in this part referred to as the "appropriate Federal officer").

(b) **CONTENTS OF APPLICATION.**—In accordance with guidelines established by the ap-

propriate Federal officer, each application for assistance under this subtitle shall—

(1) set forth a project or activity for carrying out one or more of the purposes for which such grant or contract is authorized to be made and expressly identify each such purpose such project or activity is designed to carry out,

(2) provide that such project or activity shall be administered by or under the supervision of the applicant,

(3) provide for the proper and efficient administration of such project or activity,

(4) provide for regular evaluation of such project or activity,

(5) provide that regular reports on such project or activity shall be sent to the appropriate Federal officer, and

(6) provide for such fiscal control and fund accounting procedures as may be necessary to ensure prudent use, proper disbursement, and accurate accounting of funds received under this subtitle.

#### SEC. 2462. REVIEW OF APPLICATIONS.

(a) **CONSIDERATION OF FACTORS.**—In reviewing applications submitted under this subtitle, the appropriate Federal officer shall consider—

(1) the relative cost and effectiveness of the proposed project or activity in carrying out purposes for which the requested grant or contract is authorized to be made,

(2) the extent to which such project or activity will incorporate new or innovative techniques,

(3) the increase in capacity of the State or the public or nonprofit private agency, organization, institution, or individual involved to provide services to address—

(A) juvenile delinquency through drug abuse education, prevention, and treatment, in the case of an application submitted under part 1, and

(B) the illicit use of drugs by runaway and homeless youth, in the case of an application submitted under part 2,

(4) the extent to which such project or activity serves communities which have high rates of illicit drug use by juveniles (including runaway and homeless youth),

(5) the extent to which such project or activity will provide services in geographical areas where similar services are unavailable or in short supply, and

(6) the extent to which such project or activity will increase the level of services, or coordinate other services, in the community available to eligible youth.

(b) **COMPETITIVE PROCESS.**—(1) Applications submitted under this subtitle shall be selected for approval through a competitive process to be established by rule by the appropriate Federal officer. As part of such a process, such officer shall publish a notice in the Federal Register—

(A) announcing the availability of funds to carry out part 1 or 2, as the case may be,

(B) the general criteria applicable to the selection of applicants to receive such funds, and

(C) a description of the procedures applicable to submitting and reviewing applications for such funds.

(2) As part of such process, each application referred to in subsection (a) shall be subject to peer review by individuals (excluding officers and employees of the Department of Justice and the Department of Health and Human Services) who have expertise in the subject matter related to the project or activity proposed in such application.

(c) **EXPEDITED REVIEW.**—The appropriate Federal officer shall expedite the consideration of an application referred to in subsection (a) if the applicant demonstrates, to the satisfaction of the Administrator, that the failure to expedite such consideration would prevent the effective implementation of the project or activity set forth in such application.

**Subtitle F—Drug Abuse Education for Participants in the Special Supplemental Food Program for Women, Infants, and Children**

**SEC. 2501. DRUG ABUSE EDUCATION FOR PARTICIPANTS IN THE SPECIAL SUPPLEMENTAL FOOD PROGRAM FOR WOMEN, INFANTS, AND CHILDREN.**

Section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786) is amended as follows:

(1) **PURPOSE.**—Subsection (a) is amended by striking "health problems" in the last sentence and inserting "health problems, including drug abuse,".

(2) **EDUCATION.**—Subsection (e)(1) is amended by inserting "and drug abuse education" after "nutrition education" each place it appears in the first and second sentences.

(3) **STATE PLAN.**—Subsection (f) is amended—

(A) in paragraph (1)(C)(iii), by inserting "drug abuse education," after "family planning," and

(B) in paragraph (14)(A), by inserting "and instruction relating to drug abuse education and prevention" after "instruction".

(4) **STUDY; AUTHORIZATION OF APPROPRIATIONS.**—Subsection (g) is amended by adding at the end the following new paragraph:

"(4)(A) The Secretary, before the end of the 6-month period beginning on the date of the enactment of this Act, shall conduct a study with respect to appropriate methods of drug abuse education instruction.

"(B) There is authorized to be appropriated, for purposes of carrying out the study required by subparagraph (A) and for purposes of preparing and distributing drug abuse education materials under this section, \$10,000,000 for fiscal year 1989 and such sums as may be necessary for each succeeding fiscal year."

(5) **NATIONAL ADVISORY COUNCIL ON MATERNAL, INFANT, AND FETAL NUTRITION.**—Subsection (k)(1) is amended—

(A) in the first sentence, by striking "twenty-one" and inserting "twenty-three", and

(B) in the last sentence—

(i) by striking "and" the last place it appears, and

(ii) by striking the period at the end and inserting the following: "; one member shall be an expert in drug abuse education and prevention; and one member shall be an expert in alcohol abuse education and prevention."

**Subtitle G—Community-Based Volunteer Demonstration Projects for Drug Abuse Education and Prevention Services and Activities**

**SEC. 2601. COMMUNITY-BASED VOLUNTEER DEMONSTRATION PROJECTS FOR DRUG ABUSE EDUCATION AND PREVENTION SERVICES AND ACTIVITIES.**

(a) **PROGRAM AUTHORIZED.**—

(1) **GENERAL AUTHORITY.**—Section 124 of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4951 et seq.) is amended—

(A) by inserting "(a)" after the section designation, and

(B) by adding at the end the following new subsection:

"(b)(1) The Director is authorized to make grants to public and nonprofit organizations for innovative, community-based volunteer

demonstration projects which provide comprehensive drug abuse education and prevention services and activities to youths during the summer months. Such projects may include—

"(A) extending effective school-based programs, or other programs operated during the school year, to the summer months;

"(B) developing or expanding summer recreational; volunteer service, and youth development activities to provide for youths positive alternatives to illicit drug use;

"(C) incorporating drug abuse education and prevention activities in public and private programs which serve youths during the summer months;

"(2) In awarding grants under this subsection, the Director shall give priority to projects that—

"(A) serve high-risk youths; and

"(B) provide opportunities for parent involvement.

"(3) For the purposes of this subsection, the term 'high-risk youth' has the same meaning given such term in section 5122(b)(2) of the Elementary and Secondary Education Act of 1965."

(2) **TECHNICAL AMENDMENT.**—The table of contents contained in the first section of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4951 note) is amended by inserting after the item relating to section 123 the following new item:

"Sec. 124. Special initiatives."

(b) **AUTHORIZATION OF APPROPRIATIONS.**—Section 501 of the Domestic Volunteer Service Act (42 U.S.C. 5081) is amended—

(1) in the first sentence of subsection (c), by inserting "(other than section 124(b))" after "of this Act",

(2) in subsection (d)(1), by inserting "(other than section 124(b))" after "title I" the first place it appears, and

(3) by adding at the end the following new subsection:

"(f) There is authorized to be appropriated for each of the fiscal years 1989, 1990, and 1991 \$5,000,000 for purposes of carrying out section 124(b)."

**Subtitle H—Amendments to the Drug-Free Schools and Communities Act of 1986**

**SEC. 2701. LIMITATION ON ADMINISTRATIVE COSTS UNDER DRUG-FREE SCHOOLS AND COMMUNITIES ACT OF 1986.**

Section 5121(a) of the Drug-Free Schools and Communities Act of 1986 (20 U.S.C. 3191(a)) is amended—

(1) by inserting "(1)" after "PROGRAM.—"; and

(2) by adding at the end the following new paragraph:

"(2) Not more than 2.5 percent of the amount reserved under paragraph (1) may be used for administrative costs of the chief executive officer of the State incurred in carrying out the duties of the chief executive officer under this part."

**SEC. 2702. PARTICIPATION OF INDIVIDUALS OTHER THAN HIGH-RISK YOUTH IN INNOVATIVE STATE PROGRAMS UNDER THE DRUG-FREE SCHOOLS AND COMMUNITIES ACT OF 1986.**

Section 5122(b) of the Drug-Free Schools and Communities Act of 1986 (20 U.S.C. 3192(b)) is amended—

(1) in paragraph (1), by inserting "that are designed" after "coordinated services"; and

(2) by adding at the end the following new paragraph:

"(3) Not more than 10 percent of participants in programs under paragraph (1) may be individuals who are not high-risk youth if the Secretary determines that the participation of such individuals will not signifi-

cantly diminish the amount or quality of services provided to high-risk youth."

**SEC. 2703. ACCURACY REQUIREMENT WITH RESPECT TO MATERIALS PROVIDED UNDER THE DRUG-FREE SCHOOLS AND COMMUNITIES ACT OF 1986.**

(a) **RESPONSIBILITIES OF STATE EDUCATIONAL AGENCIES.**—Section 5124(b)(2) of the Drug-Free Schools and Communities Act of 1986 (20 U.S.C. 3194(b)(2)) (hereafter in this section referred to as the "Act") is amended by inserting after "evaluation of" the following: "the most readily available, accurate, and up-to-date".

(b) **LOCAL DRUG ABUSE EDUCATION AND PREVENTION PROGRAMS.**—Section 5125(a)(1) of the Act (20 U.S.C. 3195(a)(1)) is amended by striking "curricula" and all that follows through the semicolon and inserting the following: "curricula and textbooks and materials—

"(A) developed from the most readily available, accurate, and up-to-date information; and

"(B) which clearly and consistently teach that illicit drug use is wrong and harmful;".

(c) **FEDERAL ACTIVITIES.**—Section 5132(b)(3) of the Act (20 U.S.C. 3212(b)(3)) is amended by inserting after "disseminate" the following: "the most readily available, accurate, and up-to-date".

**Subtitle I—Miscellaneous**

**SEC. 2801. DEFINITIONS.**

For purposes of this title and the amendments made by this title—

(1) the term "Administrator" means the Administrator of the Office of Juvenile Justice and Delinquency Prevention,

(2) the term "community based" has the meaning given it in section 103(1) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5603(1)),

(3) the term "controlled substance" has the meaning given it in section 102(6) of the Controlled Substances Act (21 U.S.C. 802(6)),

(4) the term "controlled substance analogue" has the meaning given it in section 102(32) of the Controlled Substances Act (21 U.S.C. 802(32)),

(5) the term "disadvantaged youth" means a youth whose family income does not exceed 130 percent of the poverty line,

(6) the term "drug" means—

(A) a beverage containing alcohol,

(B) a controlled substance, or

(C) a controlled substance analogue,

(7) the term "Director" means the Director of the ACTION Agency,

(8) the term "eligible entity" means an organization the members of which are institutions of higher education that have access to high-quality educational and sports facilities,

(9) the term "illicit" means unlawful or injurious,

(10) the term "institution of higher education" has the meaning given it in section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a)),

(11) the term "public agency" has the meaning given it in section 103(11) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5603(11)),

(12) the term "poverty line" has the meaning given it in section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)) and includes any revision required by such section,

(13) the term "Secretary" means—

(A) the Secretary of Health and Human Services for purposes of subtitles A, D, and E,

(B) the Secretary of Education for purposes of the amendments made by subtitles B and C, and

(C) the Secretary of Agriculture for purposes of the amendments made by subtitle F,

(14) the term "State" has the meaning given it in section 103(7) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5603(7)),

(15) the term "treatment" has the meaning given it in section 103(15) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5603(15)),

(16) the term "unit of general local government" has the meaning given it in section 103(8) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5603(8)), and

(17) the term "youth" means both boys and girls.

### TITLE III—COMMITTEE ON FOREIGN AFFAIRS

#### Subtitle A—General Provisions

##### SEC. 3001. SHORT TITLE.

This title may be cited as the "International Narcotics Control Act of 1988".

##### SEC. 3002. TABLE OF CONTENTS.

The table of contents for this title is as follows:

#### Subtitle A—General Provisions

Sec. 3001. Short title.

Sec. 3002. Table of contents.

Sec. 3003. Definitions.

Subtitle B—Latin American Regional Anti-Narcotics Force and Integrated Plan To Fight the International Cocaine Trade

Sec. 3011. Need for Latin American regional anti-narcotics force.

Sec. 3012. Negotiations to establish Latin American regional anti-narcotics force.

Sec. 3013. United States assistance for Latin American regional anti-narcotics force.

Sec. 3014. Establishment of a regional anti-narcotics training center in the Caribbean.

Sec. 3015. United States effort to establish other regional anti-narcotic forces.

Sec. 3016. Need for an integrated regional plan to fight the international cocaine trade.

#### Subtitle C—Authorizations and Earmarkings of Foreign Assistance

Sec. 3021. Authorization for international narcotics control assistance.

Sec. 3022. Herbicides for aerial coca eradication.

Sec. 3023. Procurement of weapons to defend aircraft involved in narcotics control efforts.

Sec. 3024. Training for narcotics control activities.

Sec. 3025. Military assistance for anti-narcotics efforts.

Sec. 3026. Reallocation of funds withheld from countries which fail to take adequate steps to halt illicit drug production or trafficking.

Sec. 3027. Increased funding for AID drug education programs.

#### Subtitle D—Provisions Relating to Specific Countries

Sec. 3031. Cooperative nonmajor drug-transit countries.

Sec. 3032. Assistance for Bolivia.

Sec. 3033. Assistance for Peru.

Sec. 3034. Assistance for Mexico.

Sec. 3035. Assistance for Colombia.

Sec. 3036. Illicit drug production and trafficking in Pakistan.

Sec. 3037. United States reliance on illicit opium gum from foreign sources.

Sec. 3038. Afghanistan as a source of heroin.

Sec. 3039. Involvement of the Government of Laos in illicit drug production and trafficking.

Subtitle E—Annual Reporting and Certification Process for Foreign Assistance Programs

Sec. 3041. Expression in numerical terms of maximum achievable reductions in illicit drug production.

Sec. 3042. Reports on assistance denied.

Sec. 3043. Drug-related corruption by foreign government officials.

Sec. 3044. Determining major drug-transit countries.

Sec. 3045. Requirement for bilateral narcotics agreements.

Sec. 3046. Waiver of restrictions on United States assistance for certain major drug-transit countries.

Sec. 3047. Clarification of assistance termination requirement; congressional review of recertifications.

Sec. 3048. Definition of United States assistance.

Sec. 3049. Reports and restrictions on certain countries.

Sec. 3050. Removal of certification procedure for MDB financing from Foreign Assistance Act.

#### Subtitle F—Miscellaneous Provisions Relating to Assistance Programs

Sec. 3051. Reporting on transfer of United States assets.

Sec. 3052. Importance of suppressing international narcotics trafficking.

Sec. 3053. Prohibition on assistance to drug traffickers.

Sec. 3054. Procurement for international narcotics control assistance.

Sec. 3055. Prohibition on use of narcotics control assistance to acquire real property.

Sec. 3056. Correction of technical errors in prior Acts.

Sec. 3057. Reimbursement for DOD services used in providing international narcotics control assistance.

Subtitle G—Department of State Activities

Sec. 3061. Coordination of all United States anti-narcotics assistance to foreign countries.

Sec. 3062. Rewards for certain information.

Sec. 3063. Denial of passports to certain convicted drug traffickers.

Sec. 3064. Machine readable visas.

Sec. 3065. Extradition and mutual legal assistance treaties and model comprehensive antidrug laws.

Sec. 3066. Overseas investigative program.

Sec. 3067. Assignment of more Drug Enforcement Administration Agents to United States embassies.

#### SEC. 3003. DEFINITIONS.

As used in this title, the terms "drug" and "narcotic" mean narcotic and psychotropic drugs and other controlled substances as defined in section 481(i)(3) of the Foreign Assistance Act of 1961.

Subtitle B—Latin American Regional Anti-Narcotics Force and Integrated Plan To Fight the International Cocaine Trade

SEC. 3011. NEED FOR LATIN AMERICAN REGIONAL ANTI-NARCOTICS FORCE.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the operations of international illegal drug smuggling organizations pose a direct threat to the national security of the member nations of the Organization of American States;

(2) illegal international drug smuggling organizations have grown so large and powerful that they threaten to overwhelm small nations standing alone against them;

(3) to preserve the national sovereignty, protect the public health, and maintain domestic law and order within their borders, member nations of the Organization of American States should coordinate their efforts to fight the illegal drug trade;

(4) recent events in drug source and transit countries in the Western Hemisphere make clear the requirement for international agreement on the formation of a multinational strike force intended to conduct operations against these illegal drug smuggling organizations;

(5) the United States should make every effort to initiate diplomatic discussions through the Organization of American States aimed at achieving agreement to establish and operate a Latin American anti-narcotics force; and

(6) sensitive to the legitimate concerns of other member nations of the Organization of American States, the United States stands ready to provide equipment, training, and financial resources to support the establishment and operation of such an anti-narcotics force, but believes that the personnel for such a force should be provided by those nations facing the most serious threat from drug trafficking organizations.

(b) PURPOSES.—The purposes of this subtitle are—

(1) to authorize the appropriation of \$10,000,000 for the United States share of the expenses of a Latin American regional anti-narcotics force;

(2) to encourage agreement within the Organization of American States on the establishment of Latin American regional anti-narcotics force;

(3) to encourage the establishment, under appropriate multilateral auspices, of regional anti-narcotic forces in other regions of the world; and

(4) to encourage the creation of a comprehensive, integrated, multinational plan whose objective would be the substantial reduction or elimination of the international cocaine trade.

SEC. 3012. NEGOTIATIONS CONCERNING A LATIN AMERICAN REGIONAL ANTI-NARCOTICS FORCE.

(a) UNITED STATES INITIATIVE.—The President shall direct the United States representative to the Organization of American States to seek the views of other member nations of the Organization on the feasibility of establishing a Latin American regional anti-narcotics force.

(b) REGIONAL SUMMIT CONFERENCE.—If there is a positive response within the Organization of American States to the United States initiative described in subsection (a), the President shall call for a meeting of heads of government of member nations of the Organization to conclude an agreement providing for the establishment of a regional anti-narcotics force, with appropriate

contributions of personnel, training, equipment and financial resources for this force to be made by members of the Organization.

**SEC. 3013. UNITED STATES ASSISTANCE FOR LATIN AMERICAN REGIONAL ANTI-NARCOTICS FORCE.**

(a) **DOD ASSISTANCE FOR ANTI-NARCOTICS FORCE.**—If an agreement is reached within the Organization of American States providing for the establishment of a regional anti-narcotics force, the President shall direct the Secretary of Defense to provide appropriate assistance for that force.

(b) **AUTHORIZATION OF APPROPRIATIONS.**—In addition to amounts otherwise available for such purpose, there are authorized to be appropriated to the President, as supplemental appropriations for fiscal year 1988 (which are authorized to remain available until expended), \$10,000,000 for the United States share of the expenses of a Latin American regional anti-narcotics force, including reimbursement to the Department of Defense for assistance provided pursuant to subsection (a).

(c) **NOTICE TO CONGRESS.**—Not less than 15 days before obligating funds authorized to be appropriated by subsection (b), the President shall notify the committees of Congress specified in section 634A of the Foreign Assistance Act of 1961 in accordance with the reprogramming procedures applicable under that section.

**SEC. 3014. ESTABLISHMENT OF A REGIONAL ANTI-NARCOTICS TRAINING CENTER IN THE CARIBBEAN.**

It is the sense of the Congress that the Assistant Secretary of State for International Narcotics Matters—

(1) should seek the establishment of a regional anti-narcotics training center in the Caribbean;

(2) should contribute funds or other resources to such a center; and

(3) should seek such contributions from other countries for such a center.

**SEC. 3015. UNITED STATES EFFORT TO ESTABLISH OTHER REGIONAL ANTI-NARCOTIC FORCES.**

The Congress urges the President to seek the establishment, in each of the relevant regions of the world, of a multilateral regional anti-narcotics force similar to the Latin America regional anti-narcotics force contemplated by this subtitle.

**SEC. 3016. NEED FOR AN INTEGRATED REGIONAL PLAN TO FIGHT THE INTERNATIONAL COCAINE TRADE.**

(a) **CONSULTATIONS CONCERNING CREATION OF AN INTEGRATED PLAN.**—The Secretary of State shall consult with—

(1) the heads of appropriate agencies and departments of the United States Government,

(2) the governments of those countries in the Western Hemisphere that cultivate, process, or traffick in cocaine, and

(3) the governments of other cocaine consuming countries,

about the feasibility of creating a comprehensive, integrated, multinational plan whose objective would be the substantial reduction or elimination of the international cocaine trade.

(b) **REPORT ON THE INTEGRATED PLAN.**—Not later than 6 months after the date of enactment of this Act, the Secretary of State shall report to the Congress on—

(1) the feasibility of creating a comprehensive, integrated, multinational plan whose objective would be the substantial reduction or elimination of the international cocaine trade;

(2) the measures in such areas as eradication, interdiction, crop substitution, economic development, extradition, money-laundering, precursor chemical control, and related fields, that would be required to achieve such an objective;

(3) the material resources, funding, and technological assistance each producer and transit country would require in order to achieve such an objective; and

(4) the resources, funding, and other assistance each producer, transit, and consuming country would be prepared to make available for such an effort.

**Subtitle C—Authorizations and Earmarkings of Foreign Assistance**

**SEC. 3021. AUTHORIZATION FOR INTERNATIONAL NARCOTICS CONTROL ASSISTANCE.**

Section 482(a) of the Foreign Assistance Act of 1961 is amended by striking out paragraphs (1) and (3) and by inserting the following new paragraph (1) after "(a)":

"(1) To carry out the purposes of section 481, there are authorized to be appropriated to the President \$101,000,000 for fiscal year 1989."

**SEC. 3022. HERBICIDES FOR AERIAL COCA ERADICATION.**

The Secretary of State shall use not less than \$500,000 of the funds made available for fiscal year 1989 to carry out chapter 8 of part I of the Foreign Assistance Act of 1961 (relating to international narcotics control) to finance the testing and use of safe and effective herbicides for use in the aerial eradication of coca.

**SEC. 3023. PROCUREMENT OF WEAPONS TO DEFEND AIRCRAFT INVOLVED IN NARCOTICS CONTROL EFFORTS.**

(a) **EARMARKING OF MAP FUNDS.**—Of the funds available to carry out chapter 2 of part II of the Foreign Assistance Act of 1961 (relating to grant military assistance), \$900,000 for fiscal year 1989 shall be made available to arm, for defensive purposes, aircraft used in narcotic control eradication or interdiction efforts. These funds may only be used to arm aircraft already in the inventory of the recipient country, and may not be used for the purchase of new aircraft.

(b) **NOTIFICATION TO CONGRESS.**—The Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate shall be notified of the use of any such funds for that purpose at least 15 days in advance in accordance with the reprogramming procedures applicable under section 634A of the Foreign Assistance Act of 1961.

**SEC. 3024. TRAINING FOR NARCOTICS CONTROL ACTIVITIES.**

(a) **EARMARKING OF FUNDS.**—Not less than \$2,000,000 of the funds made available for fiscal year 1989 to carry out chapter 5 of part II of the Foreign Assistance Act (relating to international military education and training) shall be available only for—

(1) education and training in the operation and maintenance of equipment used in narcotics control interdiction and eradication efforts of countries in Latin America and the Caribbean which are described in subsection (c); and

(2) the expenses of deploying, upon the request of the government of a foreign country described in subsection (c), Department of Defense mobile training teams in that foreign country to conduct training in military-related individual and collective skills that will enhance that country's ability to conduct tactical operations in narcotics interdiction.

(b) **UNITS ELIGIBLE FOR TRAINING.**—Education and training may be provided under

subsection (a)(1) and training may be provided under subsection (a)(2) only for foreign law enforcement agencies, or other units, that are organized for the specific purpose of narcotics enforcement.

(c) **ELIGIBLE COUNTRIES.**—Assistance may be provided under this section only for countries—

(1) which are major illicit drug producing or major drug-transit countries (as defined in section 481(i) of the Foreign Assistance Act of 1961);

(2) which have democratic governments; and

(3) whose law enforcement agencies do not engage in a consistent pattern of gross violations of internationally recognized human rights (as defined in section 502B(d)(1) of the Foreign Assistance Act of 1961).

(d) **COORDINATION WITH INTERNATIONAL NARCOTICS CONTROL ASSISTANCE PROGRAM.**—Assistance under this section shall be coordinated with assistance provided under chapter 8 of part I of that Act (relating to international narcotics control).

(e) **WAIVER OF SECTION 660.**—Assistance may be provided pursuant to this section notwithstanding the prohibition contained in section 660 of the Foreign Assistance Act of 1961 (relating to police training).

**SEC. 3025. MILITARY ASSISTANCE FOR ANTI-NARCOTICS EFFORTS.**

(a) **PURPOSES OF ASSISTANCE.**—Assistance provided under this section shall be designed to—

(1) enhance the ability of friendly governments to control illicit narcotics production and trafficking;

(2) strengthen the bilateral ties of the United States with friendly governments by offering concrete assistance in this area of great mutual concern; and

(3) strengthen respect for internationally recognized human rights and the rule of law in efforts to control illicit narcotics production and trafficking.

(b) **WAIVER OF CERTAIN PROVISIONS.**—Section 660(a) of the Foreign Assistance Act of 1961 shall not apply with respect to assistance provided under chapter 2 of part II of that Act (relating to the grant military assistance program) to countries described in subsection (c) for the procurement, for use in narcotics control, eradication, and interdiction efforts, of weapons or ammunition for foreign law enforcement agencies, or other units, that are organized for the specific purpose of narcotics enforcement.

(c) **ELIGIBLE COUNTRIES.**—Assistance may be provided under this section only for countries—

(1) which are major illicit drug producing or major drug-transit countries (as defined in section 481(i) of the Foreign Assistance Act of 1961);

(2) which have democratic governments; and

(3) whose law enforcement agencies do not engage in a consistent pattern of gross violations of internationally recognized human rights (as defined in section 502B(d)(1) of the Foreign Assistance Act of 1961).

(d) **REPORTS TO CONGRESS.**—Not less than 15 days before funds are obligated to provide assistance authorized by this section, the President shall transmit to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate, in accordance with the procedures applicable under section 634A of the Foreign Assistance Act of 1961, a written notification which specifies—

(1) the country to which the assistance is to be provided;

(2) the type and value of the assistance to be provided;

(3) the law enforcement agencies or other units that will receive the assistance; and

(4) an explanation of how the proposed assistance will achieve the purposes specified in subsection (a) of this section.

(e) **REPORTS ON HUMAN RIGHTS SITUATION.**—Section 502(c) of the Foreign Assistance Act of 1961 (relating to country-specific human rights reports upon the request of the foreign affairs committees) applies with respect to countries for which assistance authorized by this section is proposed or is being provided.

(f) **COORDINATION WITH INTERNATIONAL NARCOTICS CONTROL ASSISTANCE PROGRAM.**—Assistance under this section shall be coordinated with assistance provided under chapter 8 of part I of that Act (relating to international narcotics control).

(g) **EARMARKING FOR LATIN AMERICA AND THE CARIBBEAN.**—Of the amounts made available for fiscal year 1989 to carry out chapter 2 of part II of the Foreign Assistance Act of 1961, \$3,500,000 shall be available only to provide assistance authorized by this section for countries in Latin America or the Caribbean.

**SEC. 3026. REALLOCATION OF FUNDS WITHHELD FROM COUNTRIES WHICH FAIL TO TAKE ADEQUATE STEPS TO HALT ILLICIT DRUG PRODUCTION OR TRAFFICKING.**

(a) **REQUIREMENT TO REALLOCATE.**—Chapter 8 of part I of the Foreign Assistance Act of 1961 is amended by adding at the end the following:

"SEC. 486. REALLOCATION OF FUNDS WITHHELD FROM COUNTRIES WHICH FAIL TO TAKE ADEQUATE STEPS TO HALT ILLICIT DRUG PRODUCTION OR TRAFFICKING.

"(a) **ADDITIONAL ASSISTANCE FOR COUNTRIES TAKING SIGNIFICANT STEPS.**—If any funds authorized to be appropriated for any fiscal year for security assistance are not used for assistance for the country for which those funds were allocated because of the requirements of section 481(h) or any other provision of law requiring the withholding of assistance for countries that have not taken adequate steps to halt illicit drug production or trafficking, the President shall use those funds for additional assistance for those countries which have met their illicit drug eradication targets or have otherwise taken significant steps to halt illicit drug production or trafficking, as follows:

"(1) **INTERNATIONAL NARCOTICS CONTROL ASSISTANCE.**—Those funds may be transferred to and consolidated with the funds appropriated to carry out this chapter in order to provide additional narcotics control assistance for those countries. Funds transferred under this paragraph may only be used to provide increased funding for activities previously justified to the Congress. Transfers may be made under this paragraph without regard to the 20-percent increase limitation contained in section 610(a). This paragraph does not apply with respect to funds made available for assistance under the Arms Export Control Act.

"(2) **SECURITY ASSISTANCE.**—Any such funds not used under paragraph (1) shall be reprogrammed within the account for which they were appropriated (subject to the regular reprogramming procedures under section 634A) in order to provide additional security assistance for those countries.

"(b) **DEFINITION OF SECURITY ASSISTANCE.**—As used in this section, the term 'security assistance' means assistance under chapter 2 of part II of this Act (relating to the military assistance program), chapter 4 of part II of this Act (relating to the Economic Support Fund), chapter 5 of part II of this Act (relating to international military education and training), or the Arms Export Control Act (relating to foreign military sales credits)."

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) does not apply with respect to funds appropriated prior to the date of enactment of this Act.

**SEC. 3027. INCREASED FUNDING FOR AID DRUG EDUCATION PROGRAMS.**

There are authorized to be appropriated to the President, as supplemental appropriations for fiscal year 1988 (which are authorized to remain available until expended), \$1,000,000 to carry out chapter 1 of part I of the Foreign Assistance Act of 1961 (relating to development assistance), which amount shall be used pursuant to section 126(b)(2) of that Act for additional activities aimed at increasing awareness of the effects of production and trafficking of illicit narcotics on source and transit countries.

**Subtitle D—Provisions Relating to Specific Countries**

**SEC. 3031. COOPERATIVE NONMAJOR DRUG-TRANSIT COUNTRIES.**

(a) **GREATER ATTENTION.**—The Congress urges the Assistant Secretary of State for International Narcotics Matters to give greater attention, and provide more narcotics control assistance, to those countries which are drug-transit countries but are not major drug-transit countries (as defined in section 481(i)(5) of the Foreign Assistance Act of 1961) and which are cooperating with the United States in its international narcotics control efforts.

(b) **EARMARKING OF ASSISTANCE.**—Of the amounts made available for fiscal year 1989 to carry out chapter 8 of part I of the Foreign Assistance Act of 1961 (relating to international narcotics control), not less than \$1,000,000 shall be available only for assistance to countries described in subsection (a).

**SEC. 3032. ASSISTANCE FOR BOLIVIA.**

(a) **SECURITY ASSISTANCE.**—For fiscal year 1989, assistance may be provided for Bolivia under chapter 2 (relating to grant military assistance), chapter 4 (relating to the economic support fund), and chapter 5 (relating to international military education and training) of part II of the Foreign Assistance Act of 1961 and under chapter 2 of the Arms Export Control Act (relating to foreign military sales financing) only if the President certifies to the Congress that the Government of Bolivia has enacted and is implementing legislation that—

(1) establishes its legal coca requirements,

(2) provides for the licensing of the number of hectares necessary to produce the legal requirement,

(3) makes unlicensed coca production illegal, and

(4) makes possession and distribution of coca leaf illegal (other than for licit purposes).

(b) **SECTION 481 CERTIFICATION.**—

(1) **CONDITIONS ON CERTIFICATION.**—For fiscal year 1989, the President may make a certification with respect to Bolivia under clause (i) or (ii) of section 481(h)(2)(A) of the Foreign Assistance Act of 1961 only if the Government of Bolivia—

(A) has entered into the narcotics cooperation agreement with the United States

specified in section 611(2)(B) of the International Security and Development Cooperation Act of 1985;

(B) has fully achieved the eradication targets contained in that agreement; and

(C) has begun a program of forced eradication of illicit coca cultivation if the targets for voluntary eradication are not being met or are not continued.

(2) **NONWAIVABILITY.**—The authorities contained in section 614 of the Foreign Assistance Act of 1961 may not be used to waive the requirements of this subsection, and may not be used to waive the requirements of section 481(h) of that Act for fiscal year 1989 with respect to Bolivia.

(c) **DEVELOPMENT ASSISTANCE.**—For fiscal year 1989, the project agreement document for a project carried out pursuant to chapter I of part I of the Foreign Assistance Act of 1961 (relating to development assistance) shall contain—

(1) in the case of the Chapare Regional Development Project, a clause requiring that project activities be suspended if the Government of Bolivia fails to achieve the coca eradication targets contained in the November 23, 1987, agreement concerning that project; and

(2) in the case of a project to be carried out in an area in Bolivia in which there is no known illicit coca cultivation as of the date of enactment of this Act, a clause requiring that project activities be suspended if the Government of Bolivia fails to keep the project area free of illicit coca cultivation.

(d) **FISCAL YEAR 1988 EARMARKING.**—Title II of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1988 (as contained in section 101(e) of Public Law 100-202), is amended in the paragraph under the heading "INTERNATIONAL NARCOTICS CONTROL" by striking out "\$15,000,000" and all that follows through "not less than" in the second proviso.

**SEC. 3033. ASSISTANCE FOR PERU.**

(a) **DETERMINATIONS REGARDING NARCOTICS CONTROL COOPERATION.**—In making determinations with respect to Peru pursuant to section 481(h)(2)(A)(i)(I) of the Foreign Assistance Act of 1961 for fiscal year 1989, the President shall give foremost consideration to whether the Government of Peru made substantial progress in meeting its coca eradication targets during the previous year.

(b) **UPPER HUALLAGA VALLEY PROJECT.**—Funds authorized to be appropriated for fiscal year 1989 to carry out chapter 1 of part I of that Act (relating to development assistance) may be made available for the project of the Agency for International Development in the Upper Huallaga Valley of Peru only if the Administrator of that Agency determines, and reports to the Congress, that such project continues to be effective in reducing and eradicating coca leaf production, distribution, and marketing in the Upper Huallaga Valley.

**SEC. 3034. ASSISTANCE FOR MEXICO.**

(a) **LIMITATION ON ASSISTANCE.**—Of the amounts made available for fiscal year 1989 to carry out chapter 8 of part I of the Foreign Assistance Act of 1961 (relating to international narcotics control), not more than \$15,000,000 may be made available for Mexico.

(b) **PROSECUTION OF THOSE RESPONSIBLE FOR THE TORTURE AND MURDER OF DEA AGENTS.**—Of the funds allocated for assistance for Mexico for fiscal year 1989 under that chapter, \$1,000,000 shall be withheld from expenditure until the President re-

ports to the Congress that the Government of Mexico—

(1) has fully investigated the 1985 murders of Drug Enforcement Administration agent Enrique Camarena Salazar and his pilot Alfredo Zavala Avelar;

(2) has fully investigated the 1986 detention and torture of Drug Enforcement Administration agent Victor Cortez, Junior; and

(3) has brought to trial and is effectively prosecuting those responsible for those murders and those responsible for that detention and torture.

(c) **JOINT AIR OPERATIONS AND JOINT CREWING.**—In making determinations with respect to Mexico pursuant to section 481(h)(2)(A)(i)(I) of the Foreign Assistance Act of 1961 for fiscal year 1989, the President shall consider whether the Government of Mexico has responded favorably to the United States proposals to establish, and is making measurable progress toward implementing—

(1) a joint United States-Mexico airborne apprehension capability (commonly referred to as "joint air operations"); and

(2) joint air surveillance operations (commonly referred to as "joint crewing").

(d) **BANKING INFORMATION CONCERNING MONEY LAUNDERING.**—The Congress encourages the Government of Mexico, upon ratification of the Mutual Legal Assistance Treaty between the United States and Mexico, to furnish banking information pursuant to that treaty which would permit the successful investigation and prosecution in the United States of major narco-terrorists who use Mexican financial institutions to "launder" their profits.

**SEC. 3035. ASSISTANCE FOR COLOMBIA.**

(a) **SIZE OF MILITARY ASSISTANCE GROUP.**—The third sentence of section 515(c)(1) of the Foreign Assistance Act of 1961 (relating to countries authorized to have more than 6 members of the Armed Forces assigned to carry out international security assistance programs) is amended by inserting "Colombia," after "Honduras,".

(b) **INCREASED MILITARY ASSISTANCE.**—There are authorized to be appropriated to carry out chapter 2 of part II of the Foreign Assistance Act of 1961 (relating to the grant military assistance) \$15,000,000 as supplemental appropriations for fiscal year 1988, which are authorized to remain available until expended. These funds shall be available only to provide defense articles to the armed forces of Colombia to support their efforts to combat illicit narcotics production and trafficking.

(c) **PROTECTION FROM NARCO-TERRORIST ATTACKS.**—

(1)  **earmark of funds.**—Of the funds made available for fiscal year 1989 to carry out chapter 4 of part II of the Foreign Assistance Act of 1961 (relating to the economic support fund), not less than \$5,000,000 shall be used to provide to the Government of Colombia such assistance as it may request to provide protection against narco-terrorist attacks on judges, other government officials, and members of the press.

(2) **waiver of prohibition on assistance to police forces.**—The assistance provided for in paragraph (1) may be provided without regard to section 660 of the Foreign Assistance Act of 1961.

(3) **notification to congress.**—Funds made available pursuant to paragraph (1) not be obligated until at least 15 days after the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate are

notified of the proposed obligation in accordance with the reprogramming procedures applicable under section 634A of the Foreign Assistance Act of 1961.

(4) **EXTENSION OF PERIOD FOR OBLIGATION OF FUNDS.**—Funds allocated to carry out this subsection shall remain available until expended, notwithstanding any other provision of law.

**SEC. 3036. ILLICIT DRUG PRODUCTION AND TRAFFICKING IN PAKISTAN.**

In making determinations with respect to Pakistan pursuant to section 481(h)(2)(A)(i)(I) of the Foreign Assistance Act of 1961, the President shall take into account the extent to which the Government of Pakistan—

(1) is reducing illicit narcotics cultivation;

(2) is increasing drug seizures;

(3) is increasing its suppression of the manufacture of illicit narcotics;

(4) is increasing the number of illicit laboratories destroyed;

(5) is increasing the number of arrests and successful prosecutions of violators, with particular emphasis on putting major traffickers out of business;

(6) has made changes in Pakistani legal codes in order to enable Pakistani law enforcement officials to move more effectively against narcotics traffickers, such as new conspiracy laws and new asset seizure laws; and

(7) is expeditiously processing United States extradition requests relating to narcotics trafficking.

**SEC. 3037. UNITED STATES RELIANCE ON LICIT OPIUM GUM FROM FOREIGN SOURCES.**

(a) **REVIEW.**—The President shall conduct a review of United States narcotics raw material policy to determine—

(1) the current and reserve international needs for opium-derived pharmaceutical and chemical products, and the relative capabilities for meeting those needs through the opium gum process and the concentrated poppy straw method of production;

(2) whether the United States should continue to rely on a single foreign country for all its licit opium gum;

(3) whether it should be United States policy to encourage all countries which produce licit opium to use the concentrated poppy straw method of production; and

(4) what options are available, consistent with treaties to which the United States is a party, to reduce United States reliance on licit opium gum from foreign sources.

The results of this review shall be reported to the Congress by December 31, 1988.

(b) **SECTION 481(h) CERTIFICATIONS WITH RESPECT TO INDIA.**—For fiscal year 1989, the President may make a certification with respect to India under section 481(h)(2)(A)(i)(I) of the Foreign Assistance Act of 1961 only if the President determines that the Government of India has taken steps to prevent significant diversion of its licit opium cultivation and production into the illicit market, to reduce its licit opium stockpile, and to eliminate illicit opium cultivation and production. If that certification is made, the President shall include with that certification a detailed report on what steps were taken and an estimate of the amount of licit opium still being diverted to the illicit market.

**SEC. 3038. AFGHANISTAN AS A HEROIN SOURCE.**

(a) **FINDING.**—The Congress finds that Afghanistan remains the source of most of the heroin exported from southwest Asia.

(b) **STATEMENT OF POLICY.**—It is the sense of the Congress that—

(1) the United States Government should pursue efforts to press the Government of Afghanistan, and should work with the Mujahadeen—

(A) to reduce production and trafficking in areas under their respective control, and

(B) to encourage drug eradication, interdiction, and crop substitution in Afghanistan; and

(2) an initiative should be developed which could be put in place as the Mujahadeen and successors to the present Kabul regime begin to exert more civil authority.

**SEC. 3039. INVOLVEMENT OF THE GOVERNMENT OF LAOS IN ILLICIT DRUG PRODUCTION AND TRAFFICKING.**

(a) **QUARTERLY REPORTS.**—Not later than 3 months after the date of enactment of this Act and every 3 months thereafter, the President shall prepare and transmit to the Congress a report containing the following determinations:

(1) Does the Government of Laos, as a matter of government policy, encourage or facilitate the production or distribution of illegal drugs?

(2) Does any senior official of the Government of Laos engage in, encourage, or facilitate the production or distribution of illegal drugs?

(3) Do other governments in the region assist the distribution of illegal drugs from Laos?

(b) **INFORMATION TO BE INCLUDED.**—(1) If an affirmative determination is made under paragraph (1) or (2) of subsection (a), the report shall describe the activities and identities of officials whose activities caused that determination to be made.

(2) If an affirmative determination is made under paragraph (3) of subsection (a), the report shall describe the activities of other governments in the region which caused that determination to be made.

(c) **RESTRICTIONS.**—If an affirmative determination is reported under paragraph (1) or (2) of subsection (a), United States assistance may not be furnished to Laos, and the United States representative to any multilateral development bank shall vote to oppose any loan or other use of funds of such bank for the benefit of Laos, unless the President certifies to the Congress that—

(1) overriding vital national interests require that provision of such assistance; and

(2) such assistance would improve the prospects for cooperation with Laos in halting the flow of illegal drugs.

(d) **RELATION TO OTHER PROVISIONS.**—The restrictions contained in subsection (c) are in addition to the restrictions contained in section 481(h) of the Foreign Assistance Act of 1961 or any other provision of law.

**Subtitle E—Annual Report and Certification Process for Foreign Assistance Programs**

**SEC. 3041. EXPRESSION IN NUMERICAL TERMS OF MAXIMUM ACHIEVABLE REDUCTIONS IN ILLICIT DRUG PRODUCTION.**

Section 481(e)(4) of the Foreign Assistance Act of 1961 is amended by inserting after the second sentence the following: "Each determination of the President under the preceding sentence shall be expressed in numerical terms, such as the number of acres of illicitly cultivated controlled substances which can be eradicated."

**SEC. 3042. REPORTS ON ASSISTANCE DENIED.**

Section 481(e) of the Foreign Assistance Act of 1961 is amended by adding at the end the following:

"(8) Each report pursuant to this subsection shall describe the United States assist-

ance for the preceding fiscal year which was denied, pursuant to subsection (h), to each major illicit drug producing country and each major drug-transit country."

**SEC. 3043. DRUG-RELATED CORRUPTION BY FOREIGN GOVERNMENT OFFICIALS.**

Section 481(h) of the Foreign Assistance Act of 1961 is amended—

(1) in paragraph (2)(A)(i)(I) by inserting "corruption by government officials and" after preventing and punishing"; and

(2) in paragraph (3)—  
(A) by striking out "and" at the end of subparagraph (A);

(B) by striking out the period at the end of subparagraph (B) and inserting in lieu thereof "; and"; and

(C) by inserting after subparagraph (B) the following:

"(C) has taken the legal and law enforcement steps necessary to eliminate, to the maximum extent possible, corruption by government officials, with particular emphasis on the elimination of bribery."

**SEC. 3044. DETERMINING MAJOR DRUG-TRANSIT COUNTRIES.**

(a) **PROCEDURES FOR DETERMINING.**—Section 481 of Foreign Assistance Act of 1961 is amended by adding at the end the following:

"(k)(1) For each calendar year, the Secretary of State, after consultation with the appropriate committees of the Congress, shall establish numerical standards and other guidelines for determining which countries will be considered to be major drug-transit countries under subsection (i)(5) (A) and (B) of this section.

"(2) Not later than September 1 of each year, the Secretary of State shall make a preliminary determination of the numerical standards and other guidelines to be used pursuant to paragraph (1) with respect to that year and shall notify the appropriate committees of the Congress of those standards and guidelines.

"(3) Not later than October 1 of each year, the Secretary of State shall notify the appropriate committees of the Congress of—

"(A) which countries appear likely, as of that date, to be determined to be major drug-transit countries for that year under the numerical standards and other guidelines developed pursuant to this subsection; and

"(B) which countries appear likely, as of that date, to be determined to be major illicit drug producing countries for that year.

"(4) Each report submitted pursuant to subsection (e) shall discuss—

"(A) any changes made, since the notification provided pursuant to paragraph (2), in the numerical standards and other guidelines used in determining which countries were major drug-transit countries under subsection (i)(5) (A) and (B) during the preceding year; and

"(B) any changes made, since the notification provided pursuant to paragraph (3)—

"(i) in the countries determined to be major drug-transit countries under subsection (i)(5) (A) and (B) during the preceding year; or

"(ii) in the countries determined to be major illicit drug producing countries for that year."

(b) **TRANSITION PROVISION.**—For calendar year 1988, the Secretary of State—

(1) shall take the actions specified in subsection (k)(2) of section 481 of the Foreign Assistance Act of 1961 (as added by subsection (a) of this section) not later than 30 days after the date of enactment of this Act; and

(2) shall take the actions specified in subsection (k)(3) of that section (as added by subsection (a) of this section) not later than 60 days after the date of enactment of this Act.

**SEC. 3045. REQUIREMENT FOR BILATERAL NARCOTICS AGREEMENTS.**

(a) **DEFINITION OF BILATERAL AGREEMENT.**—Section 481(h)(2)(A)(ii) of the Foreign Assistance Act of 1961 is amended to read as follows:

"(ii) A bilateral narcotics agreement referred to in clause (i)(I) is an agreement between the United States and a foreign country in which the foreign country agrees to take specific activities, including, where applicable, efforts to—

"(I) reduce drug production, drug consumption, and drug trafficking within its territory, including activities to address illicit crop eradication and crop substitution;

"(II) increase drug interdiction and enforcement;

"(III) increase drug treatment;

"(IV) increase the identification of and elimination of illicit drug laboratories;

"(V) increase the identification and elimination of the trafficking of precursor chemicals for the use in production of illegal drugs;

"(VI) increase cooperation with United States drug enforcement officials; and

"(VII) where applicable, increase participation in extradition treaties, mutual legal assistance provisions directed at money laundering, sharing of evidence, and other initiatives for cooperative drug enforcement."

(b) **MULTILATERAL AGREEMENTS.**—Section 481(h)(2)(A)(i)(I) of that Act, as amended by subsection (c)(1) of the section of this title entitled "CORRECTION OF TECHNICAL ERRORS IN PRIOR ACTS", is amended by inserting "or a multilateral agreement which achieves the objectives of this subsection" after "(ii)".

(c) **REQUIREMENT FOR AGREEMENT.**—Effective October 1, 1988, section 481(h)(2)(A) of that Act is amended by adding at the end the following:

"(iii) A country which in the previous year was designated as a major illicit drug producing country or a major drug-transit country may not be determined to be cooperating fully under clause (i)(I) unless it has in place a bilateral narcotics agreement with the United States or a multilateral agreement which achieves the objectives of this subparagraph."

(d) **CONFORMING AMENDMENT.**—Section 585(c) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1988 (as contained in section 101(e) of Public Law 100-202), is hereby superceded.

**SEC. 3046. WAIVER OF RESTRICTIONS ON UNITED STATES ASSISTANCE FOR CERTAIN MAJOR DRUG-TRANSIT COUNTRIES.**

Section 481(h) of the Foreign Assistance Act of 1961 shall not apply with respect to a major drug-transit country for fiscal year 1989 if the President certifies to the Congress, during that fiscal year, that—

(1) section 481(i)(5)(C) of that Act (relating to money laundering) does not apply to that country;

(2) the country previously was a major illicit drug producing country but, during each of the preceding two years, has effectively eliminated illicit drug production; and

(3) the country is cooperating fully with the United States or has taken adequate steps on its own—

(A) in satisfying the goals agreed to in an applicable bilateral narcotics agreement with the United States (as described in section 481(h)(1)(A)(ii) of that Act) or a multilateral agreement which achieves the objectives of subparagraph (A) of section 481(h)(1) of that Act;

(B) in preventing narcotic and psychotropic drugs and other controlled substances transported through such country from being sold illegally within the jurisdiction of such country to United States Government personnel or their dependents or from being transported, directly or indirectly, into the United States; and

(C) in preventing and punishing corruption by government officials.

**SEC. 3047. CLARIFICATION OF ASSISTANCE TERMINATION REQUIREMENT; CONGRESSIONAL REVIEW OF RECERTIFICATION.**

Section 481(h) of the Foreign Assistance Act of 1961 is amended by striking out paragraphs (4) and (5) and inserting in lieu thereof the following:

"(4) Paragraph (1) shall apply without regard to paragraph (2) if, within 45 days of continuous session (within the meaning of section 601(b)(1) of the International Security Assistance and Arms Export Control Act of 1976) after receipt of a certification under paragraph (2), the Congress enacts a joint resolution disapproving the determination of the President contained in such certification.

"(5) If the President does not make a certification under paragraph (2) with respect to a country or the Congress enacts a joint resolution disapproving such certification, that country may not be provided with any of the United States assistance for the current fiscal year that was required to be withheld by paragraph (1), and may not be provided with any United States assistance for subsequent fiscal years, unless—

"(A) the President submits, at the time specified in paragraph (2)(A)(i) or at any other time, a certification under subclause (I) or (II) of that paragraph with respect to such country;

"(B) a period of 45 days of continuous session (within the meaning of section 601(b)(1) of the International Security Assistance and Arms Export Control Act of 1976) elapses after the Congress receives that certification; and

"(C) during that period, the Congress does not enact a joint resolution disapproving the determination of the President contained in such certification.

"(6)(A) Any joint resolution under paragraph (4) or (5) shall be considered in the Senate in accordance with the provisions of section 601(b) of the International Security Assistance and Arms Export Control Act of 1976.

"(B) For the purpose of expediting the consideration and enactment of joint resolution under paragraphs (4) and (5), a motion to proceed to the consideration of any such joint resolution after it has been reported by the appropriate committee shall be treated as highly privileged in the House of Representatives."

**SEC. 3048. DEFINITION OF UNITED STATES ASSISTANCE.**

(a) **EXCLUSION OF CERTAIN NARCOTICS EDUCATION AND AWARENESS ACTIVITIES.**—Section 481(i)(4) of the Foreign Assistance Act of 1961 is amended by striking out "or (vii)" and inserting in lieu thereof "(vii) assistance for narcotics education and awareness activities pursuant to section 126(b)(2) of this Act (but any such assistance shall be subject

to the prior notification procedures applicable to reprogrammings pursuant to section 634A of this Act, or (viii)).

(b) **CONFORMING AMENDMENT.**—The amendment made by subsection (a) shall be in lieu of any amendment to section 481(i)(4) of the Foreign Assistance Act of 1961 that is contained in the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1989, and that relates to assistance under section 126 of the Foreign Assistance Act of 1961; and any such amendment contained in the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1989, shall not take effect.

**SEC. 3049. REPORTS AND RESTRICTIONS CONCERNING CERTAIN COUNTRIES.**

Section 2013(a) of the Anti-Drug Abuse Act of 1986 is amended—

(1) by striking out “Not later than 6 months after the date of enactment of this Act and every 6 months thereafter, the” and inserting in lieu thereof “The”; and

(2) by inserting “, as part of the report required by section 481(b)(2) of the Foreign Assistance Act of 1961,” after “transmit to the Congress”.

**SEC. 3050. REMOVAL OF CERTIFICATION PROCEDURE FOR MDB FINANCING FROM FOREIGN ASSISTANCE ACT.**

Section 481(h) of the Foreign Assistance Act of 1961 is amended—

(1) in paragraph (1)—

(A) by striking out “country—” through “50 percent” and inserting in lieu thereof “country, 50 percent”;

(B) by striking out “; and” at the end of subparagraph (A) and inserting in lieu thereof a period; and

(C) by striking out subparagraph (B); (2) in the text of paragraph (2)(A)(i) preceding subclause (I)—

(A) by striking out “(1)(A)” and inserting in lieu thereof “(1)”; and

(B) by striking out “and the provisions of paragraph (1)(B) shall not apply”; and

(3) in paragraph (2)(B)(i) by striking out “or financing”.

**Subtitle F—Miscellaneous Provisions Relating to Assistance Programs**

**SEC. 3051. REPORTING ON TRANSFER OF UNITED STATES ASSETS.**

(a) **15-DAY ADVANCE NOTIFICATION.**—Any transfer by the United States Government to a foreign country for narcotics control purposes of any property seized by or otherwise forfeited to the United States Government in connection with narcotics-related activity shall be subject to the regular reprogramming procedures applicable under section 634A of the Foreign Assistance Act of 1961.

(b) **ANNUAL REPORTS.**—Section 2061 of this title requires that all such transfers be reported annually to the Congress.

**SEC. 3052. IMPORTANCE OF SUPPRESSING INTERNATIONAL NARCOTICS TRAFFICKING.**

Section 481(a)(1) of the Foreign Assistance Act of 1961 is amended—

(1) by redesignating subparagraphs (B) through (D) as subparagraphs (C) through (E), respectively; and

(2) by inserting after subparagraph (A) the following:

“(B) suppression of international narcotics trafficking is among the most important foreign policy objectives of the United States;”.

**SEC. 3053. PROHIBITION ON ASSISTANCE TO DRUG TRAFFICKERS.**

Chapter 8 of part I of the Foreign Assistance Act of 1961, as amended by section

3026 of this title, is further amended by adding at the end the following:

**“SEC. 487. PROHIBITION ON ASSISTANCE TO DRUG TRAFFICKERS.**

“(a) **PROHIBITION.**—The President shall take all reasonable steps to ensure that assistance under this Act and the Arms Export Control Act is not provided to or through any individual or entity that the President knows or has reason to believe—

“(1) has been convicted of a violation of, or a conspiracy to violate, any law or regulation of the United States, a State or the District of Columbia, or a foreign country relating to narcotic or psychotropic drugs or other controlled substances (as defined in section 481(i)(3) of this Act); or

“(2) is or has been an illicit trafficker in any such controlled substance or is or has been a knowing assister, abettor, conspirator, or colluder with others in the illicit trafficking in any such substance.

“(b) **REGULATIONS.**—The President shall issue regulations specifying the steps to be taken in carrying out this section.

“(c) **CONGRESSIONAL REVIEW OF REGULATIONS.**—Regulations issued pursuant to subsection (b) shall be submitted to the Congress before they take effect.”.

**SEC. 3054. PROCUREMENT FOR INTERNATIONAL NARCOTICS CONTROL ASSISTANCE.**

The Congress urges the Secretary of State to take appropriate corrective action to improve the Department of State's procurement operations in order to assure that the procurement of property or services for use in providing assistance under chapter 8 of part I of the Foreign Assistance Act of 1961 (relating to international narcotics control assistance) is timely, efficient, and in accordance with applicable procurement statutes and regulations.

**SEC. 3055. PROHIBITION ON USE OF NARCOTICS CONTROL ASSISTANCE TO ACQUIRE REAL PROPERTY.**

Chapter 8 of part I of the Foreign Assistance Act of 1961, as amended by sections 3026 and 3053 of this title, is further amended by adding at the end the following:

**“SEC. 488. PROHIBITION ON USE OF NARCOTICS CONTROL ASSISTANCE TO ACQUIRE REAL PROPERTY.**

“Funds made available to carry out this chapter may not be used to acquire (by purchase, lease, or other means) any real property for use by foreign military, paramilitary, or law enforcement forces.”.

**SEC. 3056. CORRECTION OF TECHNICAL ERRORS IN PRIOR ACTS.**

(a) **ANTI-DRUG ABUSE ACT OF 1986.**—

(1) Section 2015(b)(1) of the Anti-Drug Abuse Act of 1986 is amended by striking out “effects” and inserting in lieu thereof “efforts”.

(2) Section 2030(b) of that Act is amended by striking out “subsection (A)(4)” and inserting in lieu thereof “subsection (a)(4)”.

(b) **1986 DRUG ACT AMENDMENTS TO FOREIGN ASSISTANCE ACT.**—Section 481 of the Foreign Assistance Act of 1961 (as amended by section 2005 of the Anti-Drug Abuse Act of 1986) is amended—

(1) in subsection (h)(2)(A), by striking out “, or” at the end of clause (ii) and inserting in lieu thereof a period;

(2) in subsection (h)(4)(A), by inserting “a” before “joint resolution”; and

(3) in subsection (i)(4)(vi), by striking out “section 1049(c)(2)” and inserting in lieu thereof “section 104(c)(2)”.

(c) **FY 1988 CONTINUING RESOLUTION AMENDMENTS TO FOREIGN ASSISTANCE ACT.**—Section 481(h) of the Foreign Assistance Act of 1961 is amended—

(1) in paragraph (2)(A)(i)(I) by striking out “, (as described in (ii)) and,” and inserting in lieu thereof “(as described in clause (ii))”;

(2) in paragraph (2)(A)(i)(II) by striking out “subclause (i)” and inserting in lieu thereof “subclause (I)”; and

(3) in paragraph (4) by striking out “clause (A)(ii)” and inserting in lieu thereof “subparagraph (A)(i)(II)”.

**SEC. 3057. REIMBURSEMENT FOR DOD SERVICES USED IN PROVIDING INTERNATIONAL NARCOTICS CONTROL ASSISTANCE.**

Section 632(c) of the Foreign Assistance Act of 1961 is amended by inserting after “actual cost,” the following: “or, in the case of services procured from the Department of Defense to carry out chapter 8 of part I, the amount of the additional costs incurred by the Department of Defense in providing such services.”.

**Subtitle G—Department of State Activities**

**SEC. 3061. COORDINATION OF ALL UNITED STATES ANTI-NARCOTICS ASSISTANCE TO FOREIGN COUNTRIES.**

(a) **COORDINATION.**—The Secretary of State shall be responsible for coordinating all assistance provided by the United States Government to support international efforts to combat illicit narcotics production or trafficking.

(b) **ANNUAL REPORTS.**—

(1) **REQUIREMENT FOR REPORTS.**—At the time that the report required by section 481(e) of the Foreign Assistance Act of 1961 is submitted each year, the Secretary of State, in consultation with appropriate United States Government agencies, shall report to the appropriate committees of the Congress on the assistance provided by the United States Government during the preceding fiscal year to support international efforts to combat illicit narcotics production or trafficking.

(2) **SPECIFIC ITEMS TO BE INCLUDED.**—(A)

Each report pursuant to this subsection shall specify the amount and nature of the assistance provided.

(B) For each country which is a significant direct or indirect source of illicit narcotic and psychotropic drugs and other controlled substances significantly affecting the United States, each report pursuant to this subsection shall set forth separately the assistance with respect to narcotic control efforts provided or to be provided (as the case may be) to that country by the Drug Enforcement Administration, the Customs Service, and Coast Guard, respectively, during the preceding fiscal year, the current fiscal year, and the next fiscal year.

(C) Each report required by this subsection shall also list all transfers, which were made by the United States Government during the preceding fiscal year, to a foreign country for narcotics control purposes of any property seized by or otherwise forfeited to the United States Government in connection with narcotics-related activity, including an estimate of the fair market value and physical condition of each item of property transferred.

(3) **REPORTS MAY BE CLASSIFIED.**—The reports required by this subsection may be provided on a classified basis to the extent necessary.

(c) **RULE OF CONSTRUCTION.**—Nothing contained in this section shall be construed to limit or impair the authority or responsibility of any other Federal agency with respect to law enforcement, domestic security operations, or intelligence activities as defined in Executive Order 12333.

**SEC. 3062. REWARDS FOR INFORMATION CONCERNING NARCOTICS-RELATED OFFENSES COMMITTED OUTSIDE THE UNITED STATES.**

Section 36(g) of the State Department Basic Authorities Act of 1956 is amended by amending the second sentence to read as follows: "In addition to the amount authorized to be appropriated by the preceding sentence, there are authorized to be appropriated, without fiscal year limitation, \$5,000,000 for 'Administration of Foreign Affairs' for use in paying rewards for information described in subsection (b)(1)."

**SEC. 3063. DENIAL OF PASSPORTS TO CERTAIN CONVICTED DRUG TRAFFICKERS.**

**(a) INELIGIBILITY FOR PASSPORT.—**

(1) **IN GENERAL.**—A passport may not be issued to an individual who is convicted of an offense described in subsection (b) during the period described in subsection (c) if the individual used a passport or otherwise crossed an international border in committing the offense.

(2) **PASSPORT REVOCATION.**—The Secretary of State shall revoke a passport previously issued to an individual who is ineligible to receive a passport under paragraph (1).

**(b) DRUG LAW OFFENSES.—**

(1) **FELONIES.**—Subsection (a) applies with respect to any individual convicted of a Federal drug offense, or a State drug offense, if the offense is a felony.

(2) **CERTAIN MISDEMEANORS.**—Subsection (a) also applies with respect to an individual convicted of a Federal drug offense, or a State drug offense, if the offense is a misdemeanor, but only if the Secretary of State determines that subsection (a) should apply with respect to that individual on account of that offense. This paragraph does not apply to an individual's first conviction for a misdemeanor which involves only possession of a controlled substance.

(c) **PERIOD OF INELIGIBILITY.**—Subsection (a) applies during the period that the individual—

(1) is imprisoned, or is legally required to be imprisoned, as the result of the conviction for the offense described in subsection (b); or

(2) is on parole or other supervised release after having been imprisoned as the result of that conviction.

(d) **EMERGENCY AND HUMANITARIAN EXCEPTIONS.**—Notwithstanding subsection (a), the Secretary of State may issue a passport, in emergency circumstances or for humanitarian reasons, to an individual with respect to whom that subsection applies.

(e) **INDICATING DRUG LAW VIOLATIONS ON TRAVEL DOCUMENTS.**—The President may, by regulation, prescribe procedures for indicating on—

(1) passports and other travel documents issued by the United States, and

(2) passports and other forms of personal identification presented during a United States immigration or customs inspection in order to establish the identity of an individual seeking admission or entry into the United States,

the fact that the holder has been convicted of, or has been assessed a civil penalty or has forfeited property on account of, a Federal drug offense or a State drug offense if, in committing the offense, the individual used the passport or other travel document or other form of personal identification in order to cross an international border.

(f) **DEFINITIONS.**—As used in this section—

(1) the term "controlled substance" has the same meaning as is provided in section 102 of the Controlled Substances Act (21 U.S.C. 802);

(2) the term "Federal drug offense" means a violation of—

(A) the Controlled Substances Act (21 U.S.C. 801 et seq.) or the Controlled Substances Import and Export Act (21 U.S.C. 951 et seq.);

(B) any other Federal law involving controlled substances; or

(C) subchapter II of chapter 53 of title 31, United States Code (commonly referred to as the "Bank Secrecy Act"), or section 1956 or section 1957 of title 18, United States Code (commonly referred to as the "Money Laundering Act"), if the Secretary of State determines that the violation is related to illicit production of or trafficking in a controlled substance;

(3) the term "felony" means a criminal offense punishable by death or imprisonment for more than one year;

(4) the term "imprisoned" means an individual is confined in or otherwise restricted to a jail-type institution, a half-way house, a treatment facility, or another institution, on a full or part-time basis, pursuant to the sentence imposed as the result of a conviction;

(5) the term "misdemeanor" means a criminal offense other than a felony;

(6) the term "State drug offense" means a violation of State law involving the manufacture, distribution, or possession of a controlled substance; and

(7) the term "State law" means the law of a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, or a territory or possession of the United States.

**SEC. 3064. MACHINE READABLE VISAS.**

There are authorized to be appropriated to the Department of State for "SALARIES AND EXPENSES", in addition to amounts otherwise authorized, \$15,000,000 as supplemental appropriations for fiscal year 1988, which are authorized to remain available until expended. Amounts authorized to be appropriated by this section shall be available only for expenses of the Department of State in developing and implementing a machine readable visa system.

**SEC. 3065. EXTRADITION AND MUTUAL LEGAL ASSISTANCE TREATIES AND MODEL COMPREHENSIVE ANTIDRUG LAWS.**

(a) **FINDINGS.**—The Congress finds that—

(1) section 133 of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987 (enacted August 16, 1985), directed the Secretary of State to increase United States efforts to negotiate updated extradition treaties relating to narcotics offenses with each major drug-producing country;

(2) section 803 of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (enacted December 22, 1987) directed the Secretary of State to ensure that an objective of the United States diplomatic mission in each major illicit drug producing or major drug-transit country be to ensure that drug traffickers can be extradited to the United States; and

(3) although some progress has been made pursuant to these directives in increasing international law enforcement cooperation with respect to illicit drug production and trafficking, much greater international law enforcement cooperation is required in combating the illicit drug problem.

(b) **GREATER EMPHASIS REQUIRED.**—Therefore, the Congress directs the Secretary of State to place greater emphasis on updating extradition treaties, and on negotiating mutual legal assistance treaties, with major

illicit drug producing countries and major drug-transit countries.

(c) **MODEL TREATIES AND ANTIDRUG LAWS.**—The Secretary of State and the Attorney General shall jointly develop a model extradition treaty with respect to narcotics-related violations (including extradition of host country nationals), a model mutual legal assistance treaty, and model comprehensive anti-narcotics legislation. The Secretary of State shall distribute such treaties and legislation to each United States mission abroad.

(d) **REPORT TO CONGRESS.**—The Secretary of State shall report to the Congress, not later than six months after the date of enactment of this Act, on actions taken to carry out this section.

**SEC. 3066. OVERSEAS INVESTIGATIVE PROGRAM.**

It is the sense of the Congress that Regional Security Officers and other security personnel at United States embassies and other civilian posts abroad should be directed to expand their investigative activities with respect to illicit drug use and trafficking by United States Government personnel and their dependents.

**SEC. 3067. ASSIGNMENT OF MORE DRUG ENFORCEMENT ADMINISTRATION AGENTS TO UNITED STATES EMBASSIES.**

The Congress urges the Secretary of State to permit the assignment of additional Drug Enforcement Administration agents to United States diplomatic missions in those foreign countries where illicit narcotics production or trafficking is, or is likely to become, a significant problem.

**TITLE IV—COMMITTEE ON GOVERNMENT OPERATIONS**

**SEC. 4001. SHORT TITLE.**

This title may be cited as the "Drug-Free Workplace Act of 1988".

**SEC. 4002. DRUG-FREE WORKPLACE REQUIREMENTS FOR FEDERAL CONTRACTORS.**

(a) **DRUG-FREE WORKPLACE REQUIREMENT.**—No person or organization shall be considered a responsible source, under the meaning of such term as defined in section 4(8) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(8)), for the purposes of being awarded a contract for the procurement of any property or services from any Federal agency unless such person or organization has certified to the contracting agency that it will provide a drug-free workplace by—

(1) publishing a statement notifying employees that the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance is prohibited in the person's or organization's workplace and specifying the actions that will be taken against employees for violations of such prohibition;

(2) establishing a drug-free awareness program to inform employees about—

(A) the dangers of drug abuse in the workplace;

(B) the person's or organization's policy of maintaining a drug-free workplace;

(C) any available drug counseling, rehabilitation, and employee assistance programs; and

(D) the penalties that may be imposed upon employees for drug abuse violations;

(3) making it a requirement that each employee to be engaged in the performance of such contract be given a copy of the statement required by paragraph (1) and that, as a condition of employment on such contract, the employee agree—

(A) to abide by the terms of the statement; and

(B) to notify the employer of any criminal drug statute conviction for a violation occurring in the workplace no later than 5 days after such conviction;

(4) notifying the contracting agency within 10 days after receiving notice under paragraph (3)(B) from an employee or otherwise receiving actual notice of such conviction;

(5) imposing a sanction on, or requiring the satisfactory participation in a drug abuse assistance or rehabilitation program by, any employee who is so convicted, as required by section 4004; and

(6) making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (1), (2), (3), (4), and (5).

(b) **SUSPENSION, TERMINATION, OR DEBARMENT OF THE CONTRACTOR.**—

(1) **GROUND FORS FOR SUSPENSION, TERMINATION, OR DEBARMENT.**—Each contract awarded by a Federal agency shall be subject to suspension of payments under the contract or termination of the contract, or both, and the contractor thereunder shall be subject to debarment, in accordance with the requirements of this section if the board of contract appeals of the contracting agency determines that—

(A) the contractor has made a false certification under subsection (a);

(B) the contractor violates such certification by failing to carry out the requirements of paragraph (1), (2), (3), (4), or (5) of subsection (a); or

(C) such a number of employees of such contractor have been convicted of violations of criminal drug statutes for violations occurring in the workplace as to indicate that the contractor has failed to make a good faith effort to provide a drug-free workplace as required by subsection (a).

(2) **CONDUCT OF SUSPENSION, TERMINATION, AND DEBARMENT PROCEEDINGS.**—If a contracting officer determines, in writing, that cause for suspension, termination, or debarment exists, a suspension, termination, or debarment proceeding subject to this subsection shall, on application by a contracting officer of an agency, be conducted by the board of contract appeals of the agency which conducts the procurement. The board of contract appeals shall, based upon a preponderance of the evidence presented, resolve all issues of fact, determine whether a basis exists for the suspension or termination of the contract or debarment of the contractor, and issue a final decision in favor of or against suspension or termination of the contract or debarment of the contractor. A proceeding, decision, or order of the board pursuant to this subsection shall not be subject to interlocutory appeal or review. Determinations and final decisions of the board of contract appeals shall be final unless appealed by the contractor to the United States Court of Appeals for the Federal Circuit within 60 days after the receipt by the contractor of a copy of a final decision of the board of contract appeals. Section 10(b) of the Contract Disputes Act of 1978 (41 U.S.C. 609(b)) shall apply with respect to the finality of such board determinations and decisions under this paragraph.

(3) **CONDUCT BY GSA BOARD.**—In the case of an agency that has not established a board of contract appeals under section 8(a)(1) of the Contract Disputes Act of 1978 (41 U.S.C. 607(a)(1)), the General Services Administration Board of Contract Appeals shall make the determinations and issue final decisions under paragraph (2) for such agencies. Section 10(b) of the Contract Disputes Act of

1978 (41 U.S.C. 609(b)) shall apply with respect to the finality of such Board determinations and decisions under this paragraph.

(4) **EFFECT OF DEBARMENT.**—Upon issuance of any final decision under this subsection requiring debarment of a contractor, such contractor shall be ineligible for award of any contract by any Federal agency and for participation in any future procurement by any Federal agency for a period specified in the decision, not to exceed 5 years. Upon issuance of any final decision recommending against debarment of the contractor, the contractor shall be compensated as provided by law or regulations.

**SEC. 4003. DRUG-FREE WORKPLACE REQUIREMENTS FOR FEDERAL GRANT RECIPIENTS.**

(a) **DRUG-FREE WORKPLACE REQUIREMENT.**—No person or organization shall receive a grant from any Federal agency unless such person or organization has certified to the granting agency that it will provide a drug-free workplace by—

(1) publishing a statement notifying employees that the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violations of such prohibition;

(2) establishing a drug-free awareness program to inform employees about—

(A) the dangers of drug abuse in the workplace;

(B) the grantee's policy of maintaining a drug-free workplace;

(C) any available drug counseling, rehabilitation, and employee assistance programs; and

(D) the penalties that may be imposed upon employees for drug abuse violations;

(3) making it a requirement that each employee to be engaged in the performance of such grant be given a copy of the statement required by paragraph (1) and that, as a condition of employment on such grant, the employee agree—

(A) to abide by the terms of the statement; and

(B) to notify the employer of any criminal drug statute conviction for a violation occurring in the workplace no later than 5 days after such conviction;

(4) notifying the granting agency within 10 days after receiving notice of a conviction or otherwise receiving actual notice of such conviction;

(5) imposing a sanction on, or requiring the satisfactory participation in a drug abuse assistance or rehabilitation program by, any employee who is so convicted, as required by section 4004; and

(6) making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (1), (2), (3), (4), and (5).

(b) **SUSPENSION, TERMINATION, OR DEBARMENT OF THE GRANTEE.**—

(1) **GROUND FORS FOR SUSPENSION, TERMINATION, OR DEBARMENT.**—Each grant awarded by a Federal agency shall be subject to suspension of payments under the grant or termination of the grant, or both, and the grantee thereunder shall be subject to debarment, in accordance with the requirements of this section if the agency head of the granting agency or his official designee determines, in writing, that—

(A) the grantee has made a false certification under subsection (a);

(B) the grantee violates such certification by failing to carry out the requirements of

paragraph (1), (2), (3), (4), or (5) of subsection (a); or

(C) such a number of employees of such grantee have been convicted of violations of criminal drug statutes for violations occurring in the workplace as to indicate that the grantee has failed to make a good faith effort to provide a drug-free workplace as required by subsection (a).

(2) **CONDUCT OF SUSPENSION, TERMINATION, AND DEBARMENT PROCEEDINGS.**—A suspension, termination, or debarment proceeding subject to this subsection shall be conducted in accordance with applicable law, including Executive Order 12549 or any superseding Executive order and any regulations promulgated to implement such law or Executive order.

(3) **EFFECT OF DEBARMENT.**—Upon issuance of any final decision under this subsection requiring debarment of a grantee, such grantee shall be ineligible for award of any grant from any Federal agency and for participation in any future grant from any Federal agency for a period specified in the decision, not to exceed 5 years. Upon issuance of any final decision recommending against debarment of the grantee, the grantee shall be compensated as provided by law or regulations.

**SEC. 4004. EMPLOYEE SANCTIONS AND REMEDIES.**

A grantee or contractor shall, within 30 days after receiving notice from an employee of a conviction pursuant to section 4002(a)(3)(B) or 4003(a)(3)(B)—

(1) take appropriate personnel action against such employee up to and including termination; or

(2) require such employee to satisfactorily participate in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency.

**SEC. 4005. WAIVER.**

(a) **IN GENERAL.**—A termination, suspension, or debarment under this title may be waived by the head of an agency with respect to a particular contract or grant if—

(1) in the case of a waiver with respect to a contract, the head of the agency determines, after the issuance of a final determination under section 4003(b) by a board of contract appeals regarding a contract entered into by that agency, that suspension or termination of the contract or debarment of the contractor, or refusal to permit a person or organization to be treated as a responsible source for a contract, as the case may be, would severely disrupt the operation of such agency to the detriment of the Federal Government or the general public; or

(2) in the case of a waiver with respect to a grant, the head of the agency determines that suspension or termination of the grant or debarment of the grantee would not be in the public interest.

(b) **EXCLUSIVE AUTHORITY.**—The authority of the head of an agency under this section to waive a termination, suspension, or debarment shall not be delegated.

**SEC. 4006. AUTHORITY OF BOARDS.**

Not later than 90 days after the date of enactment of this title, the chairman of each board of contract appeals shall prescribe rules and procedures governing actions under this title. Each judge of such board may administer oaths and affirmations and issue subpoenas.

**SEC. 4007. DEFINITIONS.**

For purposes of this title—

(1) the term "drug-free workplace" means a site for the performance of work done in connection with a specific grant or contract described in section 4002 or 4003 of an entity at which employees of such entity are prohibited from engaging in the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance in accordance with the requirements of this title;

(2) the term "employee" means the employee of a grantee or contractor directly engaged in the performance of work pursuant to the provisions of the grant or contract described in section 4002 or 4003;

(3) the term "controlled substance" means a controlled substance in schedules I through V of section 202 of the Controlled Substances Act (21 U.S.C. 812);

(4) the term "conviction" means a finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the Federal or State criminal drug statutes;

(5) the term "criminal drug statute" means a criminal statute involving manufacture, distribution, dispensation, use, or possession of any controlled substance;

(6) the term "grantee" means the department, division, or other unit of a person or organization responsible for the performance under the grant;

(7) the term "contractor" means the department, division, or other unit of a person or organization responsible for the performance under the contract; and

(8) the term "Federal agency" means an agency as that term is defined in section 552(f) of title 5, United States Code.

#### SEC. 4008. EFFECTIVE DATE.

Sections 4002 and 4003 shall be effective 120 days after the date of the enactment of this title.

### TITLE V—COMMITTEE ON INTERIOR AND INSULAR AFFAIRS

#### Subtitle A—Indian Alcohol and Substance Abuse Prevention and Treatment

#### SEC. 5001. AMENDMENTS TO INDIAN ALCOHOL AND SUBSTANCE ABUSE PREVENTION AND TREATMENT ACT OF 1986.

Whenever in this subtitle a section or other provision is amended or repealed, such amendment or repeal shall be considered to be made to that section or other provision of the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2401 et seq.).

#### SEC. 5002. MINIMUM PERFORMANCE STANDARDS.

(a) IN GENERAL.—Paragraph (3) of section 4205(a) (25 U.S.C. 2411(a)) is amended by striking out "minimum standards" and inserting in lieu thereof "minimum performance standards".

(b) PROVISIONS OF TRIBAL ACTION PLANS.—Subparagraph (B) of section 4206(c)(1) (25 U.S.C. 2412(c)(1)) is amended by striking out "minimum standards" and inserting in lieu thereof "minimum performance standards".

(c) REPORT REGARDING STANDARDS.—The Secretary of the Interior and the Secretary of Health and Human Services shall submit a joint report to the Committee on Interior and Insular Affairs and the Committee on Energy and Commerce of the House of Representatives and the Select Committee on Indian Affairs of the Senate on the minimum performance standards developed pursuant to section 4205 of the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2411). Such report shall be submitted with the budget request submitted for fiscal year 1990.

#### SEC. 5003. REMEDIAL PLAN FOR COMPLYING WITH MINIMUM PERFORMANCE STANDARDS.

(a) DEVELOPMENT AND IMPLEMENTATION.—Subsection (c) of section 4206 (25 U.S.C. 2412) is amended by adding at the end thereof the following new paragraph:

"(3) Any Tribal Action Plan shall provide for developing and implementing the remedial plan for complying with the minimum performance standards incorporated under paragraph (1)(B)."

(b) RESPONSIBILITY OF OFFICE OF ALCOHOL AND SUBSTANCE ABUSE.—Paragraph (2) of section 4207(b) (25 U.S.C. 2413(b)) is amended—

(1) by striking out "and" at the end of subparagraph (A);

(2) by striking out the period at the end of subparagraph (B) and inserting in lieu thereof ", and";

(3) by adding at the end thereof the following:

"(C) monitoring the performance in achieving compliance with the minimum performance standards through the remedial plans developed and implemented pursuant to section 4206(c)(3); and

"(D) submitting to the Congress reports in each case where remedial plans are necessary to address program deficiencies, but not tribal specific problems with compliance."

#### SEC. 5004. DEFINITIONS.

Section 4204 (25 U.S.C. 2403) is amended by inserting at the end thereof the following new paragraph:

"(6) The terms 'Urban Indian', 'Urban Center', and 'Urban Indian Organization' shall have the same meaning as provided in section 4 of the Indian Health Care Improvement Act."

#### SEC. 5005. AMENDMENT AND REVISION OF TRIBAL DEVELOPMENT PLAN.

Paragraph (2) of section 4206(c) (25 U.S.C. 2412(c)) is amended—

(1) by striking out "and" at the end of subparagraph (C);

(2) by striking out the period at the end of subparagraph (D) and inserting in lieu thereof ", and"; and

(3) by adding at the end thereof the following new subparagraph (E):

"(E) the establishment of procedures for amendment and revision of the plan as may be determined necessary by the Tribal Coordinating Committee."

#### SEC. 5006. AUTHORIZATION OF APPROPRIATIONS FOR GRANTS.

Paragraph (2) of section 4206(d) (25 U.S.C. 2412(d)(2)) is amended to read as follows:

"(2) There is authorized to be appropriated not to exceed \$1,000,000 for each of the fiscal years 1990, 1991, and 1992 for grants under this subsection."

#### SEC. 5007. LEASING OF TRIBAL PROPERTY.

Section 4209 is amended—

(1) by amending the heading to read as follows:

"SEC. 4209. FEDERAL FACILITIES, PROPERTY, AND EQUIPMENT; LEASING OF TRIBAL PROPERTY."; and

(2) by adding at the end thereof the following new subsection (c):

"(c) LEASES.—(1) The Secretary of the Interior and the Secretary of Health and Human Services are authorized to enter into long-term leases of tribally owned facilities to house programs established by this subtitle where they determine that there is no Federal facility reasonably available for such purpose and the cost of constructing a new Federal facility would exceed the cost

of such lease unless they determine that mitigating factors favor such a lease.

"(2) A tribal facility may be leased pursuant to this authority to house a regional treatment center to be established pursuant to section 4227(b) only if all the tribes within the Indian Health Service area to be served by such regional treatment center initially consent to such lease."

#### SEC. 5008. EMERGENCY SHELTERS AND HALFWAY HOUSES.

(a) HALFWAY HOUSES.—Subsection (a) of section 4213 (25 U.S.C. 2433) is amended by adding at the end thereof "Halfway houses may be used as either an intake facility or an aftercare facility for youth admitted, or to be admitted, for long-term treatment of substance abuse. The Indian Health Service, the Bureau of Indian Affairs, and the tribes are authorized to use their respective resources to adequately staff and operate any such facility."

(b) AUTHORIZATION.—Subsection (e) of section 4213 (25 U.S.C. 2433) is amended to read as follows:

"(e) AUTHORIZATION.—(1) For the planning and design, construction, and renovation of emergency shelters or half-way houses to provide emergency care for Indian youth, there is authorized to be appropriated \$3,000,000 for each of the fiscal years 1990, 1991, and 1992.

"(2) For the staffing and operation of emergency shelters and half-way houses, there is authorized to be appropriated \$2,000,000 for fiscal year 1990. Such amount shall be included in the base budget of the Bureau of Indian Affairs and funding thereafter shall be as authorized by the Act of November 1, 1921 (25 U.S.C. 13).

"(3) The Secretary of the Interior shall allocate funds appropriated pursuant to this subsection on the basis of priority of need of the various Indian tribes and such funds, when allocated, shall be subject to contracting pursuant to the Indian Self-Determination Act."

#### SEC. 5009. CERTAIN ILLEGAL NARCOTICS TRAFFICKING.

(a) ASSISTANCE.—The section heading and subsection (a) of section 4216 (25 U.S.C. 2442) are amended to read as follows:

"SEC. 4216. ILLEGAL NARCOTICS TRAFFIC ON THE TOHONO O'ODHAM AND ST. REGIS RESERVATIONS; SOURCE ERADICATION.

"(a)(1) INVESTIGATION AND CONTROL.—The Secretary of the Interior shall provide assistance to—

"(A) the Tohono O'odham Tribe of Arizona for the investigation and control of illegal narcotics traffic on the Tohono O'odham Reservation along the border with Mexico, and

"(B) the St. Regis Band of Mohawk Indians of New York for the development of tribal law enforcement and judicial systems to aid in the investigation and control of illegal narcotics traffic on the St. Regis Reservation along the border with Canada.

"(2) The Secretary shall ensure that tribal efforts under this subsection are coordinated with appropriate Federal law enforcement agencies, including the United States Customs Service.

"(3) For the purpose of providing the assistance required by this subsection, there are authorized to be appropriated—

"(A) \$500,000 under paragraph (1)(A) for each of the fiscal years 1990, 1991, and 1992, and

"(B) \$450,000 under paragraph (1)(B) for each of the fiscal years 1989 and 1990."

(b) AUTHORIZATION.—Subsection (b)(2) of section 4216 is amended to read as follows:

“(2) AUTHORIZATION.—For the purpose of establishing the program required by paragraph (1), there are authorized to be appropriated \$500,000 for each of the fiscal years 1990, 1991, and 1992.”

SEC. 5010. LAW ENFORCEMENT AND JUDICIAL TRAINING.

Subsection (b) of section 4218 (25 U.S.C. 2451) is amended to read as follows:

“(b) AUTHORIZATION.—For the purpose of providing the training required by subsection (a), there are authorized to be appropriated \$1,500,000 for each of the fiscal years 1990, 1991, and 1992.”

SEC. 5011. TREATMENT OF JUVENILE OFFENDERS.

Section 4219 (25 U.S.C. 2452) is amended—

(1) by inserting “(a)” before “The Memorandum”; and

(2) by adding at the end thereof the following new subsection (b):

“(b) TREATMENT OF CERTAIN COMMITTED YOUTH.—The Indian Health Service shall not refuse to provide necessary interim treatment for any Indian youth referred pursuant to subsection (a) who has been charged or is being prosecuted for any crime unless such referral is prohibited by a court of competent jurisdiction or the youth is determined by a court of competent jurisdiction to be a danger to others.”

SEC. 5012. JUVENILE DETENTION CENTERS.

Subsection (b) of section 4220 (25 U.S.C. 2453) is amended to read as follows:

“(b) AUTHORIZATION.—(1) For the purpose of constructing or renovating juvenile detention centers as provided in subsection (a), there is authorized to be appropriated \$5,000,000 for each of the fiscal years 1990 and 1991.

“(2) For the purpose of staffing and operating juvenile detention centers, there is authorized to be appropriated \$5,000,000 for fiscal year 1990. Such amount shall be included in the base budget of the Bureau of Indian Affairs and funding thereafter shall be as authorized by the Act of November 2, 1921 (25 U.S.C. 13).”

SEC. 5013. INDIAN HEALTH SERVICE YOUTH PROGRAM.

(a) DETOXIFICATION AND REHABILITATION.—Subsection (a) of section 4227 (25 U.S.C. 2474) is amended by inserting “of Health and Human Services” after the “Secretary”.

(b) TREATMENT CENTERS.—Subsection (b) of section 4227 is amended to read as follows:

“(b) TREATMENT CENTERS OR FACILITIES.—(1) The Secretary shall construct or renovate, and appropriately staff and operate, a youth regional treatment center in each area under the jurisdiction of an Indian Health Service area office. For the purposes of this subsection, the area offices of the Indian Health Service in Tucson and Phoenix, Arizona, shall be considered one area office.

“(2)(A) For the purpose of constructing or renovating centers or facilities required by paragraph (1), there are authorized to be appropriated \$5,000,000 for each of the fiscal years 1990 and 1991.

“(B) For the purpose of staffing and operating such centers or facilities, there are authorized to be appropriated \$9,000,000 for fiscal year 1990. Such amount shall be included in the base budget of the Indian Health Service and funding thereafter shall be as provided in the Act of November 2, 1921 (25 U.S.C. 13).”

SEC. 5014. TRAINING AND COMMUNITY EDUCATION.

Section 4228 (25 U.S.C. 2475) is amended—

(1) by striking out subsection (c); and  
(2) by amending subsection (d) to read as follows:

“(c) AUTHORIZATION.—There are authorized to be appropriated \$5,000,000 for each of the fiscal years 1990, 1991, and 1992.”

SEC. 5015. NAVAJO ALCOHOL REHABILITATION PROGRAM.

Subsection (c) of section 4229 is amended to read as follows:

“(c) AUTHORIZATION.—There are authorized to be appropriated for the purposes of grants under subsection (a) \$200,000 for each fiscal year. Not more than 10 percent of the funds appropriated for any fiscal year may be used for administrative purposes.”

SEC. 5016. URBAN INDIAN PROGRAM.

The subtitle is amended by adding at the end thereof the following new section 4231: “SEC. 4231. URBAN INDIAN PROGRAM.

“(a) GRANTS.—The Secretary of Health and Human Services is authorized to make grants for the provision of health-related services in school and community-based education, prevention, treatment, or rehabilitation of alcohol and substance abuse in urban centers to those urban Indian organizations with whom the Secretary has entered into a contract under title V of the Indian Health Care Improvement Act (25 U.S.C. 1651 et seq.).

“(b) GOALS OF GRANT.—Each grant made pursuant to subsection (a) shall set forth the goals to be accomplished pursuant to the grant. The goals shall be specific to each grant as agreed to between the Secretary and the grantee.

“(c) CRITERIA.—The Secretary shall establish criteria for the grants made under subsection (a), including criteria relating to the—

“(1) size of the urban Indian population;  
“(2) accessibility to, and utilization of, other health resources available to such population;

“(3) duplication of existing Indian Health Service or other Federal grants or contracts;

“(4) capability of the organization to adequately perform the activities required under the grant;

“(5) satisfactory performance standards for organization in meeting the goals set forth in such grant, which standards shall be negotiated and agreed to between the Secretary and the grantee on a grant-by-grant basis; and

“(6) identification of need for services.

The Secretary shall develop a methodology for allocating grants made pursuant to this section based on such criteria.

“(d) TREATMENT OF MONEYS RECEIVED BY URBAN INDIAN ORGANIZATIONS.—Any moneys received by an urban Indian organization under this or any other Act for substance abuse prevention, treatment, and rehabilitation shall be subject to the criteria set forth in subsection (c).

“(e) AUTHORIZATION FOR GRANT PROGRAM.—There is authorized to be appropriated \$5,000,000 for each of the fiscal years 1990, 1991, and 1992 to carry out the purposes of this section, other than subsection (f).

“(f) RESEARCH.—There is authorized to be appropriated for each fiscal year beginning with fiscal year 1990 to the Secretary of Health and Human Services \$1,000,000 for research into substance abuse prevention, treatment, and rehabilitation and the development of strategies for combatting substance abuse. Such research shall include the collection, compilation, and analysis of

epidemiological data on substance abuse among the Indian population.”

SEC. 5017. TREATMENT OF FUNDS APPROPRIATED TO CARRY OUT ACT.

(a) SECRETARY OF THE INTERIOR AND SECRETARY OF HEALTH AND HUMAN SERVICES.—Section 4207 (25 U.S.C. 2413) is amended by adding at the end thereof the following:

“(d) TREATMENT OF FUNDS.—(1) Amounts appropriated pursuant to this part shall be identified in the agency accounts separate from any other funds appropriated to the Secretary of the Interior or the Secretary of Health and Human Services.

“(2) The Secretary of the Interior and the Secretary of Health and Human Services shall each separately identify the funds needed to carry out this part in their budget requests submitted to the Congress under section 1105 of title 31, United States Code.”

(b) INDIAN HEALTH SERVICE.—Section 4225 (25 U.S.C. 2472) is amended—

(1) by inserting “(a)” before “The Memorandum”; and

(2) by adding at the end thereof the following:

“(b) TREATMENT OF FUNDS.—(1) Amounts appropriated pursuant to this part shall be identified in the Indian Health Service accounts separate from any other funds appropriated to the Indian Health Service.

“(2) The Indian Health Service shall separately identify the funds needed to carry out this part in its budget request submitted to the Congress under section 1105 of title 31, United States Code.”

Subtitle B—National Park System, Public Lands, and National Forest System

SEC. 5101. AMENDMENTS TO TITLE V OF THE ANTI-DRUG ABUSE ACT OF 1986.

(a) NATIONAL PARK SERVICE POLICE.—Section 5052 of title V of the Anti-Drug Abuse Act of 1986 is amended to read as follows:

“SEC. 5052. NATIONAL PARK AUTHORIZATION.

“In order to improve Federal law enforcement activities relating to the use and production of narcotics and prohibited substances in National Park System units, from amounts appropriated there are made available to the Secretary of the Interior, in addition to sums made available under other authority of law, \$3,000,000 for the fiscal year 1989, and for each fiscal year thereafter, to be used for the employment and training of additional and existing National Park Service police, for equipment and facilities to be used by such personnel and for expenses related to such employment, training, equipment, and facilities.”

(b) BUREAU OF LAND MANAGEMENT.—Title V of the Anti-Drug Abuse Act of 1986 is amended by adding at the end thereof the following:

“Subtitle C—Bureau of Land Management Program

“SEC. 5063. SHORT TITLE.

“This subtitle may be cited as the Bureau of Land Management Drug Enforcement Supplemental Authority Act.

“SEC. 5064. BUREAU OF LAND MANAGEMENT AUTHORIZATION.

“In order to improve Federal law enforcement activities relating to the use and production of narcotics and prohibited substances on Bureau of Land Management public lands, from amounts appropriated there are made available to the Secretary of the Interior, in addition to sums made available under other authority of law, \$1,500,000 for the fiscal year 1989, and for each fiscal year thereafter to be used for

the employment and training of additional and existing Bureau of Land Management law enforcement personnel, for equipment and facilities to be used by such personnel, and for expenses related to such employment, training, equipment, and facilities."

SEC. 5102. NATIONAL FOREST SYSTEM.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 15006 of title XV of the Anti-Drug Abuse Act of 1986 is amended to read as follows:

"SEC. 15006. FOREST SERVICE AUTHORIZATION.

"In order to improve Federal law enforcement activities relating to the use and production of narcotics and prohibited substances on lands administered by the Forest Service, from amounts appropriated there are made available to the Secretary of Agriculture, in addition to sums made available under other authority of law, \$10,000,000 for the fiscal year 1989, and for each fiscal year thereafter, to be used for employment and training of additional and existing Forest Service law enforcement personnel, for equipment and facilities to be used by such personnel, for expenses related to such employment, training, equipment, and facilities, and for cooperative programs with State and local law enforcement agencies."

(b) CRIMINAL PENALTY.—Title XV of the Anti-Drug Abuse Act of 1986 is amended by adding at the end the following new section:

"SEC. 15008. CRIMINAL PENALTY FOR CREATING A HAZARD ON FEDERAL LANDS WHILE USING A POISON, CHEMICAL, OR HAZARDOUS SUBSTANCE IN MANUFACTURING, DISTRIBUTING, OR DISPENSING A CONTROLLED SUBSTANCE.

"Whoever, in violating section 401(a)(1) of the Controlled Substances Act, or in attempting to do so, knowingly uses a poison, chemical, or other hazardous substance on Federal land and, by such use, creates a serious hazard to humans, wildlife, domestic animals, or the environment shall be fined in accordance with title 18, United States Code, or imprisoned not more than 5 years, or both."

Subtitle C—Insular Areas

SECTION 5201. SHORT TITLE.

This subtitle may be cited as the "Insular Areas Drug Abuse Amendments of 1988".

SEC. 5202. AMERICAN SAMOA.

Section 5004(a) of the United States Insular Areas Drug Abuse Act of 1986 (48 U.S.C. 1494b(a)) is amended—

(1) in paragraph (2) by—

(A) striking "Secretary of" and inserting in lieu thereof "Secretaries of Education and";

(B) inserting ", as appropriate," after "States";

(C) inserting "and, upon request of the Government of American Samoa, shall" after "are authorized to";

(D) inserting "and other personnel" after "officers"; and

(E) inserting "or other substance" after "drug".

(2) in paragraph (3) by—

(A) striking "\$700,000" and inserting in lieu thereof "\$350,000 for fiscal year 1989 and annually thereafter for grants to the Government of American Samoa to be expended in accordance with a plan approved by the Secretary of Interior in consultation with the Attorney General and the Secretaries of Education and Health and Human Services"; and

(B) striking "subsection" and inserting in lieu thereof "Act"; and

(3) by adding at the end thereof the following:

"(4) The Secretary of the Treasury in consultation with the Secretary of the Interior shall provide the Government of American Samoa with a vessel to be used in the enforcement of narcotics and other laws. There are authorized to be appropriated \$500,000 for this purpose."

SEC. 5203. GUAM.

Section 5004(b) of the United States Insular Areas Drug Abuse Act of 1986 (48 U.S.C. 1494b(b)) is amended—

(1) in paragraph (1) by—

(A) striking "Secretary of" and inserting in lieu thereof "Secretaries of Education and";

(B) inserting "and, upon request of the Government of Guam shall, provide appropriate training," after "may provide"; and

(C) inserting "or other substance" after "drug";

(2) in paragraph (2) by striking "\$1,000,000" and all that follows through "shall" and inserting in lieu thereof "\$500,000 for fiscal year 1989 and annually thereafter for grants to the Government of Guam to be expended in accordance with a plan approved by the Secretary of the Interior in consultation with the Attorney General and the Secretaries of Education and Health and Human Services, to carry out the purposes of this Act, to"; and

(3) by adding at the end thereof the following:

"(3) There are authorized to be appropriated for a grant to the Government of Guam \$500,000 to be expended in accordance with a plan approved by the Secretary of the Interior in consultation with the Attorney General for drug abuse law enforcement equipment."

SEC. 5204. NORTHERN MARIANA ISLANDS.

Section 5004(c) of the United States Insular Areas Drug Abuse Act of 1986 (48 U.S.C. 1494b(c)) is amended—

(1) in paragraph (2) by—

(A) moving "of the United States" to after "Services";

(B) striking "Secretary of" and inserting in lieu thereof "Secretaries of Education and";

(C) inserting "and, upon request of the Government of the Northern Mariana Islands, shall" after "are authorized to";

(D) inserting "and other personnel" after "officers"; and

(E) inserting "or other substance" after "drug"; and

(2) in paragraph (3) by—

(A) striking "\$250,000" and inserting in lieu thereof "\$125,000 for fiscal year 1989 and annually thereafter for grants to the Government of the Northern Mariana Islands to be expended in accordance with a plan approved by the Secretary of the Interior in consultation with the Attorney General and the Secretaries of Education and Health and Human Services"; and

(B) striking "subsection" and inserting in lieu thereof "Act".

SEC. 5205. PUERTO RICO.

Section 5004(d) of the United States Insular Areas Drug Abuse Act of 1986 (48 U.S.C. 1494b(d)) is amended—

(1) in paragraph (1) by striking all after "Rico" and inserting in lieu thereof "\$7,000,000 for fiscal year 1989 and \$2,000,000 annually thereafter for grants to the Government of Puerto Rico to carry out the purposes of this Act to be expended in accordance with a plan approved by the Executive Director of White House Task Force on Puerto Rico in consultation with the Attorney General and the Secretaries of Education and Health and Human Services of

the United States, to remain available until expended."; and

(2) in paragraph (4) by—

(A) striking "Secretary of" and inserting in lieu thereof "Secretaries of Education and";

(B) inserting "and, upon request of the Government of Puerto Rico, shall provide appropriate training," after "may provide"; and

(C) inserting "or other substance" after "drug".

SEC. 5206. VIRGIN ISLANDS.

Section 5004(e) of the United States Insular Areas Drug Abuse Act of 1986 (48 U.S.C. 1494b(e)) is amended—

(1) in paragraph (1) by striking all after "Islands" and inserting in lieu thereof a comma and "\$2,000,000 for fiscal year 1990 and annually thereafter to carry out the purposes of this Act to be expended in accordance with a plan approved by the Secretary of the Interior in consultation with the Attorney General and the Secretaries of Education and Health and Human Services, to remain available until expended.";

(2) in paragraph (2) by striking "should" and inserting in lieu thereof "shall";

(3) in paragraph (3) by—

(A) striking "Secretary of" and inserting in lieu thereof "Secretaries of Education and";

(B) inserting "and, upon request of the Government of the Virgin Islands, shall provide appropriate training," after "may provide"; and

(C) inserting "or other substance" after "drug"; and

(4) by adding at the end thereof the following:

"(4) To assist in the prosecution of the violation of the narcotics laws of the United States, the Attorney General of the United States shall assign the necessary personnel to serve in the office of the United States Attorney for the Virgin Islands appointed pursuant to section 27 of the Revised Organic Act of the Virgin Islands, as amended (48 U.S.C. 1617).

"(5) Effective fiscal year 1989, there are authorized to be appropriated for a grant to the Government of the Virgin Islands \$2,500,000 to be expended in accordance with a plan approved by the Secretary of the Interior in consultation with the Secretary of Health and Human Services for a substance abuse facility."

SEC. 5207. PALAU.

Section 5004 of the United States Insular Areas Drug Abuse Act of 1986 (48 U.S.C. 1494b) is amended by adding at the end thereof the following:

"(f) PALAU.—(1) The Attorney General and the Secretaries of Education and Health and Human Services are authorized to and, upon request of the Government of Palau, shall provide appropriate training, technical assistance, and equipment to carry out the purposes of this Act and any other applicable Federal or insular drug or other substance abuse laws.

"(2) There are authorized to be appropriated \$500,000 for fiscal year 1989 and annually thereafter for grants to the Government of Palau to be expended in accordance with a plan to be approved by the Secretary of the Interior in consultation with the Attorney General and the Secretaries of Education, State, and Health and Human Services to carry out the purposes of this Act.

"(3) To the extent not prohibited under the Constitution of Palau, upon written request of the President of Palau or by resolu-

tion of the Congress of Palau, the Drug Enforcement Administration, the Federal Bureau of Investigation, the Secret Service, the Immigration and Naturalization Service, and the Customs Service are authorized to investigate any United States criminal laws which are applicable in Palau in cooperation with law enforcement agencies of Palau."

#### SEC. 5208. PURPOSES.

Section 5002 of the United States Insular Areas Drug Abuse Act of 1986 (48 U.S.C. 1494) is amended by—

(1) inserting "and the Trust Territory of the Pacific Islands (or successor governments)" after "States" where it first appears;

(2) inserting "and other substance" before "prevention" and

(3) inserting "and associated" before "insular areas."

#### SEC. 5209. ANNUAL REPORTS.

Section 5003 of the United States Insular Areas Drug Abuse Act of 1986 (48 U.S.C. 1494a) is amended by—

(1) inserting "(a) IN GENERAL.—" before "The President";

(2) in such subsection (a) inserting "the Trust Territory of the Pacific Islands," before "and states" in paragraph (1) and after "territories" each place in which it appears in paragraph (2); and

(3) adding at the end thereof the following new subsection:

"(b) TRANSMISSION DATE.—The annual reports required by subsection (a) shall be transmitted to the Committee on Interior and Insular Affairs of the United States House of Representatives and to the Committee on Energy and Natural Resources of the United States Senate not later than the first day of October each year. Notwithstanding any other provision of law, for any year that said report is not transmitted to said Committees on or before October 1, no funds shall be expended for the operation of the Office of Territorial and International Affairs of the Department of the Interior nor for the Office of Freely Associated State Affairs for the fiscal year which begins October 1 until said report is transmitted."

#### SEC. 5210. DRUG ENFORCEMENT AGENCY PERSONNEL ASSIGNMENTS.

Title V of the United States Insular Areas Drug Abuse Act of 1986 (48 U.S.C. 1494 et seq.) is amended by adding at the end of Subtitle A the following new section:

#### "SEC. 5005. DRUG ENFORCEMENT AGENCY PERSONNEL ASSIGNMENTS.

"To assist in the enforcement of the controlled substances laws of the United States in coordination with law enforcement officers in insular areas in the eastern Caribbean and in the central and western Pacific, the Administrator of the Drug Enforcement Administration shall assign appropriate personnel and other resources to the Virgin Islands and Guam."

#### TITLE VI—COMMITTEE ON THE JUDICIARY

##### SEC. 6001. SHORT TITLE.

This title may be cited as the "Anti-Drug Abuse Amendments Act of 1988".

##### Subtitle A—Chemical Diversion and Trafficking

##### SEC. 6051. SHORT TITLE.

This subtitle may be cited as the "Chemical Diversion and Trafficking Act of 1988".

##### SEC. 6052. REGULATION OF LISTED CHEMICALS AND CERTAIN MACHINES.

(a) IN GENERAL.—Section 310 of the Controlled Substances Act (21 U.S.C. 830) is amended to read as follows:

#### "REGULATION OF LISTED CHEMICALS AND CERTAIN MACHINES

"SEC. 310. (a)(1) Each regulated person who engages in a regulated transaction involving a listed chemical, a tableting machine, or an encapsulating machine shall keep a record of the transaction—

"(A) for 4 years after the date of the transaction, if the listed chemical is a precursor chemical or if the transaction involves a tableting machine or an encapsulating machine; and

"(B) for 2 years after the date of the transaction, if the listed chemical is an essential chemical.

"(2) Each regulated person who engages in a regulated transaction involving a listed chemical, a tableting machine, or an encapsulating machine shall retain as a record the certificate copy referred to in subsection (c) for two years after the date of the transaction.

"(3) A record under this subsection shall be retrievable and shall include the date of the regulated transaction, the identity of each party to the regulated transaction, a statement of the quantity and form of the listed chemical, a description of the tableting machine or encapsulating machine, and a description of the method of transfer.

"(4) It is the duty of each regulated person who engages in a regulated transaction to obtain identification of each other party to the transaction. It is the duty of such other party to present such identification to the regulated person. The Attorney General shall specify by regulation the types of documents and other evidence that constitute proof of identification for purposes of this paragraph.

"(b) Each regulated person shall report to the Attorney General, in such form and manner as the Attorney General shall prescribe by regulation—

"(1) any regulated transaction involving an extraordinary quantity of a listed chemical, an uncommon method of payment or delivery, or any other circumstance that the regulated person believes may indicate that the listed chemical will be used in violation of this title;

"(2) any proposed regulated transaction with a person whose description or other identifying characteristic the Attorney General furnishes in advance to the regulated person;

"(3) any unusual or excessive (as determined under guidelines prescribed by the Attorney General) loss or disappearance of a listed chemical under the control of the regulated person; and

"(4) any regulated transaction in a tableting machine or an encapsulating machine.

Each report under paragraph (1) shall be made at the earliest practicable opportunity after the regulated person becomes aware of the circumstance involved. A regulated person may not complete a transaction with a person whose description or identifying characteristic is furnished to the regulated person under paragraph (2) unless the transaction is approved by the Attorney General.

"(c) The transferee of a listed chemical in a regulated transaction shall furnish to the regulated person a certificate of lawful use, in such form and manner as the Attorney General may require. The regulated person—

"(1) not later than 15 working days after the transaction, shall transmit the certificate to the Attorney General; and

"(2) shall retain a copy of the certificate as provided in subsection (a)(2).

Not later than March 31 of each year, the Attorney General shall report to the Congress the number and types of certificates furnished during the preceding fiscal year and shall include in the report an analysis showing the law enforcement effectiveness of the certificate requirement.

"(d)(1) Except as provided in paragraph (2), any information obtained by the Attorney General under this section which is exempt from disclosure under section 552(a) of title 5, United States Code, by reason of section 552(b)(4) of such title, is confidential and may not be disclosed to any person.

"(2) Information referred to in paragraph (1) may be disclosed only—

"(A) to an officer or employee of the United States engaged in carrying out this title, title III, or the customs laws;

"(B) when relevant in any proceeding for the enforcement of this title, title III, or the customs laws;

"(C) when necessary to comply with an obligation of the United States under a treaty or other international agreement; or

"(D) to a State or local law enforcement, prosecutorial, or judicial officer in conjunction with the enforcement of controlled substances laws.

"(3) The Attorney General shall take such action as may be necessary to prevent unauthorized disclosure of information by any person to whom such information is disclosed under paragraph (2).

"(4) Any person who is aggrieved by a disclosure of information in violation of this section may bring a civil action against the violator for appropriate relief.

"(e)(1) The Attorney General may prescribe such regulations as may be necessary to carry out this section.

"(2) A regulation relating to subsection (c) of this section—

"(A) shall be prescribed only upon a finding by the Attorney General that the regulation is necessary to provide information to enable the Attorney General to attain the goal of prevention of diversion of listed chemicals to unauthorized manufacture of a controlled substance;

"(B) shall be in force for a period of one year from the effective date of the regulation;

"(C) may be renewed for subsequent one-year periods, upon findings referred to in subparagraph (A);

"(D) shall impose only requirements that are based on factors directly related to the goal referred to in subparagraph (A);

"(E) shall not require a regulated person to verify any information on a certificate furnished by a transferee; and

"(F) shall provide that a regulated person need not obtain a certificate from a transferee who is a regular customer of the regulated person more than once.

"(3) Each finding of the Attorney General referred to in paragraph (2)(A) shall state in detail each type of (A) chemical, (B) location of a transaction, and (C) party to a transaction, to be covered by the regulation."

(b) CLERICAL AMENDMENT.—The table of contents of the Comprehensive Drug Abuse Prevention and Control Act of 1970 is amended by striking out the item relating to section 310 and inserting in lieu thereof the following:

"310. Regulation of listed chemicals and certain machines."

SEC. 6053. NOTIFICATION, SUSPENSION OF SHIPMENT, AND PENALTIES WITH RESPECT TO IMPORTATION AND EXPORTATION OF LISTED CHEMICALS.

(a) IN GENERAL.—Part A of the Controlled Substances Import and Export Act (21 U.S.C. 951 et seq.) is amended by adding at the end the following new section:

"NOTIFICATION, SUSPENSION OF SHIPMENT, AND PENALTIES WITH RESPECT TO IMPORTATION AND EXPORTATION OF LISTED CHEMICALS

"Sec. 1018. (a) Each regulated person who imports or exports a listed chemical shall notify the Attorney General of the importation or exportation not later than 15 days before the transaction is to take place.

"(b)(1) The Attorney General shall provide by regulation for circumstances in which the requirement of subsection (a) does not apply to a transaction between a regulated person and a regular customer of the regulated person.

At the time of any importation or exportation constituting a transaction referred to in the preceding sentence, the regulated person shall notify the Attorney General of the transaction.

(2) The regulations under this subsection shall provide that the initial notification under subsection (a) with respect to a customer of a regulated person shall, upon the expiration of the 15-day period, qualify the customer as a regular customer, unless the Attorney General otherwise notifies the regulated person in writing.

"(c)(1) The Attorney General may order the suspension of any importation or exportation of a listed chemical (other than a regulated transaction to which the requirement of subsection (a) does not apply by reason of subsection (b)) or may disqualify any regular customer on the ground that the chemical may be diverted to the clandestine manufacture of a controlled substance. From and after the time when the Attorney General provides written notice of the order (including a statement of the legal and factual basis for the order) to the regulated person, the regulated person may not carry out the transaction.

"(2) Upon written request to the Attorney General, a regulated person to whom an order applies under paragraph (1) is entitled to an agency hearing on the record. The hearing shall be held not later than 45 days after the request is made, except that the hearing may be held at a later time, if so requested by the regulated person."

(b) EFFECTIVE DATE AND SPECIAL RULE.—Subsection (a) of section 1018 of the Controlled Substances Import and Export Act, as added by subsection (a) of this section, shall take effect 180 days after the Attorney General prescribes the regulations referred to in subsection (b) of such section 1018. Each regular customer whose identity is furnished to the Attorney General not later than 60 days after the Attorney General prescribes such regulations shall be a regular customer for purposes of any applicable exception from the requirement of subsection (a) of such section 1018, unless the Attorney General otherwise notifies the regulated person in writing.

(c) PENALTY FOR IMPORTATION OR EXPORTATION.—Section 1010 of the Controlled Substances Import and Export Act (21 U.S.C. 960) is amended by adding at the end the following new subsection:

"(d) Any person who knowingly or intentionally—

"(1) imports or exports a listed chemical with intent to manufacture a controlled substance in violation of this title or, in the

case of an exportation, in violation of the law of the country to which the chemical is exported; or

"(2) imports or exports a listed chemical knowing, or having reasonable cause to believe, that the listed chemical will be used to manufacture a controlled substance in violation of this title or, in the case of an exportation, in violation of the law of the country to which the chemical is exported;

shall be fined in accordance with title 18, United States Code, or imprisoned not more than 10 years, or both."

(d) PENALTY FOR FAILURE TO NOTIFY.—Section 1011 of the Controlled Substances Import and Export Act (21 U.S.C. 961) is amended in the matter before paragraph (1) by inserting after "section 1004" the following: "or fails to notify the Attorney General of an importation or exportation under section 1018".

(e) CLERICAL AMENDMENT.—The table of contents of the Comprehensive Drug Abuse Prevention and Control Act of 1970 is amended by adding at the end of the items relating to part A of title III the following new item:

"Sec. 1018. Notification, suspension of shipment, and penalties with respect to importation and exportation of listed chemicals."

SEC. 6054. DEFINITIONS.

Section 102 of the Controlled Substances Act (21 U.S.C. 802) is amended—

(1) in paragraph (8), by inserting "or a listed chemical" after "a controlled substance";

(2) in paragraph (11), by inserting "or a listed chemical" after "a controlled substance" both places it appears; and

(3) by adding at the end the following new paragraphs:

"(33) The term 'listed chemical' means any listed precursor chemical or listed essential chemical.

"(34) The term 'listed precursor chemical' means a chemical specified by regulation of the Attorney General as a chemical that is used in manufacturing a controlled substance in violation of this title and is critical to the creation of the controlled substances, and such term includes (until otherwise specified by regulation of the Attorney General, as considered appropriate by the Attorney General or upon petition to the Attorney General by any person) the following:

"(A) Anthranilic acid and its salts.

"(B) Benzyl cyanide.

"(C) Ephedrine, its salts, optical isomers, and salts of optical isomers.

"(D) Ergonovine and its salts.

"(E) Ergotamine and its salts.

"(F) N-Acetylanthranilic acid and its salts.

"(G) Norpseudoephedrine, its salts, optical isomers, and salts of optical isomers.

"(H) Phenylacetic acid and its salts.

"(I) Phenylpropanolamine, its salts, optical isomers, and salts of optical isomers.

"(J) Piperidine and its salts.

"(K) Pseudoephedrine, its salts, optical isomers, and salts of optical isomers.

"(L) 3,4-Methylenedioxyphenyl-2-propanone.

"(35) The term 'listed essential chemical' means a chemical specified by regulation of the Attorney General as a chemical that is used as a solvent, reagent, or catalyst in manufacturing a controlled substance in violation of this title, and such term includes (until otherwise specified by regulation of the Attorney General, as considered appropriate by the Attorney General or upon petition to the Attorney General by any person) the following chemicals:

"(A) Acetic anhydride.

"(B) Acetone.

"(C) Benzyl chloride.

"(D) Ethyl ether.

"(E) Hydriodic acid.

"(F) Potassium permanganate.

"(G) 2-Butanone.

"(H) Toluene.

"(36) The term 'regular customer' means, with respect to a regulated person, a customer with whom the regulated person has an established business relationship that is reported to the Attorney General.

"(37) The term 'regulated person' means a person who manufactures, distributes, imports, or exports a listed chemical, a tableting machine, or an encapsulating machine.

"(38) The term 'regulated transaction' means—

"(A) a distribution, receipt, sale, importation or exportation of a threshold amount, including a cumulative threshold amount for multiple transactions (as determined by the Attorney General, in consultation with the chemical industry and taking into consideration the quantities normally used for lawful purposes), of a listed chemical, except that such term does not include—

"(i) a lawful distribution in the usual course of business between agents or employees of a single regulated person;

"(ii) any category of transaction specified by regulation of the Attorney General as excluded from this definition as unnecessary for enforcement of this title or title III;

"(iii) any transaction in a listed chemical that is contained in a drug that may be marketed or distributed lawfully in the United States under the Federal Food, Drug, and Cosmetic Act; or

"(iv) any transaction in a chemical mixture; and

"(B) a distribution, importation, or exportation of a tableting machine or encapsulating machine.

"(39) The term 'chemical mixture' means a combination of two or more chemical substances, at least one of which is not a listed precursor chemical or a listed essential chemical, except that such term does not include any combination of a listed precursor chemical or a listed essential chemical with another chemical that is present solely as an impurity."

SEC. 6055. AMENDMENTS TO SECTION 401 OF THE CONTROLLED SUBSTANCES ACT.

(a) ADDITIONAL OFFENSES.—Section 401 of the Controlled Substances Act (21 U.S.C. 841) is amended by striking out subsection (d) and inserting in lieu thereof the following new subsections:

"(d) Any person who knowingly or intentionally—

"(1) possesses a listed chemical with intent to manufacture a controlled substance except as authorized by this title; or

"(2) possesses or distributes a listed chemical knowing, or having reasonable cause to believe, that the listed chemical will be used to manufacture a controlled substance except as authorized by this title;

shall be fined in accordance with title 18, United States Code, or imprisoned not more than 10 years, or both.

"(e)(1) Whoever knowingly distributes a listed chemical in violation of this title (other than in violation of a recordkeeping or reporting requirement of section 310) shall be fined under title 18, United States Code, or imprisoned not more than 5 years, or both.

"(2) Whoever possesses any listed chemical, with knowledge that the recordkeeping

or reporting requirements of section 310 have not been adhered to, if, after such knowledge is acquired, such person does not take immediate steps to remedy the violation shall be fined under title 18, United States Code, or imprisoned not more than one year, or both."

(b) **ADDITIONAL PENALTY.**—Section 401 of the Controlled Substances Act (21 U.S.C. 841), as amended by subsection (a) of this section, is further amended by adding at the end the following new subsection:

"(f) In addition to any other applicable penalty, any person convicted of a felony violation of this section relating to the receipt, distribution, or importation of a listed chemical may be enjoined from engaging in any regulated transaction involving a listed chemical for not more than ten years."

**SEC. 6056. AMENDMENTS TO SECTION 402 OF THE CONTROLLED SUBSTANCES ACT.**

(a) **CONFIDENTIAL INFORMATION AMENDMENT.**—Section 402(a)(8) of the Controlled Substances Act (21 U.S.C. 842(a)(8)) is amended by inserting after "protection" the following: "; or to use to his own advantage or reveal (other than as authorized by section 310) any information that is confidential under such section".

(b) **IDENTIFICATION AMENDMENT.**—Section 402(a)(9) of the Controlled Substances Act (21 U.S.C. 842(a)(9)) is amended to read as follows:

"(9) who is a regulated person to engage in a regulated transaction without obtaining the identification required by 310(a)(3)."

(c) **TECHNICAL AMENDMENT.**—Section 402(c)(2) of the Controlled Substances Act (21 U.S.C. 842(c)(2)) is amended by striking out subparagraph (C).

(d) **RECORDS VIOLATIONS.**—Section 402(a) of the Controlled Substances Act (21 U.S.C. 842(a)) is amended—

(1) in paragraph (8), as amended by subsection (a) of this section, by striking out "or" at the end of the paragraph;

(2) in paragraph (9), as amended by subsection (b) of this section, by striking out the period at the end of the paragraph and inserting in lieu thereof "; or"; and

(3) by adding at the end the following new paragraph:

"(10) to fail to keep a record or make a report under section 310."

**SEC. 6057. AMENDMENTS TO SECTION 403 OF THE CONTROLLED SUBSTANCES ACT.**

(a) **ADDITIONAL OFFENSES.**—Section 403(a) of the Controlled Substances Act (21 U.S.C. 843(a)) is amended—

(1) in paragraph (4)(B), by striking out "piperidine" and inserting in lieu thereof "a listed chemical";

(2) in paragraph (4)(B), by striking out "or" after the semicolon;

(3) in paragraph (5), by striking out the period at the end and inserting in lieu thereof a semicolon; and

(4) by adding after paragraph (5) the following new paragraphs:

"(6) to possess any three-neck round-bottom flask, tableting machine, encapsulating machine, gelatin capsule, or equipment specially designed or modified to manufacture a controlled substance, with intent to manufacture a controlled substance except as authorized by this title;

"(7) to manufacture, distribute, or import any three-neck round-bottom flask, tableting machine, encapsulating machine, gelatin capsule, or equipment specially designed or modified to manufacture a controlled substance, knowing that it will be used to manufacture a controlled substance except as authorized by this title; or

"(8) to create a chemical mixture for the purpose of evading a requirement of section 310 or to receive a chemical mixture created for that purpose."

(b) **ADDITIONAL PENALTY.**—Section 403 of the Controlled Substances Act (21 U.S.C. 843), is amended by adding at the end the following new subsection:

"(d) In addition to any other applicable penalty, any person convicted of a felony violation of this section relating to the receipt, distribution, or importation of a listed chemical may be enjoined from engaging in any regulated transaction involving a listed chemical for not more than ten years."

**SEC. 6058. SUBPOENA POWER.**

The first sentence of section 506(a) of the Controlled Substances Act (21 U.S.C. 876(a)) is amended by inserting "or listed chemicals" after "with respect to controlled substances".

**SEC. 6059. FORFEITURE.**

(a) **IN GENERAL.**—Section 511(a) of the Controlled Substances Act (21 U.S.C. 881) is amended by adding at the end the following new paragraph:

"(9) All listed chemicals, all drug manufacturing equipment, all tableting machines, all encapsulating machines, and all gelatin capsules, which have been imported, exported, manufactured, possessed, distributed, or intended to be distributed, imported, or exported, in violation of a felony provision of this title or title III."

(b) **TECHNICAL AMENDMENT.**—Paragraph (3) and paragraph (4) of section 511(a) of the Controlled Substances Act (21 U.S.C. 881 (a) and (4)) are each amended by striking out "paragraph (1) or (2)" and inserting in lieu thereof "paragraph (1), (2), or (9)".

**SEC. 6060. EFFECTIVE DATE.**

Except as otherwise provided in this subtitle, this subtitle shall take effect 120 days after the enactment of this Act.

#### Subtitle B—Asset Forfeiture Amendments

**SEC. 6151. SHORT TITLE.**

This subtitle may be cited as the "Asset Forfeiture Amendments Act of 1988".

**SEC. 6152. AUDITS AND REPORTS RELATING TO THE DEPARTMENT OF JUSTICE ASSETS FORFEITURE FUND.**

Section 524(c) of title 28, United States Code, is amended by adding at the end the following new paragraph:

"(9) The Comptroller General shall audit the fund annually."

**SEC. 6153. USE OF RESIDUAL AMOUNTS UNDER THE DEPARTMENT OF JUSTICE FORFEITURE FUND.**

(a) **DEPOSIT IN TREASURY.**—Section 524(c) of title 28, United States Code, as amended by section 6152, is further amended by adding at the end the following new paragraph:

"(10) At the end of each fiscal year, the Attorney General shall deposit in the Treasury as a miscellaneous receipt any amount in the fund that is in excess of the amount necessary to satisfy outstanding obligations of the fund, except that the Attorney General may carry forward in the fund not more than \$5,000,000."

(b) **ELIMINATION OF TRANSFER PROVISION.**—Paragraph (1) of section 524(c) of title 28, United States Code, is amended—

(1) by inserting after the semicolon at the end of subparagraph (F) the following: "and";

(2) by striking out "; and" at the end of subparagraph (G) and inserting in lieu thereof a period; and

(3) by striking out subparagraph (H).

(c) **CONFORMING REPEAL.**—Section 210(b) of the Department of Justice Appropriation Act, 1988, as contained in title II of Public Law 100-202, (28 U.S.C. 524 note) is repealed.

**SEC. 6154. EXEMPTION OF CERTAIN CONTRACT SERVICES UNDER THE DEPARTMENT OF JUSTICE ASSETS FORFEITURE FUND FROM ADVERTISING AND PROCUREMENT REQUIREMENTS.**

Section 524(c) of title 28, United States Code, as amended by section 6152 and section 6153, is further amended by adding at the end the following new paragraph:

"(11) The Attorney General may exempt contract services referred to in paragraph (1)(A) from section 3709 of the Revised Statutes of the United States and title III of the Federal Property and Administrative Services Act of 1949, if necessary to maintain the security and confidentiality of a criminal or civil investigation."

**SEC. 6155. USE OF DEPARTMENT OF JUSTICE ASSETS FORFEITURE FUND FOR SERVICES FOR CERTAIN INFORMATION SYSTEMS.**

Section 524(c)(1)(A) of title 28, United States Code, is amended by striking out "90 percent" and inserting in lieu thereof "the majority".

**SEC. 6156. ADDITIONAL EXCEPTION TO PROVISION RELATING TO FORFEITURE OF CONVEYANCES.**

Paragraph (4) of section 511(a) of the Controlled Substances Act (21 U.S.C. 881(a)(4)) is amended—

(1) in subparagraph (A), by striking out "and" after the semicolon;

(2) in subparagraph (B), by striking out the period at the end and inserting in lieu thereof "; and"; and

(3) by adding at the end the following new subparagraph:

"(C) no conveyance shall be forfeited under this paragraph to the extent of an interest of an owner, by reason of any act or omission established by that owner to have been committed or omitted without the knowledge or consent of the owner."

**SEC. 6157. RESTORATION OF EQUITABLE SHARING PRINCIPLE RELATING TO TRANSFER OF FORFEITED ASSETS TO STATE AND LOCAL AGENCIES UNDER THE CONTROLLED SUBSTANCES ACT.**

(a) **IN GENERAL.**—Section 511(e) of the Controlled Substances Act (21 U.S.C. 881(e)) is amended by adding at the end the following new paragraph:

"(3) The Attorney General shall assure that any property transferred to a State or local law enforcement agency under paragraph (1)(A)—

"(A) has a value that bears a reasonable relationship to the degree of direct participation of the State or local agency in the law enforcement effort resulting in the forfeiture, taking into account the total value of all property forfeited and the total law enforcement effort with respect to the violation of law on which the forfeiture is based; and

"(B) is not so transferred to circumvent any requirement of State law that prohibits forfeiture or limits use or disposition of property forfeited to State or local agencies."

(b) **TECHNICAL AMENDMENT.**—Section 511(e)(1)(A) of the Controlled Substances Act (21 U.S.C. 881(e)(1)(A)) is amended to read as follows:

"(A) retain the property for official use or, in the manner provided with respect to transfers under section 616 of the Tariff Act of 1930, transfer the property to any Feder-

al agency or to any State or local law enforcement agency which participated directly in the seizure or forfeiture of the property."

**SEC. 6158. COORDINATION OF POST-SEIZURE PROCEDURES.**

(a) **IN GENERAL.**—Part E of the Controlled Substances Act (21 U.S.C. 871 et seq.) is amended by adding at the end the following new section:

**"COORDINATION AND CONSOLIDATION OF POST-SEIZURE ADMINISTRATION**

"Sec. 517. The Attorney General and the Secretary of the Treasury shall take such action as may be necessary to develop and maintain a joint plan to coordinate and consolidate post-seizure administration of property seized under this title, title III, or provisions of the customs laws relating to controlled substances."

(b) **CLERICAL AMENDMENT.**—The table of contents of the Comprehensive Drug Abuse Prevention and Control Act of 1970 is amended by inserting after the item relating to section 516 the following new item:

"517. Coordination and consolidation of post-seizure administration."

**SEC. 6159. EXPEDITED PROCEDURES FOR SEIZED CONVEYANCES.**

(a) **IN GENERAL.**—The Controlled Substances Act (21 U.S.C. 801 et seq.) is amended by inserting after section 511 the following new section:

**"EXPEDITED PROCEDURES FOR SEIZED CONVEYANCES**

"Sec. 511A. (a)(1) The owner of a conveyance may petition the Attorney General for an expedited decision with respect to the conveyance, if the conveyance is seized for a drug-related offense and the owner has filed the requisite claim and bond in the manner provided in section 608 of the Tariff Act of 1930. The Attorney General shall make a determination on a petition under this section expeditiously, including a determination of any rights or defenses available to the petitioner. If the Attorney General does not grant or deny a petition under this section within 20 days after the date on which the petition is filed, the conveyance shall be returned to the owner pending further forfeiture proceedings.

"(2) With respect to a petition under this section, the Attorney General, after considering whether the evidence establishes that the petitioner has a valid, good faith interest in the seized conveyance as owner or other interested party (including lienholder) and that the petitioner at no time had any knowledge or substantial reason to believe that the conveyance was being or would be used in a violation of the law, may—

"(A) deny the petition and retain possession of the conveyance;

"(B) grant the petition, move to dismiss the forfeiture action, if filed, and promptly release the conveyance to the owner; or

"(C) advise the petitioner that there is not adequate information available to determine the petition and promptly release the conveyance to the owner.

"(3) Release of a conveyance under subsection (a)(1) or (a)(2)(C) does not affect any forfeiture action with respect to the conveyance.

"(4) The Attorney General shall prescribe regulations to carry out this section.

"(b) At the time of seizure, the officer making the seizure shall furnish to any person in possession of the conveyance a written notice specifying the procedures under this section. At the earliest practicable opportunity after determining owner-

ship of the seized conveyance, the head of the department or agency that seizes the conveyance shall furnish a written notice to the owner and other interested parties (including lienholders) of the legal and factual basis of the seizure.

"(c) Not later than 30 days after a claim and bond have been filed under section 608 of the Tariff Act of 1930 regarding a conveyance seized for a drug-related offense, the Attorney General shall file a complaint for forfeiture in the appropriate district court, except that the court may extend the period for filing for good cause shown or on agreement of the parties. If the Attorney General does not file a complaint as specified in the preceding sentence, the court shall order the return of the conveyance to the owner and the forfeiture may not take place.

"(d) Any owner of a conveyance seized for a drug-related offense may obtain release of the conveyance by providing security in the form of a bond to the Attorney General in an amount equal to the value of the conveyance unless the Attorney General determines the conveyance should be retained (1) as contraband, (2) as evidence of a violation of law, or (3) because, by reason of design or other characteristic, the conveyance is particularly suited for use in illegal activities.

(b) **CLERICAL AMENDMENT.**—The table of contents of the Comprehensive Drug Abuse Prevention and Control Act of 1970 is amended by inserting after the item relating to section 511 the following new item:

"511A. Expedited procedures for seized conveyances."

**SEC. 6160. EFFECTIVE DATE.**

(a) **IN GENERAL.**—This subtitle shall take effect on the date of the enactment of this subtitle, except that the amendments made by sections 6153(a), 6153(b), and 6155, and the repeal made by section 6153(c) shall apply with respect to fiscal years beginning after September 30, 1988.

(b) **EFFECTIVE DATE FOR SECTION 6159.**—The amendments made by section 6159 shall apply with respect to seizures made more than 120 days after the date of the enactment of this Act.

**Subtitle C—State and Local Assistance**

**SEC. 6201. SHORT TITLE.**

This subtitle may be cited as the "State and Local Law Enforcement Assistance Act of 1988".

**SEC. 6202. GRANTS TO IMPROVE CRIMINAL HISTORY INFORMATION.**

(a) **AUTHORITY TO MAKE GRANTS.**—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended by inserting after section 304 the following section:

**"GRANTS TO IMPROVE CRIMINAL HISTORY INFORMATION**

"Sec. 305. Not less than 5 per centum of the funds appropriated for a fiscal year to carry out this part shall be used by the Director to make grants under section 302(c) to States and units of local government to improve the accuracy and completeness of criminal history information."

(b) **TECHNICAL AMENDMENT.**—The table of contents of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended by inserting after the item relating to section 304 the following new item:

"Sec. 305. Grants to improve criminal history information."

**SEC. 6203. APPOINTMENT OF THE DIRECTOR OF THE BUREAU OF JUSTICE ASSISTANCE.**

The first sentence of section 401(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3741(b)) is amended by striking "Attorney General" and inserting "President, by and with the advice and consent of the Senate".

**SEC. 6204. ANTITERRORISM PLANS.**

Section 403(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3743(a)) is amended—

(1) in paragraph (17) by striking "and" at the end,

(2) in paragraph (18) by striking the period at the end and inserting "; and", and (3) by adding at the end the following:

"(19) developing and implementing anti-terrorism plans for deep draft ports, international airports, and other important facilities."

**SEC. 6205. CERTIFICATION REQUIREMENT.**

Section 1303 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796j) is amended—

(1) in paragraph (4) by striking "and",

(2) in paragraph (5) by striking the period and inserting "; and", and

(3) by inserting after paragraph (5) the following:

"(6) a certification that the State is undertaking initiatives to reduce, through the enactment of innovative penalties or increasing law enforcement efforts, the demand for controlled substances by holding accountable those who unlawfully possess or use such substances."

**SEC. 6206. STATE DISTRIBUTION OF FUNDS TO UNITS OF LOCAL GOVERNMENT.**

Section 1305(b)(1) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796i(b)(1)) is amended—

(1) by inserting "(A) Except as provided in subparagraph (B)," after "(1)",

(2) by adding at the end the following:

"(B) Except as provided in subparagraph (C), each State that receives funds under subsection (a) shall distribute to a unit of local government (or to a combination of units of local government) in such State for the purposes specified in section 1302 of this title that portion which bears the same ratio to the aggregate amount of such funds as the amount expended by such unit of local government (or such combination of units of local government) for criminal justice in the preceding fiscal year bears to the aggregate amount expended by the State and all units of local government in such State for criminal justice in such preceding fiscal year. Each unit of local government (or combination of units of local government) that receives funds under this subparagraph shall make a good faith effort to participate in the development of the State plan and priorities and to comply with the principles of the State plan and priorities.

"(C)(i) A single unit of local government, or a combination of units of local government, is ineligible to receive funds under subparagraph (B) if the aggregate amount distributable to such unit or such combination (without regard to this clause) is less than \$25,000.

"(ii) A unit of local government is ineligible in a fiscal year to receive funds under subparagraph (B) both in its capacity as a single unit of local government and in its capacity as a part of a combination of units of local government."

**SEC. 6207. DIRECT DISTRIBUTION OF FUNDS TO UNITS OF LOCAL GOVERNMENT.**

(a) **APPLICATIONS TO RECEIVE GRANTS.**—Section 1303 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796j) is amended—

(1) by inserting "(a)" after "Sec. 1303.",

(2) by striking "this section" each place it appears and inserting "this subsection", and

(3) by adding at the end thereof the following:

"(b)(1) To request a grant under section 1302 of this title, the chief executive of a unit of local government (or a duly authorized executive officer of any single unit of local government that is part of a combination of units of local government and who is selected by such combination to represent such combination) shall submit to the Director an application at such time and in such form as the Director may require.

"(2) Such application shall include—

"(A) a certification that Federal funds made available under section 1302 of this title will not be used to supplant State or local funds, but will be used to increase the amounts of such funds that would otherwise be made available for drug law enforcement activities;

"(B) a certification that funds required to pay the non-Federal portion of the cost of each program and project for which such grant is made shall be in addition to funds that would otherwise be made available for drug law enforcement by the recipient of such grant;

"(C) an assurance that the applicant has submitted a copy of the application referred to in paragraph (1) to the appropriate State office designated under section 1308 of this title; and

"(D) an assurance that the application referred to in paragraph (1), and any amendment thereto, was made public before submission to the Bureau and, to the extent provided under State or local law or established procedure, an opportunity to comment thereon was provided to citizens and to neighborhood and community groups."

(b) **REVIEW OF APPLICATIONS.**—Section 1304(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796k(a)) is amended in the matter preceding paragraph (1) by striking "State".

(c) **ALLOCATION OF FUNDS AND DISTRIBUTION OF FUNDS.**—Section 1305 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796l) is amended—

(1) in subsection (a)—

(A) in paragraph (1) by striking "(1)" and inserting "(A)",

(B) in paragraph (2) by striking "(2)" and inserting "(B)",

(C) by striking "(a) Of" and inserting "(a)(1) Except as provided in paragraph (2), of", and

(D) by adding at the end the following:

"(2) If a State fails to submit an application for a grant under section 1302 of this title, before the expiration of the preference period for such fiscal year, then except as provided in paragraph (4)—

"(A) there shall be allocated to each eligible unit of local government (or combination of units of local governments) in such State an amount that bears the same ratio to the aggregate amount allocable to such State under paragraph (1) without regard to this paragraph as the amount of funds expended by such unit of local government for criminal justice in the preceding fiscal year bears to the aggregate amount of funds expended by all units of local government in

such State for criminal justice in the preceding fiscal year; and

"(B) there shall be allocated to such State the amount by which the aggregate amount allocable to such State under paragraph (1) without regard to this paragraph exceeds the aggregate amount allocated under subparagraph (A) to units of local government in such State.

"(3) For purposes of paragraph (2)(A), the term 'eligible unit of local government' means a unit of local government that submits an application for a grant under section 1302 of this title for a fiscal year not later than 90 days after the expiration of the preference period for such fiscal year.

"(4)(A) A single unit of local government, or a combination of units of local government, is ineligible to receive an allocation under paragraph (2)(A) for a fiscal year if the amount of such allocation determined under such paragraph with respect to such unit, or all units of local government that are part of such combination, would be less than \$25,000.

"(B) A unit of local government is ineligible to receive an allocation under paragraph (2)(A) for a fiscal year both in its capacity as a single unit of local government and in its capacity as a part of a combination of units of local government.

"(5) For purposes of this subsection, the preference period consists of the aggregate of—

"(A)(i) for fiscal year 1989, the 120-day period beginning on the date any funds are appropriated to carry out this part for fiscal year 1989; or

"(ii) for any other fiscal year, the 60-day period beginning on the date any funds are appropriated to carry out this part for such fiscal year; and

"(B) the 60-day period beginning on the expiration of the applicable period referred to in subparagraph (A) if the Director determines that good cause exists for the failure of a State to submit an application for a grant under section 1302 of this title for the fiscal year involved within such applicable period."

(2) in subsection (b)(1)(A), as amended by section 6206 of this Act, by inserting "(excluding such units and such combinations that receive funds under subsection (a)(2))" after "in such State" the first place it appears, and

(3) in subsection (c) by inserting "or to a unit of local government (or combination of units of local government)" after "to a State".

(d) **REPORTS.**—Section 1306 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796m) is amended—

(1) in subsection (a)—

(A) by striking "Each State" and inserting "Each applicant",

(B) in paragraph (1) by inserting "in the case of a State applicant," after "(1)", and

(C) in paragraph (2) by striking "State" and inserting "applicant", and

(2) in subsection (b) by striking "State" each place it appears and inserting "applicant".

(e) **EXPENDITURE OF GRANTS; RECORDS.**—Section 1307(c) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796n(c)) is amended—

(1) in paragraph (1)—

(A) by striking "State" and inserting "applicant", and

(B) by inserting "made to a State" after "such grant, and

(2) in paragraph (2)—

(A) by striking "States" and inserting "applicants", and

(B) by inserting "made to a State" after "under section 1302".

(B) by inserting "made to a State" after "under section 1302".

**SEC. 6208. MATCHING REQUIREMENT.**

Section 1307(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796n(a)) is amended by striking "75 per centum" and inserting "50 per centum".

**SEC. 6209. DISCRETIONARY GRANTS.**

(a) **LIMITATION ON FUNDS FOR DISCRETIONARY GRANTS.**—Section 1311 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796r) is amended by inserting "or \$50,000,000, whichever is less" after "20 per centum".

(b) **CONFORMING AMENDMENT.**—Section 1305(a)(1) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796l(a)), as amended by section 6207(c) of this Act, is amended by striking "80 per centum" and inserting "the amount remaining after reserving the amount required to carry out section 1311 of this title".

(a) **AUTHORITY TO MAKE GRANTS.**—Section 1309 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796p) is amended—

(1) by striking "The" and inserting "(a) Subject to subsection (b), the", and

(2) by adding at the end the following:

"(b) With funds set aside to carry out this subsection, the Director is authorized to make grants to States and units of local government to improve drug law enforcement programs by—

"(1) providing additional compensation and incentives (including overtime pay) not normally available to drug law enforcement officers;

"(2) providing additional training for drug law enforcement officers;

"(3) developing programs to recruit youth who reside in areas with a high level of drug-related crime, to become drug law enforcement officers; and

"(4) providing logistical support to increase the efficiency of drug law enforcement officers."

**SEC. 6210. DRUG LAW ENFORCEMENT PILOT PROJECT.**

(b) **FUNDS SET ASIDE.**—Section 1311 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796r) is amended—

(1) by striking "Of" and inserting "(a) Subject to subsection (b), of", and

(2) by adding at the end the following:

"(b) Of the amount required by subsection (a) to be reserved and set aside in any fiscal year, \$5,000,000 shall be set aside for section 1309(b) of this title in a special discretionary fund for use by the Director in carrying out the purposes specified in such section."

(c) **DEFINITION.**—Section 901 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3791) is amended—

(1) in paragraph (20) by striking "and",

(2) in paragraph (21) by striking the period and inserting "and", and

(3) by adding at the end thereof the following:

"(22) 'drug law enforcement officer' means a law enforcement officer, as defined in section 1203(5) of this title, who is engaged more than 50 percent of the time he or she is engaged in performing official duties, in enforcing State and local laws that establish offenses similar to offenses established in the Controlled Substances Act."

## SEC. 6211. AUTHORIZATION OF APPROPRIATIONS.

(a) BUREAU OF JUSTICE STATISTICS.—Section 1001(a)(1) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)(1)) is amended—

(1) by striking "years 1984, 1985, 1986, 1987, and" and inserting "year", and

(2) by inserting after "necessary" the following: ", and \$30,000,000 for each of the fiscal years 1989, 1990, 1991, and 1992,".

(b) NATIONAL INSTITUTE OF JUSTICE.—Section 1001(a)(2) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)(2)) is amended—

(1) by striking "years 1984, 1985, 1986, 1987, and" and inserting "year", and

(2) by inserting after "necessary" the following: ", and \$30,000,000 for each of the fiscal years 1989, 1990, 1991, and 1992,".

(c) BUREAU OF JUSTICE ASSISTANCE.—(1) Section 1001(a)(3) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)(3)) is amended—

(A) by striking "is" and inserting "are",

(B) by striking "each of the fiscal years 1984, 1985, 1986, 1987, and" and inserting "fiscal year", and

(C) by inserting "and \$100,000,000 for each of the fiscal years 1989, 1990, 1991, and 1992" after "1988".

(2) Section 1001(a)(4) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)(4)) is amended—

(A) by striking "1984, 1985, 1986, 1987, and", and

(B) by inserting ", 1989, 1990, 1991, and 1992" after "1988".

(3) Section 1001(a)(6) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)(6)) is amended—

(A) by striking "\$230,000,000" the first place it appears and all that follows through "and \$230,000,000", and inserting "\$250,000,000", and

(B) by inserting "and \$500,000,000 for each of the fiscal years 1990, 1991, and 1992" after "1989".

## SEC. 6212. AUTHORITY FOR PROGRAMS REGARDING ALCOHOL-DEPENDENT OFFENDERS AND FOR AUTOMATED FINGERPRINT IDENTIFICATION SYSTEMS.

(a) ALCOHOL-DEPENDENT OFFENDERS.—Section 403(a)(8) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3743(a)(8)) is amended by adding "and alcohol-dependent offenders" after "drug-dependent offenders".

(b) FINGERPRINT IDENTIFICATION.—Section 403(a)(12) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3743(a)(12)) is amended by inserting "(including automated fingerprint identification systems)" after "systems" the first place it appears.

## SEC. 6213. EFFECTIVE DATES.

(a) GENERAL EFFECTIVE DATE.—Except as provided in subsection (b), this subtitle and the amendments made by this subtitle shall take effect on the date of the enactment of this Act.

(b) EFFECTIVE DATE OF SECTIONS 6206 THROUGH 6210.—Sections 6206, 6207, 6208, 6209, and 6210 shall take effect on October 1, 1988.

## Subtitle D—Authorizations of Appropriations for the Department of Justice and for Prisons

## SEC. 6251. AUTHORIZATIONS OF APPROPRIATIONS FOR THE DEPARTMENT OF JUSTICE.

(a) FISCAL YEAR 1988.—There is authorized to be appropriated, in addition to any sums otherwise authorized to be appropriated, for fiscal year 1988 for the Department of Justice for the Drug Enforcement Administration, \$4,900,000.

(b) FISCAL YEAR 1989.—(1) There is authorized to be appropriated for fiscal year 1989 for the Department of Justice for the Drug Enforcement Administration, \$620,551,000, of which \$800,000 shall be available for voice privacy equipment.

(2) There is authorized to be appropriated, in addition to any sums otherwise authorized to be appropriated, for fiscal year 1989 for the Department of Justice for Organized Crime Drug Enforcement, \$9,000,000.

(3) There is authorized to be appropriated, in addition to any sums otherwise authorized to be appropriated, for fiscal year 1989 for the Department of Justice for the Immigration and Naturalization Service, \$82,300,000, to be used for the purposes of interdiction activities, investigations, detention and deportation, training and orientation.

(4) There is authorized to be appropriated for fiscal year 1989 for the Department of Justice for the Federal Bureau of Investigation for drug enforcement and related activities, \$148,893,000.

## SEC. 6252. AUTHORIZATION OF APPROPRIATIONS FOR PRISONS.

There is authorized to be appropriated \$1,380,084,000 for fiscal year 1989 for the Federal prison system.

## SEC. 6253. DRUG ENFORCEMENT ADMINISTRATION AIR WING FACILITY.

The Administrator of the Drug Enforcement Administration shall take such action (including site acquisition, purchase of equipment and fixtures, and relocation from any former facility) as may be necessary to establish, maintain, and operate a special purpose facility for the use of the Drug Enforcement Administration Air Wing, to be located at a site having direct aircraft access to public aviation facilities. To carry out this section, there is authorized to be appropriated for the Department of Justice for the Drug Enforcement Administration, \$10,800,000.

## Subtitle E—Money Laundering

## SEC. 6301. SHORT TITLE.

This subtitle may be cited as the "Money Laundering Prosecution Improvements Act of 1988".

## SEC. 6302. INVESTIGATIVE AUTHORITY.

(a) SECTION 1956 VIOLATIONS.—Section 1956(e) of title 18, United States Code, is amended—

(1) by inserting "(including the Internal Revenue Service)" after "Department of the Treasury";

(2) by inserting after the first sentence the following: "Violations of this section involving specified unlawful activity which the United States Postal Service may investigate may also be investigated by the United States Postal Service."; and

(3) by inserting "and the United States Postal Service" after "the Secretary of the Treasury" each place it appears in the final sentence.

(b) SECTION 1957 VIOLATIONS.—Section 1957(e) of title 18, United States Code, is amended—

(1) by inserting "(including the Internal Revenue Service)" after "Department of the Treasury";

(2) by inserting after the first sentence the following: "Violations of this section involving specified unlawful activity which the United States Postal Service may investigate may also be investigated by the United States Postal Service."; and

(3) by inserting "and the United States Postal Service" after "the Secretary of the Treasury" each place it appears in the final sentence.

(c) CONFORMING AMENDMENTS TO SECTION 981.—Section 981 of title 18, United States Code, is amended—

(1) in subsection (b)—

(A) by inserting "or the United States Postal Service" after "Secretary of the Treasury" the first place it appears; and

(B) by inserting "or the United States Postal Service, as the case may be," after "Secretary of the Treasury" the second place it appears; and

(2) in each of subsections (c) through (e), by inserting "or the United States Postal Service" after "Secretary of the Treasury" each place it appears.

## SEC. 6303. APPLICATION OF SECTION 1957 TO ATTORNEYS FEES.

Section 1957(a) of title 18, United States Code, is amended by adding at the end the following: "This subsection does not apply to monetary transactions involving the bona fide fees an attorney accepts for representing a client in a criminal investigation or any proceeding arising therefrom."

## SEC. 6304. CROSS REFERENCE TECHNICAL CORRECTIONS.

Section 1956(c)(7)(D) of title 18, United States Code, is amended by striking out "section 38 of the Arms Export Control Act" and all that follows through "(50 U.S.C. App. 3)" and inserting in lieu thereof "section 38(c) (relating to criminal violations) of the Arms Export Control Act, section 11 (relating to violations) of the Export Administration Act of 1979, section 206 (relating to penalties) of the International Emergency Economic Powers Act, or section 16 (relating to offenses and punishment) of the Trading with the Enemy Act."

## SEC. 6305. DEFINITION OF MONETARY INSTRUMENT FOR MONEY LAUNDERING OFFENSES.

Section 1957 of title 18, United States Code, is amended by striking out "for the purposes of subchapter II of chapter 53 of title 31" and inserting "in section 1956(c)(5) of this title" in lieu thereof.

## SEC. 6306. MONEY LAUNDERING WITH INTENT TO VIOLATE THE INTERNAL REVENUE CODE OF 1986.

Section 1956(a) of title 18, United States Code, is amended by adding at the end the following:

"(3) Whoever knowingly conducts or attempts to conduct a financial transaction that in whole or in part involves the proceeds of specified unlawful activity with intent to violate section 7201 or 7206 of the Internal Revenue Code of 1986 shall be sentenced to a fine under this title or in an amount not more than twice the value of the monetary instrument or funds involved in the transaction, whichever is greater, or imprisonment for not more than 20 years, or both."

## Subtitle F—Sense of Congress That Proposals To Legalize Illicit Drugs Should Be Rejected

## SEC. 6401. SENSE OF CONGRESS THAT PROPOSALS TO LEGALIZE ILLICIT DRUGS SHOULD BE REJECTED.

It is the sense of Congress that—

(1) proposals to combat sale and use of illicit drugs by legalization should be rejected; and

(2) consideration should be given only to proposals to attack directly the supply of, and demand for, illicit drugs, such as proposals to strengthen and expand penalties for sale and use, proposals to encourage greater multinational cooperation in eradication and interdiction, and proposals to promote educational awareness programs for young people.

**Subtitle G—Firearms Provisions**

**SEC. 6501. INTERDICTION OF SUPPLY OF FIREARMS TO DRUG TRAFFICKERS.**

Section 924 of title 18, United States Code, is amended by adding at the end the following:

“(f) Whoever, with the intent to engage in conduct which—

“(1) constitutes an offense listed in section 1961(1),

“(2) is punishable under the Controlled Substances Act (21 U.S.C. 802 et seq.), the Controlled Substances Import and Export Act (21 U.S.C. 951 et seq.), or the Maritime Drug Law Enforcement Act (46 U.S.C. App. 1901 et seq.),

“(3) violates any State law relating to any controlled substance (as defined in section 102(6) of the Controlled Substances Act (21 U.S.C. 802(6))), or

“(4) constitutes a crime of violence (as defined in subsection (c)(3)),

travels from any State or foreign country into any other State and acquires, transfers, or attempts to acquire or transfer, a firearm in such other State in furtherance of such purpose, shall be imprisoned not more than 10 years, fined in accordance with this title, or both.

“(g) Whoever knowingly transfers a firearm, knowing that such firearm will be used to commit a crime of violence (as defined in subsection (c)(3)) or drug trafficking crime (as defined in subsection (c)(2)) shall be imprisoned not more than 10 years, fined in accordance with this title, or both.”

**SEC. 6502. CLARIFICATION OF DEFINITION OF DRUG TRAFFICKING CRIMES IN WHICH USE OR CARRYING OF FIREARMS AND ARMOR PIERCING AMMUNITION IS PROHIBITED.**

Paragraph (2) of section 924(c) of title 18, United States Code, and paragraph (2) of section 929(a) of title 18, United States Code, are each amended to read as follows:

“(2) For purposes of this subsection, the term ‘drug trafficking crime’ means any felony punishable under the Controlled Substances Act (21 U.S.C. 802 et seq.), the Controlled Substances Import and Export Act (21 U.S.C. 951 et seq.), or the Maritime Drug Law Enforcement Act (46 U.S.C. App. 1901 et seq.).”

**SEC. 6503. WAITING PERIOD REQUIRED BEFORE PURCHASE OF HANDGUN.**

(a) IN GENERAL.—Section 922 of title 18, United States Code, is amended by adding at the end the following:

“(p)(1) It shall be unlawful for any licensed importer, licensed manufacturer, or licensed dealer to sell, deliver, or transfer a handgun to an individual who is not licensed under section 923 unless—

“(A)(i) such transferor, before delivery of the handgun and within one day after the date the transferee proposes such transfer, has sent, by registered or certified mail (return receipt requested), a copy of a sworn statement by the transferee to the chief law enforcement officer of the place of residence of the transferee notifying such officer of the proposed transaction; and

“(ii) 7 days have elapsed from the date such sworn statement was sent and such transferor has not received information from the chief law enforcement officer that receipt or possession of the handgun by the transferee would be in violation of Federal law or of a State or local law of the residence of the transferee; or

“(B) the transferee has presented to the transferor a certificate from the chief law enforcement officer of the place of residence of the transferee which states that

the transferee requires access to a handgun because of a threat to the life of the transferee.

“(2) Nothing in this subsection shall be interpreted to require any action by a chief law enforcement officer which is not otherwise required.

“(3) The sworn statement referred to in paragraph (1) shall contain only—

“(A) an accurate description of the handgun which is the subject of the proposed transaction;

“(B) the serial number of the handgun;

“(C) the name, address, and date of birth appearing on a valid piece of the transferee’s personal identification containing a photograph of the transferee and a description of the identification used;

“(D) a statement that Federal law does not prohibit the receipt of the handgun by the transferee; and

“(E) the date the sworn statement is made.

“(4) Any transferor of a handgun who, after such transfer, receives a report from a chief law enforcement officer containing information that receipt or possession of the handgun by the transferee is in violation of Federal law or of State or local law of the residence of the transferee shall immediately communicate all information such transferor has about the transfer and the transferee to—

“(A) the chief law enforcement officer of—

“(i) the place of business of the transferor, in the case the transferor is a licensed importer, licensed manufacturer, or licensed dealer; or

“(ii) the place of residence of the transferor, in any other case; and

“(B) the chief law enforcement officer of the place of residence of the transferee.

“(5) Any transferor who receives information, not otherwise available to the public, in a report under this subsection shall not disclose such information except incident to the proposed transaction.

“(6)(A) Any transferor who sells, delivers, or otherwise transfers a handgun to a transferee shall retain the copy of the sworn statement of the transferee with respect to the handgun transaction for at least one year after the date the transaction is completed.

“(B) Unless the chief law enforcement officer to whom a copy of such sworn statement is sent determines that a transaction would violate Federal, State, or local law, the officer shall destroy such copy within 60 days after the date the transferee made such statement.

“(7)(A) Notwithstanding any other provision of this title, any licensed importer, licensed manufacturer, or licensed dealer who violates this subsection shall be fined not more than \$1,000, or imprisoned for not more than one year, or both.

“(B) The penalties provided in this paragraph shall be the only penalties imposed for a violation of this subsection.

“(8) For purposes of this subsection, ‘chief law enforcement officer’ means the chief of police, the sheriff, or an equivalent officer, or the designee of any such individual.

“(9) The Secretary shall take necessary actions to assure that the provisions of this subsection are published and disseminated to dealers and to the public.”

(b) HANDGUN DEFINED.—Section 921(a) of title 18, United States Code, is amended by adding at the end the following new paragraph:

“(25) The term ‘handgun’ means a firearm which has a short stock and is designed to

be held and fired by the use of a single hand or any combination of parts from which a handgun can be assembled.”

(c) EFFECT ON STATE LAW.—Section 927 of title 18, United States Code, is amended by—

(1) inserting “(a)” before “No”; and

(2) adding at the end the following: “(b) A provision of State law is not in direct and positive conflict with section 922(p) if such provision provides—

“(1) for a waiting period of at least 7 days before the transfer of a handgun; or

“(2) that, before a handgun transfer is completed, a law enforcement officer shall determine that the transferee is qualified under law to receive a handgun.”

(d) CONFORMING AMENDMENT.—Section 924(a)(1) of title 18, United States Code, is amended by inserting “section 922(p),” after “section,” the first place it appears.

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect 90 days after the date of the enactment of this Act.

(f) DESIGNATION OF SECTION.—This section may be cited as the “Brady Amendment”.

**Subtitle H—Investigative Powers of Postal Service Personnel and National Forest System Drug Control**

**SEC. 6551. INVESTIGATIVE POWERS OF POSTAL SERVICE PERSONNEL.**

(a) IN GENERAL.—Section 3061 of title 18, United States Code, is amended to read as follows:

“§ 3061. Investigative powers of Postal Service personnel

“(a) Subject to subsection (b) of this section, Postal Inspectors and other agents of the United States Postal Service designated by the Board of Governors to investigate criminal matters related to the Postal Service and the mails may—

“(1) serve warrants and subpoenas issued under the authority of the United States;

“(2) make arrests without warrant for offenses against the United States committed in their presence;

“(3) make arrests without warrant for felonies cognizable under the laws of the United States if they have reasonable grounds to believe that the person to be arrested has committed or is committing such a felony;

“(4) carry firearms; and

“(5) make seizures of property as provided by law.

“(b) The powers granted by subsection (a) of this section shall be exercised only—

“(1) in the enforcement of laws regarding property in the custody of the Postal Service, property of the Postal Service, the use of the mails, and other postal offenses; and

“(2) to the extent authorized by the Attorney General pursuant to agreement between the Attorney General and the Postal Service, in the enforcement of other laws of the United States, if the Attorney General determines that violations of such laws have a detrimental effect upon the operations of the Postal Service.”

(b) CLERICAL AMENDMENT.—The item relating to section 3061 in the table of sections of chapter 203 of title 18, United States Code, is amended to read as follows:

“3061. Investigative powers of Postal Service personnel.

**SEC. 6552. POSTAL SERVICE FUND AMENDMENTS.**

Section 2003(b)(7) of title 39, United States Code, is amended—

(1) by striking out “administrative”; and

(2) by striking out "under title 18".  
**SEC. 6553. CIVIL FORFEITURE AUTHORITY OF THE POSTAL SERVICE UNDER THE CONTROLLED SUBSTANCES ACT.**

(a) **IN GENERAL.**—Section 511 of the Controlled Substances Act (21 U.S.C. 881), as amended by section 6159, is further amended by adding at the end the following new subsection:

"(1) The functions of the Attorney General under this section shall be carried out by the Postal Service pursuant to such agreement as may be entered into between the Attorney General and the Postal Service."

(b) **DEPOSITS OF PROCEEDS IN POSTAL SERVICE FUND.**—Section 511(e)(2)(B) of the Controlled Substances Act (21 U.S.C. 881(e)(2)(B)) is amended by striking out the period at the end and inserting in lieu thereof the following: ", except that, with respect to forfeitures conducted by the Postal Service, the Postal Service shall deposit in the Postal Service Fund, under section 2003(b)(7) of title 39, United States Code, such moneys and proceeds."

**SEC. 6554. NATIONAL FOREST SYSTEM DRUG CONTROL.**

(a) **OFFICERS.**—Section 15003 of the National Forest System Drug Control Act of 1986 (16 U.S.C. 559c) is amended to read as follows:

"**SEC. 15003. ENFORCEMENT.**

"(a) The Secretary of Agriculture may designate and specially train employees of the Forest Service as officers to enforce—

"(1) criminal laws relating to controlled substances that are manufactured or distributed on National Forest System lands; and

"(2) any other Federal criminal law relating to the administration of the National Forest System lands.

"(b) The Secretary may authorize such officers, in the performance of duties under subsection (a)—

"(1) to carry firearms and conduct investigations;

"(2) to make arrests with a warrant in the case of any felony or misdemeanor;

"(3) to make arrests without a warrant in the case of any misdemeanor committed in the presence of the officer and in the case of any felony;

"(4) to serve warrants and other process; and

"(5) to conduct searches and seizures."

(b) **ASSISTANCE FROM OTHER DEPARTMENTS AND AGENCIES.**—Section 15004 of the National Forest System Drug Control Act of 1986 (16 U.S.C. 559d) is amended—

(1) in paragraph (1), by striking out "and" after the semicolon;

(2) in paragraph (2), by striking out the period at the end and inserting in lieu thereof "; and"; and

(3) by adding at the end the following new paragraph:

"(3) the Secretary of Agriculture is authorized to designate law enforcement officers of any other Federal agency, when the Secretary determines such to be economical and in the public interest, and with the concurrence of that agency, to exercise the powers and authority of the Forest Service while assisting the Forest Service in the National Forest System, or for activities administered by the Forest Service."

(c) **AGREEMENT.**—Section 15007 of the National Forest System Drug Control Act of 1986 (16 U.S.C. 559f) is amended by striking out "conferred herein" and inserting in lieu thereof "under section 15003(a)(1)".

(d) **REPORT.**—Not later than 90 days after the date of the enactment of this Act, the

Attorney General and the Secretary of Agriculture shall each submit a report to the Committee on Agriculture, the Committee on Interior and Insular Affairs, and the Committee on the Judiciary of the House of Representatives, and to the Committee on Agriculture, the Committee on Energy and Natural Resources, and the Committee on the Judiciary of the Senate on the activities of the Attorney General and the Secretary of Agriculture in expediting investigations referred to in section 15003(a)(1) of the National Forest System Drug Control Act of 1986 (16 U.S.C. 559b et seq.).

**Subtitle I—Travel Expenses and Health Care of Department of Justice Personnel Serving Abroad**  
**SEC. 6601. AUTHORIZATION OF APPROPRIATIONS FOR TRAVEL AND RELATED EXPENSES AND FOR HEALTH CARE OF DEPARTMENT OF JUSTICE PERSONNEL SERVING ABROAD.**

(a) **IN GENERAL.**—Chapter 31 of title 28, United States Code, is amended by adding at the end the following new section:

"§ 530A. Authorization of appropriations for travel and related expenses and for health care of personnel serving abroad

"There are authorized to be appropriated, for any fiscal year, for the Department of Justice, such sums as may be necessary—

"(1) for travel and related expenses of employees of the Department of Justice serving abroad and their families, to be payable in the same manner as applicable with respect to the Foreign Service under paragraphs (3), (5), (6), (8), (9), (11), and (15) of section 901 of the Foreign Service Act of 1980; and

"(2) for health care for such employees and families, to be provided under section 904 of that Act."

(b) **CLERICAL AMENDMENT.**—The table of section for chapter 31 of title 28, United States Code, is amended by adding at the end the following new item:

"530A. Authorization of appropriations for travel and related expenses and for health care of personnel serving abroad."

**Subtitle J—Program-Related and Study Provisions**

**SEC. 6651. ENHANCEMENT OF THE DRUG AFTER-CARE PROGRAM OF THE ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS.**

Section 4(a) of the Contract Services for Drug Dependent Federal Offenders Act of 1978 (18 U.S.C. 4255 note) is amended by—

(1) striking out "\$14,000,000" and inserting "\$24,000,000" in lieu thereof, and

(2) striking out "\$16,000,000" and inserting "\$26,000,000" in lieu thereof.

**SEC. 6652. DEMONSTRATION PROGRAM FOR DRUG TESTING OF ARRESTED PERSONS.**

(a) **ESTABLISHMENT.**—The Director of the Administrative Office of the United States Courts shall establish a demonstration program of mandatory testing of criminal defendants.

(b) **LENGTH OF PROGRAM.**—The demonstration program shall begin not later than January 1, 1989, and shall last one year.

(c) **SELECTION OF DISTRICTS.**—The Judicial Conference of the United States shall select 5 Federal judicial districts in which to carry out the demonstration program, so that the group selected represents a mix of districts on the basis of criminal caseload and the types of cases in that caseload.

(d) **INCLUSION IN PRETRIAL SERVICES.**—In each of the districts in which the demonstration program takes place, pretrial services under chapter 207 of title 18, United

States Code, shall arrange for the drug testing of defendants in criminal cases. To the extent feasible, such testing shall be completed before the defendant makes the defendant's initial appearance in the case before a judicial officer. The results of such testing shall be included in the report to the judicial officer under section 3154 of title 18, United States Code.

(e) **REPORT TO CONGRESS.**—Not later than 90 days after the end of the demonstration program, the Director of the Administrative Office of the United States Courts shall report to Congress on the effectiveness of the demonstration program and include in such report recommendations as to whether mandatory drug testing of defendants should be made more general and permanent.

**SEC. 6653. NATIONAL TRAINING CENTER FOR PRISON DRUG REHABILITATION PROGRAM PERSONNEL.**

(a) **IN GENERAL.**—The Director of the National Institute of Corrections, in consultation with persons with expertise in the field of community-based drug rehabilitation, shall establish and operate, at any suitable location, a national training center (hereinafter in this section referred to as the "center") for training Federal, State, and local prison officials to conduct drug rehabilitation programs for criminals convicted of drug-related crimes and for drug-dependent criminals. Programs conducted at the center shall include training for correctional officers, administrative staff, and correctional mental health professionals (including subcontracting agency personnel).

(b) **DESIGN AND CONSTRUCTION OF FACILITIES.**—The Director of the National Institute of Corrections shall design and construct facilities for the center.

(c) **AUTHORIZATION OF APPROPRIATIONS.**—In addition to amounts otherwise authorized to be appropriated with respect to the National Institute of Corrections, there are authorized to be appropriated to the Director of the National Institute of Corrections—

(1) for establishment and operation of the center, for curriculum development for the center, and for salaries and expenses of personnel at the center, not more than \$4,000,000 for each of fiscal years 1989, 1990, and 1991; and

(2) for design and construction of facilities for the center, not more than \$10,000,000 for fiscal years 1989, 1990, and 1991.

**SEC. 6654. STUDY OF ALTERNATIVE JUDICIAL SYSTEM.**

The Attorney General shall study the feasibility of prosecuting Federal drug-related offenses in a manner alternative or supplemental to the current criminal justice system. The Attorney General shall report the results of such study to Congress not later than 180 days after the date of the enactment of this Act.

**Subtitle K—Manufacturing Offenses**

**SEC. 6701. CRIMINAL PENALTY FOR ENDANGERING HUMAN LIFE WHILE ILLEGALLY MANUFACTURING A CONTROLLED SUBSTANCE.**

(a) **IN GENERAL.**—Part D of the Controlled Substances Act is amended by adding at the end the following new section:

"**ENDANGERING HUMAN LIFE WHILE ILLEGALLY MANUFACTURING A CONTROLLED SUBSTANCE**

"Sec. 417. Whoever, while manufacturing a controlled substance in violation of this title, or attempting to do so, creates a substantial risk of harm to human life shall be fined in accordance with title 18, United

States Code, or imprisoned not more than 10 years, or both."

(b) CLERICAL AMENDMENT.—The table of contents of the Comprehensive Drug Abuse Prevention and Control Act of 1970 is amended by adding at the end of the items relating to part D of title II the following new items:

"416. Establishment of manufacturing operations.

"417. Endangering human life while illegally manufacturing a controlled substance."

Subtitle L—Common Carrier, Locomotive, and Motor Vehicle Offenses

SEC. 6751. AMENDMENT RELATING TO CERTAIN PRESUMPTIONS.

Section 343(1) of title 18, United States Code, is amended by inserting "percent" after ".10".

SEC. 6752. INCREASED PENALTY FOR OPERATION OF LOCOMOTIVE OR COMMON CARRIER WHILE UNDER THE INFLUENCE OF ALCOHOL OR DRUGS.

Section 342 of title 18, United States Code, is amended—

(1) by inserting "locomotive or" after "operation of a"; and

(2) by striking out "drugs," and all that follows through the end of the section and inserting in lieu thereof the following:

"drugs—  
"(1) if death results, shall be fined under this title or imprisoned not more than 20 years, or both;

"(2) if serious bodily injury results, shall be fined under this title or imprisoned not more than 10 years, or both; and

"(3) in any other case, shall be fined under this title or imprisoned not more than 5 years, or both."

SEC. 6753. LICENSE SUSPENSION AND OTHER PENALTIES FOR DRUNK AND DRUGGED DRIVING IN FEDERAL AREAS.

(a) IN GENERAL.—Chapter 2 of title 18, United States Code, is amended by adding at the end the following new section:

"§ 36. License suspension and other penalties for drunk and drugged driving in Federal areas

"(a) Any penalty that, under the law of a State, territory, possession, or district, may be imposed pursuant to a conviction for drunk driving or drugged driving is, for purposes of section 13 of this title, a punishment provided by that law.

"(b) Any driving restriction imposed pursuant to a conviction for drunk driving or drugged driving under such section 13 shall apply only with respect to the special maritime and territorial jurisdiction of the United States.

"(c) As used in this section—

"(1) the term 'penalty' means, with respect to the offense of drunk driving or drugged driving, any criminal penalty or administrative or other sanction (including a driving restriction) that may be imposed for the offense under the law of a State, territory, possession, or district;

"(2) the term 'drunk driving' means the offense of operating a motor vehicle while impaired by, or under the influence of, alcohol, however such offense is denominated and defined under applicable law;

"(3) the term 'drugged driving' means the offense of operating a motor vehicle while impaired by, or under the influence of, a drug, however such offense is denominated and defined under applicable law; and

"(4) the term 'driving restriction' means a license suspension or other penalty that restricts the privilege of operating a motor vehicle."

(b) CLERICAL AMENDMENT.—The table of sections for chapter 2 of title 18, United States Code, is amended by adding at the end the following new item:

"36. License suspension and other penalties for drunk or drugged driving in Federal areas."

SEC. 6754. CONSENT OF MOTOR VEHICLE OPERATORS TO ALCOHOL AND DRUG TESTS IN FEDERAL AREAS.

(a) IN GENERAL.—Chapter 2 of title 18, United States Code, as amended by section 1403, is further amended by adding at the end the following new section:

"§ 37. Consent of motor vehicle operators to alcohol and drug tests in Federal areas

"(a)(1) An individual who operates a motor vehicle in the special maritime and territorial jurisdiction of the United States consents, by reason of such operation, to submit to alcohol tests and drug tests, to be administered upon a determination by the appropriate law enforcement officer that there are reasonable grounds to believe the individual has committed the offense of drunk driving or drugged driving in that jurisdiction.

"(2) An individual may revoke the consent referred to in paragraph (1) by declining to submit to a test.

"(b) Before administration of a test under this section, the appropriate law enforcement officer shall inform the individual of—

"(A) the right of revocation under this section; and

"(B) the matters described in subsection (c).

"(c)(1) The results of any test and evidence of the circumstances of any revocation of consent under this section are admissible in any criminal, civil, or administrative proceeding to the extent provided by applicable law or rule.

"(2) An individual who, after having been informed under subsection (b), declines to submit to a test under subsection (a), may not operate a motor vehicle in the special maritime and territorial jurisdiction of the United States for one year, beginning on the date the individual so declines.

"(3) An individual who operates a motor vehicle in the special maritime and territorial jurisdiction of the United States in violation of paragraph (2) shall be considered for all purposes to have so operated such vehicle without a license or other authority to do so.

"(d) As used in this section—

"(1) the term 'alcohol test' means a chemical test of the blood, breath, or urine of an individual to determine if the individual is impaired by, or under the influence of, alcohol;

"(2) the term 'drug test' means a chemical test of the blood, breath, or urine of an individual to determine if the individual is impaired by, or under the influence of, a drug;

"(3) the term 'drunk driving' means the offense of operating a motor vehicle while impaired by, or under the influence of, alcohol, however such offense is denominated and defined under applicable law; and

"(4) the term 'drugged driving' means the offense of operating a motor vehicle while impaired by, or under the influence of, a drug, however such offense is denominated and defined under applicable law."

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 205 of title 18, United States Code, as amended by section 1403, is further amended by adding at the end the following new item:

"37. Consent of motor vehicle operators to alcohol and drug tests in Federal areas."

#### TITLE VII—COMMITTEE ON MERCHANT MARINE AND FISHERIES

SEC. 7001. SHORT TITLE.

This title may be cited as the "Coast Guard Drug Enforcement Act of 1988".

SEC. 7002. AUTHORITY AND PROTECTION OF COMMANDING OFFICERS ON NAVAL VESSELS TO WHICH COAST GUARD PERSONNEL ARE ASSIGNED.

(a) IN GENERAL.—Section 637 of title 14, United States Code, is amended to read as follows:

"§ 637. Stopping vessels; immunity for firing at or into vessel

"(a) Whenever any vessel liable to seizure or examination does not stop on being ordered to do so or on being pursued by an authorized vessel or authorized aircraft which has displayed the ensign, pennant, or other identifying insignia prescribed for an authorized vessel or authorized aircraft, the person in command or in charge of the authorized vessel or authorized aircraft may, after a gun has been fired by the authorized vessel or authorized aircraft as a warning signal, fire at or into the vessel which does not stop.

"(b) The person in command of an authorized vessel or authorized aircraft and all persons acting under that person's direction shall be indemnified from any penalties or actions for damages for firing at or into a vessel pursuant to subsection (a). If any person is killed or wounded by the firing, and the person in command of the authorized vessel or authorized aircraft or any person acting pursuant to their orders is prosecuted or arrested therefor, they shall be forthwith admitted to bail.

"(c) A vessel or aircraft is an authorized vessel or authorized aircraft for purposes of this section if—

"(1) it is a Coast Guard vessel or aircraft;

or  
"(2) it is a surface naval vessel on which one or more members of the Coast Guard are assigned pursuant to section 379 of title 10."

(b) CONFORMING AMENDMENT.—The item relating to section 637 in the table of sections at the beginning of chapter 17 of title 14, United States Code, is amended to read as follows:

"637. Stopping vessels; immunity for firing at or into vessel."

SEC. 7003. MARITIME DRUG LAW ENFORCEMENT ACT AMENDMENTS.

(a) SECTION 3(a) AMENDMENT.—Section 3(a) of the Act entitled "An Act to facilitate increased enforcement by the Coast Guard of laws relating to the importation of controlled substances, and for other purposes", approved September 15, 1980 (46 U.S.C. App. 1903(a)), is amended by inserting after "jurisdiction of the United States," the following: "or who is a citizen of the United States or a resident alien of the United States on board any vessel."

(b) SECTION 3(b) AMENDMENT.—Section 3(b)(2) of such Act (46 U.S.C. App. 1903(b)(2)) is amended by inserting after "High Seas" the following: "and a claim of nationality or registry for the vessel is made by the master or individual in charge at the time of the enforcement action by an officer or employee of the United States authorized to enforce applicable provisions of United States law".

**SEC. 7004. INDEMNIFICATION OF COAST GUARD MEMBERS AND EMPLOYEES.**

(a) **IN GENERAL.**—Title 14, United States Code, is amended by inserting after section 644 the following:

“§ 645. Indemnification of Coast Guard members and employees.

“The Commandant may indemnify any member or employee of the Coast Guard against any claim or judgment against the member or employee if the claim or judgment arises out of an act committed, as determined by the Commandant, within the scope of the official duties of the member or employee in carrying out law enforcement activities.”

(b) **CONFORMING AMENDMENT.**—The table of sections at the beginning of chapter 17 of title 14, United States Code, is amended by inserting after the item relating to section 644 the following:

“645. Indemnification of Coast Guard members and employees.”

**SEC. 7005. AMENDMENTS TO SUITS IN ADMIRALTY ACT AND PUBLIC VESSELS ACT.**

(a) **AMENDMENT TO SUITS IN ADMIRALTY ACT.**—Section 2 of the Act of March 9, 1920 (46 U.S.C. App. 742; commonly known as the Suits in Admiralty Act) is amended—

(1) in the first sentence by striking “In cases” and inserting in lieu thereof “(a) Subject to subsection (b), in cases”; and

(2) by adding at the end the following: “(b) No proceeding may be brought under this section against the United States, and no proceeding may be brought under any law against an employee of the United States, for an act or omission of the employee while acting in the scope of employment, with respect to the following claims:

“(1) Any claim based on an act or omission of an employee of the United States Government exercising due care in executing a statute or regulation, whether or not the statute or regulation is valid.

“(2) Any claim based on the exercise or performance, or a failure to exercise or perform, a discretionary function or duty by a Federal agency or an employee of the United States Government, whether or not involving an abuse of discretion by the agency or employee.

“(3) Any claim arising out of the loss, mis-carriage, or negligent transmission of letters or postal matter.

“(4) Any claim arising out of the assessment or collection of any tax or customs duty, the detention of any goods or merchandise, by any officer of the customs or by any other investigative or law enforcement officer.

“(5) Any claim arising out of an act or omission of any employee of the United States in administering the Trading with the Enemy Act (50 U.S.C. App. 1 et seq.).

“(6) Any claim for damages arising out of the imposition or establishment of a quarantine by the United States.

“(7) Any claim arising out of assault, battery, false imprisonment, false arrest, malicious prosecution, abuse of process, libel, slander, misrepresentation, deceit, or interference with contract rights. With regard to acts or omissions of investigative or law enforcement officers of the United States Government, this Act shall apply to any claim arising on or after the date of the enactment of this subsection out of assault, battery, false imprisonment, false arrest, abuse of process, or malicious prosecution.

“(8) Any claim for damages caused by the regular operations of the Treasury or by the regulation of the monetary system.

“(9) Any claim arising out of the combatant activities of the military or naval forces (including the Coast Guard) during time of war.

“(c) In this section, the term ‘investigative or law enforcement officer’ means any officer of the United States who is empowered by law to execute searches, to seize evidence, or to make arrests for violations of United States law.”

(b) **AMENDMENT TO PUBLIC VESSELS ACT.**—Section 1 of the Act of March 3, 1925 (46 U.S.C. App. 781; commonly known as the Public Vessels Act) is amended—

(1) by striking “A libel” and inserting in lieu thereof “(a) Subject to subsection (b), a libel”; and

(2) by adding at the end the following: “(b) No libel or petition may be brought under this section for any claim described in section 2(b) of the Act of March 9, 1920 (46 U.S.C. App. 742(b)(1); commonly known as the Suits in Admiralty Act).”

**SEC. 7006. COAST GUARD LAW ENFORCEMENT DUTIES.**

Section 2 of title 14, United States Code, is amended—

(1) by striking “on and under” the first time it appears and inserting in lieu thereof “on, under, and over”; and

(2) by striking “United States;” the first place it appears and inserting in lieu thereof “United States; shall engage in maritime air surveillance or interdiction to enforce or assist in the enforcement of the laws of the United States;”

**SEC. 7007. GREAT LAKES DRUG INTERDICTION.**

(a) **INTERAGENCY AGREEMENT.**—The Secretary of Transportation and the Secretary of the Treasury shall enter into an agreement for the purpose of increasing the effectiveness of maritime drug interdiction activities of the Coast Guard and the Customs Service in the Great Lakes area.

(b) **NEGOTIATIONS WITH CANADA ON DRUG ENFORCEMENT COOPERATION.**—The Secretary of State is encouraged to enter into negotiations with appropriate officials of the Government of Canada for the purpose of establishing an agreement between the United States and Canada which provides for increased cooperation and sharing of information between United States and Canadian law enforcement officials with respect to law enforcement efforts conducted on the Great Lakes between the United States and Canada.

**SEC. 7008. FORFEITURES OF CONVEYANCES.**

Section 2 of the Act of August 9, 1939 (chapter 618, 53 Stat. 1291; 49 U.S.C. App. 782), is amended by adding at the end the following: “No vessel, vehicle, or aircraft shall be forfeited under this section to the extent of an interest of an owner for a drug-related offense established by that owner to have been committed or omitted without the knowledge or consent of the owner.”

**SEC. 7009. AUTHORIZATION OF APPROPRIATIONS.**

(a) **ADDITIONAL AUTHORIZATION OF APPROPRIATIONS FOR THE COAST GUARD.**—

(1) **ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS.**—There are authorized to be appropriated for acquisition, construction, and improvements of the Coast Guard \$264,000,000 for fiscal year 1989, to remain available until expended.

(2) **OPERATING EXPENSES.**—There are authorized to be appropriated for operating expenses of the Coast Guard \$82,000,000 for fiscal year 1989 and \$30,000,000 for each of fiscal years 1990, 1991, and 1992, to remain available until expended. Amounts appropriated pursuant to this paragraph shall be used to increase by 500 the full-time equiva-

lent strength level for the Coast Guard for active duty personnel for fiscal years 1989, 1990, 1991, and 1992, and to procure, enhance, relocate, operate, and maintain vessels, aircraft, radar, equipment, and structures by the Coast Guard for drug interdiction purposes.

(b) **AMOUNTS IN ADDITION TO OTHER AMOUNTS.**—Amounts and personnel authorized by this section are in addition to any other amounts or personnel strengths authorized for the Coast Guard for any fiscal year.

(c) **AUTHORIZATION ENHANCEMENT.**—Nothing in this Act shall require the Coast Guard to recruit, compensate, train, purchase, or deploy any personnel or equipment except to the extent that—

(1) additional appropriations are made available in appropriations Acts for that purpose; or

(2) funds are transferred to the Secretary of Transportation for that purpose pursuant to this Act.

**TITLE VIII—COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION**

**SEC. 8001. SHORT TITLE.**

This title may be cited as the “Federal Aviation Administration Drug Enforcement Assistance Act of 1988”.

**SEC. 8002. FINDINGS AND POLICY.**

(a) **FINDINGS.**—Congress makes the following findings:

(1) Illegal drug consumption and the trafficking in illegal drugs is a major problem in the United States.

(2) The smuggling of drugs into the United States through the use of general aviation aircraft is a major contributing factor in the illegal drug crisis facing our Nation.

(3) The Federal Government has a significant role in combatting such drug crisis.

(4) The Federal Aviation Administration has played an important role in assisting law enforcement agencies in certain aspects of drug interdiction and enforcement activities.

(5) The current systems of registering aircraft, certificating pilots, and processing major aircraft repair and alteration forms and enforcement of the requirements associated with such systems need to be improved in order to more effectively contribute to drug interdiction and enforcement efforts.

(6) Improving such systems and enforcement of such requirements will require providing the Federal Aviation Administration with additional funding and other resources.

(7) Improved systems of registering aircraft, certificating pilots, and processing major aircraft repair and alteration forms and increased enforcement of requirements associated with such systems will benefit all users of such systems (including law enforcement officials) and the general public.

(b) **POLICY.**—Section 103 of the Federal Aviation Act of 1958 (49 U.S.C. App. 1303) is amended by redesignating paragraphs (a), (b), (c), (d), and (e) (and any references thereto) as paragraphs (1), (2), (3), (4), and (5), respectively, by striking out the semicolons at the end of each of paragraphs (1), (2), (3), and (4) (as so redesignated) and inserting in lieu thereof a period, and by adding at the end thereof the following new paragraph:

“(6) The provision of assistance to law enforcement agencies in the enforcement of laws relating to the regulation of controlled substances, to the extent consistent with aviation safety.”

## SEC. 8003. AIRCRAFT REGISTRATION SYSTEM.

(a) **MODIFICATION AUTHORITY.**—Section 501 of the Federal Aviation Act of 1958 (49 U.S.C. App. 1401) is amended by adding at the end thereof the following new subsection:

“(h) **MODIFICATION OF SYSTEM.**—The Administrator is authorized and directed to make such modifications in the system established under this title for registration and recordation of aircraft as may be necessary to make such system more effective in serving the needs of buyers and sellers of aircraft, officials responsible for enforcement of laws relating to the regulation of controlled substances (as defined in section 102 of the Controlled Substances Act), and other users of such system. Such modifications may include a system of titling aircraft or of registering all aircraft whether or not operated, shall assure positive, verifiable, and timely identification of the true owner, and shall address, at a minimum, each of the following deficiencies in and abuses of the existing system:

“(1) The registration of aircraft to fictitious persons.

“(2) The use of false or nonexistent addresses by persons registering aircraft.

“(3) The use by a person registering an aircraft of a post office box or ‘mail drop’ as a return address for the purpose of evading identification of such person’s address.

“(4) The registration of aircraft to corporations and other entities established to facilitate unlawful activities.

“(5) The submission of names of individuals on applications for registration of aircraft which are not identifiable.

“(6) The ability to make frequent legal changes in the registration markings which are assigned to aircraft.

“(7) The use of false registration markings on aircraft.

“(8) The illegal use of ‘reserved’ registration markings on aircraft.

“(9) The large number of aircraft which are classified as being in ‘self-reported status’.

“(10) The lack of a system to assure timely and adequate notice of the transfer of ownership of aircraft.

“(11) The practice of allowing temporary operation and navigation of aircraft without issuance of a certificate of registration under this section.”

(b) **CONFORMING AMENDMENT TO TABLE OF CONTENTS.**—That portion of the table of contents contained in section 1 of such Act relating to section 501 of such Act is amended by adding at the end thereof the following:

“(h) Modification of system.”

## SEC. 8004. MODIFICATION OF SYSTEM FOR ISSUING AIRMAN'S CERTIFICATES TO PILOTS.

(a) **MODIFICATION AUTHORITY.**—Section 602 of the Federal Aviation Act of 1958 (49 U.S.C. App. 1422) is amended by adding at the end thereof the following new subsection:

“(d) **MODIFICATION OF SYSTEM.**—The Administrator is authorized and directed to make such modifications in the system established under this title for issuance of airman's certificates to pilots as may be necessary to make such system more effective in serving the needs of pilots and officials responsible for enforcement of laws relating to the regulation of controlled substances (as defined in section 102 of the Controlled Substances Act). Such modifications shall assure positive and verifiable identification of each person applying for or holding such a certificate and shall address, at a mini-

um, each of the following deficiencies in and abuses of the existing system:

“(1) The use of fictitious names and addresses by applicants for such certificates.

“(2) The use of stolen or fraudulent identification in applying for such certificates.

“(3) The use by a person applying for such a certificate of a post office box or ‘mail drop’ as a return address for the purpose of evading identification of such person’s address.

“(4) The use of counterfeit and stolen airman's certificates by pilots.

“(5) The absence of information concerning physical characteristics of holders of such certificates.”

(b) **CONFORMING AMENDMENT TO TABLE OF CONTENTS.**—That portion of the table of contents contained in section 1 of such Act relating to section 602 of such Act is amended by adding at the end thereof the following:

“(d) Modification of system.”

## SEC. 8005. MODIFICATION OF SYSTEM FOR PROCESSING FORMS FOR ALTERATIONS OF FUEL SYSTEMS.

(a) **MODIFICATION AUTHORITY.**—Section 605 of the Federal Aviation Act of 1958 (49 U.S.C. App. 1425) is amended by adding at the end thereof the following new subsection:

“(c) **MODIFICATION OF SYSTEM.**—The Administrator is authorized and directed to make such modifications in the system established under this title for processing forms for major repairs or alterations of fuel tanks and fuel systems of aircraft as may be necessary to make such system more effective in serving the needs of users of such system, including officials responsible for enforcement of laws relating to the regulation of controlled substances (as defined in section 102 of the Controlled Substances Act). Such modifications shall address, at a minimum, each of the following deficiencies in and abuses of the existing system:

“(1) The lack of a special identification feature to permit such forms to be easily distinguished from other major repair and alteration forms.

“(2) The excessive amount of time required for receiving such forms at the Airmen and Aircraft Registry of the Federal Aviation Administration.

“(3) The backlog of such forms which are awaiting processing at the Airmen and Aircraft Registry.

“(4) The lack of ready access by law enforcement officials to information contained on such forms.”

(b) **CONFORMING AMENDMENT TO TABLE OF CONTENTS.**—That portion of the table of contents contained in section 1 of such Act relating to section 605 of such Act is amended by adding at the end thereof the following:

“(c) Modification of system.”

## SEC. 8006. REGISTRATION, CERTIFICATION, AND FUEL SYSTEM ALTERATION REGULATIONS.

(a) **RULEMAKING.**—Not later than 10 months after the date of the enactment of this title, the Administrator shall issue final regulations for carrying out the objectives of sections 501(h), 602(d), and 605(c) of the Federal Aviation Act of 1958 and provide a written explanation of how such regulations address each of the deficiencies and abuses required to be addressed by such sections. Such regulations shall include, but not limited to, a requirement that each individual listed in an application for registration of an aircraft provide, together with such applica-

tion, his or her driver's license number and each person (other than an individual) listed in such an application provide, together with such application, its Federal tax identification number.

(b) **CONSULTATION REQUIREMENT.**—In issuing regulations in accordance with this section, the Administrator shall consult the Drug Enforcement Administration of the Department of Justice, the United States Customs Service, other Federal law enforcement officials, representatives of State and local law enforcement officials, representatives of the general aviation aircraft industry, representatives of users of general aviation aircraft, and other interested persons.

## (c) FEES.—

(1) **GENERAL RULES.**—Section 313 of the Federal Aviation Act of 1958 (49 U.S.C. App. 1354) is amended by adding at the end thereof the following new subsection:

## “(f) PROCESSING FEES.—

“(1) **ESTABLISHMENT AND COLLECTION.**—The Administrator may establish and collect such fees as may be necessary to cover the costs associated with issuance of certificates of registration of aircraft, issuance of airman certificates to pilots, and processing of forms for major repairs and alterations of fuel tanks and fuel systems of aircraft.

“(2) **MAXIMUM FEE SCHEDULE.**—The amount of any fee which may be collected under this subsection—

“(A) with respect to issuance of an airman's certificate to a pilot may not exceed \$12;

“(B) with respect to registration of an aircraft after transfer of ownership may not exceed \$25;

“(C) with respect to renewal of an aircraft registration may not exceed \$15; and

“(D) with respect to processing of a form for a major repair or alteration of a fuel tank or fuel system of an aircraft may not exceed \$7.50.

The amounts established by this paragraph shall be adjusted by the Administrator for changes in the Consumer Price Index of All Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor.

“(3) **LIMITATION.**—No fee may be collected under this subsection before the date on which the final regulations referred to in section 6(a) of the Federal Aviation Administration Drug Enforcement Assistance Act of 1988 take effect.

“(4) **CREDIT TO ACCOUNT; AVAILABILITY.**—The amount of fees collected under this subsection shall be credited to the account in the United States Treasury from which expenses were incurred by the Administrator for carrying out titles V and VI of this Act and shall be available to the Administrator for paying expenses for which such fees are collected.”

(2) **CONFORMING AMENDMENT TO TABLE OF CONTENTS.**—That portion of the table of contents contained in section 1 of such Act relating to section 313 is amended by adding at the end thereof the following:

“(f) Processing fees.”

(3) **CONFORMING AMENDMENT TO SECTION 334 OF TITLE 49.**—The first sentence of section 334 of title 49, United States Code, is amended by striking out “only when” and all that follows through the period and inserting in lieu thereof the following:

“only when—

“(1) the charge—

“(A) was in effect on January 1, 1973, and

“(B) is not more than the charge that was in effect on such date, adjusted in propor-

tion to changes in the Consumer Price Index of All Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor between January 1, 1973, and the date the charge is imposed; or

"(2) the charge is a fee established and collected in accordance with section 313(f) of the Federal Aviation Act of 1958."

(4) GAO AUDIT.—During the 5-year period beginning after the date on which fees are first collected under section 313(f) of the Federal Aviation Act of 1958, the Comptroller General shall conduct an annual audit of the collection and use of such fees for the purpose of ensuring that such fees do not exceed the costs for which they are collected and submit to Congress a report on the results of such audit.

(e) REPORT.—Not later than 180 days after the date of the enactment of this title and annually thereafter during the 5-year period beginning on such 180th day, the Administrator shall prepare and transmit to Congress a report on the following:

(1) The status of the rulemaking process, issuance of regulations, and implementation of regulations in accordance with this section.

(2) The progress being made in reducing the number of aircraft classified by the Federal Aviation Administration as being in "sale-reported status".

(3) The progress being made in expediting the filing and processing of forms for major repairs and alterations of fuel tanks and fuel systems of aircraft.

(4) The status of establishing and collecting fees under section 313(f) of the Federal Aviation Act.

(f) DEFINITIONS.—For purposes of this title—

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of the Federal Aviation Administration.

(2) AIRCRAFT.—The term "aircraft" has the meaning such term has under section 101 of the Federal Aviation Act of 1958.

#### SEC. 8007. CIVIL PENALTIES.

(a) RELATING TO OWNERSHIP AND REGISTRATION.—Section 901(a)(1) of the Federal Aviation Act of 1958 (49 U.S.C. App. 1471(a)(1)) is amended by inserting before the period at the end of the first sentence the following: "and for each such violation which relates to registration or recordation of an aircraft under title V".

(b) ADMINISTRATIVE ASSESSMENT.—Section 901(a) of such Act (49 U.S.C. App. 1471(a)) is amended by adding at the end thereof the following new paragraph:

"(3) ADMINISTRATIVE ASSESSMENT OF CERTAIN REGISTRATION AND RECORDATION VIOLATIONS.—

"(A) GENERAL AUTHORITY.—The Administrator, or his delegate, may assess a civil penalty for a violation of title V, or a rule, regulation, or order issued thereunder, which relates to registration or recordation of an aircraft upon written notice and finding of violation by the Administrator.

"(B) NO REEXAMINATION OF LIABILITY OR AMOUNT.—In the case of a civil penalty assessed by the Administrator under this paragraph, the issue of liability or amount of civil penalty shall not be reexamined in any subsequent suit for collection of such civil penalty.

"(C) CONTINUING JURISDICTION OF DISTRICT COURTS.—Notwithstanding subparagraph (A), the United States district courts shall have exclusive jurisdiction of any civil penalty action initiated by the Administrator—

"(i) which involves an amount in controversy in excess of \$50,000;

"(ii) which is an in rem action or in which an in rem action based on the same violation has been brought;

"(iii) regarding which an aircraft subject to lien has been seized by the United States; and

"(iv) in which a suit for injunctive relief based on the violation giving rise to the civil penalty has also been brought.

"(D) LIMITATIONS.—

"(i) HEARING.—A civil penalty may be assessed by the Administrator under this paragraph only after notice and opportunity for a hearing on the record in accordance with section 554 of title 5, United States Code.

"(ii) VIOLATIONS.—This paragraph only applies to civil penalties initiated by the Administrator after the date of the enactment of this paragraph.

"(iii) MAXIMUM AMOUNT.—The maximum amount of a civil penalty which may be assessed by the Administrator under this paragraph in any case may not exceed \$50,000."

#### SEC. 8008. CRIMINAL PENALTIES.

(a) IN GENERAL.—Subsection (b) of section 902 of the Federal Aviation Act of 1958 (49 U.S.C. App. 1472) is amended by redesignating paragraph (3) as paragraph (5) and by striking out the subsection heading and paragraphs (1) and (2) and inserting in lieu thereof the following:

"(b) FORGERY OF CERTIFICATES, FALSE MARKING OF AIRCRAFT, AND OTHER AIRCRAFT REGISTRATION VIOLATIONS.—

"(1) DESCRIPTION OF VIOLATIONS.—It shall be unlawful for any person—

"(A) to knowingly and willfully forge, counterfeit, alter, or falsely make any certificate authorized to be issued under this Act, or to knowingly sell, use, attempt to use, or possess with the intent to use any such fraudulent certificate;

"(B) to obtain any certificate authorized to be issued under this Act by knowingly and willfully falsifying, concealing, or covering up a material fact, or making a false, fictitious, or fraudulent statement or representation, or making or using any false writing or document knowing the writing or document to contain any false, fictitious, or fraudulent statement or entry;

"(C) who is the owner of an aircraft eligible for registration under section 501, to knowingly and willfully operate, attempt to operate, or permit any other person to operate such aircraft if such aircraft is not registered under section 501 or the certificate of registration of such aircraft is suspended or revoked, or if such owner knows or has reason to know that such person does not have proper authorization to operate or navigate the aircraft without registration for a period of time after transfer of ownership;

"(D) to knowingly and willfully operate or attempt to operate an aircraft eligible for registration under section 501 knowing that such aircraft is not registered under section 501, that the certificate of registration of such aircraft is suspended or revoked, or that such person does not have proper authorization to operate or navigate such aircraft without registration for a period of time after transfer of ownership;

"(E) to knowingly and willfully serve, or attempt to serve, in any capacity as an airman without a valid airman certificate authorizing such person to serve in such capacity;

"(F) to knowingly and willfully employ for service or utilize any airman who does not

possess a valid airman certificate authorizing such person to serve in such capacity;

"(G) to operate an aircraft with a fuel tank or fuel system which has been installed or modified on the aircraft knowing that such tank or system or the installation or modification of such tank or system is not in accordance with all applicable rules, regulations, and requirements of the Administrator; or

"(H) to knowingly and willfully display or cause to be displayed on any aircraft any marks which are false or misleading as to the nationality or registration of the aircraft.

"(2) PENALTIES.—Any person who commits a violation of paragraph (1) shall be, upon conviction, subject to—

"(A) a fine of not more than \$15,000 or imprisonment for a term of not more than 3 years, or both; or

"(B) a fine of not more than \$25,000 or imprisonment for a term of not more than 5 years, or both, if such violation was in connection with the act of transportation by aircraft of a controlled substance or of the aiding or facilitating of a controlled substance offense where such act is punishable by death or imprisonment for a term exceeding 1 year under a State or Federal law or is provided in connection with any act which is punishable by death or imprisonment for a term exceeding 1 year under a State or Federal law relating to a controlled substance (other than a law relating to simple possession of a controlled substance).

Any term of imprisonment imposed under subparagraph (B) shall be in addition to, and shall not be served concurrently with, any other term of imprisonment imposed on such person.

"(3) SEIZURE OF AIRCRAFT.—

"(A) BY DEA OR CUSTOMS.—An aircraft used in connection with, or in aiding or facilitating, a violation of paragraph (1) whether or not a person is charged in connection with such violation, may be seized and forfeited by the Drug Enforcement Administration of the Department of Justice or the United States Customs Service in accordance with the customs laws.

"(B) PRESUMPTIONS.—For purposes of subparagraph (A), an aircraft shall be presumed to have been used in connection with, or to aid or facilitate a violation of—

"(i) paragraph (1)(B) if the aircraft is registered to a fictitious or false person;

"(ii) paragraph (1)(B) if the application form used to obtain the aircraft registration certificate contains a material false statement;

"(iii) paragraph (1)(A) if the registration for the aircraft has been forged, counterfeited, altered, or falsely made;

"(iv) paragraph (1)(C) if the aircraft has been operated while it is not registered under section 501;

"(v) paragraph (1)(H) if there is an external display of false or misleading registration numbers or false or misleading country of registration;

"(vi) paragraph (1)(G) if there is on the aircraft a fuel tank or fuel system which has not been installed or modified in accordance with all applicable rules, regulations, and requirements of the Administrator; and

"(vii) paragraph (1)(G) if, in the case of an aircraft on which a fuel tank or fuel system has been installed or modified, a certificate required to be issued by the Administrator for such installation or modification is not carried aboard the aircraft.

"(C) MEMORANDUM OF UNDERSTANDING.—The Federal Aviation Administration, the Drug Enforcement Administration, and the United States Customs Service shall enter into a memorandum of understanding for the purpose of establishing procedures for carrying out the objectives of this paragraph.

"(4) CONTROLLED SUBSTANCE DEFINED.—For purposes of this section, the term 'controlled substance' has the meaning that such term has under section 102 of the Controlled Substances Act (21 U.S.C. 802)."

(b) CONFORMING AMENDMENTS.—

(1) SECTION 902(b)(5).—Paragraph (5) of section 902(b) of such Act, as redesignated by subsection (a) of this section, is amended by inserting "EFFECT ON STATE LAW.—" before "Nothing" and by aligning such paragraph with paragraph (2) of such subsection, as inserted by subsection (a) of this section.

(2) TABLE OF CONTENTS.—That portion of the table of contents contained in section 1 of such Act relating to section 902 is amended by striking out

"(b) Forgery of certificates and false marking of aircraft,"

and by inserting in lieu thereof

"(b) Forgery of certificates, false marking of aircraft, and other aircraft registration violations."

(c) LIGHTING VIOLATIONS.—

(1) IN GENERAL.—Subsection (q) of section 902 of such Act (49 U.S.C. App. 1472) is amended—

(A) by striking out the section heading and paragraph (1) and inserting in lieu thereof the following:

"(q) LIGHTING VIOLATIONS IN CONNECTION WITH TRANSPORTATION OF CONTROLLED SUBSTANCES.—

"(1) DESCRIPTION OF VIOLATION.—It shall be unlawful, in connection with an act described in paragraph (2) and with knowledge of such act, for any person to knowingly and willfully operate an aircraft in violation of any rule, regulation, or requirement issued by the Administrator with respect to the display of navigation or anticollision lights."; and

(B) by striking out paragraphs (4), (5), and (6).

(2) CONFORMING AMENDMENTS.—

(A) SECTION 902(q).—Section 902(q) of such Act is amended—

(i) in paragraph (2) by inserting "RELATIONSHIP TO CONTROLLED SUBSTANCE OFFENSES.—" before "The act";

(ii) in paragraph (3) by inserting "PENALTY.—" before "A person"; and

(iii) by aligning such paragraphs with paragraph (1) of such section, as amended by paragraph (1) of this subsection.

(B) TABLE OF CONTENTS.—That portion of the table of contents contained in section 1 of such Act relating to section 902 is amended by striking out

"(q) Violations in connection with transportation of controlled substances."

and by inserting in lieu thereof

"(q) Lighting violations in connection with transportation of controlled substances."

SEC. 8009. INFORMATION COORDINATION.

Not later than 180 days after the date of the enactment of this title and annually thereafter during the 3-year period beginning on such 180th day, the Administrator

shall prepare and transmit to Congress a report on the following:

(1) The progress made in establishing a process for provision of informational assistance by such Administration to officials of Federal, State, and local law enforcement agencies.

(2) The progress made in establishing a process for effectively pursuing suspensions and revocations of certificates of registration and airman certificates in accordance with the amendments made to the Federal Aviation Act of 1958 by the Aviation Drug-Trafficking Control Act, section 3401 of the Anti-Drug Abuse Act of 1986, and this title.

(3) The efforts of such Administration in assessing and defining the appropriate relationship of such Administration's informational assistance resources (including the El Paso Intelligence Center and the Law Enforcement Assistance Unit of the Aeronautical Center of such Administration).

(4) The progress made in issuing guidelines on (A) the reporting of aviation sensitive drug-related information, and (B) the development, in coordination with the Drug Enforcement Administration of the Department of Justice and the United States Customs Service, of training and educational policies to assist employees of such Administration to better understand (i) the trafficking of controlled substances (as defined in section 102 of the Controlled Substances Act), and (ii) the role of such Administration with respect to such trafficking.

(5) The progress made in improving and expanding such Administration's role in the El Paso Intelligence Center.

SEC. 8010. FUNDING AND OTHER RESOURCES.

(a) 5-YEAR COST REPORT.—No later than 30 days after the date on which the final regulations referred to in section 8006(a) of this title are issued, the Administrator shall prepare and transmit to Congress a report on the resources (including funding and positions) which will be necessary on an annual basis during the 5-year period beginning after such 30th day to implement the objectives of this title (including the amendments made by this title).

(b) TRANSMITTAL OF BUDGET ESTIMATES.—Whenever—

(1) the Airmen and Aircraft Registry of the Federal Aviation Administration submits or transmits any budget estimate, budget request, supplemental budget estimate, or other budget information, legislative recommendation, or comment on legislation to the Administrator or the Secretary of Transportation; and

(2) the Administrator submits or transmits any budget estimate, budget request, supplemental budget estimate, or other budget information, legislative recommendation, or comment on legislation to the Secretary of Transportation, the President of the United States, or the Office of Management and Budget;

pertaining to funding to carry out the objectives of this title (including the amendments made by this title), it shall concurrently transmit a copy thereof to the Speaker of the House of Representatives, the Committees on Public Works and Transportation and Appropriations of the House of Representatives, the President of the Senate, and the Committees on Commerce, Science, and Transportation and Appropriations of the Senate.

(c) EXEMPTION FROM PAPERWORK REDUCTION ACT.—No information collection requests necessary to carry out the objectives of this title (including the amendments made by this title) shall be subject to review

or approval of the Director of the Office of Management and Budget under chapter 35 of title 44, United States Code.

(d) REVIEW OF CERTAIN GRADE-LEVEL CLASSIFICATIONS.—

(1) APPLICABILITY.—This subsection applies with respect to—

(A) positions within the Airmen and Aircraft Registry of the Federal Aviation Administration; and

(B) positions within the Law Enforcement Assistance Unit of the Aeronautical Center of the Federal Aviation Administration.

(2) REVIEW; REMEDY; REPORT.—Not later than 120 days after the date of the enactment of this title, the Office of Personnel Management shall—

(A) in accordance with section 5110(a) of title 5, United States Code, review a sufficient number of positions under paragraphs (1)(A) and (1)(B), respectively, to determine whether positions under those respective paragraphs are being placed in appropriate classes and grades;

(B) if the Office finds that positions have not been placed in appropriate classes and grades, and after consulting with appropriate officials of the Federal Aviation Administration, exercise any authority under section 5110(b) of title 5, United States Code, which may be necessary to ensure that those positions are placed in their appropriate classes and grades; and

(C) transmit to Congress a report on the results of such review and any actions taken in accordance with subparagraph (B).

SEC. 8011. USE OF TRANSPONDERS ON AIRCRAFT ENTERING THE UNITED STATES.

(a) STUDY.—The Secretary of Transportation shall study the feasibility, costs, and benefits with respect to drug interdiction of requiring each aircraft entering the continental United States—

(1) to have installed an operating transponder;

(2) to have a flight plan filed with the Federal Aviation Administration before such entry;

(3) to have the signal from such transponder identify, in the most efficient manner, such aircraft; and

(4) to have the signal from such transponder which identifies such aircraft provide information which ensures that such aircraft is following its filed flight plan.

(b) REPORT.—Not later than 180 days after the date of the enactment of this title, the Secretary of Transportation shall transmit to Congress a report on the results of the study conducted under this section.

SEC. 8012. ESTABLISHMENT OF FLIGHT CORRIDORS.

(a) STUDY.—The Secretary of Transportation, in consultation with the Attorney General and the Secretary of the Treasury, shall study—

(1) the feasibility of establishing flight corridors across the borders of the continental United States and intercepting any aircraft which deviate from such corridors; and

(2) the impact of the establishment of such corridors on the safe and efficient movement of aircraft and on drug interdiction.

(b) REPORT.—Not later than 180 days after the date of the enactment of this title, the Secretary of Transportation shall transmit to Congress a report on the results of the study conducted under this section.

SEC. 8013. LIMITATION ON APPLICABILITY.

This title (including any amendments made by this title) shall only apply to aircraft which are not used to provide air

transportation (as defined in section 101 of the Federal Aviation Act of 1958).

**TITLE IX—COMMITTEE ON WAYS AND MEANS**

**Subtitle A—Authorization of Appropriations for the United States Customs Service**

**SEC. 9001. AUTHORIZATION OF APPROPRIATIONS.**

Section 301(b) of the Customs Procedural Reform and Simplification Act of 1978 (19 U.S.C. 2075(b)) is amended to read as follows:

**"(b) AUTHORIZATION OF APPROPRIATIONS.—**

**"(1) FOR NONCOMMERCIAL OPERATIONS.—**There are authorized to be appropriated for fiscal year 1989 not to exceed \$417,068,000 for the salaries and expenses of the United States Customs Service that are incurred in noncommercial operations.

**"(2) FOR COMMERCIAL OPERATIONS.—**There are authorized to be appropriated for fiscal year 1989 not to exceed \$622,753,000 from the Customs User Fee Account for the salaries and expenses of the United States Customs Service that are incurred in commercial operations.

**"(3) FOR AIR INTERDICTION.—**There are authorized to be appropriated for fiscal year 1989 not to exceed \$197,262,000 for the operation (including salaries and expenses) and maintenance of the air interdiction program of the United States Customs Service.

**"(4) FOR ADVANCED TECHNOLOGY INTERDICTION.—**There are authorized to be appropriated for fiscal year 1989 not to exceed \$15,000,000 for the purchase and construction of an x-ray imagery vapor sensitive cargo scanning device for use by the United States Customs Service."

**Subtitle B—Other Customs Provisions**

**SEC. 9011. INCREASED PENALTY FOR FAILURE TO DECLARE CONTROLLED SUBSTANCES.**

(a) **AMENDMENT.—**Section 497(a)(2)(A) of the Tariff Act of 1930 (19 U.S.C. 1497(a)(2)(A)) is amended by striking out "200 percent" and inserting "1,000 percent".

(b) **EFFECTIVE DATE.—**The amendment made by subsection (a) applies with respect to violations of section 497(a) of the Tariff Act of 1930 occurring on or after the date of the enactment of this title.

**SEC. 9012. DISPOSITION OF FORFEITED PROPERTY.**

(a) **AMENDMENT.—**Section 616(c) of the Tariff Act of 1930 (19 U.S.C. 1616a(c)) is amended to read as follows:

"(c) The Secretary of the Treasury may apply property forfeited under this Act in accordance with paragraph (1) or (2), or both:

"(1) Retain any of the property for official use.

"(2) Transfer any of the property to any—

"(A) other Federal agency;

"(B) State or local law enforcement agency; or

"(C) foreign government;

that cooperates with the United States Customs Service in joint law enforcement operations."

(b) **EFFECTIVE DATE.—**The amendment made by subsection (a) applies with respect to property forfeited under the Tariff Act of 1930 on or after the date of the enactment of this title.

**SEC. 9013. TECHNICAL AMENDMENTS.**

(a) **DEPOSIT AUTHORITY CONFORMED TO EFFECTIVE PERIOD OF CUSTOMS FORFEITURE FUND.—**Section 609(b) of the Tariff Act of 1930 (19 U.S.C. 1609(b)) is amended by striking out "September 30, 1987," and inserting "September 30, 1991."

(b) **MANIFEST INFORMATION AVAILABLE FOR PUBLIC DISCLOSURE.—**Section 431(c)(1)(B) of

the Tariff Act of 1930 (19 U.S.C. 1431(c)(1)(G)) is amended to read as follows:

"(G) The country of origin of the shipment."

**SEC. 9014. AIR CARRIER SMUGGLING PREVENTION PROGRAM.**

Section 584 of the Tariff Act of 1930 (19 U.S.C. 1584) is amended by adding at the end thereof the following new subsection:

**"(c) AIR CARRIER SMUGGLING PREVENTION PROGRAM.—**(1) The Secretary of the Treasury in conjunction with the Secretary of Transportation shall issue air carrier controlled substance interdiction regulations for a two-year demonstration program within six months of the enactment of this subsection. This demonstration program shall be subject to the jurisdiction and oversight of the Committee on Ways and Means. The regulations shall apply to at least three United States International Airports classified as high-risk by Customs and based upon the highest volume of cargo and number of aircraft arriving from high-risk points of departure. Such regulations shall establish procedures for air carrier development and Customs Service approval of inspection practices that reflect the nature and level of the controlled substance threat that particular foreign locations pose and the ambient security conditions at each foreign airport. The regulations shall permit air carriers to request the Secretary of the Treasury for the authority for the air carrier, the Customs Service, and/or an approved agent of United States Customs to inspect at United States airport of entry, aircraft arriving from high-risk foreign locations. The Secretary shall promptly approve such requests unless the applicant fails to meet the requirements of the regulations. Such an inspection shall supplement the carrier's predeparture inspections at such locations. In granting permission for an air carrier to perform or have performed an inspection of cargo and aircraft at a United States airport, the Secretary of the Treasury shall specify the sampling basis for selecting which pieces of cargo and which aircraft are to be inspected. In the setting of such sampling criteria, the resources available for such inspections shall be taken into account. Unless exigent circumstances require otherwise, such inspections of aircraft shall be conducted at the arrival terminal and shall be completed within 90 minutes, and such inspections of off-loaded cargo shall be completed within a reasonable period of time as defined by commercial needs.

"(2) Air carriers which have applied to the Secretary of the Treasury and which the Secretary determines to be in compliance with the regulations and inspection requirements promulgated under paragraph (1) shall be considered participating air carriers. The Secretary of the Treasury shall establish by regulation a procedure for finding a carrier to be a participating carrier and procedures for subsequent removal of that status. The Secretary shall not remove an air carrier from the status of participating air carrier unless he or she shall first have provided it a written notice that the air carrier is not in compliance with the regulations or inspection requirements promulgated under paragraph (1), which notice shall include the reasons for that determination, and shall have provided the air carrier a reasonable opportunity to correct such noncompliance. Removal of participating air carrier status shall be reviewable in the United States District Court for the district in which the carrier has its principal place of business or in the United States District Court for the District of Columbia.

"(3) Participating air carriers shall be considered to have met the test of the highest degree of the due diligence required under law, and shall not be subject to the fine, penalty or seizure provisions of this Act, if a controlled substance is discovered aboard an aircraft that they may own or operate or in the cargo they carried, unless the Secretary of the Treasury proves in an oral evidentiary hearing that the air carrier willfully, or because of gross negligence, failed to comply with the applicable procedures established in the regulations promulgated under paragraph (1) and that failure was the cause of the importation into the United States of the controlled substance.

"(4) For the purpose of this subsection, the term 'air carrier' shall mean air carrier or foreign air carrier as those terms are defined in section 101 of the Federal Aviation Act of 1958 (49 U.S.C. App. 1301)."

**SEC. 9015. TRANSFER OF AIRCRAFT.**

The Secretary of the Treasury shall transfer to the office of the sheriff of Marion County, Indiana, for use by that office for drug enforcement and prisoner transportation purposes, a light twin engine or high-performance single engine aircraft having a capacity of not less than 4 passengers that—

(1) was forfeited to the United States under the customs laws;

(2) is not transferred to any Federal agency or State or local law enforcement agency under section 616 of the Tariff Act of 1930; and

(3) would, but for this section, be sold at public auction under section 609 of the Tariff Act of 1930.

Section 616(d) of the Tariff Act of 1930 applies to the aircraft transferred under this section.

**Subtitle C—Annual Certification Procedures**

**SEC. 9021. TRADE AND AVIATION SANCTIONS.**

(a) **CONGRESSIONAL REVIEW PERIOD.—**Section 802(b) of the Trade Act of 1974 (19 U.S.C. 2492(b)) is amended—

(1) in paragraph (3) by striking out "30 days" and inserting in lieu thereof "45 days";

(2) in paragraph (4)(A) by striking out "30 days" and inserting in lieu thereof "45 days"; and

(3) in paragraph (4)(B) by striking out "30 days" and inserting in lieu thereof "45 days".

(b) **CRITERIA FOR COOPERATION.—**(1) Section 802(b)(1) of that Act is amended—

(A) by inserting after "on its own," the following: "in satisfying the goals agreed to in an applicable bilateral narcotics agreement with the United States (as described in subparagraph (B) or a multilateral agreement which achieves the objectives of this paragraph,";

(B) by inserting "(A)" after "(1)"; and

(C) by adding at the end the following:

"(B) A bilateral narcotics agreement referred to in this paragraph is an agreement between the United States and a foreign country in which the foreign country agrees to take specific activities, including, where applicable, efforts to—

"(i) reduce drug production, drug consumption, and drug trafficking within its territory, including activities to address illicit crop eradication and crop substitution;

"(ii) increase drug interdiction and enforcement;

"(iii) increase drug treatment;

"(iv) increase the identification of and elimination of illicit drug laboratories;

"(3) Participating air carriers shall be considered to have met the test of the highest degree of the due diligence required under law, and shall not be subject to the fine, penalty or seizure provisions of this Act, if a controlled substance is discovered aboard an aircraft that they may own or operate or in the cargo they carried, unless the Secretary of the Treasury proves in an oral evidentiary hearing that the air carrier willfully, or because of gross negligence, failed to comply with the applicable procedures established in the regulations promulgated under paragraph (1) and that failure was the cause of the importation into the United States of the controlled substance.

"(4) For the purpose of this subsection, the term 'air carrier' shall mean air carrier or foreign air carrier as those terms are defined in section 101 of the Federal Aviation Act of 1958 (49 U.S.C. App. 1301)."

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(1) was forfeited to the United States under the customs laws;

(2) is not transferred to any Federal agency or State or local law enforcement agency under section 616 of the Tariff Act of 1930; and

(3) would, but for this section, be sold at public auction under section 609 of the Tariff Act of 1930.

Section 616(d) of the Tariff Act of 1930 applies to the aircraft transferred under this section.

**Subtitle C—Annual Certification Procedures**

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(1) in paragraph (3) by striking out "30 days" and inserting in lieu thereof "45 days";

(2) in paragraph (4)(A) by striking out "30 days" and inserting in lieu thereof "45 days"; and

(3) in paragraph (4)(B) by striking out "30 days" and inserting in lieu thereof "45 days".

(b) **CRITERIA FOR COOPERATION.—**(1) Section 802(b)(1) of that Act is amended—

(A) by inserting after "on its own," the following: "in satisfying the goals agreed to in an applicable bilateral narcotics agreement with the United States (as described in subparagraph (B) or a multilateral agreement which achieves the objectives of this paragraph,";

(B) by inserting "(A)" after "(1)"; and

(C) by adding at the end the following:

"(B) A bilateral narcotics agreement referred to in this paragraph is an agreement between the United States and a foreign country in which the foreign country agrees to take specific activities, including, where applicable, efforts to—

"(i) reduce drug production, drug consumption, and drug trafficking within its territory, including activities to address illicit crop eradication and crop substitution;

"(ii) increase drug interdiction and enforcement;

"(iii) increase drug treatment;

"(iv) increase the identification of and elimination of illicit drug laboratories;

"(v) increase the identification and elimination of the trafficking of precursor chemicals for the use in production of illegal drugs;

"(vi) increase cooperation with United States drug enforcement officials; and

"(vii) where applicable, increase participation in extradition treaties, mutual legal assistance provisions directed at money laundering, sharing of evidence, and other initiatives for cooperative drug enforcement."

(2) The amendments made by paragraph (1) (A) and (C) apply with respect to any certification which is made by the President under section 802 of the Trade Act of 1974 on or after March 1, 1989.

(c) **REQUIREMENT FOR BILATERAL NARCOTICS AGREEMENT.**—Effective October 1, 1988, section 802(b)(1) of that Act is further amended by adding at the end the following:

"(C) A country which in the previous year was designated as a major drug producing country or a major drug-transit country may not be determined to be cooperating fully under subparagraph (A) unless it has in place a bilateral narcotics agreement with the United States or a multilateral agreement which achieves the objectives of this paragraph."

(d) **NATIONAL INTEREST WAIVER.**—Section 802(b)(1)(A) of that Act, as amended by subsection (b) of this section, is further amended—

(1) by inserting "(i)" after "1961, that"; and

(2) by inserting before the period at the end the following: "or, (ii) for a country that would not otherwise qualify for certification under clause (i), the vital national interests of the United States require that subsection (a) not be applied with respect to that country."

(e) **DETERMINING MAJOR DRUG-TRANSIT COUNTRIES.**—Section 802 of that Act is amended by adding at the end the following:

"(e) For each calendar year, the Secretary of State, after consultation with the appropriate committees of the Congress, shall establish numerical standards and other guidelines for determining which countries will be considered to be major drug-transit countries under section 805(3) (A) and (B)."

#### TITLE X—COMMITTEE ON ENERGY AND COMMERCE

##### SEC. 10001. SHORT TITLE.

This title may be cited as the "Comprehensive Alcohol Abuse, Drug Abuse, and Mental Health Amendments Act of 1988".

##### SEC. 10002. PURPOSES.

(a) **SUBSTANCE ABUSE.**—The purposes of this title with respect to substance abuse are—

(1) to prevent the transmission of the etiologic agent for acquired immune deficiency syndrome by providing matching funds to States in order to ensure that treatment services for intravenous drug abuse, and counseling services with respect to acquired immune deficiency syndrome, are available to intravenous drug abusers;

(2) to continue the Federal Government's partnership with the States in the development, maintenance, and improvement of community-based alcohol and drug abuse programs;

(3) to provide financial and technical assistance to the States and communities in their efforts to develop and maintain a core of prevention services for the purpose of reducing the incidence of substance abuse and the demand for alcohol and drug abuse treatment;

(4) to assist and encourage States in the initiation and expansion of prevention and treatment services to underserved populations; and

(5) to increase understanding about the extent of alcohol abuse and other forms of drug abuse by expanding data collection activities and supporting research on the comparative cost and efficacy of substance abuse prevention and treatment services.

(b) **MENTAL HEALTH.**—The purposes of this title with respect to mental health are—

(1) to encourage the development and provision by the States of community mental health services;

(2) to encourage the development of a comprehensive community mental health system within each State;

(3) to encourage the implementation of new and innovative community mental health services;

(4) to encourage the provision of community mental health services in the least restrictive appropriate environment and to involve the families of individuals undergoing treatment in the development and provision of such services;

(5) to foster interagency coordination and integration among a broad range of human service providers, support groups, and advocates for the purpose of ensuring that mental health, rehabilitation, health, vocational, educational, and residential services are available to individuals who need them;

(6) to expend Federal funds for the purpose of expanding community mental health services within each State; and

(7) to increase understanding about the extent of mental illness and the need for appropriate treatment services by expanding data collection activities and supporting research on the comparative cost and efficacy of mental health services.

##### SEC. 10003. REVISION AND EXTENSION OF DRUG ABUSE, ALCOHOL ABUSE, AND MENTAL HEALTH PROGRAMS.

Title XIX of the Public Health Service Act (42 U.S.C. 300w et seq.) is amended by striking parts B and C and inserting after part A the following new parts:

##### "PART B—ACQUIRED IMMUNE DEFICIENCY SYNDROME AND INTRAVENOUS DRUG ABUSE

##### "SEC. 1921. ESTABLISHMENT OF PROGRAM OF GRANTS TO STATES.

"(a) **REQUIREMENT OF ALLOTMENTS.**—For the purpose described in subsection (b), the Secretary, acting through the Director of the National Institute on Drug Abuse, shall for each of the fiscal years 1989 through 1991 make an allotment for each State in an amount determined in accordance with section 1925. The Secretary shall make payments each fiscal year to each State from the allotment for the State if the Secretary approves for the fiscal year involved an application submitted by the State pursuant to section 1924.

"(b) **PURPOSE OF ALLOTMENTS.**—The Secretary may not make payments under subsection (a) for a fiscal year unless the State involved agrees that, with respect to the etiologic agent for acquired immune deficiency syndrome, such payments will, subject to section 1923, be expended for the purpose of preventing the transmission of such etiologic agent by eradicating intravenous drug abuse.

##### "SEC. 1922. REQUIREMENT OF MATCHING FUNDS.

"(a) **IN GENERAL.**—For fiscal year 1990 and subsequent fiscal years, the Secretary may not make payments under section 1921(a) for a fiscal year unless the State involved agrees, with respect to the costs to be incurred by the State in carrying out the pur-

pose described in section 1921(b), to make available (directly or through donations from public and private entities) non-Federal contributions in cash toward such costs in an amount equal to not less than \$1 for each \$1 of Federal funds provided in such payments.

"(b) **DETERMINATION OF AMOUNT OF NON-FEDERAL CONTRIBUTION.**—With respect to compliance with subsection (a) as a condition of receiving payments under section 1921(a)—

"(1) the Secretary may not, in making a determination of the amount of non-Federal contributions, include any amounts provided by the Federal Government; and

"(2) the Secretary shall, in making such a determination, include only non-Federal cash contributions in excess of the amount of non-Federal cash contributions made toward the purpose described in section 1921(b) during fiscal year 1988.

"(c) **REQUIREMENT OF SPECIFICATION OF AMOUNT OF NON-FEDERAL CONTRIBUTIONS.**—The Secretary may not make payments under section 1921(a) for a fiscal year unless the State involved—

"(1) submits to the Secretary a statement specifying the amount of non-Federal contributions that the State intends to make available pursuant to subsection (a); and

"(2) agrees that the State will make available such contributions in the amount specified in such statement.

"(d) **PROHIBITION AGAINST IMPOSITION OF MATCHING REQUIREMENT FOR FISCAL YEAR 1989.**—With respect to an allotment under section 1921(a) for a State for fiscal year 1989, the Secretary may not require the State to make non-Federal contributions as a condition of receiving payments from the allotment.

##### "SEC. 1923. PROVISIONS WITH RESPECT TO CARRYING OUT PURPOSE OF GRANTS.

"(a) **ELIGIBLE USES OF FUNDS.**—A State may expend payments received under section 1921(a)—

"(1) to develop, implement, and operate programs of treatment for intravenous drug abuse;

"(2) to train drug abuse counselors, and other health care providers, to provide such treatment;

"(3) with respect to individuals in need of treatment for drug abuse, to carry out outreach activities for the purpose of encouraging such individuals to undergo such treatment;

"(4) to train such counselors and providers to provide counseling on the prevention of exposure to, and the transmission of, the etiologic agent for acquired immune deficiency syndrome;

"(5) to test individuals for infection with such etiologic agent; and

"(6) subject to section 1952, to renovate or construct facilities for programs of treatment for intravenous drug abuse.

"(b) **REQUIREMENTS.**—The Secretary may not make payments under section 1921(a) for a fiscal year unless the State involved agrees that, in carrying out the purpose described in subsection 1921(b), the State—

"(1) will, with respect to programs of treatment for intravenous drug abuse, require that any such program receiving funds pursuant to this part, upon reaching 90 percent of its capacity to admit individuals to the program, provide to the State a notification of such fact;

"(2) will, with respect to such notifications, ensure that, to the maximum extent practicable, each individual who requests

treatment for intravenous drug abuse is admitted to such a program within 7 days after making the request;

"(3) will require any program receiving funds pursuant to this part to carry out outreach activities described in subsection (a)(3);

"(4) will, with respect to counseling and testing described in paragraphs (4) and (5), respectively, of subsection (a), ensure that any such counseling and testing conducted or supported by the State with such payments is carried out in accordance with conditions described in part A of title XXIII; and

"(5) will, with respect to testing for infection with the etiologic agent for acquired immune deficiency syndrome, ensure that each individual admitted to a program described in paragraph (1) is routinely offered an opportunity to undergo counseling and testing with respect to such etiologic agent and is encouraged to undergo such counseling and testing.

"(c) CLOSING OF BATHHOUSES.—

"(1) The Secretary may not make payments under section 1921(a) for a fiscal year unless the State involved provides assurances satisfactory to the Secretary that the State will prohibit the operation of any public bath owned or operated by a person who knows or should know that, with respect to acquired immune deficiency syndrome, the bathhouse is hazardous to the public health as a result of the bathhouse being used for sexual relations and for intravenous substance abuse.

"(2) Assurances made to the Secretary pursuant to paragraph (1) shall not apply in any State subject to a judicial order that the prohibition described in such paragraph be suspended or terminated.

"SEC. 1924. REQUIREMENT OF SUBMISSION OF APPLICATION CONTAINING CERTAIN AGREEMENTS AND ASSURANCES.

"The Secretary may not make payments under section 1921(a) to a State for a fiscal year unless—

"(1) the State, by not later than January 1 of the fiscal year, submits to the Secretary an application for the payments containing agreements and assurances in accordance with sections 1921 through 1923 and with sections 1952 through 1954;

"(2) the agreements are made through certification from the chief executive officer of the State;

"(3) with respect to such agreements, the application provides assurances of compliance satisfactory to the Secretary;

"(4) the application contains the statement required in section 1922(c)(1) and the description of intended expenditures required in section 1951; and

"(5) the application otherwise is in such form, is made in such manner, and contains such agreements, assurances, and information as the Secretary determines to be necessary to carry out this part.

"SEC. 1925. DETERMINATION OF AMOUNT OF ALLOTMENTS.

"(a) MINIMUM ALLOTMENT.—Subject to the extent of amounts made available in appropriations Act, the allotment for a State under section 1921(a) for a fiscal year shall be the greater of—

"(1) \$500,000 for each of the several States, the District of Columbia, and the Commonwealth of Puerto Rico, and \$100,000 for each of the territories of the United States other than the Commonwealth of Puerto Rico; and

"(2) an amount determined in accordance with subsection (b).

"(b) DETERMINATION UNDER FORMULA.—

"(1) The amount referred to in subsection (a)(2) is the sum of—

"(A) an amount determined in accordance with paragraph (2); and

"(B) an amount determined in accordance with paragraph (3).

"(2) The amount referred to in paragraph (1)(A) is the product of—

"(A) \$40,000,000, or an amount equal to 10 percent of the amounts appropriated for the fiscal year pursuant to section 1929(a), whichever is less; and

"(B) a percentage equal to the quotient of—

"(i) an amount equal to the number of cases of acquired immune deficiency syndrome in the State involved, as indicated by the number of such cases reported to, and confirmed by, the Secretary; divided by

"(ii) an amount equal to the number of cases of acquired immune deficiency syndrome in the United States, as indicated by the sum of the respective amounts determined for each State under clause (i).

"(3) The amount referred to in paragraph (1)(B) is the product of—

"(A) an amount equal to the greater of—

"(i) the difference between \$40,000,000 and the amounts appropriated for the fiscal year pursuant to section 1929(a); and

"(ii) 90 percent of the amounts appropriated for the fiscal year pursuant to such section; and

"(B) a percentage equal to the quotient of—

"(i) an amount equal to the population living in urbanized areas of the State involved, as indicated by the most recent data collected by the Bureau of the Census; divided by

"(ii) an amount equal to the population living in urbanized areas of the United States, as indicated by the sum of the respective amounts determined for each State under clause (i).

"SEC. 1926. DISPOSITION OF CERTAIN FUNDS APPROPRIATED FOR ALLOTMENTS.

"(a) CATEGORICAL GRANTS.—The Secretary shall, from amounts described in subsection (b), make grants to public and nonprofit private entities for the purpose of assisting grantees in carrying out the purpose described in section 1921(b).

"(b) FUNDING.—The amounts referred to in subsection (a) are any amounts made available in appropriations Acts for allotments under section 1921(a) that are not paid to a State for a fiscal year as a result of—

"(1) the failure of the State to submit, in accordance with paragraph (1) of section 1924, the application by January 1 of the fiscal year;

"(2) the failure of the State, in the determination of the Secretary, to prepare such application in compliance with such section; or

"(3) the State informing the Secretary that the State does not intend—

"(A) to make the full amount of non-Federal contributions specified in section 1922(c)(1); or

"(B) to expend the full amount of the allotment made for the State.

"(c) REQUIREMENT OF PROVISION OF SERVICES IN CERTAIN STATES.—With respect to grants under subsection (a), amounts made available pursuant to subsection (b) as a result of the State involved shall be available only for grants to provide services in such State.

"SEC. 1927. EVALUATIONS AND DATA COLLECTION.

The Secretary shall, directly or through contracts with public and private entities, provide for—

"(1) evaluations of programs carried out pursuant to this part;

"(2) the collection of data with respect to acquired immune deficiency syndrome and intravenous drug abuse; and

"(3) the dissemination of information developed or collected pursuant to paragraphs (1) and (2).

"SEC. 1928. DEFINITIONS.

"For purposes of this part:

"(1) The term 'State' means each of the several States, the District of Columbia, and the territories of the United States.

"(2) The term 'territories of the United States' means each of the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Trust Territory of the Pacific Islands, and any other territory or possession of the United States.

"SEC. 1929. FUNDING.

"(a) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this part, there are authorized to be appropriated \$250,000,000 for fiscal year 1989, \$500,000,000 for fiscal year 1990, and \$750,000,000 for fiscal year 1991.

"(b) ALLOCATION OF FUNDS BY SECRETARY.—Of the amounts appropriated pursuant to subsection (a), the Secretary shall make available an aggregate 2 percent for the purpose of carrying out section 1927 and for the purpose of administering this part.

"(c) USE OF FUNDS.—

"(1) One of the purposes of this part is to provide for counseling and testing services to prevent and reduce exposure to, and the transmission of, the etiologic agent for acquired immune deficiency syndrome.

"(2) All individuals receiving counseling pursuant to this part are to be counseled about the harmful effects of promiscuous sexual activity and intravenous substance abuse, and the benefits of abstaining from such activities.

"(3) None of the funds appropriated to carry out this part may be used to provide counseling that promotes or encourages, directly, homosexual or unsafe heterosexual sexual activity or intravenous substance abuse.

"(4) Paragraph (3) may not be construed to prohibit a counselor who has already performed the counseling of an individual required in paragraph (2) from providing an individual the most current scientific knowledge available to reduce the individual's risk of exposure to, or the transmission of, the etiologic agent for acquired immune deficiency syndrome, provided that any informational materials used are not obscene.

"PART C—ALCOHOL AND DRUG ABUSE PREVENTION, TREATMENT, AND REHABILITATION SERVICES

"SEC. 1931. ESTABLISHMENT OF PROGRAM OF GRANTS TO STATES.

"(a) REQUIREMENT OF ALLOTMENTS.—For the purpose described in subsection (b), the Secretary, acting through the Administrator of the Alcohol, Drug Abuse, and Mental Health Administration, shall for each fiscal year make an allotment for each State in an amount determined in accordance with section 1934. The Secretary shall make payments each fiscal year to each State from the allotment for the State if the Secretary approves for the fiscal year involved an application submitted by the State pursuant to section 1933.

"(b) PURPOSE OF ALLOTMENTS.—The Secretary may not make payments under subsection (a) to a State for a fiscal year unless the State agrees that amounts paid under such subsection will be expended only for the purposes of establishing and carrying out programs of prevention, treatment, and rehabilitation with respect to substance abuse and activities relating to such programs, including—

"(1) planning, establishing, maintaining, coordinating, and evaluating projects for the development of more effective prevention, treatment, and rehabilitation programs and activities to deal with the abuse of alcohol and other drugs;

"(2) activities to expand the capacity of treatment and rehabilitation programs and facilities to provide services to individuals suffering from the abuse of alcohol and other drugs; and

"(3) activities to provide access to vocational training, job counseling, and education equivalency programs for individuals at risk of, or undergoing treatment for, the abuse of alcohol or other drugs.

"SEC. 1932. REQUIREMENTS WITH RESPECT TO CARRYING OUT PURPOSE OF GRANTS.

"The Secretary may not make payments under section 1931(a) for a fiscal year unless the State involved agrees that—

"(1) not less than 35 percent of amounts received under such section for a fiscal year will be expended for the purposes of programs and activities relating to alcoholism and alcohol abuse;

"(2) not less than 35 percent of amounts received under such section for a fiscal year will be expended for the purposes of programs and activities relating to drug abuse;

"(3) not less than 20 percent of amounts received under such section for a fiscal year will be expended for the purposes of programs and activities relating to preventing the abuse of alcohol and drugs, including early intervention programs and activities directed to children and adolescents;

"(4) not less than 10 percent of the amounts received under such section for a fiscal year will be expended for the purposes of programs and services described in paragraphs (1) through (3) that are designed for women (including women with dependent children); and

"(5) from the amounts received under such section for a fiscal year, grants will be made for demonstration projects for the provision of residential treatment services to expectant mothers.

"SEC. 1933. REQUIREMENT OF SUBMISSION OF APPLICATION CONTAINING CERTAIN AGREEMENTS AND ASSURANCES.

"The Secretary may not make payments under section 1931(a) to a State for a fiscal year unless—

"(1) the State submits to the Secretary an application for the payments containing agreements in accordance with sections 1931 and 1932 and with sections 1952 through 1954;

"(2) the agreements are made through certification from the chief executive officer of the State;

"(3) with respect to such agreements, the application provides assurances of compliance satisfactory to the Secretary;

"(4) the application contains the description of intended expenditures required in section 1951; and

"(5) the application otherwise is in such form, is made in such manner, and contains such agreements, assurances, and information as the Secretary determines to be necessary to carry out this part.

"SEC. 1934. DETERMINATION OF AMOUNT OF ALLOTMENTS.

"(a) STATES.—

"(1) Subject to subsection (b), the Secretary shall determine the amount of the allotment required in section 1931(a) for a State for a fiscal year in accordance with the following formula:

"(2) For purposes of the formula described in paragraph (1), the term 'A' means the difference between—

"(A) an amount equal to the amount appropriated pursuant to section 1937(a) for allotments under section 1931(a) for the fiscal year involved; and

"(B) an amount equal to 1.5 percent of the amount referred to in subparagraph (A).

"(3) For purposes of the formula described in paragraph (1), the term 'U' means the sum of the respective terms 'X' determined for each State under paragraph (4).

"(4)(A) For purposes of the formula described in paragraph (1), the term 'X' means the product of—

"(i) an amount equal to the term 'P' as determined under subparagraph (B); and

"(ii) the greater of—

"(I) 0.4; and

"(II) an amount equal to an amount determined in accordance with the following formula:

"(B) For purposes of subparagraph (A)(i), the term 'P' means the sum of—

"(i) an amount equal to the product of—

"(I) 0.3; and

"(II) an amount equal to the number of individuals in the State who are between 18 and 24 years of age, as indicated by the most recent data collected by the Bureau of the Census;

"(ii) an amount equal to the product of—

"(I) 0.2; and

"(II) an amount equal to the number of individuals in the State who are between 25 and 44 years of age, as indicated by the most recent data collected by the Bureau of the Census; and

"(iii) an amount equal to the product of—

"(I) 0.5; and

"(II) an amount equal to the number of individuals in the State who are between 25 and 64 years of age, as indicated by the most recent data collected by the Bureau of the Census.

"(C) For purposes of the formula described in subparagraph (A)(ii)(II), the term 'S' means the quotient of—

"(i) an amount equal to the most recent 3-year average of the total taxable resources of the State, as determined by the Secretary of the Treasury; divided by

"(ii) an amount equal to the term 'P' as determined under subparagraph (B).

"(D) For purposes of the formula described in subparagraph (A)(ii)(II), the term 'N' means the quotient of—

"(i) an amount equal to the sum of the respective amounts determined for each State under subparagraph (C)(i); divided by

"(ii) an amount equal to the sum of the respective terms 'P' determined for each State under subparagraph (B).

"(b) MINIMUM ALLOTMENT FOR STATES.—Subject to the extent of amounts made available in appropriation Acts, the amount of an allotment under section 1931(a) for a State for a fiscal year shall be the greater of—

"(1) an amount determined in accordance with subsection (a); and

"(2) an amount equal to the amount of the allotment for substance abuse services under former section 1913 for the State for fiscal year 1986.

"(c) TERRITORIES.—

"(1) Subject to subsection (d), the allotment for a territory under section 1931(a) for a fiscal year shall be the greater of—

"(A) \$50,000; and

"(B) an amount determined in accordance with paragraph (2).

"(2) The amount referred to in paragraph (1)(B) is the product of—

"(A) an amount equal to the amounts reserved under paragraph (3); and

"(B) a percentage equal to the quotient of—

"(i) the population of the territory, as indicated by the most recently available data; divided by

"(ii) the aggregate population of the territories, as indicated by such data.

"(3) The Secretary shall reserve for the territories of the United States 1.5 percent of the amounts appropriated pursuant to section 1937(a) for allotments under section 1931(a) for the fiscal year involved.

"(d) TRANSITION RULES FOR TERRITORIES.—

"(1) For fiscal year year 1989, the amount of the allotment required in section 1931(a) for a territory shall be the greater of—

"(A) an amount determined in accordance with subsection (c); and

"(B) an amount equal to 80 percent of the amount of the allotment for substance abuse services under former section 1913 for the territory for fiscal year 1987.

"(2) For fiscal year 1990, the amount of the allotment required in section 1931(a) for a territory shall be the greater of—

"(A) an amount determined in accordance with subsection (b); and

"(B) an amount equal to 60 percent of the amount of the allotment for substance abuse services under former section 1913 for the territory for fiscal year 1987.

"(e) INDIAN TRIBES.—

"(1) Upon the request of the governing body of an eligible Indian tribe or tribal organization within a State, the Secretary shall—

"(A) reserve from the amount that otherwise would be allotted for the fiscal year to the State under subsection (a) an amount determined in accordance with paragraph (2); and

"(B) grant the amount reserved under subparagraph (A) to the Indian tribe or tribal organization serving the individuals for whom such a determination has been made.

"(2)(A) The amount reserved under paragraph (1)(A) shall be an amount equal to the product of—

"(i) the amount that otherwise would be allotted to the State under subsection (a) for the fiscal year; and

"(ii) the percentage described in subparagraph (B).

"(B) The percentage referred to in subparagraph (A)(ii) is a percentage equal to the quotient of—

"(i) an amount equal to the amount the Indian tribe or tribal organization received under former section 1921(b) for fiscal year 1987; divided by

"(ii) an amount equal to the total aggregate amount received under such section in fiscal year 1987 by the State, Indian tribes in the State, and tribal organizations in the State.

"(3) The Secretary may not make a grant under paragraph (1)(B) to an Indian tribe or tribal organization unless the Indian tribe or tribal organization submits to the Secretary a plan for expending such a grant that meets such criteria as the Secretary may establish.

**"(f) DISPOSITION OF CERTAIN FUNDS APPROPRIATED FOR ALLOTMENTS.—**

"(1) Amounts described in paragraph (2) shall be allotted by the Secretary to States receiving allotments under section 1931(a) for the fiscal year (other than any State described in paragraph (2)(C)). Such amounts shall be allotted according to a formula established by the Secretary. The formula shall be equivalent to the formula described in this section under which the allotment of the State for the fiscal year involved was determined.

"(2) The amounts referred to in paragraph (1) are any amounts made available in appropriations Acts for allotments under this part that are not allotted under section 1931(a) as a result of—

"(A) the failure of any State to submit an application under section 1933;

"(B) the failure, in the determination of the Secretary, of any State to prepare within a reasonable period of time such application in compliance with such section; or

"(C) any State informing the Secretary that the State does not intend to expend the full amount of the allotment made to the State.

**"SEC. 1935. EVALUATION OF PROGRAMS.**

"The Secretary, acting through the Director of the National Institute on Alcohol Abuse and Alcoholism and the Director of the National Institute on Drug Abuse, shall evaluate alcohol and drug abuse treatment programs to determine the quality and appropriateness of various forms of treatment. Such programs shall be carried out through grants, contracts, or cooperative agreements provided to public and non-profit private entities. In carrying out this section, the Secretary shall assess the quality, appropriateness, and costs of various treatment forms for specific patient groups.

**"SEC. 1936. DEFINITIONS.**

"For the purposes of this part:

"(1) The term 'former section 1913' means section 1913 of this Act as in effect on the day before the date of the enactment of the Comprehensive Alcohol Abuse, Drug Abuse, and Mental Health Amendments Act of 1988.

"(2)(A) The term 'State' means, except as provided in subparagraph (B), each of the several States, the District of Columbia, and the territories of the United States.

"(B) For purposes of subsections (a) and (b) of section 1934, the term 'State' means each of the several States and the District of Columbia.

"(3) The term 'territories of the United States' means each of the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Trust Territory of the Pacific Islands, and any other territory or possession of the United States.

**"SEC. 1937. FUNDING.**

"(a) **AUTHORIZATION OF APPROPRIATIONS.—**For the purpose of carrying out this part, part E, and section 509D(c), there are authorized to be appropriated \$475,000,000 for fiscal year 1989 and such sums as may be necessary for each of the fiscal years 1990 and 1991.

"(b) **ALLOCATION OF FUNDS FOR CERTAIN PROGRAMS OF NATIONAL SIGNIFICANCE.—**For the purpose of carrying out sections 509D(c), 1935, and 1958(a), the Secretary shall obligate not less than 5 percent, and not more than 15 percent, of the amounts appropriated pursuant to subsection (a) for a fiscal year.

"(c) **AVAILABILITY TO STATES.—**Any amounts paid to a State under section

1931(a), obligated by the State, and remaining unexpended at the end of the fiscal year for which the amounts were paid shall remain available during the succeeding fiscal year to the State for carrying out the purpose described in section 1931(b).

**"PART D—COMMUNITY MENTAL HEALTH SERVICES****"SEC. 1941. ESTABLISHMENT OF PROGRAM OF GRANTS TO STATES.**

"(a) **REQUIREMENT OF ALLOTMENTS.—**For the purpose described in subsection (b), the Secretary, acting through the Administrator of the Alcohol, Drug Abuse, and Mental Health Administration, shall for each fiscal year make an allotment for each State in an amount determined in accordance with section 1945. The Secretary shall make payments each fiscal year to each State from the allotment for the State if the Secretary approves for the fiscal year involved an application submitted by the State pursuant to section 1944.

"(b) **PURPOSE OF ALLOTMENTS.—**The Secretary may not make payments under subsection (a) for a fiscal year unless the State involved agrees that amounts paid under such subsection will be expended only for the purpose of planning, developing, and providing, in accordance with section 1943, community mental health services and related support services.

**"SEC. 1942. REQUIREMENTS WITH RESPECT TO CARRYING OUT PURPOSE OF GRANTS.****"(a) CERTAIN PRIORITIES WITH RESPECT TO DEVELOPMENT AND PROVISION OF SERVICES.—**

"(1) The Secretary may not make payments under section 1941(a) for a fiscal year unless the State involved agrees that, in carrying out the purpose described in subsection 1941(b), the State—

"(A) will give priority to the development and provision of community mental health services not available on October 1, 1988;

"(B) except as provided in paragraph (2), will, for fiscal year 1991 and subsequent fiscal years, expend not less than 55 percent of such payments for the development, implementation, and operation of services not available on October 1, 1988;

"(C) will, with respect to each service provided pursuant to paragraph (1), provide funds for each such service only for a limited period of time (the duration of which period may be determined by the State);

"(D) will expend not less than 10 percent of such payments for services and programs for severely disturbed children and adolescents; and

"(E) will, if the amounts appropriated under section 1947(a) for the fiscal year exceed \$260,000,000, expend not less than a specified percentage of such payments for services and programs for individuals not less than 65 years of age who are not inpatients or residents of mental institutions, which specified percentage is the percentage of the population of the State that the number of individuals not less than 65 years of age constitutes.

"(2) If the amount of the allotment under section 1941(a) for a State for a fiscal year is less than the amount of the allotment for mental health services under former section 1913 for the State for fiscal year 1986, the Secretary may waive the requirement established in paragraph (1)(B) for the State for the fiscal year upon a determination by the Secretary that such requirement will result in a significant reduction in the level of mental health services available in the State relative to such level on October 1, 1988.

"(b) **REQUIREMENT OF DEVELOPMENT OF STATE COMPREHENSIVE COMMUNITY MENTAL**

**HEALTH SYSTEM.—**The Secretary may not make payments under section 1941(a) for a fiscal year unless the State involved agrees that, in carrying out the purpose described in section 1941(b), the State will facilitate the coordination among institutions offering mental health services in the State in order to establish a State community mental health system that—

"(1) provides for the development of a continuum of community mental health services within identified geographic areas;

"(2) ensures that mental health services offered by the system are accessible to all individuals in the State who need the services;

"(3) provides mental health services according to the particular needs of the individual for whom services are sought, including developing plans of care and providing services in the context most appropriate to the age, sex, and cultural background of the individual;

"(4) encourages such individual to be independent and encourages the family of the individual to provide emotional support to the individual with respect to achieving the optimal level of independence;

"(5) ensures that mental health services are provided in the least restrictive appropriate environment; and

"(6) ensures that the mental health services provided by the system meet applicable professional standards for such services.

**"SEC. 1943. REQUIREMENT OF ESTABLISHMENT OF MENTAL HEALTH SERVICES PLANNING COUNCIL.**

"(a) **IN GENERAL.—**The Secretary may not make payments under section 1941(a) for a fiscal year unless the State involved agrees to establish and maintain a State mental health planning council in accordance with subsections (b) and (c).

"(b) **DUTIES.—**The duties of the Council will be—

"(1) to serve as an advocate for chronically mentally ill individuals, severely emotionally disturbed children and youth, and other individuals with mental illnesses or emotional problems; and

"(2) to monitor, review, and evaluate, not less than once each year, the allocation and adequacy of mental health services within the State.

**"(c) MEMBERSHIP.—**

"(1) The Council will, subject to paragraph (2), be composed of residents of the State, including representatives of—

"(A) the principal State agencies with respect to—

"(i) mental health, education, vocational rehabilitation, criminal justice, housing, and social services; and

"(ii) the development of the plan submitted pursuant to title XIX of the Social Security Act;

"(B) public and private entities concerned with the need, planning, operation, funding, and use of mental health services and related support services; and

"(C)(i) chronically mentally ill individuals who are receiving (or have received) mental health services; and

"(ii) the families of such individuals.

"(2) Not less than 50 percent of the members of the Council will be individuals who are not State employees or providers of mental health services.

"(3) The Council may assist the State in the preparation of the plan required in section 1951.

**"SEC. 1944. REQUIREMENT OF SUBMISSION OF APPLICATION CONTAINING CERTAIN AGREEMENTS AND ASSURANCES.**

"The Secretary may not make payments under section 1941(a) to a State for a fiscal year unless—

"(1) the State submits to the Secretary an application for the payments containing agreements in accordance with sections 1941 through 1943 and with sections 1952 through 1954;

"(2) the agreements are made through certification from the chief executive officer of the State;

"(3) with respect to such agreements, the application provides assurances of compliance satisfactory to the Secretary;

"(4) the application contains the description of intended expenditures required in section 1951; and

"(5) the application otherwise is in such form, is made in such manner, and contains such agreements, assurances, and information as the Secretary determines to be necessary to carry out this part.

**"SEC. 1945. DETERMINATION OF AMOUNT OF ALLOTMENTS.**

**"(a) STATES.—**

"(1) Subject to subsection (d), the Secretary shall determine the amount of the allotment required in section 1941(a) for a State for a fiscal year in accordance with the following formula:

"(2) For purposes of the formula described in paragraph (1), the term 'A' means an amount equal to the difference between—

"(A) an amount equal to the amount appropriated pursuant to section 1948(a) for allotments under section 1941(a) for the fiscal year involved; and

"(B) an amount equal to 1.5 percent of the amount referred to in subparagraph (A).

"(3) For purposes of the formula described in paragraph (1), the term 'U' means the sum of the respective terms 'X' determined for each State under paragraph (4).

"(4)(A) For purposes of the formula described in paragraph (1), the term 'X' means the product of—

"(i) amount equal to the term 'P' as determined under subparagraph (B); and

"(ii) the greater of—

"(I) 0.3; and

"(II) an amount equal to an amount determined in accordance with the following formula:

"(B) For purposes of subparagraph (A)(i), the term 'P' means the sum of—

"(i) an amount equal to the product of—

"(I) 0.4; and

"(II) an amount equal to the number of individuals in the State who are between 18 and 24 years of age, as indicated by the most recent data collected by the Bureau of the Census; and

"(ii) an amount equal to the product of—

"(I) 0.6; and

"(II) an amount equal to the number of individuals in the State who are between 25 and 44 years of age, as indicated by the most recent data collected by the Bureau of the Census.

"(C) For purposes of the formula described in subparagraph (A)(ii)(II), the term 'S' means the quotient of—

"(i) an amount equal to the most recent 3-year average of the total taxable resources of the State, as determined by the Secretary of the Treasury; divided by

"(ii) an amount equal to the term 'P' as determined under subparagraph (B).

"(D) For purposes of the formula described in subparagraph (A)(ii)(II), the term 'N' means the quotient of—

"(i) an amount equal to the sum of the respective amounts determined for each State under subparagraph (C)(i); divided by

"(ii) an amount equal to the sum of the respective terms 'P' determined for each State under subparagraph (B).

**"(b) TERRITORIES.—**

"(1) The amount of an allotment under section 1941(a) for a territory for a fiscal year shall be the greater of—

"(A) an amount equal to 80 percent of the amount of the allotment for mental health services under former section 1913 for the territory for fiscal year 1987; and

"(B) an amount determined in accordance with paragraph (2).

"(2) The amount referred to in paragraph (1)(B) is the product of—

"(A) an amount equal to the amounts reserved pursuant to paragraph (3); and

"(B) a percentage equal to the quotient of—

"(i) the population of the territory, as indicated by the most recently available data; divided by

"(ii) the aggregate population of the territories, as indicated by such data.

"(3) The Secretary shall reserve for the territories of the United States 1.5 percent of the amounts appropriated pursuant to section 1948(a) for allotments under section 1941(a) for the fiscal year involved.

**"(c) INDIAN TRIBES.—**

"(1) Upon the request of the governing body of an eligible Indian tribe or tribal organization within a State, the Secretary shall—

"(A) reserve from the amount that otherwise would be allotted for the fiscal year to the State under subsection (a) an amount determined in accordance with paragraph (2); and

"(B) grant the amount reserved under subparagraph (A) to the Indian tribe or tribal organization serving the individuals for whom such a determination has been made.

"(2)(A) The amount reserved under paragraph (1)(A) shall be an amount equal to the product of—

"(i) the amount that otherwise would be allotted to the State under subsection (a) for the fiscal year; and

"(ii) the percentage described in subparagraph (B).

"(B) The percentage referred to in subparagraph (A)(ii) is a percentage equal to the quotient of—

"(i) an amount equal to the amount the Indian tribe or tribal organization received under former section 1913 for fiscal year 1987; divided by

"(ii) the aggregate amount received under such section in fiscal year 1987 by the State, Indian tribes in the State, and tribal organizations in the State.

"(3) The Secretary may not make a grant under paragraph (1)(B) to an Indian tribe or tribal organization unless the Indian tribe or tribal organization submits to the Secretary a plan for expending such a grant that meets such criteria as the Secretary may establish.

**"(d) TRANSITION RULES FOR STATES.—**

"(1) For fiscal year 1989, the amount of the allotment required in section 1941(a) for a State shall be the greater of—

"(A) an amount determined in accordance with subsection (a); and

"(B) an amount equal to 90 percent of the amount of the allotment for mental health services under former section 1913 for the State for fiscal year 1986.

"(2) For fiscal year 1990, the amount of the allotment required in section 1941(a) for a State shall be the greater of—

"(A) an amount determined in accordance with subsection (a); and

"(B) an amount equal to 70 percent of the amount of the allotment for mental health services under former section 1913 for the State for fiscal year 1986.

"(3) For fiscal year 1991, the amount of the allotment required in section 1941(a) for a State shall be the greater of—

"(A) an amount determined in accordance with subsection (a); and

"(B) an amount equal to 50 percent of the amount of the allotment for mental health services under former section 1913 for the State for fiscal year 1986.

**"(e) DISPOSITION OF CERTAIN FUNDS APPROPRIATED FOR ALLOTMENTS.—**

"(1) Amounts described in paragraph (2) shall be allotted by the Secretary to States receiving allotments under section 1941(a) for the fiscal year (other than any State referred to in paragraph (2)(C)). Such amounts shall be allotted according to a formula established by the Secretary. The formula shall be equivalent to the formula described in this section under which the allotment for the State for the fiscal year involved was determined.

"(2) The amounts referred to in paragraph (1) are any amounts that are not paid to States under section 1941(a) as a result of—

"(A) the failure of any State to submit an application under section 1944;

"(B) the failure, in the determination of the Secretary, of any State to prepare within a reasonable period of time such application in compliance with such section; or

"(C) any State informing the Secretary that the State does not intend to expend the full amount of the allotment made to the State.

**"SEC. 1946. EVALUATION OF PROGRAMS.**

**"(a) IN GENERAL.—**

"(1) The Secretary, acting through the Director of the National Institute of Mental Health, shall evaluate community mental health programs and services, including evaluations of—

"(A) the most effective methods of providing community-based prevention, treatment, and rehabilitation services for the mentally ill; and

"(B) the quality, appropriateness, and costs of different methods of treatment utilized in such programs with respect to diagnoses of mental illness for which such programs provided treatment.

"(2) Evaluations required in paragraph (1) may be carried out through grants, contracts, or cooperative agreements.

"(b) USE OF RESEARCH CENTERS.—The Director of the National Institute of Mental Health may, to the extent practicable, establish research centers to carry out the evaluations required in subsection (a)(1). Such research centers shall establish and maintain liaisons with community mental health systems that provide services to the mentally ill.

"(c) MODEL PLAN WITH RESPECT TO CHRONICALLY MENTALLY ILL INDIVIDUALS.—The Secretary, acting through the Director of the National Institute of Mental Health, shall develop and make available, from time to time, a model plan for a community-based system of care for chronically mentally ill individuals. Such plan shall be developed in consultation with State mental health directors, providers of mental health services,

chronically mentally ill individuals, advocates for such individuals, and other interested parties.

**"SEC. 1947. DEFINITIONS.**

"For purposes of this part:

"(1) The term 'Council' means the State mental health services planning council required in section 1944(a).

"(2) The term 'former section 1913' has the meaning given such term in section 1936(1).

"(3)(A) The term 'State' means, except as provided in subparagraph (B), each of the several States, the District of Columbia, and the territories of the United States.

"(B) For purposes of subsections (a) and (d) of section 1945, the term 'State' means each of the several States and the District of Columbia.

"(4) The term 'territories of the United States' means each of the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Trust Territory of the Pacific Islands, and any other territory or possession of the United States.

**"SEC. 1948. FUNDING.**

"(a) **AUTHORIZATION OF APPROPRIATIONS.**—For the purposes of carrying out this part, part E, and section 509D(b), there are authorized to be appropriated \$350,000,000 for fiscal year 1989 and such sums as may be necessary for each of the fiscal years 1990 and 1991.

"(b) **ALLOCATION OF FUNDS FOR CERTAIN NATIONAL PROGRAMS.**—For the purposes of carrying out sections 1946, 1958(a), and 509D(b), the Secretary shall obligate not less than 5 percent, and not more than 15 percent, of the amounts appropriated pursuant to subsection (a) for a fiscal year.

"(c) **AVAILABILITY TO STATES.**—Any amounts paid to a State under section 1941(a), obligated by the State, and remaining unexpended at the end of the fiscal year for which the amounts were paid shall remain available during the succeeding fiscal year to the State for carrying out the purpose described in section 1941(b).

**"PART E—GENERAL PROVISIONS**

**"SEC. 1951. REQUIREMENT OF SUBMISSION OF DESCRIPTION OF INTENDED USES OF BLOCK GRANT.**

"(a) **IN GENERAL.**—The Secretary may not make payments under any of parts B through D to a State for a fiscal year unless—

"(1) the State submits to the Secretary a description of the purposes for which the State intends to expend such payments for the fiscal year;

"(2) such description provides information relating to the programs and activities to be supported and services to be provided, including a description of the manner in which such programs and activities will be coordinated with any similar programs and activities of public and private entities; and

"(3) the State agrees that such description will be revised throughout the year as may be necessary to reflect substantial changes in the programs and activities assisted by the State pursuant to the program involved.

**"(b) PROGRAM SPECIFIC REQUIREMENTS.**

"(1) The Secretary may not make payments under part B to a State for a fiscal year unless the description required in subsection (a) identifies the populations in the State that are intravenous drug abusers and the geographic areas in which such populations are located.

"(2) The Secretary may not make payments under part C to a State for a fiscal year unless the description required in sub-

section (a) identifies the populations and the geographic areas in the State that are at risk with respect to the abuse of alcohol or other drugs and that have a need for prevention, treatment, or rehabilitation services.

"(3) The Secretary may not make payments under part D to a State for a fiscal year unless the description required in subsection (a)—

"(A) describes intended expenditures for the provision of services described in section 1942(a)(1)(A); and

"(B) identifies the populations and the geographic areas in the State with a need for mental health services, including a description of the number of chronically mentally ill individuals and the number of severely emotionally disturbed children and youth in the State.

"(c) **OPPORTUNITY FOR PUBLIC COMMENT.**—The Secretary may not make payments under any of parts B through D for a fiscal year unless the State involved agrees that, in developing and carrying out the description required in subsection (a), the State will provide public notice with respect to the description (including any revisions) and will facilitate comments from interested persons.

**"SEC. 1952. RESTRICTIONS ON USE OF PAYMENTS.**

**"(a) IN GENERAL.**

"(1) The Secretary may not, except as provided in paragraph (2), make payments under any of parts B through D for a fiscal year unless the State involved agrees that the payments will not be expended—

"(A) to provide inpatient services, except with respect to short-term residential treatment for substance abuse provided in settings other than hospitals;

"(B) to make cash payments to intended recipients of services under the program involved;

"(C) to purchase or improve real property (other than minor remodeling of existing improvements to real property) or to purchase major medical equipment;

"(D) to satisfy any requirement for the expenditure of non-Federal funds as a condition for the receipt of Federal funds; or

"(E) to provide financial assistance to any entity other than a public or nonprofit private entity.

"(2) If the Secretary finds that the purpose of the program involved cannot otherwise be carried out, the Secretary may, with respect to an otherwise qualified State, waive the restriction established in paragraph (1)(C).

"(b) **LIMITATION ON ADMINISTRATIVE EXPENSES.**—The Secretary may not make payments under any of parts B through D for a fiscal year unless the State involved agrees that the State will not expend more than 5 percent of the payments for administrative expenses with respect to carrying out the purpose of the program involved.

**"SEC. 1953. ADDITIONAL REQUIRED AGREEMENTS.**

"(a) **IN GENERAL.**—The Secretary may not, except as provided in subsection (c), make payments under any of parts B through D for a fiscal year unless the State involved agrees that—

"(1) the legislature of the State will conduct public hearings on the proposed use and distribution of the payments to be received for the fiscal year;

"(2) the State will, to the maximum extent practicable, ensure that services provided to an individual pursuant to the program involved will be provided without regard to the ability of the individual to pay for such services and without regard to the

current or past health condition of the individual;

"(3) the State will provide for periodic independent peer review to assess the quality and appropriateness of treatment services provided by entities that receive funds from the State pursuant to the program involved;

"(4) the State will permit and cooperate with Federal investigations undertaken in accordance with section 1955;

"(5) the State will maintain State expenditures for services provided pursuant to the program involved at a level equal to not less than the average level of such expenditures maintained by the State for the 2-year period preceding the fiscal year for which the State is applying to receive payments; and

"(6) the State will provide to the Secretary any data required by the Secretary pursuant to section 509D.

**"(b) PROGRAM SPECIFIC REQUIREMENTS.**

"(1) The Secretary may not make payments under part C for a fiscal year unless the State involved agrees to ensure that any entity in the State receiving funds with respect to carrying out the purpose described in section 1931(b) will comply with sections 544 and 548.

"(2) The Secretary may not make payments under part D for a fiscal year unless the State involved agrees that, to the maximum extent practicable, the State will develop and implement arrangements to locate jobs for employees affected adversely by actions taken by the State mental health authority with respect to emphasizing outpatient health services.

"(c) **CERTAIN WAIVER.**—The Secretary may, upon the request of a State, waive the requirement established in subsection (a)(5) if the Secretary determines that extraordinary economic conditions in the State justify the waiver.

**"SEC. 1954. REQUIREMENT OF REPORTS BY STATES.**

"(a) **IN GENERAL.**—The Secretary may not make payments under any of parts B through D for a fiscal year unless the State involved agrees that to prepare and submit to the Secretary an annual report in such form and containing such information as the Secretary determines (after consultation with the States and the Comptroller General of the United States) to be necessary for—

"(1) securing a record and a description of the purposes for which payments received by the State pursuant to any of parts B through D were expended and of the recipients of such payments;

"(2) determining whether the payments were expended in accordance with the needs within the State required to be identified pursuant to section 1951(b);

"(3) determining whether the payments were expended in accordance with the purpose of the program involved; and

"(4) determining the percentage of payments received pursuant to any of parts B through D that were expended by the State for administrative expenses during the preceding fiscal year.

"(b) **AVAILABILITY TO PUBLIC OF REPORTS.**—The Secretary may not make payments under any of parts B through D unless the State involved agrees to make copies of the report described in subsection (a) available for public inspection.

"(c) **EVALUATIONS BY COMPTROLLER GENERAL.**—The Comptroller General of the United States shall, from time to time, evaluate the expenditures by States of payments under any of parts B through D in order to assure

that expenditures are consistent with the provisions of the program involved.

**"SEC. 1955. FAILURE TO COMPLY WITH AGREEMENTS.**

**"(a) REPAYMENT OF PAYMENTS.—**

"(1) The Secretary may, in accordance with subsection (b), require a State to repay any payments received by the State pursuant to any of parts B through D that the Secretary determines were not expended by the State in accordance with the agreements required to be made by the State as a condition of the receipt of payments under the program involved.

"(2) If a State fails to make a repayment required in paragraph (1), the Secretary may offset the amount of the repayment against the amount of any payment due to be paid to the State under the program involved.

"(b) OPPORTUNITY FOR A HEARING.—Before requiring repayment of payments under subsection (a)(1), the Secretary shall provide to the State an opportunity for a hearing.

**"SEC. 1956. PROHIBITION AGAINST CERTAIN FALSE STATEMENTS.**

**"(a) IN GENERAL.—**

"(1) A person may not knowingly make or cause to be made any false statement or representation of a material fact in connection with the furnishing of items or services for which payments may be made by a State from amounts paid to the State under any of parts B through D.

"(2) A person with knowledge of the occurrence of any event affecting the right of the person to receive any payments from amounts paid to the State under any of parts B through D may not conceal or fail to disclose any such event with the intent of fraudulently securing such amount.

"(b) CRIMINAL PENALTY FOR VIOLATION OF PROHIBITION.—Any person who violates a prohibition established in subsection (a) may for each violation be fined in accordance with title 18, United States Code, or imprisoned for not more than 5 years, or both.

**"SEC. 1957. NONDISCRIMINATION.**

**"(a) IN GENERAL.—**

"(1) For the purpose of applying the prohibitions against discrimination on the basis of age under the Age Discrimination Act of 1975, on the basis of handicap under section 504 of the Rehabilitation Act of 1973, on the basis of sex under title IX of the Education Amendments of 1972, or on the basis of race, color, or national origin under title VI of the Civil Rights Act of 1964, programs and activities funded in whole or in part with funds made available under the program involved shall be considered to be programs and activities receiving Federal financial assistance.

"(2) No person shall on the ground of sex or religion be excluded from participation in, be denied the benefits of, or be subjected to discrimination under, any program or activity funded in whole or in part with funds made available under the program involved.

**"(b) ENFORCEMENT.—**

"(1) Whenever the Secretary finds that a State, or an entity that has received a payment pursuant to the program involved, has failed to comply with a provision of law referred to in subsection (a)(1), with subsection (a)(2), or with an applicable regulation (including one prescribed to carry out subsection (a)(2)), the Secretary shall notify the chief executive officer of the State and shall request the chief executive officer to secure compliance. If within a reasonable period of time, not to exceed 60 days, the

chief executive officer fails or refuses to secure compliance, the Secretary may—

"(A) refer the matter to the Attorney General with a recommendation that an appropriate civil action be instituted;

"(B) exercise the powers and functions provided by the Age Discrimination Act of 1975, section 504 of the Rehabilitation Act of 1973, title IX of the Education Amendments of 1972, or title VI of the Civil Rights Act of 1964, as may be applicable; or

"(C) take such other actions as may be authorized by law.

"(2) When a matter is referred to the Attorney General pursuant to subsection (b)(1), or whenever the Attorney General has reason to believe that a State or an entity is engaged in a pattern or practice in violation of a provision of law referred to in subsection (a)(1) or in violation of subsection (a)(2), the Attorney General may bring a civil action in any appropriate district court of the United States for such relief as may be appropriate, including injunctive relief.

**"SEC. 1958. TECHNICAL ASSISTANCE AND PROVISION BY SECRETARY OF SUPPLIES AND SERVICES IN LIEU OF GRANT FUNDS.**

"(a) TECHNICAL ASSISTANCE.—The Secretary shall, without charge to a State receiving payments under part B or part D, provide to the State (or to any public or non-profit private entity designated by the State) technical assistance with respect to the planning, development, and operation of any program or service carried out pursuant to the program involved. The Secretary may provide such technical assistance directly, through contract, or through grants.

**"(b) PROVISION BY SECRETARY OF SUPPLIES AND SERVICES IN LIEU OF GRANT FUNDS.—**

"(1) Upon the request of a State receiving payments under any of parts B through D, the Secretary may, subject to paragraph (2), provide supplies, equipment, and services for the purpose of aiding the State in carrying out the program involved and, for such purpose, may detail to the State any officer or employee of the Department of Health and Human Services.

"(2) With respect to a request described in paragraph (1), the Secretary shall reduce the amount of payments under the program involved to the State by an amount equal to the fair market value of any supplies, equipment, or services provided by the Secretary and shall, for the payment of expenses incurred in complying with such request, expend the amounts withheld.

**"SEC. 1959. REPORT BY SECRETARY.**

"Not later than October 1, 1990, the Secretary shall report to the Congress on the activities of the States carried out pursuant to parts B and D. Such report may include any recommendations of the Secretary for appropriate administrative and legislative initiatives.

**"SEC. 1960. DEFINITIONS.**

"For purposes of this part:

"(1) The term 'program involved' means the program of allotments established in part B, in part C, or in part D, or any or all of such programs, as indicated by whether the State involved is receiving or is applying to receive payments under part B, part C, or part D, or under any or all of such parts.

"(2) The term 'State' has the meaning given such term in the program involved."

**SEC. 10004. ESTABLISHMENT OF GRANT CONDITIONS AND CONFIDENTIALITY PROTECTIONS RELATING TO COUNSELING AND TESTING WITH RESPECT TO ACQUIRED IMMUNE DEFICIENCY SYNDROME.**

(a) IN GENERAL.—The Public Health Service Act (42 U.S.C. 201 et seq.) is amended—

(1) by redesignating title XXIII as title XXIV;

(2) by redesignating sections 2301 through 2303 as sections 2401 through 2403, respectively;

(3) by redesignating sections 2306 through 2316 as sections 2404 through 2414, respectively; and

(4) by inserting after title XXII the following new title:

**"TITLE XXIII—COUNSELING AND TESTING WITH RESPECT TO ACQUIRED IMMUNE DEFICIENCY SYNDROME**

**"PART A—GRANT CONDITIONS FOR COUNSELING AND TESTING**

**"SEC. 2301. REQUIREMENTS WITH RESPECT TO CONFIDENTIALITY AND INFORMED CONSENT.**

"(a) CONFIDENTIALITY.—The Secretary may not provide Federal financial assistance for counseling and testing with respect to acquired immune deficiency syndrome unless the applicant for such assistance agrees to ensure, in accordance with Federal law (including part B) and with State and local law not superseded by Federal law, the confidentiality of information and records with respect to individuals counseled or tested pursuant to such assistance.

**"(b) INFORMED CONSENT.—**

"(1) The Secretary may not provide Federal financial assistance for counseling and testing with respect to acquired immune deficiency syndrome unless the applicant for such assistance agrees that, in conducting testing with respect to the etiologic agent for such syndrome, the applicant will test an individual only after obtaining from the individual a statement, made in writing and signed by the individual, declaring that the individual has undergone counseling described in section 2302(a) and that the decision of the individual with respect to undergoing such testing is voluntarily made.

"(2)(A) If, pursuant to section 2307(a), an individual will undergo testing described in paragraph (1) through the use of a pseudonym, a grantee under such section shall be considered to be in compliance with the agreement entered into pursuant to such paragraph if such individual signs the statement described in such subsection using the pseudonym.

"(B) If, pursuant to section 2307(a), an individual will undergo testing described in paragraph (1) without providing any information relating to the identity of the individual, a grantee under such section shall be considered to be in compliance with the agreement entered into pursuant to such paragraph if such individual orally provides the declaration described in such paragraph.

**"SEC. 2302. REQUIREMENT OF PROVISION OF CERTAIN COUNSELING SERVICES.**

"(a) COUNSELING BEFORE TESTING.—The Secretary may not provide Federal financial assistance for counseling and testing with respect to acquired immune deficiency syndrome unless the applicant for such assistance agrees that, before testing an individual for infection with the etiologic agent for such syndrome, the applicant will provide to the individual appropriate counseling with

respect to such syndrome (based on the most recent scientific data relating to such syndrome), including—

"(1) measures for the prevention of exposure to, and the transmission of, the etiologic agent for such syndrome;

"(2) the accuracy and reliability of the results of such testing;

"(3) the significance of the results of such testing, including the potential for developing acquired immune deficiency syndrome;

"(4) encouraging individuals, as appropriate, to undergo testing for such etiologic agent and providing information on the benefits of such testing;

"(5) the benefits of early diagnosis and treatment of infection with such etiologic agent;

"(6) information on the failure rate of condoms;

"(7) provisions of law relating to the confidentiality of the fact that the individual is undergoing counseling or testing and the confidentiality of information provided by the individual during the process of such counseling or testing, including information with respect to any disclosures that may be authorized under law and information with respect to the availability of anonymous counseling and testing pursuant to section 2307(a);

"(8) provisions of law relating to the confidentiality of the results of such counseling or testing, including information with respect to any disclosures that may be authorized by law;

"(9) provisions of law relating to the reporting to, and use by, State public health authorities of the results of such counseling and testing; and

"(10) provisions of law relating to discrimination against individuals infected with the etiologic agent for acquired immune deficiency syndrome.

"(b) COUNSELING OF INDIVIDUALS WITH NEGATIVE TEST RESULTS.—The Secretary may not provide Federal financial assistance for counseling and testing with respect to acquired immune deficiency syndrome unless the applicant for such assistance agrees that, if the results of testing for infection with such etiologic agent indicate that an individual is not infected with such etiologic agent, the applicant will review for the individual the information provided pursuant to subsection (a) with respect to such syndrome, including—

"(1) the information described in paragraphs (1) through (3) of subsection (a); and

"(2) information on the appropriateness of further counseling, testing, and education of the individual with respect to acquired immune deficiency syndrome.

"(c) COUNSELING OF INDIVIDUALS WITH POSITIVE TEST RESULTS.—The Secretary may not provide Federal financial assistance for counseling and testing with respect to acquired immune deficiency syndrome unless the applicant for such assistance agrees that, if the results of such testing section indicate that the individual is infected with the etiologic agent for acquired immune deficiency syndrome, the applicant will provide to the individual appropriate counseling with respect to acquired immune deficiency syndrome, including—

"(1) reviewing the information described in paragraphs (1) through (3) of subsection (a);

"(2) reviewing the appropriateness of further counseling, testing, and education of the individual with respect to acquired immune deficiency syndrome;

"(3) the availability in the geographic area of any appropriate services with respect to

health care, including mental health care and appropriate social and support services;

"(4) the benefits of locating and counseling any individual by whom the infected individual may have been exposed to the etiologic agent for acquired immune deficiency syndrome and any individual whom the infected individual may have exposed to such etiologic agent; and

"(5) the availability, if any, of the services of public health authorities with respect to locating and counseling any individual described in paragraph (4).

"(d) COUNSELING OF WOMEN, CHILDREN, AND HEMOPHILIACS.—The Secretary may not provide Federal financial assistance for counseling and testing with respect to acquired immune deficiency syndrome unless the applicant for such assistance agrees that, in counseling individuals with respect to such syndrome, the applicant will, where appropriate, provide opportunities for women, children, and hemophiliacs to undergo the counseling under conditions appropriate to their needs with respect to the counseling.

"(3) RULE OF CONSTRUCTION WITH RESPECT TO COUNSELING WITHOUT TESTING.—Agreements entered into pursuant to subsections (a) through (d) may not be construed to prohibit any recipient of Federal financial assistance from expending such assistance for the purpose of providing counseling services described in such subsections to an individual who will not undergo testing described in such section as a result of such recipient or the individual determining that such testing of the individual is not appropriate.

"SEC. 2303. APPLICABILITY OF REQUIREMENTS WITH RESPECT TO CONFIDENTIALITY, INFORMED CONSENT, AND COUNSELING.

"The Secretary may not provide Federal financial assistance for counseling and testing with respect to acquired immune deficiency syndrome unless the applicant for such assistance agrees that, with respect to testing for infection with the etiologic agent for such syndrome, any such testing carried out by the applicant will, without regard to whether such testing is carried out with Federal funds, be carried out in accordance with conditions described in sections 2301 and 2302.

"SEC. 2304. REQUIREMENT OF REPORTING AND CONTACT TRACING WITH RESPECT TO CASES OF INFECTION.

"(a) REPORTING.—The Secretary may not provide Federal financial assistance to a State for counseling and testing with respect to acquired immune deficiency syndrome unless the State provides assurances satisfactory to the Secretary that the State will require that any entity carrying out such testing confidentially report to the State public health officer information sufficient—

"(1) to perform statistical and epidemiological analyses of the incidence in the State of cases of such infection; and

"(2) to perform statistical and epidemiological analyses of the demographic characteristics of the population of individuals in the State who have such infections.

"(b) CONTACT TRACING.—The Secretary may not provide Federal financial assistance to a State for counseling and testing with respect to acquired immune deficiency syndrome unless the State provides assurances satisfactory to the Secretary that the State will require that the State public health officer, to the extent appropriate in the determination of the officer, carry out a program of contact tracing with respect to cases of

infection with the etiologic agent for acquired immune deficiency syndrome.

"SEC. 2305. REQUIREMENT FOR STATE GRANTEEES OF MANDATORY TESTING OF INDIVIDUALS CONVICTED OF CERTAIN CRIMES.

"(a) IN GENERAL.—The Secretary may not provide Federal financial assistance to a State for counseling and testing with respect to acquired immune deficiency syndrome unless the State requires that—

"(1) each individual who is convicted of prostitution, of a crime relating to sexual assault, or of a crime relating to intravenous drug abuse, be tested for infection with the etiologic agent for acquired immune deficiency syndrome;

"(2) before testing an individual for such infection pursuant to the requirement described in paragraph (1), the State notify the individual that the individual will be required to undergo such testing; and

"(3) with respect to any individual convicted of a crime relating to sexual assault, the State notify the victim of the crime of the results of such testing if the victim makes a request to be so notified.

"(b) TIME LIMITATIONS WITH RESPECT TO REQUIRED LAWS.—With respect to complying with subsection (a) as a condition of receiving Federal financial assistance for counseling and testing with respect to acquired immune deficiency syndrome, the Secretary may provide such assistance to a State if—

"(1) for each of the fiscal years 1989 and 1990, the State provides assurances satisfactory to the Secretary that by not later than October 1, 1990, the State will establish the requirements described in subsection (a); and

"(2) for fiscal year 1991 and subsequent fiscal years, the State has established such requirements.

"SEC. 2306. REQUIREMENT FOR STATE GRANTEEES OF ESTABLISHMENT OF CIVIL AND CRIMINAL ACTIONS WITH RESPECT TO KNOWING TRANSMISSION OF ACQUIRED IMMUNE DEFICIENCY SYNDROME.

"(a) IN GENERAL.—Subject to subsection (c), the Secretary may not provide Federal financial assistance to a State for counseling and testing with respect to acquired immune deficiency syndrome unless—

"(1) subject to the condition described in subsection (b), the State prohibits any individual who is infected with the etiologic agent for acquired immune deficiency syndrome from making a donation of blood, semen, breast milk, or an organ, if the individual knows of the infection and knows that the individual will through such donation expose another individual to such etiologic agent in the event that the donation is utilized;

"(2) subject to the condition described in subsection (b), the State prohibits any individual infected with such etiologic agent from engaging in sexual activity if the individual knows of the infection and knows that the individual will through such sexual activity expose another individual to such etiologic agent;

"(3) subject to the condition described in subsection (b), the State prohibits any individual from engaging in any behavior with the intent to expose another individual to such etiologic agent, which behavior would, if carried out as intended, result in exposing the other individual to such etiologic agent; and

"(4) the State establishes a civil cause of action for damages for any violation of a prohibition described in any of paragraphs

(1) through (3) and establishes a criminal penalty for any such violation.

"(b) CONSENT TO RISK OF TRANSMISSION.—The condition referred to in each of paragraphs (1) through (3) of subsection (a) is that the prohibition described in each such paragraph shall not apply if the individual who is subjected to the behavior involved provides prior consent for being exposed to the etiologic agent for acquired immune deficiency syndrome.

"(c) TIME LIMITATIONS WITH RESPECT TO REQUIRED LAWS.—With respect to complying with subsection (a) as a condition of receiving Federal financial assistance with respect to acquired immune deficiency syndrome, the Secretary may provide such assistance to a State if—

"(1) for each of the fiscal years 1989 and 1990, the State provides assurances satisfactory to the Secretary that by not later than October 1, 1990, the State will establish the prohibitions and civil and criminal actions described in subsection (a); and

"(2) for fiscal year 1991 and subsequent fiscal years, the State has established such prohibitions and such criminal and civil actions.

"(d) STATE CERTIFICATION WITH RESPECT TO REQUIRED LAWS.—With respect to complying with subsection (a) as a condition of receiving Federal financial assistance for counseling and testing with respect to acquired immune deficiency syndrome, the Secretary may not require a State to enact any statute, or to issue any regulation, if the chief executive officer of the State certifies to the Secretary that the law of the State is in substantial compliance with this section.

"SEC. 2307. ADDITIONAL REQUIRED AGREEMENTS.

"(a) PROVISION OF OPPORTUNITIES FOR ANONYMOUS COUNSELING AND TESTING.—The Secretary may not provide Federal financial assistance for counseling and testing with respect to acquired immune deficiency syndrome unless the applicant for such assistance agrees that, to the extent permitted under State law, the applicant will offer substantial opportunities for an individual—

"(1) to undergo counseling and testing pursuant to such section without being required to provide any information relating to the identity of the individual; and

"(2) to undergo such counseling and testing through the use of a pseudonym.

"(b) PROHIBITION AGAINST REQUIRING TESTING AS CONDITION OF RECEIVING OTHER HEALTH SERVICES.—The Secretary may not provide Federal financial assistance for counseling and testing with respect to acquired immune deficiency syndrome unless the applicant for such assistance agrees that, with respect to an individual seeking health services from the applicant, the applicant will not require the individual to undergo testing described in such section as a condition of receiving the health services unless such testing is medically indicated in the provision of the health services sought by the individual.

"(c) DISTRIBUTION OF CLEAN NEEDLES OR BLEACH WITH RESPECT TO INTRAVENOUS DRUG ABUSE.—The Secretary may not provide Federal financial assistance for counseling and testing with respect to acquired immune deficiency syndrome unless the applicant for such assistance agrees that the grant will not be expended to carry out any program of distributing sterile needles for the hypodermic injection of any illegal drug or distributing bleach for the purpose of cleansing needles for such hypodermic injection.

"PART B—CONFIDENTIALITY WITH RESPECT TO COUNSELING AND TESTING

"SEC. 2321. ESTABLISHMENT OF PROHIBITION AGAINST DISCLOSURE OF CERTAIN INFORMATION ORIGINATING IN PROCESS OF COUNSELING AND TESTING.

"(a) IN GENERAL.—Except as provided in any of sections 2322 through 2327, a person described in subsection (b) may not disclose identifying information with respect to a protected individual or a contact of such individual.

"(b) PERSONS SUBJECT TO PROHIBITION.—A person referred to in subsection (a) is a person who obtains identifying information with respect to a protected individual or a contact of such individual as a result of—

"(1) direct or indirect involvement in the process of—

"(A) providing to the protected individual counseling with respect to acquired immune deficiency syndrome or testing the protected individual for infection with the etiologic agent for such syndrome; or

"(B) providing to the protected individual health care in the course of the provision of which the protected individual discloses identifying information with respect to the protected individual;

"(2) direct or indirect involvement in the process of carrying out a purpose for which a disclosure of identifying information is made under any of sections 2322 through 2326; or

"(3) reading (or otherwise directly perceiving) any record containing identifying information with respect to a protected individual or a contact of such individual, which record is developed in a process described in paragraph (1) or (2).

"(c) APPLICABILITY.—The prohibition established in subsection (a) shall apply to the conduct of a person without regard to whether the person receives Federal financial assistance.

"SEC. 2322. AUTHORIZED CONSENSUAL DISCLOSURES.

"(a) IN GENERAL.—A person described in section 2321(b)(1), and a person who receives a disclosure of identifying information under any of sections 2323 through 2326, may disclose identifying information with respect to a protected individual if—

"(1) prior to the disclosure, the protected individual has, in accordance with subsection (d), consented to the disclosure; or

"(2) prior to the disclosure, the protected individual is legally incompetent under the law of the State in which the protected individual resides, the counseling and testing described in section 2321(b)(1) was provided at the request of the guardian of the protected individual, and the guardian consents, in accordance with subsection (d), to the disclosure.

"(b) CLAIMANT UNDER INSURANCE ON LIFE OF PROTECTED INDIVIDUAL.—A person described in section 2321(b)(1), and a person who receives a disclosure of identifying information under any of sections 2323 through 2326, may disclose identifying information with respect to a protected individual if—

"(1) prior to the disclosure, the protected individual is deceased and is the insured pursuant to life insurance;

"(2) prior to the disclosure, the claimant for the proceeds of the life insurance consents to the disclosure in accordance with subsection (c); and

"(3) the disclosure is made to the business organization providing the life insurance.

"(c) RECIPIENT OF CONSENSUAL DISCLOSURE.—Any person receiving, pursuant to

this section, a disclosure of identifying information with respect to a protected individual may disclose the identifying information under the applicable conditions described in subsection (a) or (b).

"(d) REQUIRED PROCEDURE.—A consent under any of subsections (a) through (c) shall—

"(1) be in writing and be dated;

"(2) be signed by the person providing consent pursuant to subsection (a), (b), or (c);

"(3) specify the identifying information to be disclosed and the purpose of the disclosure;

"(4) specify the person, persons, or generic class of persons whom the consent authorizes to make the disclosure;

"(5) specify the person, persons, or generic class of persons to whom the disclosure is to be made; and

"(6) specify the period of time during which disclosures may be made under the consent and the procedures for withdrawal of consent.

"(e) VOID CONSENT.—A consent under any of subsections (a) through (c) shall be void to the extent that the consent authorizes the recipient of the disclosure to make subsequent disclosures of identifying information in the discretion of the recipient.

"SEC. 2323. AUTHORIZED NONCONSENSUAL DISCLOSURES.

"(a) NONCONSENSUAL DISCLOSURE WITH RESPECT TO COUNSELING AND TESTING.—A person described in section 2321(b)(1)(A) may disclose identifying information with respect to a protected individual and a contact of such individual if the disclosure is made—

"(1) to a health care provider for the purpose of providing to the protected individual the counseling or testing described in such section;

"(2) to the protected individual; or

"(3) to the guardian of the protected individual, if the protected individual is legally incompetent under the law of the State in which the protected individual resides and such counseling or testing was provided at the request of the guardian.

"(b) NONCONSENSUAL DISCLOSURES WITH RESPECT TO OTHER HEALTH CARE.—A person described in section 2321(b)(1) may disclose identifying information with respect to a protected individual if the disclosure is made to a health care provider that provides health care to the protected individual under conditions in which, as determined under guidelines issued by the Secretary, the provider is likely to be occupationally exposed to the etiologic agent for acquired immune deficiency syndrome.

"(c) NONCONSENSUAL DISCLOSURE TO STATE PUBLIC HEALTH OFFICER.—A person described in section 2321(b)(1) may disclose identifying information with respect to a protected individual and a contact of such individual if the disclosure is made to the State public health officer and the law of the State in which testing described in section 2321(b)(1)(A) is carried out requires disclosure to the officer.

"(d) NONCONSENSUAL DISCLOSURE WITH RESPECT TO BODILY FLUIDS AND ORGANS OF PROTECTED INDIVIDUALS.—A person described in section 2321(b)(1) may disclose identifying information with respect to a protected individual if the disclosure is made to a health care provider (including a blood bank) that has received or will receive blood from the protected individual for the purposes of blood transfusions, has received or

will receive semen from the individual for the purposes of artificial inseminations, has received or will receive breast milk from the individual for the purposes of distribution, or has received or will receive a donation from the individual of an organ for the purposes of transplantation.

"(e) **NONCONSENSUAL DISCLOSURE WITH RESPECT TO BURIAL OF PROTECTED INDIVIDUALS.**—A person described in section 2321(b)(1) may disclose identifying information with respect to a protected individual if the disclosure is made to a person who has received or will receive the body of the protected individual for the purpose of preparing the body for burial.

"(f) **CERTAIN INTRAORGANIZATION NONCONSENSUAL DISCLOSURES.**—Identifying information received by an organization pursuant to a disclosure under this section or section 2324 may be disclosed within the organization to the extent reasonably necessary to carry out the purpose for which the disclosure is made.

"SEC. 2324. **AUTHORIZED NONCONSENSUAL REDISCLOSURE.**

"Any person authorized under section 2322 or 2323 to receive a disclosure of identifying information may, for a purpose described in section 2323, disclose identifying information to any person authorized under such section to receive, for the purpose involved, a disclosure of such information.

"SEC. 2325. **AUTHORIZED NONCONSENSUAL DISCLOSURE PURSUANT TO SALE OR TRANSFER OF ORGANIZATIONS AUTHORIZED TO MAKE OR RECEIVE DISCLOSURES.**

"A person described in section 2321(b)(1), and a person who receives a disclosure of identifying information under any of sections 2322 through 2324, may disclose the identifying information if the disclosure is made only to the extent reasonably necessary for the purpose of—

"(1) selling the organization with respect to which such person is authorized under any of such sections to make or receive a disclosure of identifying information; or

"(2) effecting a transfer, merger, or consolidation of such organization.

"SEC. 2326. **COURT ORDERS WITH RESPECT TO PUBLIC HEALTH OFFICER.**

"(a) **DISCLOSURE TO OFFICER.**—A court of competent jurisdiction may, upon appropriate application to the court by the State public health officer, order any person described in section 2321(b)(1), and any person who receives a disclosure of identifying information under any of sections 2322 through 2325, to make a disclosure to the health officer of identifying information with respect to a protected individual or a contact of such individual to the extent reasonably necessary, in the determination of the court, to prevent a clear and imminent danger of the transmission, by the protected individual or contact involved, of the etiologic agent for acquired immune deficiency syndrome.

"(b) **REDISCLASIFICATION BY OFFICER.**—A court of competent jurisdiction may, upon appropriate application to the court by the State public health officer, authorize the officer to disclose identifying information with respect to a protected individual or a contact of such individual to the extent reasonably necessary, in the determination of the court, to prevent a clear and imminent danger of the transmission, by the protected individual or contact involved, of the etiologic agent for acquired immune deficiency syndrome.

"(c) **OPPORTUNITY TO PARTICIPATE IN PROCEEDINGS.**—Before requiring or authorizing a

disclosure of identifying information under subsection (a) or (b), respectively, the court shall provide to the protected individual (and to any contact of such individual with respect to whom identifying information is sought) a reasonable opportunity to participate in the proceedings for determining whether, and to what extent, a disclosure will be ordered.

"(d) **IN CAMERA PROCEEDINGS.**—Proceedings under subsections (a) and (b) shall be conducted in camera. Any references in court documents to the parties in such proceeding shall be references to pseudonyms for the parties. Records developed in such proceeding shall be sealed at the close of the proceeding.

"(e) **FINDINGS OF FACTS AND CONCLUSIONS OF LAW.**—In granting or denying applications pursuant to subsection (a) or (b), the court involved shall find the facts specially and state separately the conclusions of law that constitute the grounds of the actions of the court.

"SEC. 2327. **NONCONSENSUAL DISCLOSURES TO CERTAIN CONTACTS OF PROTECTED INDIVIDUALS.**

"A person described in section 2321(b)(1)(A), and a person who receives a disclosure of identifying information under section 2323(c), may disclose identifying information with respect to a protected individual if—

"(1) such person is a physician or a counselor;

"(2) the disclosure is made to the spouse of the protected individual or to an individual whom the protected individual has, during the process of counseling or testing described in such section, identified as being a sexual partner of the protected individual or an individual with whom the protected individual has shared a hypodermic needle;

"(3) such person has counseled the protected individual with respect to making medically appropriate disclosures of identifying information to the individuals described in paragraph (2);

"(4) such person reasonably believes that—

"(A) the protected individual will not inform such individuals of the identifying information with respect to the protected individual; and

"(B) the disclosure is medically appropriate; and

"(5) the disclosure of the name of the protected individual is made only if medically appropriate.

"SEC. 2328. **NONCONSENSUAL DISCLOSURE TO VICTIM OF SEXUAL ASSAULT.**

"A person described in section 2321(b)(1)(A) may disclose identifying information with respect to a protected individual if—

"(1) the protected individual is convicted of a crime relating to sexual assault;

"(2) the disclosure is made to the victim of such crime at the request of the victim; and

"(3) the disclosure is made by a physician or a counselor.

"SEC. 2329. **REQUIREMENT OF CERTAIN NOTIFICATIONS WITH RESPECT TO DISCLOSURE OF IDENTIFYING INFORMATION.**

"(a) **IN GENERAL.**—

"(1)(A) Except as provided in paragraph (2), any person who, under any of sections 2322 through 2326, discloses any identifying information with respect to a protected individual shall ensure that such disclosure, whether made orally or in writing, is accompanied by a written statement declaring that any subsequent disclosure of the information provided may be prohibited by law.

"(B) Except as provided in paragraph (2), any person who, under any of sections 2322 through 2324, discloses any identifying information with respect to a protected individual shall notify such individual (if living) in writing of the fact of such disclosure.

"(2) The requirements established in paragraph (1) shall not apply to any disclosure of identifying information under any of sections 2322 through 2324 made to a person who is part of the same organization as the person from whom the disclosure is received.

"(b) **NONCONSENSUAL DISCLOSURE TO CERTAIN CONTACTS OF PROTECTED INDIVIDUAL.**—Any person who, under section 2327, discloses identifying information with respect to a protected individual shall notify such individual (if living) in writing of the fact of such disclosure.

"SEC. 2330. **CIVIL MONEY PENALTY AND CIVIL CAUSES OF ACTION FOR VIOLATION OF PROHIBITION.**

"(a) **ASSESSMENT OF CIVIL MONEY PENALTY.**—

"(1) Any person who intentionally or negligently violates section 2321 or 2329 shall be liable to the United States for a civil penalty in an amount not to exceed \$10,000 for each such violation.

"(2) A civil penalty under paragraph (1) may be assessed by the Secretary only by an order made on the record after opportunity for a hearing in accordance with section 554 of title 5, United States Code. The Secretary shall provide written notice to the person who is the subject of the proposed order informing the person of the opportunity to receive such a hearing with respect to the proposed order. The hearing may be held only if the person makes a request for the hearing before the expiration of the 30-day period beginning on the date such notice is issued.

"(3) The Secretary may compromise, modify, or remit, with or without conditions, any civil penalty imposed pursuant to paragraph (2).

"(4) If the Secretary issues an order pursuant to paragraph (2) after a hearing described in such paragraph, the person who is the subject of the order may, before the expiration of the 30-day period beginning on the date the order is issued, seek judicial review of the order pursuant to section 1331 of title 28, United States Code, and chapter 7 of title 5, United States Code.

"(5) If a person does not request a hearing pursuant to paragraph (2) and the Secretary issues an order pursuant to such paragraph, or if a person does not under paragraph (4) seek judicial review of such an order, the Secretary may commence a civil action in any appropriate district court of the United States for the purpose of recovering the amount assessed and an amount representing interest at a rate computed in accordance with section 1961 of title 28, United States Code. Such interest shall accrue from the expiration of the 30-day period described in paragraph (4). In such an action, the decision of the Secretary to issue the order, and the amount of the penalty assessed by the Secretary, shall not be subject to review.

"(6) The Secretary may not under this subsection commence proceeding against a person after the expiration of the 5-year period beginning on the date on which the person allegedly engaged in the violation of section 2321 or 2329.

"(b) **INJUNCTIVE RELIEF.**—The Secretary may, in any court of competent jurisdiction, commence a civil action for the purpose of

obtaining temporary or permanent injunctive relief with respect to preventing a violation of section 2321 or 2329.

**"(c) CIVIL CAUSE OF ACTION BY AGGRIEVED INDIVIDUAL.—**

"(1) Any individual who is aggrieved as a result of a violation by any person of section 2321 or 2329 may, in any court of competent jurisdiction, commence a civil action against such person to obtain appropriate relief, including actual and punitive damages, equitable relief, and a reasonable attorney's fee and costs. For a violation of section 2321, damages shall be not less than the liquidated amount of \$2,000.

"(2) An individual described in paragraph (1) may not commence proceedings under such paragraph against a person after the expiration of the 5-year period beginning on the date on which the person allegedly engaged in the violation of section 2321 or 2329.

**"(d) IN CAMERA PROCEEDINGS.—**Proceedings under this section shall be conducted in camera. Any references in court documents to the parties in such proceeding shall be references to pseudonyms for the parties. Records developed in such proceeding shall be sealed at the close of the proceeding.

**"SEC. 2331. CRIMINAL PENALTY FOR VIOLATION OF PROHIBITION.**

**"(a) IN GENERAL.—**Any person who intentionally violates the prohibition established in section 2321 shall be fined in accordance with title 18, United States Code, or imprisoned for not more than one year, or both.

**"(b) LIMITATION ON ACTION.—**Proceedings under subsection (a) may not be commenced against a person unless, with respect to such proceedings, the indictment is found or the information is instituted not later than the expiration of the 5-year period beginning on the date on which the person allegedly engaged in the violation of section 2321.

**"SEC. 2332. VIOLATIONS BY FEDERAL GRANTEEES AND CONTRACTORS.**

"Grants made, and contracts entered into, by any Federal agency may be terminated by the agency involved if the Federal grantee or contractor involved violates section 2321 or 2329. Any Federal grantee or contractor violating such a prohibition may, with respect to Federal grants and contracts, be suspended or debarred by the agency involved.

**"SEC. 2333. EXCLUSIVITY OF FEDERAL PENALTIES AND REMEDIES FOR VIOLATIONS.**

"The imposition of a penalty under section 2330 or 2331 for a violation of section 2321 or 2328 shall not preclude the imposition of any other applicable penalty under Federal law with respect to such a violation. The receipt of relief pursuant to section 2330(c) for such a violation shall not preclude the receipt of any other relief available under Federal law with respect to such a violation.

**"SEC. 2334. PREEMPTION OF CERTAIN STATE DISCLOSURE LAWS.**

**"(a) IN GENERAL.—**This part shall supersede any State law that—

"(1) provides a criminal or civil penalty, or a cause of action, for the failure of any person described in section 2321(b) to make a disclosure of identifying information not authorized under this part to be made; or

"(2) provides a criminal or civil penalty, or a cause of action, for a disclosure by any such person of identifying information authorized under this part to be made (including any State law that prohibits, or authorizes a cause of action for, a disclosure of identifying information by a physician or counselor under section 2327).

**"(b) AUTHORIZED STATE CRIMINAL AND CIVIL ACTIONS.—**This part shall not supersede any State criminal or civil action (including a cause of action for damages) for a disclosure of identifying information made in violation of any State law not superseded by subsection (a), including any State criminal or civil action for a disclosure of identifying information made by an individual receiving such information under section 2327.

**"SEC. 2335. DEFINITIONS.**

"For purposes of this part:

"(1) The term 'contact of a protected individual' means any individual whose identity is, during the process of counseling or testing described in section 2321(b)(1)(A), disclosed by a protected individual.

"(2) The term 'identifying information' means any information—

"(A) relating to the identity of an individual who is a protected individual, or who is a contact of such individual, whichever is indicated by the context of usage; and

"(B) provided in a context indicating that the individual has undergone, is undergoing, or will undergo, counseling or testing described in section 2321(b)(1)(A) or in a context indicating whether the individual is infected with the etiologic agent for acquired immune deficiency syndrome.

"(3) The term 'protected individual' means an individual—

"(A) who has undergone, or is undergoing, counseling or testing described in section 2321(b)(1)(A); or

"(B) who has, in anticipation of undergoing such counseling or testing, disclosed his or her identity to a person who provides such counseling or testing.

**"PART C—GENERAL PROVISIONS**

**"SEC. 2341. DATA COLLECTION WITH RESPECT TO ACQUIRED IMMUNE DEFICIENCY SYNDROME.**

**"(a) INTRAVENOUS DRUG ABUSE RESULTING IN ADMISSIONS TO EMERGENCY ROOMS.—**

"(1) The Secretary, acting through the Director of the Centers for Disease Control, shall collect data each year on the number of individuals who are both—

"(A) infected with the etiologic agent for acquired immune deficiency syndrome; and

"(B) admitted to the emergency rooms of hospitals as a result of intravenous drug abuse.

"(2) Paragraph (1) may not be construed—

"(A) to require or authorize any person to test any individual for infection with the etiologic agent for acquired immune deficiency syndrome; or

"(B) to preclude any person from testing any individual for such infection.

**"(b) MENTAL HEALTH.—**

"(1) The Secretary, acting through the Director of the National Institute of Mental Health, shall collect data each year on the number of cases of mental illness—

"(A) arising as a result of cases of asymptomatic infection with the etiologic agent for acquired immune deficiency syndrome; and

"(B) arising as a result of cases of acquired immune deficiency syndrome.

"(2) Paragraph (1) may not be construed—

"(A) to require or authorize any person to test any individual for infection with the etiologic agent for acquired immune deficiency syndrome; or

"(B) to preclude any person from testing any individual for such infection.

**"SEC. 2342. DEFINITIONS.**

"For purposes of this title:

"(1) The term 'counseling with respect to acquired immune deficiency syndrome'

means such counseling provided by an individual trained to provide such counseling.

"(2) The term 'exposed to the etiologic agent for acquired immune deficiency syndrome' means to be in circumstances in which there is a significant risk of becoming infected with such etiologic agent.

"(3) The term 'infection with the etiologic agent for acquired immune deficiency syndrome' includes any condition arising from such etiologic agent.

"(4) The term 'person' includes one or more individuals, governments (including the Federal Government and the governments of the States), governmental agencies, political subdivisions, labor unions, partnerships, associations, corporations, legal representatives, mutual companies, joint-stock companies, trusts, unincorporated organizations, receivers, trustees, and trustees in cases under title 11, United States Code.

"(5) The term 'testing for infection with the etiologic agent for acquired immune deficiency syndrome' includes any diagnosis of such infection made by a health care provider licensed to make such a diagnosis under the law of the State in which the diagnosis is made.

"(6) The term 'records' includes electronic recordings and any other method of storing information."

**(b) CONFORMING AMENDMENTS.—**The Public Health Service Act (42 U.S.C. 201 et seq.) is amended—

(1) in section 305(i), by striking "2313" each place it appears and inserting "2411";

(2) in section 465(f), by striking "2301" and inserting "2401"; and

(3) in section 497, by striking "2301" and inserting "2401".

**(c) EFFECTIVE DATES.—**Part B of title XXIII of the Public Health Service Act (as added by subsection (a)) shall take effect on the expiration of the 60-day period beginning on the date of the enactment of this Act.

**SEC. 10005. CONTINGENT AUTHORITY FOR TRANSFERS BETWEEN CERTAIN BLOCK GRANTS.**

**(a) TRANSFER TO PART D.—**If, under part D of title XIX of the Public Health Service Act (as added by section 10003 of this Act), the amount of the allotment for a State for a fiscal year is less than the amount of the allotment for mental health services under former section 1913 (as defined in section 1928(2) of such part) for the State for fiscal year 1986, the State may transfer to its allotment under such part D not more than 25 percent of the amount of the allotment for the State under part C of such title (as added by section 10003 of this Act).

**(b) TRANSFER TO PART C.—**If, under part C of title XIX of the Public Health Service Act (as added by section 10003 of this Act), the amount of allotment for a State for a fiscal year is less than the amount of the allotment for substance abuse services under former section 1913 (as defined in section 1937(1) of such part) for the State for fiscal year 1986, the State may transfer to its allotment under such part C not more than 25 percent of the amount of the allotment under part D of such title (as added by section 10003 of this Act).

**SEC. 10006. STANDARDS FOR CERTIFICATION OF LABORATORIES ENGAGED IN DRUG TESTING.**

Title V of the Public Health Service Act is amended by adding at the end the following:

## PART E—DRUG TESTING

## "DRUG TESTING OF URINE AND BLOOD SPECIMENS

"SEC. 551. (a)(1) Not later than 90 days after the date of enactment of the Comprehensive Alcohol Abuse, Drug Abuse, and Mental Health Amendments Act of 1988, the Secretary shall, by regulation, establish a program (hereinafter referred to in this section as the 'certification program') for the certification of laboratories for the performance of toxicological urinalysis conducted for drug testing programs. Except as provided in paragraphs (2), (3), and (4) such certification program shall—

"(A) in all material respects conform to the mandatory guidelines for Federal workplace drug testing programs published on April 11, 1988, by the Alcohol, Drug Abuse, and Mental Health Administration at 53 Fed. Reg. 11979 (hereinafter referred to in this section as the 'ADAMHA guidelines'), and

"(B) include all standards and requirements set forth in subparts B and C of the ADAMHA guidelines.

"(2) The certification program established by the Secretary under paragraph (1) shall treat any person conducting a drug testing program in the same manner as the ADAMHA guidelines treat the Federal agencies to which they are applicable and shall, in addition—

"(A) govern drug testing programs designed to identify the presence in a urine specimen of any drug,

"(B) limit the duration of any interim certification procedure to not more than 6 months,

"(C) require that all blank and spiked specimens used in any blind proficiency challenge, including all sets, groups, or packages of such specimens, shall be prepared, assembled, and transmitted to the laboratory being tested in such manner and form as to be indistinguishable from actual test specimens,

"(D) require that following each quarterly blind proficiency challenge prescribed by the certification program, any person conducting a drug testing program shall inform the Secretary of any false positive results reported by a laboratory in such challenge and shall specify whether the error or errors consist of one or more of the following—

"(i) incorrectly reporting the presence in a blank specimen of any drug,

"(ii) incorrectly reporting the presence in a spiked specimen of any drug found in a class of drugs different from the class in which the drug or drugs actually used to spike such specimen is found, or

"(iii) incorrectly reporting the presence in a spiked specimen of any drug within the same class of drugs as the drug or drugs actually used to spike such specimen,

"(E) require the Secretary to revoke the certification of any laboratory found to have incorrectly reported the presence in any blank specimen of any drug, without regard to the reason for the error,

"(F) require the Secretary to suspend for a minimum of one year the certification of any laboratory found to have incorrectly reported the presence in a spiked specimen of any drug found in a class of drugs different from the class in which the drug or drugs actually used to spike such specimen is found, and to suspend for a minimum of 6 months the certification of any laboratory found to have incorrectly reported the presence in a spiked specimen of any drug within the same class of drugs as the drug

or drugs actually used to spike such specimen,

"(G) prohibit the performance of toxicological urinalysis in connection with a drug testing program conducted by any person with which the laboratory performing the urinalysis is affiliated, directly or indirectly,

"(H) allow access by any test subject, upon written request, to any records relating to the results of a blind proficiency challenge conducted during any quarter in which he was tested,

"(I) provide that the Secretary shall have the responsibility to oversee and review the performance of any contractor or other recognized organization which the Secretary designates to act on the Secretary's behalf to ensure that such designee implements the certification program in strict accordance with the requirements of this section, and

"(J) provide that the Secretary shall have the right to obtain from such designee and from any laboratory that may be certified by such designee all records and materials that may be necessary for the oversight and review required by subparagraph (I).

"(3) The certification program established by the Secretary under this subsection shall prohibit—

"(A) deviation from or waiver of the requirements of the certification program,

"(B) the subcontracting by any laboratory of any work in connection with toxicological urinalysis, except to another laboratory certified under the certification program,

"(C) the use of self-certification procedures,

"(D) the recertification of any laboratory whose certification has been revoked under paragraph (2)(E), and

"(E) the certification of any laboratory affiliated, directly or indirectly, with a laboratory with respect to which a certification has been revoked under paragraph (2)(E), or with respect to which a certification has been suspended under paragraph (2)(F) during the period of such suspension.

"(4) A laboratory may not be certified under the program established under paragraph (1) to perform drug testing unless the laboratory is licensed or accredited under section 353.

"(b) Not later than one year after the date of enactment of the Comprehensive Alcohol Abuse, Drug Abuse, and Mental Health Amendments Act of 1988, the Secretary shall, by regulation, revise the certification program established under subsection (a) to include requirements for the safe collection and accurate toxicological analysis of blood specimens in connection with drug testing programs. To the maximum extent practicable, the Secretary shall apply to such blood testing the requirements of the certification program established under subsection (a) with respect to specimen collection procedures, laboratory personnel, laboratory analysis procedures, quality assurance and quality control, reporting and review of results, protection of records, access by test subjects to test and proficiency challenge records, and certification. The Secretary shall require that laboratories engaged in such blood testing shall meet quality and proficiency standards no less stringent than those required under subsection (a) and shall also provide that laboratories engaged in such blood testing shall be subject to revocation and suspension of their certifications on terms no less stringent than those applicable under subsection (a) to laboratories engaged in toxicological urinalysis.

"(c) It shall be unlawful for any person to solicit or accept any urine or blood specimen

for toxicological analysis in connection with any drug testing program unless that person is a laboratory which is certified by the certification program established or revised under subsection (a) or (b), whichever is applicable.

"(d) It shall be unlawful for any person—

"(1) other than a test subject, to disclose the results of a toxicological analysis of any urine or blood sample in connection with any drug testing program, except as provided in the certification program established or revised under subsection (a) or (b), whichever is applicable,

"(2) to knowingly alter the results of a toxicological analysis of any urine or blood specimen in connection with any drug testing program or blind proficiency challenge or to falsely report such results,

"(3) to knowingly perform or cause to be performed on a urine or blood specimen a test for any substance, drug, or medical condition without the consent of the test subject or of a physician treating such test subject, except as provided in the certification program established or revised under subsection (a) or (b), whichever is applicable,

"(4) to take any adverse action against any test subject based, in whole or in part, upon such subject's refusal or failure to provide the consent described in paragraph (3),

"(5) in the case of a toxicological urinalysis, to take any adverse action against any test subject based, in whole or in part, upon a positive result that has not been accurately verified by a confirmatory test performed in accordance with the requirements of the certification program established under subsection (a), and

"(6) to fail to administer or conduct any toxicological analysis or drug testing program in accordance with the requirements of the certification program established or revised under subsection (a) or (b), whichever is applicable.

"(e)(1) A person who violates subsection (c) or (d) shall be subject to one or more of the following sanctions for each such violation:

"(A) Assessment by the Secretary of a civil penalty of not less than \$1,000 nor more than \$10,000, taking into account the previous record of the person in terms of compliance with subsections (c) and (d) and the gravity of the violation.

"(B) Imprisonment for not more than 3 years, or a fine under title 18, United States Code, or both.

"(2) Nothing in this subsection shall be construed to limit the Secretary's authority to revoke or suspend a laboratory's certification under the certification program established or revised under subsection (a) or (b), whichever is applicable, or to limit the availability of the remedies provided in subsection (f).

"(f)(1) Any test subject who is tested or whose test results are handled in violation of, or is deprived of rights under, subsection (c) or (d) or the requirements of this section or the certification program established or revised under subsection (a) or (b), whichever is applicable, may institute a civil action in any district court of the United States of competent jurisdiction for appropriate legal and equitable relief, including employment, reinstatement, promotion, the payment of lost wages and benefits, and damages, plus the costs of suit, including a reasonable attorney's fee. Such an attorney's fee shall be allowed in the manner in which attorney's fees are allowed under the last sentence of section 722 of the Revised Statutes (42 U.S.C. 1988). It shall not be a defense to

such an action that the plaintiff has waived the rights or protections provided for in this section or such certification program or has otherwise consented to a violation described in subsection (c) or (d) or that the defendant acted in good faith. No action may be instituted under this paragraph after the expiration of 3 years from the date the person discovers, or with the exercise of reasonable diligence should have discovered, the violation or deprivation.

"(2) The Secretary may bring an action to restrain violations of this section. In any action brought under this paragraph, the district courts of the United States shall have jurisdiction, for cause shown, to issue temporary or permanent restraining orders and injunctions to require compliance with this section, including such legal or equitable relief incident thereto as may be appropriate, including employment, reinstatement, promotion, and the payment of lost wages and benefits.

"(3) Any person conducting a drug testing program who takes any adverse action against any test subject based, in whole or in part, upon a report by a laboratory of a positive test result which is thereafter found to have been a false positive result and who consequently is held liable under paragraph (1) or (2) for damages or other sums may institute a civil action for indemnification against such laboratory in any district court of the United States of competent jurisdiction. No action may be instituted under this paragraph after the expiration of one year from the date on which a judgment under paragraph (1) becomes final.

"(g)(1) Nothing in this section limits the authority of any test subject or duly authorized representative of a test subject to contract for standards, procedures, or requirements more protective of the rights of test subjects than those provided under subsection (c) or (d) or in the certification program.

"(2) To the extent that subsection (c) or (d) or the certification program established or revised under subsection (a) or (b) provides greater protection to test subjects or imposes more stringent requirements on the Secretary, laboratories performing toxicological analysis of urine or blood specimens, or persons conducting drug testing programs, such protections and requirements shall supersede and replace those provided by any drug testing program prescribed by the ADAMHA guidelines and by any statute, rule, regulation, executive order, or other law in effect on the date of the enactment of the Comprehensive Alcohol Abuse, Drug Abuse, and Mental Health Amendments Act of 1988.

"(3) No State or local government shall adopt or put into effect any law, rule, regulation, ordinance, standard, or order that is inconsistent with this section, except that this section shall not be construed to preempt provisions of State criminal law which impose sanctions for reckless conduct leading to actual loss of life, injury, or damage to property.

"(h) The Secretary shall require the payment of fees by a laboratory for certification and recertification in such amounts as the Secretary may, from time to time, determine are necessary to recover the cost of granting or denying such certification or recertification under the certification program established or revised under subsection (a) or (b). The Secretary shall also require the payment thereafter of annual fees by certified laboratories in such amounts as

the Secretary may, from time to time, determine are necessary to recover the cost of ongoing testing, inspection, and other supervisory activities with respect to certified laboratories under this section and such certification programs.

"(1) As used in this section—

"(1) the term 'affiliated' means associated as a shareholder, partner, subsidiary, division, department director, officer, or employee,

"(2) the term 'blank specimen' means a urine or blood specimen containing no drug,

"(3) the term 'blind proficiency challenge' means a test of a laboratory's ability to identify correctly whether a blood or urine specimen contains any quantity of a drug and, in the case of a spiked specimen, to identify correctly the quantity of any drug in that specimen, where such test is conducted so as to ensure that the laboratory has no knowledge that its performance is being tested,

"(4) the term 'class of drugs' means any group of drugs having chemical structural similarities, including—

"(A) the group of drugs known as cannabinoids,

"(B) the group of drugs known as opiates,

"(C) the group of drugs known as phencyclidines,

"(D) the group of drugs known as amphetamines,

"(E) the group of drugs known as barbiturates,

"(5) the term 'controlled substance' has the meaning given to it in section 102(6) of the Controlled Substances Act (21 U.S.C. 802(6)),

"(6) the term 'drug' means any controlled substance and any metabolite of a controlled substance,

"(7) the term 'drug testing program' means any program or policy under which 2 or more individuals are, or can reasonably be expected to be, required or requested to submit urine or blood specimens for toxicological analysis, but such term does not include—

"(A) any program for the toxicological analysis of urine or blood specimens—

"(i) administered by the armed forces (as defined in section 2101(2) of title 5, United States Code) or the intelligence community (as defined in Executive Order 12333 of December 4, 1981), or

"(ii) involving the testing of arrestees, detainees, probationers, incarcerated persons, or parolees in the criminal justice system, and

"(B) the submission to a laboratory of any urine or blood specimen by an individual's physician in the regular course of diagnosis or treatment,

"(8) the term 'false positive result' means a report of the results of any toxicological analysis of a urine or blood specimen in which one or more of the following errors is present—

"(A) with respect to a blank specimen, incorrectly reporting the presence of any drug in such specimen, or

"(B) with respect to a specimen containing any drug or drugs—

"(i) incorrectly reporting the presence in that specimen of any drug found in a class of drugs different from the class in which the drug or drugs actually present in such specimen is found, or

"(ii) incorrectly reporting the presence in that specimen of any drug found in the same class of drugs as the class in which the drug or drugs actually present is found,

"(9) the term 'interim certification procedures' means the procedures described in section 2.6 of the ADAMHA guidelines,

"(10) the term 'person' includes the Federal Government, a State or local government, or any agency of such a government,

"(11) the term 'self-certification procedures' means the procedures described in section 2.6(b) of the ADAMHA guidelines,

"(12) the term 'spiked specimen' means a urine or blood specimen into which any quantity of a drug or drugs has intentionally been placed for use in a blind proficiency challenge,

"(13) the term 'test subject' means an individual who has been required to submit a urine or blood specimen for toxicological analysis in connection with a drug testing program,

"(14) the term 'toxicological analysis' means the performance of any analytical procedure or set of procedures on a urine or blood specimen to identify the presence in that specimen of any drug and the amount thereof, and

"(15) the term 'toxicological urinalysis' means toxicological analysis using a urine specimen."

#### SEC. 10007. FUNDING FOR OFFICE FOR SUBSTANCE ABUSE PREVENTION.

Section 508(d) of the Public Health Service Act (42 U.S.C. 290cc-2(d)) is amended to read as follows:

"(d)(1) For the purpose of carrying out this section and sections 509, 509A, and 509E, there are authorized to be appropriated \$75,000,000 for fiscal year 1989 and such sums as may be necessary for each of the fiscal years 1990 and 1991.

"(2) Of the amounts appropriated pursuant to paragraph (1), the Secretary shall make available not less than 5 percent to carry out subsection (b)(5) and not less than 10 percent to carry out section 509E."

#### SEC. 10008. REQUIREMENT OF ANNUAL COLLECTION BY SECRETARY OF CERTAIN DATA WITH RESPECT TO MENTAL ILLNESS AND SUBSTANCE ABUSE.

Part A of title V of the Public Health Service Act (42 U.S.C. 290aa et seq.) is amended by adding at the end the following new section:

##### "DATA COLLECTION

"Sec. 509D. (a) The Secretary, acting through the Administrator, shall, through representative sampling, collect data each year on—

"(1) the national incidence and prevalence of the various forms of mental illness and substance abuse; and

"(2) the incidence and prevalence of such various forms in major metropolitan areas selected by the Administrator.

"(b) With respect to the activities of the Administrator under subsection (a) relating to mental health, the Administrator, acting through the Director of the National Institute of Mental Health, shall ensure that such activities include the collection of data on—

"(1) the number and variety of public and nonprofit private treatment programs;

"(2) the number of individuals receiving treatment through such programs and the diagnoses of such individuals; and

"(3) demographic characteristics of the population of such individuals.

"(c)(1) With respect to the activities of the Administrator under subsection (a) relating to substance abuse, the Administrator, acting through the Director of the National Institute on Alcoholism and Alcohol Abuse and the Director of the National In-

stitute on Drug Abuse, shall ensure that such activities include the collection of data on—

“(A) the number of individuals admitted to the emergency rooms of hospitals as a result of the abuse of alcohol and other drugs;

“(B) the number of deaths occurring as a result of substance abuse, as indicated in reports by coroners;

“(C) the number and variety of public and private nonprofit treatment programs;

“(D) the number and demographic characteristics of individuals receiving treatment through such programs; and

“(E) the number of such individuals who return for treatment after the completion of a prior treatment in such programs and the method of treatment utilized during the prior treatment.

“(2) With respect to the collection of data under paragraph (1), the Director shall conduct annual surveys.”

**SEC. 10009. MODEL PROJECTS FOR PREGNANT AND POST PARTUM WOMEN AND THEIR INFANTS.**

Part A of title V of the Public Health Service Act (42 U.S.C. 290aa et seq.), as amended by section 10008 of this Act, is further amended by adding at the end the following new section:

**“MODEL PROJECTS FOR PREGNANT AND POST PARTUM WOMEN AND THEIR INFANTS**

“Sec. 509E. (a) The Secretary, acting through the Director of the Office, shall make grants to establish projects for prevention, education, and treatment regarding drug and alcohol abuse relating to pregnant and post partum women and their infants.

“(b) In making grants under subsection (a), the Director of the Office shall give priority to projects—

“(1) for low-income women and their infants; and

“(2) designed to develop innovative approaches to prevention, education, and treatment regarding the use of the drugs with respect to which there exists insufficient information (including cocaine and the cocaine derivative known as crack).

“(c) In making grants under subsection (a) for projects that provide treatment, the Director of the Office shall ensure that grants are reasonably distributed among projects that provide inpatient, outpatient, and residential treatment.

“(d) The Director of the Office may not make a grant under subsection (a) unless—

“(1) an application for the grant is submitted to the Secretary;

“(2) with respect to carrying out the purpose for which the grant is to be made, the application provides assurances of compliance satisfactory to the Secretary; and

“(3) the application otherwise is in such form, is made in such manner, and contains such agreements, assurances, and information as the Director of the Office determines to be necessary to carry out this section.

“(e) The Director of the Office shall evaluate projects conducted with grants under this section.”

**SEC. 10010. ESTABLISHMENT OF PROGRAM OF GRANTS WITH RESPECT TO REDUCTION OF WAITING PERIOD FOR DRUG ABUSE TREATMENT.**

Part A of title V of the Public Health Service Act (42 U.S.C. 290aa et seq.), as amended by section 10009 of this Act, is further amended by adding at the end the following new section:

**“REDUCTION OF WAITING PERIOD FOR DRUG ABUSE TREATMENT**

“Sec. 509F. (a) The Secretary may make grants to public and nonprofit private entities for the purpose of expanding the capacity of grantees to carry out programs of treatment for drug abuse.

“(b) The Secretary may not make a grant under subsection (a) unless the applicant for the grant—

“(1) is experienced in the delivery of treatment services for drug abuse;

“(2) is, on the date the application is submitted, carrying out a program for the delivery of such services;

“(3) as a result of the number of requests for admission into the program, is unable to admit any individual into the program any earlier than one month after the date on which the individual makes a request for such admission; and

“(4) provides assurances satisfactory to the Secretary that, after funding is no longer available under this section, the applicant will have access to financial resources sufficient to continue the program.

“(c) The Secretary may not make a grant under subsection (a) unless—

“(1) an application for the grant is submitted to the Secretary;

“(2) with respect to carrying out the purpose for which the grant is to be made, the application provides assurances of compliance satisfactory to the Secretary; and

“(3) the application otherwise is in such form, is made in such manner, and contains such agreements, assurances, and information as the Secretary determines to be necessary to carry out this section.

“(d)(1) For the purpose of carrying out this section, there is authorized to be appropriated \$100,000,000.

“(2) Amounts made available pursuant to paragraph (1) shall remain available until expended.

“(3) No grant may be made under this section after the aggregate amounts obligated by the Secretary pursuant to this section are equal to \$100,000,000.”

**SEC. 10011. REQUIREMENT OF EVALUATIONS OF FEDERALLY FUNDED PROGRAMS OF TREATMENT FOR DRUG ABUSE.**

Part A of title V of the Public Health Service Act (42 U.S.C. 290aa et seq.), as amended by section 10010 of this Act, is further amended by adding at the end the following new section:

**“EVALUATIONS OF PROGRAMS FOR TREATMENT OF DRUG ABUSE**

“Sec. 509G. (a) The Secretary shall, directly or by contract, provide for an independent evaluation of federally funded programs of treatment for drug abuse and for independent evaluations of federally funded programs of research into methods of such treatment.

“(b) In carrying out the evaluations required in subsection (a), the Secretary shall—

“(1) assess the comparative effectiveness and costs of the various methods of treatment utilized for specific patient groups served by programs described in subsection (a);

“(2) clarify research and treatment objectives of such programs;

“(3) clarify research and treatment methodologies of such programs;

“(4) determine whether entities carrying out such programs have organizational biases with respect to providing treatment for drug abuse; and

“(5) determine the extent to which such programs are contributing to progress in the

development of effective methods of treatment for drug abuse.

“(c) The Secretary shall, not later than 1 year after the date of the enactment of the Comprehensive Alcohol Abuse, Drug Abuse, and Mental Health Amendments Act of 1988, complete the evaluation required in subsection (a) and submit to the Congress a report describing the findings made as a result of the evaluation.”

**SEC. 10012. AUTHORIZATION OF APPROPRIATIONS FOR RESEARCH WITH RESPECT TO ALCOHOL ABUSE AND ALCOHOLISM.**

Section 513(a) of the Public Health Service Act (42 U.S.C. 290bb-2(a)) is amended by striking “1987.” and inserting the following: “1987, and such sums as may be necessary for each of the fiscal years 1989 through 1991.”

**SEC. 10013. FUNDING FOR RESEARCH WITH RESPECT TO DRUG ABUSE.**

(a) **AUTHORIZATION OF APPROPRIATIONS.**—Section 517 of the Public Health Service Act (42 U.S.C. 290cc-2) is amended by striking “1987.” and inserting “1987, and such sums as may be necessary for each of the fiscal years 1989 through 1991.”

(b) **SET-ASIDE WITH RESPECT TO PREGNANT WOMEN AND INFANTS.**—Section 517 of the Public Health Service Act (42 U.S.C. 290cc-2) is amended—

(1) by redesignating such section as section 518;

(2) by inserting “(a)” after the section designation; and

(3) by adding at the end the following new subsection:

“(b) Of the amounts appropriated pursuant to subsection (a), the Secretary shall make available 5 percent to carry out section 516(b) and not less than 10 percent to carry out section 517.”

**SEC. 10014. DEMONSTRATION PROJECTS WITH RESPECT TO INTRAVENOUS DRUG ABUSE AND ACQUIRED IMMUNE DEFICIENCY SYNDROME.**

Title V of the Public Health Service Act (42 U.S.C. 290aa et seq.), as amended by section 10013(b)(1) of this Act, is further amended by inserting after section 516 the following new section:

**“DEMONSTRATION PROJECTS WITH RESPECT TO INTRAVENOUS DRUG ABUSE AND ACQUIRED IMMUNE DEFICIENCY SYNDROME**

“Sec. 517. (a) The Secretary, acting through the Director of the National Institute on Drug Abuse, may make grants to public and private entities for demonstration projects—

“(1) to determine the feasibility and long-term efficacy of programs providing drug abuse treatment and vocational training in exchange for public service;

“(2) to conduct outreach activities to intravenous drug abusers with respect to the prevention of exposure to, and the transmission of, the etiologic agent for acquired immune deficiency syndrome and to encourage intravenous drug abusers to seek treatment for such abuse; and

“(3) to provide drug abuse treatment services to pregnant women, postpartum women, and their infants.

“(b) The Secretary shall, directly or through contracts with public and private entities, provide for evaluations of projects carried out pursuant to subsection (a) and for the dissemination of information developed as result of such models.

**SEC. 10015. ESTABLISHMENT OF GRANT PROGRAMS FOR RESEARCH WITH RESPECT TO MENTAL HEALTH SERVICES.**

Title V of the Public Health Service Act (42 U.S.C. 290aa et seq.) is amended—

(1) by amending section 504(f) to read as follows:

“(f)(1) The Secretary, acting through the Director, shall—

“(A) develop and publish information with respect to the causes of suicide and the means of preventing suicide; and

“(B) make such information generally available to the public and to health professionals.

“(2) Information described in paragraph (1) shall especially relate to suicide among individuals under 24 years of age.”;

(2) by striking subsections (g) through (i) of section 504; and

(3) by adding at the end of part B the following new subpart:

**“Subpart 3—Mental Health Research  
“ESTABLISHMENT OF PROGRAM FOR MENTAL  
HEALTH RESEARCH**

“Sec. 519. The Secretary, acting through the Director, may make grants to, and enter into cooperative agreements and contracts with, public and nonprofit private entities for the conduct of, promotions of, coordination of, research, investigation, experiments, demonstrations, and studies relative to the cause, diagnosis, treatment, control, and prevention of mental illness.

**“NATIONAL MENTAL HEALTH EDUCATION  
PROGRAM**

“Sec. 520. The Secretary, acting through the Director, shall establish a National Mental Health Education Program for the purpose of—

“(1) developing improved methods of treating individuals with mental health problems and improved methods of assisting the families of such individuals;

“(2) supporting programs of biomedical and behavioral research, training, and education with respect to the causes, diagnosis, and treatment of mental health problems;

“(3) collecting and making available, through publication and other appropriate methods, information on, and the practical application of, such research and other activities;

“(4) providing technical assistance to public and private entities that are providers of mental health services;

“(5) disseminating to such providers and to the public information with respect to mental health, including information on programs that provide financial assistance in obtaining mental health services; and

“(6) establishing a clearinghouse in order to collect information developed in mental health research and treatment programs and to make such information available to providers of mental health services, to individuals with mental health problems, and to the general public.

**“ESTABLISHMENT OF GRANT PROGRAM FOR  
DEMONSTRATION PROJECTS**

“Sec. 520A. (a) **CHRONICALLY MENTALLY ILL INDIVIDUALS AND SERIOUSLY MENTALLY DISTURBED CHILDREN.**—The Secretary, acting through the Director, may make grants to States, political subdivisions of States, and nonprofit private agencies for mental health services demonstration projects for the planning, coordination, and improvement of community services (including outreach and self-help services) for chronically mentally ill individuals, seriously emotionally disturbed children and youth, elderly individuals, and homeless chronically mental-

ly ill individuals, and for the conduct of research concerning such services.

“(b) **INDIVIDUALS AT RISK OF MENTAL ILLNESS.**—

“(1) The Secretary, acting through the Director, may make grants to States, political subdivisions of States, and private nonprofit agencies for prevention services demonstration projects for the provision of prevention services for individuals who, in the determination of the Secretary, are at risk of developing mental illness.

“(2) Demonstration projects under paragraph (1) may include—

“(A) prevention services for populations at risk of developing mental illness, particularly displaced workers, young children, and adolescents;

“(B) the development and dissemination of education materials;

“(C) the sponsoring of local, regional, or national workshops or conferences;

“(D) the conducting of training programs with respect to the provision of mental health services to individuals described in paragraph (1); and

“(E) the provision of technical assistance to providers of such services.

“(c) **LIMITATION ON DURATION OF GRANT.**—The Secretary may make a grant under subsection (a) or (b) for not more than three consecutive one-year periods.

“(d) **LIMITATION ON ADMINISTRATIVE EXPENSES.**—The Secretary may not make a grant under subsection (a) or (b) to an applicant unless the applicant agrees that not more than 10 percent of such a grant will be expended for administrative expenses.

“(e) **AUTHORIZATIONS OF APPROPRIATIONS.**—“(1) For the purposes of carrying out this section, there are authorized to be appropriated \$32,000,000 for each of the fiscal years 1989 and 1990.

“(2) Of the amounts appropriated pursuant to paragraph (1), the Secretary shall make available 25 percent for demonstration projects to carry out the purpose of this section in rural areas.”.

**SEC. 10016. MISCELLANEOUS AMENDMENTS.**

(a) **TITLE V OF PUBLIC HEALTH SERVICE ACT.**—

(1) The title of title V of the Public Health Service Act (42 U.S.C. 290aa et seq.) is amended so as to read: “**TITLE V—ALCOHOL, DRUG ABUSE, AND MENTAL HEALTH PROGRAMS**”.

(2) Section 501 of the Public Health Service Act (42 U.S.C. 290aa) is amended—

(A) by adding at the end of subsection (b) the following new paragraph:

“(4) The Office of Substance Abuse Prevention.”;

(B) in the first sentence of subsection

(e)(2)—

(i) by striking “The” and inserting the following: “Not less than once each three years, the”; and

(ii) by striking “annually”;

(C) by striking “fraud” each place it appears in subsection (f) and inserting “misconduct”;

(D) by striking subsection (k); and

(E) by adding at the end the following new subsections:

“(k) The Administrator may accept voluntary and uncompensated services.

“(l) The Administrator may conduct and support research training—

“(1) for which fellowship support is not provided under section 487; and

“(2) that is not residency training of physicians or other health professionals.

“(m)(1) The Secretary, acting through the Administrator, may make grants to public

and nonprofit private entities for the acquisition of small instrumentation necessary for carrying out the purpose of this title with respect to research.

“(2) The Secretary may not make a grant under paragraph (1) unless the small instrumentation acquired pursuant to the grant will be contemporaneously utilized by two or more grantees under this title with respect to research.

“(3) Grants under paragraph (1) shall be subject to technical and scientific peer review under section 507.

“(4) A grant under paragraph (1) for a fiscal year may not exceed \$100,000.

“(5) For the purpose of carrying out this subsection, there is authorized to be appropriated \$5,000,000 for each of the fiscal years 1989 through 1991.”.

(3) Section 515(a) of the Public Health Service Act (42 U.S.C. 290cc) is amended in the matter after and below paragraph (6) by inserting before the period the following: “(particularly with respect to pregnant women and their children)”.

(4) Section 516 of the Public Health Service Act (42 U.S.C. 290cc-1) is amended—

(A) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively; and

(B) by inserting after subsection (a) the following new subsection:

“(b) In making grants under subsection (a), the Secretary shall give special consideration to projects for determining the effects of drug abuse among pregnant women and the resulting effects on the infants of such women, including the relationship between drug abuse during pregnancy and the birthweight of infants.”.

(b) **SECTION 303.**—Section 303(d)(1) of the Public Health Service Act (42 U.S.C. 242a(d)(1)) is amended by inserting “marital and family therapy,” after “nursing.”.

(c) **ANTI-DRUG ABUSE ACT OF 1986.**—Section 6005(b) of the Anti-Drug Abuse Act of 1986 (Public Law 99-570) is amended by striking “one year” and all that follows through “Act” and inserting “18 months after the execution of the contract referred to in subsection (a).”.

**SEC. 10017. BANNING OF BUTYL NITRITE.**

(a) **IN GENERAL.**—Except as provided in subsection (b), butyl nitrite shall be considered a banned hazardous product under section 8 of the Consumer Product Safety Act (15 U.S.C. 2057).

(b) **LAWFUL PURPOSES.**—For the purposes of section 8 of the Consumer Product Safety Act, it shall not be unlawful for any person to manufacture for sale, offer for sale, distribute in commerce, or import into the United States butyl nitrite for any commercial purpose or any other purpose approved under the Federal Food, Drug, and Cosmetic Act.

(c) **DEFINITIONS.**—For purposes of this section:

(1) The term “butyl nitrite” includes n-butyl nitrite, isobutyl nitrite, secondary butyl nitrite, tertiary butyl nitrite, and mixtures containing these chemicals.

(2) The term “commercial purpose” means any commercial purpose other than for the production of consumer products containing butyl nitrite that may be used for inhaling or otherwise introducing butyl nitrite into the human body for euphoric or physical effects.

(d) **EFFECTIVE DATE.**—This section shall take effect 90 days after the date of the enactment of this Act.

**SEC. 10018. FORFEITURE AND ILLEGAL TRAFFICKING IN STEROIDS.**

Any conviction of a person for a violation of the Federal Food, Drug, and Cosmetic Act involving anabolic steroids or human growth hormone which is punishable by imprisonment for more than one year shall for purposes of section 413 of the Controlled Substances Act be considered a conviction for a violation of that Act.

**SEC. 10019. PROTECTION OF PUBLIC HEALTH WITH RESPECT TO ILLEGAL DRUG LABORATORIES.**

(a) **GUIDELINES AND COUNSELING.**—The Administrator of the Environmental Protection Agency shall, not later than 180 days after the date of the enactment of this Act, develop and publish guidelines and provide counseling for law enforcement agencies for dealing with illegal drug laboratories to protect the public health and environment.

(b) **DEMONSTRATION PROJECTS.**—

(1) The Administrator of the Drug Enforcement Administration shall make grants and enter into contracts for demonstration projects to clean up and safely dispose of substances associated with illegal drug laboratories which may present a danger to public health or the environment.

(2) The Administrator of the Drug Enforcement Administration may not under this subsection make a grant or enter into a contract unless the applicant for such assistance agrees to comply with the guidelines issued pursuant to subsection (a).

(3) The Administrator of the Drug Enforcement Administration shall, through grant or contract, provide for independent evaluations of the activities carried out pursuant to this section and shall submit to the Committee on Energy and Commerce of the House of Representatives, to the Committee on the Judiciary of the House of Representatives, and to the Committee on the Judiciary of the Senate, a report describing the findings made as a result of the evaluations.

(c) **FUNDING.**—Of the amounts made available to carry out the Controlled Substances Act for fiscal year 1989, not less than \$5,000,000 shall be made available to the Administrator of the Drug Enforcement Administration to carry out this section.

**SEC. 10020. EFFECTIVE DATE.**

Except as provided in sections 10004(c) and 10017(d), this title and the amendments made by this title shall take effect October 1, 1988, or upon the date of the enactment of this Act, whichever occurs later.

The **CHAIRMAN**. Amendments are not in order except those amendments specified in House Report 100-861, part 2, and amendments offered by the majority leader in the manner specified in House Resolution 521. Such amendments shall be considered only in the order and manner specified and shall be considered as having been read. The proponents of such amendment shall have permission to make conforming changes in their amendments.

Debate time specified for each amendment shall be equally divided and controlled by the proponent of the amendment and a Member opposed to the amendment. Such amendments are not subject to amendment, except as specified, or to a demand for a division of the question.

If amendments are offered to title VI by the gentleman from New York

[Mr. RANGEL] and the gentleman from Pennsylvania [Mr. GEKAS] and both of those amendments are adopted, only the latter amendment adopted shall be considered as finally adopted and reported back to the House.

Pursuant to the unanimous-consent agreement of Thursday, August 11, 1988, the gentleman from New Jersey [Mr. HUGHES] may offer an amendment to title VI relating to the subject of drug enforcement coordinator following consideration of the amendment to be offered by the gentleman from Texas [Mr. BROOKS]. If those amendments are offered to title VI and are adopted, only the latter amendment adopted shall be considered as finally adopted and reported back to the House.

It shall be in order at any time for the majority leader, after consultations with the minority leader, to offer amendments to the bill. Those amendments are not subject to amendment and are debatable for a period not to exceed 1 hour, to be equally divided and controlled by the majority leader and the minority leader.

The Chair will announce the amendment made in order by the rule and the name of its sponsor in order to give notice to the Committee of the Whole as to the order of recognition when we begin tomorrow.

Mr. RANGEL. Mr. Chairman, I move that the Committee do now rise. The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. CARR, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 5210) to prevent the manufacturing, distribution, and use of illegal drugs, and for other purposes, had come to no resolution thereon.

**CONFERENCE REPORT ON H.R. 4775, TREASURY, POSTAL SERVICE AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 1989**

Mr. ROYBAL. Mr. Speaker, I call up the conference report on the bill (H.R. 4775) making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies, for the fiscal year ending September 30, 1989, and for other purposes.

The Clerk read the title of the bill. The **SPEAKER**. Pursuant to the rule, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of August 12, 1988.)

The **SPEAKER**. The gentleman from California [Mr. ROYBAL] will be recognized for 30 minutes and the gen-

tleman from New Mexico [Mr. SKEEN] will be recognized for 30 minutes.

The Chair recognizes the gentleman from California [Mr. ROYBAL].

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

Mr. Speaker, the conferees have reached agreement on the Treasury, Postal Service, and general government appropriations bill for fiscal year 1989. This conference report provides \$16 billion in recommended appropriations for fiscal year 1989, a reduction of \$144 million below the budget request and \$94 million below the House-passed bill.

In highlighting a few of the significant items in the conference report, one finds that:

For the U.S. Customs Service, the conferees have recommended funds to add an additional 640 positions for the Customs Service. The budget proposed a freeze on personnel at the present onboard strength. The conferees feel that in view of the severe drug problem in this country, it just is not prudent to freeze the personnel in the very agency that mans our borders and ports of entry.

The high level of drug abuse and related crime in this country requires a strong law enforcement effort to stem the tide of illicit drugs coming into the United States. The proposed freeze would also have slowed down the processing of visitors to this country and of our own citizens returning from abroad. Further, this freeze would have slowed down the processing of commercial goods being imported into the United States. More importantly, this reduction would have had a severe adverse impact on the Government's ability to interdict the flow of illegal drugs and other contraband into the country, as well as on its ability to prevent the illegal exportation of high technology items to unfriendly countries. We have, therefore, not accepted the proposed freeze in personnel but instead have added 640 more positions.

One of the big regrets that I have about this conference report is that we were forced to reduce the IRS by over \$100 million below both the House-passed level and the budget request. The Internal Revenue Service has testified that for every dollar spent in this activity, many additional dollars of revenue would be collected. In addition, Internal Revenue Service personnel contact many other people during the course of audits, collections, and investigations which serve to remind other taxpayers that failure to pay the proper amount of taxes owed results in positive action against the violator by the Service. The positive effect on voluntary compliance is difficult to measure but is probably very significant. The service cannot allow

the tax collection process to become a lottery where dishonest taxpayers can take a chance on either not filing or filing incorrect returns with the knowledge that the chances are that they either won't be caught or that if they are caught nothing will be done to them. If that situation is ever allowed to occur then the honest taxpayers will be losers.

I hope that we can keep the IRS funded at levels which will allow IRS to adequately perform its essential mission.

For the Postal Service, the conferees have recommended \$436,417,000, the amount testified by the Postal Service as necessary to keep the preferred mail rates at the current level through all of fiscal year 1989.

Mr. Speaker, in connection with amendment 37, the conferees were in total agreement with language included in both the House- and Senate-passed bills that restates title 31, United States Code, section 1301 to emphasize that appropriations can be used only for the purposes for which they were appropriated.

The conferees took strong exception to action by the Director of the Office of Management and Budget in his memorandum for Cabinet officers and agency heads dated March 15, 1988. That memorandum reminded them, and all employees of their agencies that congressional reports have no force of law and claimed the right of the executive branch to substitute its judgment as to which projects to fund.

**APPROPRIATIONS CAN BE USED ONLY FOR THE PURPOSES FOR WHICH MADE**

Title 31 of the United States Code makes clear that appropriations can be used only for the purposes for which they were appropriated, as follows:

"Sec. 1301. APPLICATION.—  
“(a) Appropriations shall be applied only to the objects for which the appropriations were made except as otherwise provided by law.”

**STATEMENT OF INTENT INCLUDED IN CONTINUING RESOLUTION**

Section 107 of Public Law 100-202, the Continuing Resolution for fiscal year 1988, says:

“Amounts and authorities provided by this resolution shall be in accordance with the reports accompanying the bills as passed by or reported to the House and the Senate and in the Joint Resolution.”

Executive branch wishes cannot substitute for Congress' own statements as to the best evidence of congressional intentions—that is, the official reports of the Congress.

The conferees also worked out a compromise on the Federal employee pay increase which I believe will satisfy everyone. There is no pay increase in this conference for Members of Congress. This amendment provides a pay increase for all Federal employees earning less than \$82,500 pay year. The conferees strongly support parity for civilian and military personnel in adjustment of compensation. The conferees have provided for a 4.1-percent adjustment for civilian workers as was provided in the Defense authorization bill approved by both Houses of Con-

gress. The conferees have remained silent on the military adjustment, because military personnel are protected under section 1009 of title 37 of the United States Code which provides that military personnel shall receive no less of an adjustment than civilian employees. The conferees have excluded Members of Congress from the pay adjustment along with any employee whose basic rate of salary is equal to or greater than level III of the Executive Schedule—that is, anyone making \$82,500 or more.

I would like to point out to the Members of the House a significant problem with the Budget Act that we faced this year. The House and Senate Appropriations Subcommittees were working under significantly different budget ceilings. In the case of the Treasury, Postal Service Subcommittee, the House budget allocation was almost \$200 million above the Senate budget allocation. In conference we split the difference. That meant we had to reduce the House-passed bill by about \$94 million. Thus this conference report is well below the House-passed bill, and complies with the new 302(b) budget allocation for both new obligational authority and outlays.

Mr. Speaker, I think this is a good conference report and represents a reasonable compromise with the Senate. I urge your favorable consideration. I have a comparative statement of obligational authority that I will insert in the RECORD at this point.

...the House... the Senate... the conferees... the Director of the Office of Management and Budget... the memorandum... the Cabinet officers... the agency heads... the date... the memorandum... the Congress... the executive branch... the judgment... the projects... the funding... the tax collection... the dishonest taxpayers... the chance... the filing... the returns... the knowledge... the caught... the nothing... the done... the situation... the allowed... the honest taxpayers... the losers... the IRS... the funded... the levels... the allow... the essential mission... the Postal Service... the recommended... the amount... the testified... the necessary... the preferred mail rates... the current level... the through... the fiscal year... the Mr. Speaker... the connection... the amendment... the conferees... the total agreement... the language... the House- and Senate-passed bills... the restates... the title 31, United States Code, section 1301... the emphasize... the appropriations... the can be used... the only for the purposes... the which they were appropriated... the The conferees... the took strong exception... the to action... the by the Director of the Office of Management and Budget... the in his memorandum... the for Cabinet officers and agency heads... the dated March 15, 1988... the That memorandum... the reminded them, and all employees of their agencies... the that congressional reports have no force of law... the and claimed the right of the executive branch... the to substitute its judgment... the as to which projects to fund... the

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	FY 1988	FY 1989	Conference compared with---						
	Enacted	Estimate	House	Senate	Conference	Enacted	Estimate	House	Senate
TITLE I - DEPARTMENT OF THE TREASURY									
Office of the Secretary:									
Salaries and expenses.....	55,681,000	83,681,000	59,618,000	83,000,000	59,618,000	+3,837,000	-24,063,000		-23,382,000
International affairs.....	23,422,000		24,063,000		22,000,000	-1,422,000	+22,000,000	-2,063,000	+22,000,000
Federal Law Enforcement Training Center:									
Salaries and Expenses.....	28,672,000	26,525,000	31,018,000	34,664,000	34,664,000	+5,992,000	+8,139,000	+3,646,000	
Facilities, acquisition and related expenses.....				25,000,000	20,000,000	+20,000,000	+20,000,000	+20,000,000	-5,000,000
Financial Management Service:									
Salaries and expenses.....	265,000,000	280,461,000	280,461,000	276,000,000	277,230,000	+12,230,000	-3,231,000	-3,231,000	+1,230,000
Bureau of Alcohol, Tobacco and Firearms.....	217,531,000	218,503,000	231,003,000	240,000,000	234,000,000	+16,469,000	+15,497,000	+2,997,000	-6,000,000
United States Customs Service:									
Salaries and expenses.....	966,000,000	966,903,000	1,004,821,000	1,046,000,000	1,025,411,000	+59,411,000	+58,508,000	+20,590,000	-20,589,000
Operations and maintenance, air interdiction program.....	140,000,000	142,262,000	132,262,000	142,262,000	142,262,000	+2,262,000		+10,000,000	
Customs forfeiture fund (limitation on availability of deposits).....	10,000,000	10,000,000	10,000,000	10,000,000	10,000,000				
Customs services at small airports (to be derived from fees collected).....	486,000	1,588,000	1,588,000	1,588,000	1,588,000	+1,102,000			
Total, United States Customs Service.....	1,116,486,000	1,120,753,000	1,148,671,000	1,199,850,000	1,179,261,000	+62,775,000	+58,508,000	+30,590,000	-20,589,000
Payment to the Government of Puerto Rico.....	7,800,000					-7,800,000			
United States Mint:									
Salaries and expenses.....	42,000,000	47,869,000	47,869,000	46,000,000	47,000,000	+5,000,000	-869,000	-869,000	+1,000,000
Bureau of the Public Debt.....	215,000,000	242,840,000	242,840,000	219,430,000	219,430,000	+4,430,000	-23,410,000	-23,410,000	
Payment of Government losses in shipment.....	400,000	960,000	960,000	960,000	960,000	+560,000			
Internal Revenue Service:									
Salaries and expenses.....	87,165,000	94,547,000	94,547,000	87,165,000	87,165,000		-7,382,000	-7,382,000	
Processing tax returns.....	1,691,076,000	1,850,134,000	1,850,134,000	1,691,076,000	1,740,353,000	+49,277,000	-109,781,000	-109,781,000	+49,277,000
Examinations and appeals.....	1,849,581,000	1,864,819,000	1,864,819,000	1,849,581,000	1,932,441,000	+82,860,000	+67,622,000	+67,622,000	+82,860,000
Investigation, collection, and taxpayer service.....	1,431,058,000	1,490,225,000	1,490,225,000	1,431,058,000	1,434,921,000	+3,863,000	-55,304,000	-55,304,000	+3,863,000
Total, Internal Revenue Service.....	5,058,880,000	5,299,725,000	5,299,725,000	5,058,880,000	5,194,880,000	+136,000,000	-104,845,000	-104,845,000	+136,000,000
United States Secret Service.....	367,000,000	352,000,000	362,000,000	354,500,000	357,500,000	-9,500,000	+5,500,000	-4,500,000	+3,000,000
Total, title I, Department of the Treasury: New budget (obligational) authority.....	7,397,872,000	7,673,317,000	7,728,228,000	7,538,284,000	7,646,543,000	+248,671,000	-26,774,000	-81,685,000	+108,259,000
TITLE II - POSTAL SERVICE									
Payment to the Postal Service Fund.....	517,000,000	527,482,000	436,417,000	436,417,000	436,417,000	-80,583,000	-91,065,000		
Payment to the Postal Service Fund for nonfunded liabilities.....	1,000					-1,000			
TITLE III - EXECUTIVE OFFICE OF THE PRESIDENT									
Compensation of the President.....	250,000	250,000	250,000	250,000	250,000				
Office of Administration.....	16,000,000	16,900,000	16,900,000	16,800,000	16,850,000	+850,000	-50,000	-50,000	+50,000
White House Conference for a Drug Free America.....	2,500,000					-2,500,000			
The White House Office.....	26,426,000	27,950,000	27,950,000	27,950,000	27,950,000	+1,524,000			
Executive Residence at the White House.....	7,403,000	5,698,000	5,698,000	5,698,000	5,698,000	-1,705,000			
Official Residence of the Vice President.....	258,000	258,000	258,000	258,000	258,000				
Special Assistance to the President.....	2,193,000	2,199,000	2,199,000	2,199,000	2,199,000		+36,000		
Council of Economic Advisers.....	2,500,000	2,787,000	2,787,000	2,787,000	2,787,000		+287,000		
Office of Policy Development.....	3,000,000	3,000,000	3,000,000	3,000,000	3,000,000				
National Critical Materials Council.....	350,000	178,000	178,000	300,000	225,000		+47,000	+47,000	-75,000
National Security Council.....	5,000,000	5,100,000	5,100,000	5,100,000	5,100,000		-125,000		
Office of Management and Budget.....	39,000,000	39,780,000	39,780,000	39,500,000	39,640,000	+640,000			
Expenses of management improvement.....		5,900,000		2,950,000	1,000,000	+1,000,000	-4,900,000	+1,000,000	-1,950,000
Office of Federal Procurement Policy.....	2,300,000	2,353,000	2,353,000	2,353,000	2,353,000		+53,000		
Unanticipated needs.....	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000				
Total, title III, new budget (obligational) authority, Executive Office of the President.....	108,150,000	113,353,000	107,453,000	110,145,000	108,310,000	+160,000	-5,043,000	+857,000	-1,835,000

	FY 1988	FY 1989	House	Senate	Conference	Conference compared with ---			
	Enacted	Estimate				Enacted	Estimate	House	Senate
TITLE IV - INDEPENDENT AGENCIES									
Administrative Conference of the United States .....	1,865,000	1,865,000	1,865,000	1,865,000	1,865,000				
Advisory Commission on Intergovernmental Relations .....	1,378,000	1,275,000	1,275,000	1,040,000	1,040,000	-338,000	-235,000	-235,000	
Advisory Committee on Federal Pay .....	200,000	205,000	205,000		205,000	+5,000			+205,000
Committee for Purchase from the Blind and Other Severely Handicapped .....	850,000	862,000	862,000	862,000	862,000	+12,000			
Federal Election Commission .....	14,174,000	15,433,000	15,433,000	15,433,000	15,433,000	+1,259,000			
General Services Administration:									
Federal Buildings Fund:									
Limitation on availability of revenue:									
1. Construction & acquisition of facilities .....	(115,036,000)	(233,839,000)	(92,139,000)	(137,147,000)	(119,820,000)	(+4,784,000)	(-114,019,000)	(+27,681,000)	(-17,327,000)
2. Repairs and alterations .....	(472,945,000)	(538,251,000)	(550,673,000)	(517,424,000)	(544,865,000)	(+71,920,000)	(+6,814,000)	(-5,808,000)	(+27,441,000)
3. Payment on purchase contracts .....	(133,105,000)	(142,450,000)	(142,450,000)	(133,000,000)	(133,000,000)	(-105,000)	(-9,450,000)	(-9,450,000)	
4. Rental of space .....	(1,169,532,000)	(1,200,000,000)	(1,200,000,000)	(1,177,532,000)	(1,177,532,000)	(+8,000,000)	(-22,468,000)	(-22,468,000)	
5. Real property operations .....	(805,384,000)	(881,703,000)	(881,703,000)	(882,000,000)	(882,000,000)	(+76,616,000)	(+297,000)	(+297,000)	
6. Program direction & centralized services .....	(48,014,000)	(49,740,000)	(49,740,000)	(49,000,000)	(49,000,000)	(+986,000)	(-740,000)	(-740,000)	
7. Design and construction services .....	(110,036,000)	(136,698,000)	(136,698,000)	(130,000,000)	(130,000,000)	(+19,964,000)	(-6,698,000)	(-6,698,000)	
Total, Federal Buildings Fund: (Limitations) .....	(2,854,052,000)	(3,182,681,000)	(3,053,403,000)	(3,026,103,000)	(3,036,217,000)	(+182,165,000)	(-146,464,000)	(-17,186,000)	(+10,114,000)
Federal Supply Service:									
Operating expenses .....	69,600,000	47,829,000	47,829,000	47,000,000	47,000,000	-22,800,000	-829,000	-829,000	
Federal property resources service .....	12,000,000	12,109,000	12,109,000	12,000,000	10,800,000	-1,200,000	-1,309,000	-1,309,000	-1,200,000
National defense stockpile transaction fund: (Limitation on administrative expenses) .....	10,000,000		18,000,000	27,000,000	30,000,000	+20,000,000	+30,000,000	+12,000,000	+3,000,000
General management and administration .....	122,500,000	122,774,000	122,774,000	122,774,000	120,774,000	-1,726,000	-2,000,000	-2,000,000	-2,000,000
Expenses, presidential transition .....	3,000,000	3,000,000	3,000,000	3,000,000	3,000,000	+3,000,000			
Real property relocation .....	5,000,000	50,000,000	16,000,000	10,000,000	4,000,000	-1,000,000	-46,000,000	-12,000,000	-6,000,000
Information Resources Management Service .....	31,193,000	36,835,000	36,835,000	33,000,000	31,875,000	+682,000	-4,960,000	-4,960,000	-1,125,000
Office of the Inspector General .....	24,334,000	25,400,000	25,400,000	25,000,000	25,000,000	+666,000	-400,000	-400,000	
Allowances and Office Staff for Former Presidents .....	1,198,000	1,431,000	1,431,000	1,400,000	1,431,000	+233,000			+31,000
Total, General Activities .....	206,225,000	251,549,000	235,549,000	234,174,000	226,880,000	+20,655,000	-24,669,000	-8,669,000	-7,294,000
Total, General Services Administration .....	275,825,000	299,378,000	283,378,000	281,174,000	273,880,000	-1,945,000	-25,498,000	-9,498,000	-7,294,000
National Archives and Records Administration .....	116,000,000	117,862,000	125,962,000	117,862,000	121,900,000	+5,900,000	+4,038,000	-4,062,000	+4,038,000
Office of Personnel Management:									
Salaries and expenses:									
Appropriation .....	101,834,000	107,477,000	107,477,000	108,977,000	108,000,000	+6,166,000	+523,000	+523,000	-977,000
Limitation .....	(67,746,000)	(77,017,000)	(77,017,000)	(77,017,000)	(77,017,000)	(+9,271,000)			
Government payment for annuitants, employees health benefits .....	1,788,931,000	2,374,414,000	2,374,414,000	2,374,414,000	2,374,414,000	+585,483,000			
Payment to civil service retirement and disability fund .....	4,720,913,000	4,858,668,000	4,858,668,000	4,858,668,000	4,858,668,000	+137,755,000			
Total, Office of Personnel Management .....	6,611,678,000	7,340,559,000	7,340,559,000	7,342,059,000	7,341,082,000	+729,404,000	+523,000	+523,000	-977,000
Merit Systems Protection Board:									
Salaries and expenses:									
Appropriation .....	20,957,000	20,488,000	20,488,000	20,488,000	20,488,000	-469,000			
Limitation .....	(1,200,000)	(1,400,000)	(1,400,000)	(1,400,000)	(1,400,000)	(+200,000)			
Office of special counsel .....	4,673,000	4,761,000	4,761,000	5,000,000	5,000,000	+327,000	+239,000	+239,000	
Total, Merit Systems Protection Board .....	25,630,000	25,249,000	25,249,000	25,488,000	25,488,000	-142,000	+239,000	+239,000	
Federal Labor Relations Authority .....	17,576,000	17,540,000	17,540,000	17,540,000	17,540,000	-36,000			
Total, federal personnel activities .....	6,654,884,000	7,383,348,000	7,383,348,000	7,385,087,000	7,384,110,000	+729,226,000	+762,000	+762,000	-977,000
United States Tax Court .....	27,500,000	29,345,000	29,345,000	29,345,000	29,345,000	+1,845,000			
Total, title IV, Independent Agencies:									
New budget (obligational) authority .....	7,092,676,000	7,849,573,000	7,841,673,000	7,832,668,000	7,826,640,000	+735,964,000	-20,933,000	-13,033,000	-4,028,000
(Limitations) .....	(2,957,998,000)	(3,261,098,000)	(3,131,820,000)	(3,104,520,000)	(3,114,634,000)	(+156,636,000)	(-146,464,000)	(-17,186,000)	(+10,114,000)
Grand total, titles I, II, III and IV:									
New budget (obligational) authority .....	15,115,699,000	16,163,725,000	16,113,771,000	15,917,514,000	16,019,910,000	+904,211,000	-143,815,000	-93,861,000	+102,396,000
(Limitations) .....	(2,957,998,000)	(3,261,098,000)	(3,131,820,000)	(3,104,520,000)	(3,114,634,000)	(+156,636,000)	(-146,464,000)	(-17,186,000)	(+10,114,000)

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

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

Mr. Speaker, this conference report of the Treasury-Postal Service appropriations bill represents a truly bipartisan and bicameral effort. I believe we have achieved a compromise which responsibly meets the needs of those agencies of our Government covered by this bill. While it does not do everything I would have liked to do, by and large I am pleased with the result and I would strongly urge support for this bill.

The bill appropriates slightly over \$16 billion and is \$143.8 million under the administration request. It represents a decrease of \$93.8 million from the amount originally recommended by the Postal-Treasury Subcommittee and subsequently approved by the House. It is within its 302(b) allocations.

As I expressed above, this bill represents a compromise. In that compromise, the Internal Revenue Service will receive \$104 million less than the administration request and that originally passed by the House. It will still receive, however, an increase of \$136 million over the fiscal year 1988 level. I am comfortable with that figure and have no doubt it is sufficient for the IRS to meet its critical revenue raising mandate.

On another front this compromise also resulted in a decrease in the appropriation for the Secret Service. While less by \$4.5 million than that recommended by the House, the appropriation recommended herein for the Secret Service—\$357.5 million—still represents an increase of \$5.5 million over that recommended by the administration.

On a more positive note, this bill would result in increased appropriations for a number of the agencies or entities critically involved in our war against drugs. These include the U.S. Customs Service; the Bureau of Alcohol, Tobacco and Firearms; and the Federal Law Enforcement Training Center.

#### BUREAU OF ALCOHOL, TOBACCO, AND FIREARMS

Through enforcement of Federal firearms statutes the Bureau is also contributing in the war against drugs in addition to its other critical activities. This bill recommends an appropriation to the BATF of \$234 million and represents an increase of \$3 million over the House level, \$15.5 million over the administration request, and \$16.5 million over the fiscal year 1988 level.

This compromise also provides for 3,701 FTE's, an increase of 250 positions over that proposed by the House.

#### FEDERAL LAW ENFORCEMENT TRAINING CENTER

Under this bill the Federal Law Enforcement Training Center, which serves such a critical role in the train-

ing of our Federal law enforcement personnel involved in our war against drugs, will also receive an appropriation enabling the implementation of the first phase of the master plan for the expansion of the Training Center at Glynco, GA. In addition the appropriation would support the creation of a Satellite Training Center in the Southwestern United States. This appropriation level amounts to an increase of \$28 million over the administration request and promises to greatly aid the Center in its training efforts.

Also provided in this bill is a 4.1-percent pay raise for all civilian employees, the level recently requested by the administration.

Additionally, the bill contains appropriations for the U.S. Postal Service for revenue forgone. The administration had proposed the elimination of appropriation for revenue forgone for most religious and charitable organizations. Under the bill as proposed herein the rate structure for all non-profit mailers would be maintained at the current rate through fiscal year 1989.

#### SUMMARY

Mr. Speaker, the conferees worked hard within tight budgetary constraints to craft a well-balanced, equitable bill. Again, I thank Chairman ROYBAL and commend him and all of the conferees on their fine work.

While the administration undoubtedly objects to certain features of this bill, I have received no communication from the administration suggesting veto and I would surmise that the prospects for the President signing this bill are good. I reiterate that the funding levels provided herein are "generally consistent with the President's request." This is a fiscally responsible bill.

I strongly urge your support for this bill. It is deserving of broadbased and bipartisan support.

Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Mr. Speaker, I thank the gentleman from New Mexico [Mr. SKEEN] for yielding, and I rise in support of the conference report.

In particular I want to note the good work done by the conferees on the part of the House to include in the bill section 628 as denoted through amendment 149. This is, in fact, the language that implements the drug-free workplace provisions that this House had put on every appropriations bill as it passed through the body. The Committee on Appropriations in a move that I think makes sense decided to wrap all of those particular amendments into one package, include them in this bill and have it apply to the Government as a whole.

I think that was a wise thing to do, and the language that was eventually

adopted I think moves us down the road toward achieving what this gentleman always intended to do, and that is assure that where Federal money goes we are trying to have drug-free workplaces, and this language, it seems to me, makes it clear that no agency of the Federal Government, no instrumentality, no department of the Federal Government will spend money unless it is done under a policy which insures drug-free work environments.

Mr. Speaker, it goes further to say that the contracts of the Federal Government and agreements of the Federal Government with regard to money also are covered and that there will be no money flow where there has not been a policy to develop a drug-free workplace and good-faith administration of that policy.

Mr. Speaker, I think this particular language satisfies what I had hoped to achieve. I think it is good language. I think it will be further enhanced by the omnibus drug bill when we put in place a procedure under the omnibus drug bill that allows this to take place.

But the committee has done good work here and, I think, has helped write a drug policy right here in the bill that goes far down the road toward what we are trying to achieve in the omnibus drug bill.

Mr. ROYBAL. Mr. Speaker, I thank the gentleman from Pennsylvania [Mr. WALKER] for his kind remarks, and he is correct in his analysis of the situation.

Mr. WALKER. Mr. Speaker, I thank the chairman, the gentleman from California [Mr. ROYBAL] for his work, and I yield back the balance of my time.

Mr. SKEEN. Mr. Speaker, I yield 1 minute to the gentleman from Minnesota [Mr. FRENZEL].

Mr. FRENZEL. Mr. Speaker, notwithstanding the fact that the conferees are in agreement on this bill and that those of us who watch from the sidelines believe that our committee has done a workmanlike job in presenting it, it is still a very expensive measure, a huge expenditure of the taxpayers' funds which in my judgment are not all absolutely necessary and probably should not all be spent at a time of fiscal despair in this country. It is 900 million more than we spent last year. It is slightly over \$16 billion. That is an increase in spending of 6 percent over the previous year. That is not quite twice the increase in the CPI, but that is considerably more than the cost-of-living increase for the affairs that are covered under this budget.

□ 1700

As I said before, as far as I know there may be emergencies within the various subclassifications, but certain-

ly overall they cannot be sweeping emergencies. I believe this is too much money and I hope the House will act accordingly.

Mr. CONTE. Mr. Speaker, this conference report is a well balanced and fiscally responsible compromise that meets the pressing needs funded through this bill and, yet, does not bust the budget summit agreement. The total amount appropriated in this bill, just over \$16 billion, is under the 302(b) allocations for both budget authority and outlays. Moreover, the conference report is \$94 million less than the amount provided in the House-passed bill and just 1.9 percent more than last year's level for discretionary programs.

Reaching this reduction, cutting the House bill by \$94 million was not an easy task considering the choices before the committee. First of all, 45 percent of the funds in this bill are for mandatory payments. We can't touch those funds. So the \$94 million cut had to be taken from discretionary programs, most of which are law enforcement and revenue collection activities.

The committee was faced with high wire crossing, \$95 million long, and it required a masterful balancing act to bridge the funding gap and produce this conference report. ED ROYBAL and JOE SKEEN performed with honors in crafting this compromise. With limited resources, the committee was faced with two very important but competing interests. On one hand, revenue producing programs of the IRS had to be maintained so that the assumptions in the budget summit agreement could be reached. Yet, equally important drug enforcement and interdiction programs required additional funds to continue the war on drugs. That was the choice we had. Cut \$94 million. Add funds to the IRS, and enhance drug interdiction programs. All at the same time.

This conference report did reach a fair balance between our goal to control spending and our need to provide adequate resources for the programs and activities funded in this bill. This conference report provides funds for the basic and fundamental functions of the Federal Government: revenue collection, law enforcement, personnel management, and maintenance of our physical assets.

Specifically, the conference report provides: Additional resources for the Customs Service to continue drug interdiction efforts;

Funds for the Bureau of Alcohol, Tobacco and Firearms to continue the Armed Career Criminal Program, the most efficient drug program in the Federal Government;

Funds to provide thousands of nonprofit groups and rural newspapers with reduced mail rates;

Funds to the Secret Service for protection activities;

Funds to the IRS for revenue collection and taxpayer service; and

Funds to the GSA for health and safety improvements in our Federal buildings across the country.

All of these programs are essential to a smooth running Federal Government, and we have an obligation to provide adequate resources to operate them.

Mr. Speaker, amendment 141 provides for the sale of 2.5 million ounces of silver held by

the Treasury in each of the next 3 fiscal years. The House bill provided for the sale of 5 million ounces during the same period. To accommodate the concerns of the other body, the conferees decreased the amount to be sold pursuant to this act. The House conferees still believe the larger figure could be sold without disrupting the market; however, the smaller figure is acceptable as a first step to reducing excess Government stocks of silver. Let me recall, for the House, the rationale and background for this proposal.

First, the Treasury Department has had a surplus supply of silver for years, and it is now estimated to be about 40 million ounces. The silver is occasionally used for medallions and some commemorative coinage programs. However, in recent coinage programs the Congress has authorized the use of surplus silver from the Defense stockpile, reducing further the need for the Treasury Department to hold an asset which could be sold at a large profit. Silver in Government stocks is carried on the books at \$1.29 per ounce while the market price so far this year has averaged about \$6.66.

Second, the United States is a net importer of silver and the availability of more domestic silver would contribute at least in a small measure to reducing the trade deficit. Last year, we were net importers of 54 million ounces of silver, according to the Bureau of Mines statistics.

Mr. Speaker, concern has been expressed by our colleagues from Western States that the sale of Government silver would depress the price of silver. In developing the original proposal to sell 15 million ounces over 3 years, we gave serious consideration to maintaining a calm market for the metal because a volatile market benefits neither consumers nor producers. We decided an offering of 5 million ounces per year for 3 years would not be disruptive. Such a sale would have meant the disposal of 500,000 ounces of silver during each of 10 months of the fiscal year.

To put the compromise offering of 250,000 ounces per month into perspective, this amount is the equivalent of about a half-day's supply for domestic industry. Furthermore, on any given day an average of 150 million ounces are traded on the Commodity Exchange of New York City alone. It should be clear that an orderly disposal would have little or no effect on prevailing silver prices.

Mr. Speaker, out of further respect for the concerns of those who represent silver producing areas of the country, amendment No. 144 was adopted which " \* \* \* allows the Secretary of the Treasury to reduce the amount of silver sold if he submits a written determination to Congress that such a sale severely disrupts the domestic market for silver." The conference committee is on record as understanding "that silver sales in a declining market shall be considered severely disruptive. \* \* \*"

Although I urge my colleagues to support this language, I believe it is unnecessary. In talking with those in the silver industry, it is hard to believe that such a relatively small amount of Government silver being sold could cause a declining silver market. There are, of course, other factors which do impact the market, causing a wide fluctuation in prices.

Perhaps a clarification on how one defines a declining market is necessary.

In this regard, Mr. Speaker, we have reviewed the market action during the first 8 months of this year and have found the following:

The high Handy & Harman (NY) price for the year to date was \$7.99 on July 11.

The low price for the year was \$6.11 on February 29.

Through August 31, the average price for the year was \$6.66, which compares with \$7.00 for all of 1987 and \$5.47 in 1986.

The monthly averages of the Handy & Harman (NY) quotes were: January, \$6.73; February, \$6.32; March, \$6.41; April, \$6.47; May, \$6.54; June, \$7.03; July, \$7.14; August, \$6.70.

Price variations from one day to the next on the Commodity Exchange of New York City were at many levels including unchanged, with the largest increase at 57 cents and the biggest decrease at 25 cents.

The high and low range each month were as follows: January, \$6.50-\$7 (.50); February, \$6.11-\$6.58 (.47); March, \$6.16-\$6.71 (.55); April, \$6.37-\$6.83 (.46); May, \$6.34-\$6.76 (.42); June, \$6.63-\$7.37 (.74); July, \$6.76-\$7.99 (\$1.23); August, \$6.51-\$6.91 (.40).

From the above it can be seen that price ranges for silver for whatever reason during the last 8 months were between 6 and 18 percent with a 1-day change being as much as a 7 percent jump. In order to permit an orderly sale policy to be developed, the Secretary should announce a schedule of sales of 250,000 ounces for the first week of every month. So long as the silver price is no lower than 10 percent of the average price 30 days earlier, the full amount should be sold.

If there is more than a 10-percent drop in the price from the average price for the previous month, the Secretary could reduce the amount of silver sold without reducing the monthly offering. Any unsold silver should be carried forward and added to the next monthly offering of 250,000 ounces. If after 10 months there is unsold silver, the offerings should be continued for the 11th and 12th months, if necessary.

Mr. Speaker, in previous government sales of silver there have been restrictions on who could purchase the metal. In the interest of getting the best price, it would appear that no such limitation should be set so long as the financial interests of the Government are protected.

Mr. Speaker, as the author of these provisions, I expect that the suggestions put forward here serve as a guideline to assist the executive branch in its implementation of the new program. Certainly, the expertise demonstrated in past silver sales by the General Services Administration leaves this Member comfortable with a final plan developed along the lines I have suggested.

Mr. Speaker, let me emphasize again that this conference report meets the targets of the budget summit agreement. It is just 1.9 percent more than the amount provided last year, and it is \$94 million less than the amount provided in the House passed bill. I urge all my colleagues to support this conference report.

Mr. SKEEN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

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

The SPEAKER pro tempore (Mr. TORRES). Without objection, the previous question is ordered on the conference report.

There was no objection.

The SPEAKER pro tempore. The question is on the conference report.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. FRENZEL. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 371, nays 30, not voting 30, as follows:

[Roll No. 292]

YEAS—371

Ackerman	Coleman (MO)	Gaydos
Akaka	Coleman (TX)	Gejdenson
Alexander	Collins	Gekas
Anderson	Conte	Gephardt
Andrews	Conyers	Gibbons
Annuzio	Cooper	Gilman
Anthony	Costello	Gingrich
Applegate	Coughlin	Glickman
Aspin	Courter	Gonzalez
Atkins	Coyne	Goodling
AuCoin	Craig	Gordon
Baker	Crockett	Grandy
Ballenger	Darden	Grant
Barnard	Daub	Gray (IL)
Barton	Davis (IL)	Gray (PA)
Bateman	Davis (MI)	Green
Bates	de la Garza	Guarini
Bellenson	DeFazio	Gunderson
Bennett	Dellums	Hall (OH)
Bereuter	Derrick	Hall (TX)
Berman	DeWine	Hamilton
Bevill	Dickinson	Hammerschmidt
Bilbray	Dicks	Hansen
Bilirakis	Dingell	Harris
Bliley	DioGuardi	Hastert
Boehlert	Dixon	Hatcher
Boggs	Donnelly	Hawkins
Boland	Dorgan (ND)	Hayes (IL)
Bonior	Dornan (CA)	Hayes (LA)
Bonker	Downey	Hefley
Borski	Durbin	Hefner
Bosco	Dwyer	Herger
Boucher	Dymally	Hertel
Brennan	Dyson	Hiler
Brooks	Early	Hochbrueckner
Broomfield	Eckart	Holloway
Brown (CA)	Edwards (CA)	Hopkins
Bruce	Edwards (OK)	Horton
Bryant	Emerson	Houghton
Buechner	English	Hoyer
Bunning	Erdreich	Hubbard
Burton	Espy	Huckaby
Bustamante	Evans	Hughes
Byron	Fasell	Hunter
Callahan	Fazio	Hutto
Campbell	Feighan	Inhofe
Cardin	Fish	Ireland
Carper	Flake	Jeffords
Carr	Flippo	Jenkins
Chandler	Florio	Johnson (CT)
Chapman	Foglietta	Jontz
Chappell	Foley	Kanjorski
Clarke	Ford (TN)	Kaptur
Clement	Frank	Kasich
Clinger	Frost	Kastenmeter
Coats	Gallegly	Kennedy
Coble	Gallo	Kennelly
Coelho	Garcia	

Kildee	Myers
Kleczyka	Nagle
Kolbe	Natcher
Konnyu	Neal
Kostmayer	Nelson
Kyl	Nichols
LaFalce	Nielson
Lagomarsino	Nowak
Lancaster	Oakar
Lantos	Oberstar
Leach (IA)	Obey
Lehman (CA)	Ortiz
Lehman (FL)	Owens (NY)
Leland	Owens (UT)
Lent	Oxley
Levin (MI)	Panetta
Levine (CA)	Parris
Lewis (CA)	Pashayan
Lewis (FL)	Patterson
Lewis (GA)	Payne
Lightfoot	Pease
Lipinski	Pelosi
Livingston	Penny
Lloyd	Pepper
Lott	Perkins
Lowery (CA)	Petri
Lowry (WA)	Pickett
Lujan	Pickle
Lukens, Donald	Porter
Lungren	Price
Madigan	Pursell
Manton	Quillen
Markey	Rahall
Martin (IL)	Rangel
Martin (NY)	Ravenel
Martinez	Ray
Matsui	Regula
Mavroules	Rhodes
Mazzoli	Richardson
McCandless	Ridge
McCloskey	Rinaldo
McCollum	Ritter
McCrery	Roberts
McEwen	Robinson
McGrath	Rodino
McHugh	Roe
McMillan (NC)	Rogers
McMillan (MD)	Rose
Meyers	Rostenkowski
Mfume	Roth
Michel	Roukema
Miller (CA)	Rowland (CT)
Miller (OH)	Rowland (GA)
Miller (WA)	Roybal
Mineta	Russo
Moakley	Sabo
Molinar	Saiki
Mollohan	Savage
Montgomery	Sawyer
Moody	Saxton
Morella	Schaefer
Morrison (CT)	Scheuer
Morrison (WA)	Schneider
Mrazek	Schuette
Murphy	Schulze
Murtha	Schumer

NAYS—30

Archer	Frenzel
Armey	Gradison
Bartlett	Gregg
Brown (CO)	Latta
Combest	Luken, Thomas
Crane	Marlenee
Dannemeyer	Moorhead
DeLay	Olin
Dreier	Sensenbrenner
Fawell	Shays
Flelds	Shumway

NOT VOTING—30

Badham	Johnson (SD)
Bentley	Jones (NC)
Boulter	Jones (TN)
Boxer	Kemp
Cheney	Kolter
Clay	Leath (TX)
Dowdy	Mack
Ford (MI)	MacKay
Hyde	McCurdy
Jacobs	McDade

Sharp	Smith (TX)
Shaw	Smith, Robert
Shuster	(OR)
Sikorski	Snowe
Sisisky	Solarz
Skaggs	Solomon
Skeen	Spratt
Skelton	St Germain
Slaughter (NY)	Staggers
Smith (FL)	Stallings
Smith (IA)	Stangeland
Smith (NE)	Stark
Smith (NJ)	Stokes
Smith (TX)	Studds
Smith, Robert	Sundquist
(OR)	Sweeney
Snowe	Swift
Solarz	Synar
Solomon	Tallon
Spratt	Tauke
St Germain	Tauzin
Staggers	Taylor
Stallings	Thomas (CA)
Stangeland	Thomas (GA)
Stark	Torres
Stokes	Traficant
Studds	Traxler
Sundquist	Udall
Sweeney	Valentine
Swift	Vander Jagt
Synar	Vento
Tallon	Visclosky
Tauke	Volkmer
Tauzin	Vucanovich
Taylor	Walgren
Thomas (CA)	Walker
Thomas (GA)	Watkins
Torres	Weber
Traficant	Weiss
Traxler	Weldon
Udall	Wheat
Valentine	Whittaker
Vander Jagt	Whitten
Vento	Williams
Visclosky	Wolf
Volkmer	Wolpe
Vucanovich	Wortley
Walgren	Wyden
Walker	Wylie
Watkins	Yates
Weber	Yatron
Weiss	Young (AK)
Weldon	Young (FL)
Wheat	
Whittaker	
Whitten	
Williams	
Wolf	
Wolpe	
Wortley	
Wyden	
Wylie	
Yates	
Yatron	
Young (AK)	
Young (FL)	

□ 1720

Mr. SLATTERY and Mr. THOMAS A. LUKEN changed their vote from "yea" to "nay."

Mr. DOWNEY of New York changed his vote from "nay" to "yea."

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

AMENDMENTS IN DISAGREEMENT

The SPEAKER pro tempore (Mr. TORRES). The Clerk will designate the first amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 2: Page 3, strike out all after line 3 over and including line 5 on page 4, and insert:

For necessary expenses of the Federal Law Enforcement Training Center, as a bureau of the Department of the Treasury, including purchase (not to exceed fifteen for police-type use) and hire of passenger motor vehicles; for expenses for student athletic and related activities; uniforms without regard to the general purchase price limitation for the current fiscal year; the conducting of and participating in fire-arms matches and presentation of awards; for public awareness and enhancing community support of law enforcement training; not to exceed \$5,000 for official reception and representation expenses; room and board for student interns; and services as authorized by 5 U.S.C. 3109: *Provided*, That the Center is authorized the acceptance of gifts: *Provided further*, That funds appropriated in this account shall be available for State and local government law enforcement training on a space-available basis; training of foreign law enforcement officials on a space-available basis with reimbursement of actual costs to this appropriation; training of private sector security officials on a space-available basis with reimbursement of actual costs to this appropriation; travel expenses of non-Federal personnel to attend State and local course development meetings at the Center: *Provided further*, That the Federal Law Enforcement Training Center shall hire up to and maintain an average of not less than 425 direct full-time equivalent positions for fiscal year 1989; \$34,664,000: *Provided further*, That none of the funds appropriated under this heading shall be used to reduce the level of advanced training or other training activities of the Federal Law Enforcement Training Center at Marana, Arizona.

ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES

For acquisition, construction, improvements, and related expenses (to include design, equipment, furnishings, and other such costs) for the Federal Law Enforcement Training Center, \$25,000,000 to remain available until expended; *Provided*, That of this amount, \$7,000,000 shall remain available for the acquisition, renovation, and adaptation of the former Artesia Christian College campus in Artesia, New Mexico, as a facility of the Federal Law Enforcement Training Center: *Provided further*, That \$18,000,000 shall be available for the first phase of implementation of the Master Plan for the expansion of the Federal Law Enforcement Training Center at

Glynco, Georgia, and for on-going maintenance, facility improvements, and related equipment: *Provided further*, That the Master Plan for the Federal Law Enforcement Training Center shall make provision for construction of an advanced firearms training range for participating agencies with specialized firearms training requirements.

MOTION OFFERED BY MR. ROYBAL

Mr. ROYBAL. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. ROYBAL moves that the House recede from its disagreement to the amendment of the Senate numbered 2 and concur therein with an amendment, as follows: In lieu of the matter stricken and inserted by said amendment, insert the following:

For necessary expenses of the Federal Law Enforcement Training Center, as a bureau of the Department of the Treasury, including purchase (not to exceed fifteen for police-type use) and hire of passenger motor vehicles; for expenses for student athletic and related activities; uniforms without regard to the general purchase price limitation for the current fiscal year; the conducting of and participating in firearms matches and presentation of awards; for public awareness and enhancing community support of law enforcement training; not to exceed \$5,000 for official reception and representation expenses; room and board for student interns; and services as authorized by 5 U.S.C. 3109: *Provided*, That the Center is authorized the acceptance of gifts: *Provided further*, That funds appropriated in this account shall be available for State and local government law enforcement training on a space-available basis; training of foreign law enforcement officials on a space-available basis with reimbursement of actual costs to this appropriation; training of private sector security officials on a space-available basis with reimbursement of actual costs to this appropriation; travel expenses of non-Federal personnel to attend State and local course development meetings at the Center: *Provided further*, That the Federal Law Enforcement Training Center shall hire up to and maintain an average of not less than 425 direct full-time equivalent positions for fiscal year 1989; \$34,664,000: *Provided further*, That none of the funds appropriated under this heading shall be used to reduce the level of advanced training or other training activities of the Federal Law Enforcement Training Center at Marana, Arizona.

ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES

For acquisition, construction, improvements, and related expenses (to include design, equipment, furnishings, and other such costs) for the Federal Law Enforcement Training Center, \$20,000,000 to remain available until expended: *Provided*, That of this amount, \$7,000,000 shall remain available for the acquisition, renovation, and adaptation of the former Artesia Christian College campus in Artesia, New Mexico, as a facility of the Federal Law Enforcement Training Center: *Provided further*, That \$13,000,000 shall be available for the first phase of implementation of the Master Plan for the expansion of the Federal Law Enforcement Training Center at Glynco, Georgia, and for on-going maintenance, facility improvements, and related equipment: *Provided further*, That the Master Plan for the Federal Law Enforcement Training Center shall make provision

for construction of an advanced firearms training range for participating agencies with specialized firearms training requirements.

Mr. SKEEN (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. ROYBAL].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

Mr. ROYBAL. Mr. Speaker, I ask unanimous consent that Senate amendments Nos. 10, 11, 16, 31, 45, 46, 47, 62, 63, 71, 76, and 85, be considered en bloc and printed in the RECORD.

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

There was no objection.

The text of the amendments offered en bloc is as follows:

Senate amendment No. 10: Page 5, line 24, after "1989" insert ", of which no fewer than 543 full-time equivalent positions shall be allocated for the Armed Career Criminal Apprehension Program".

Senate amendment No. 11: Page 5, line 24, after "1989" insert ": *Provided further*, That not to exceed \$2,500,000 shall be available until expended for the purchase of a mainframe processor and associated hardware and software for special occupational and excise tax processing, and \$300,000 shall be available until expended for the development and implementation of a secure communications and intelligence facility".

Senate amendment No. 16: Page 7, line 12, after "1989" insert ": *Provided further*, That all of the additional full-time equivalent positions made available by this Act for the United States Customs Service over the full-time equivalent positions level of 16,099 contained in the President's budget for fiscal year 1989 shall be allocated only for commercial operations of the Customs Service in fiscal year 1989".

Senate amendment No. 31: Page 15, after line 20, insert:

SENSE OF SENATE PROVISION

It is the sense of the Senate that no funds appropriated under this Act or made available by 39 U.S.C. 2401(a) be used by the United States Postal Service to implement Phase II of the contract between the United States Postal Service and Perot Systems until forty-five days after the General Accounting Office reports to Congress on the Perot Systems sole source contract and that the General Accounting Office report to Congress within forty-five days of the adoption of this amendment.

Senate amendment No. 45: Page 24, after line 25, insert:

Louisiana:

Baton Rouge, Federal Building, Court-house, to be constructed on a site donated by the City of Baton Rouge, \$16,758,000

Senate amendment No. 46: Page 25, after line 9, insert:

Newark, Martin Luther King, Jr., Federal Building, Site and Design (parking facility), \$250,000

Senate amendment No. 47: Page 25, after line 12, insert:

New Mexico:

Albuquerque, Grant to the University of New Mexico, Zimmerman Library, Repair and Extension, \$5,000,000

Senate amendment No. 62: Page 32, line 18, after "\$212,780,000" insert ", of which up to \$2,000,000 shall be made available to fund a pilot project establishing safe areas-of-refuge from fire for the disabled in six existing Federal buildings in the United States".

Senate amendment No. 63: Page 32, line 18, after "\$212,780,000" insert ": *Provided*, That by no later than July 30, 1989, the Administrator of General Services shall assess the level of unobligated balances, if any, in the Federal Buildings Fund and request reprogramming of such balances, not to exceed \$10,000,000, to provide additional funding for United States-Mexico Border Facility projects".

Senate amendment No. 71: Page 34, line 6, after "Mines" insert "Baton Rouge, Louisiana, Federal Building/Courthouse; and Lakeland, Florida, Federal Building".

Senate amendment No. 76: Page 37, line 9, after "property" insert ": *Provided further*, That notwithstanding any provision of this or any other Act, not more than \$1,500,000 of the appropriations made available under the heading "Real Property Relocation" by this Act or by Public Law 100-202, shall be available to pay for the relocation costs associated with the facility at Loran Station, Makahuena Point, Island of Kauai, Hawaii: *Provided further*, That upon relocation, such property shall be sold by the Administrator of General Services at not less than the estimated fair market value through a competitive public sale".

Senate amendment No. 85: Page 41, line 17, after "for" insert "design and".

MOTION OFFERED BY MR. ROYBAL

Mr. ROYBAL. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. ROYBAL moves that the House recede from its disagreement to the amendments of the Senate numbered 10, 11, 16, 31, 45, 46, 47, 62, 63, 71, 76, and 85, and concur therein.

Mr. SKEEN (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. ROYBAL].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows: Page 10, line 19, strike out "\$1,864,819,000" and insert "\$1,849,581,000".

MOTION OFFERED BY MR. ROYBAL

Mr. ROYBAL. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. ROYBAL moves that the House recede from its disagreement to the amendment of

the Senate numbered 25 and concur therein with an amendment, as follows: In lieu of the sum stricken and inserted by said amendment, insert the following: "\$1,932,441,000".

Mr. SKEEN (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. ROYBAL].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 35: Page 19, line 20, strike out "\$39,780,000" and insert "\$39,500,000".

MOTION OFFERED BY MR. ROYBAL

Mr. ROYBAL. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. ROYBAL moves that the House recede from its disagreement to the amendment of the Senate numbered 35 and concur therein with an amendment, as follows: In lieu of the sum stricken and inserted by said amendment insert the following: "\$39,640,000, of which not to exceed \$1,000,000 may be available for a consolidated Federal budget and financial information system to improve the management of Executive agencies, and".

Mr. SKEEN (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. ROYBAL].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 39: Page 21, line 21, insert:

EXPENSES OF MANAGEMENT IMPROVEMENT

For expenses necessary to improve the management of Executive agencies by providing a consolidated Federal budget and financial information system, under the direction of the Office of Management and Budget, and to provide a comprehensive officer automation system, including equipment and software, for the Office of Management and Budget, \$2,950,000, to remain available until expended.

MOTION OFFERED BY MR. ROYBAL

Mr. ROYBAL. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. ROYBAL moves that the House recede from its disagreement to the amendment of the Senate numbered 39 and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment, insert the following:

EXPENSES OF MANAGEMENT IMPROVEMENT

For expenses necessary to provide a comprehensive office automation system, including equipment and software, for the Office of Management and Budget, \$1,000,000, to remain available until expended.

Mr. SKEEN (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. ROYBAL].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 41: Page 22, strike out lines 19 to 22.

MOTION OFFERED BY MR. ROYBAL

Mr. ROYBAL. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. ROYBAL moves that the House recede from its disagreement to the amendment of the Senate numbered 41 and concur therein with an amendment, as follows: In lieu of the matter stricken by said amendment, insert the following:

ADVISORY COMMITTEE ON FEDERAL PAY

SALARIES AND EXPENSES

For necessary expenses of the Advisory Committee on Federal Pay, established by 5 U.S.C. 5306; \$205,000: *Provided*, That the annual report of the Advisory Committee on Federal Pay shall be submitted to the Appropriations Committees of the House and Senate and other appropriate Committees of the Congress at the same time the report is submitted to the President.

Mr. SKEEN (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. ROYBAL].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 42: Page 24, line 12, strike out "\$3,053,403,000" and insert "\$3,026,103,000".

MOTION OFFERED BY MR. ROYBAL

Mr. ROYBAL. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. ROYBAL moves that the House recede from its disagreement to the amendment of the Senate numbered 42 and concur therein with an amendment, as follows: In lieu of the sum stricken and inserted by said amendment, insert the following: "\$3,024,217,000".

Mr. SKEEN (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. ROYBAL].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 44: Page 24, after line 22, insert:

Florida:

Lakeland, Federal Building, \$15,000,000

MOTION OFFERED BY MR. ROYBAL

Mr. ROYBAL. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. ROYBAL moves that the House recede from its disagreement to the amendment of the Senate numbered 44 and concur therein with an amendment, as follows: In lieu of the sum named in said amendment, insert the following: "\$14,000,000".

Mr. SKEEN (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. ROYBAL].

The motion was agreed to.

□ 1730

The SPEAKER pro tempore (Mr. TORRES). The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 49: Page 25, after line 20, insert:

Other selected purchases including options to purchase, \$1,000,000:

MOTION OFFERED BY MR. ROYBAL

Mr. ROYBAL. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. ROYBAL moves that the House recede from its disagreement to the amendment of the Senate numbered 49 and concur therein with an amendment, as follows: In lieu of

the sum named in said amendment, insert the following: "\$500,000".

Mr. SKEEN (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. ROYBAL].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 53: Page 27, after line 9, insert:

San Francisco, 450 Golden Gate Avenue, Federal Building, Courthouse, \$20,000,000

MOTION OFFERED BY MR. ROYBAL

Mr. ROYBAL. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. ROYBAL moves that the House recede from its disagreement to the amendment of the Senate numbered 53 and concur therein with an amendment, as follows: In lieu of the sum named in said amendment, insert the following: "\$5,000,000".

Mr. SKEEN (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. ROYBAL].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 60: Page 31, strike out all after line 18 over to and including line 17 on page 32, and insert:

Capital Improvements of United States-Mexico Border Facilities \$75,799,000 as follows:

Arizona:  
Douglas, AZ  
New facility/R&A/Safety \$1,476,000  
Lukeville, AZ  
R&A/Safety, \$412,000  
Naco, AZ  
New facility/R&A/Safety, \$577,000  
Nogales, AZ  
Grande Ave./Morley Gate, New station/  
R&A/Safety, \$4,354,000  
Mariposa, R&A, \$1,343,000  
Sasabe, AZ  
New facility/R&A/Safety, \$639,000  
San Luis, AZ  
R&A/Safety, \$898,000  
California:  
Andrade, CA  
New station/R&A/Safety, \$817,000  
Calexico, CA  
New station/R&A/Safety, \$8,680,000

San Ysidro/Otay Mesa, CA  
New facility/Otay Mesa, \$1,298,000  
Safety, San Ysidro/Otay Mesa, \$4,809,000  
R&A/Signs/Security/Commercial lot im-  
provements, \$8,914,000  
Tecate, CA  
New station/R&A, \$1,550,000  
New Mexico:  
Antelope Wells, NM  
Security/Housing, \$285,000  
Columbus, NM  
Security, \$425,000  
Santa Teresa, NM  
New station, \$3,000,000

Texas:  
Amistad Dam, TX  
R&A, \$150,000  
Brownsville, TX  
Gateway Bridge, Security/R&A/Lane ex-  
pansion/New Bridge, \$10,402,000  
B&M Bridge, Replace station, \$3,227,000  
Los Indios, Replace station \$190,000  
Del Rio, TX  
Security/Lane expansion, \$1,075,000  
Eagle Pass, TX  
Security/R&A, \$4,050,000  
El Paso, TX  
Bridge of the Americas, Design/R&A/  
Import Lot Paving, \$3,058,000  
Paso del Norte, Extension/R&A,  
\$1,150,000  
Ysleta, Design/Construction, \$2,700,000  
Fabens, TX  
Site acquisition/Security, \$800,000  
Falcon Dam, TX  
R&A, \$310,000  
Hidalgo, TX  
Safety/Design/R&A, \$1,110,000  
Laredo, TX  
Juarez-Lincoln Bridge, Site/Design/R&A,  
\$3,000,000  
New bridge, \$500,000  
Convent Street, Design upgrade,  
\$2,650,000  
Presidio, TX  
Security/Housing, \$1,000,000  
Progreso, TX  
Security/R&A, \$400,000  
Roma, TX  
Safety, \$550,000

MOTION OFFERED BY MR. ROYBAL

Mr. ROYBAL. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. ROYBAL moves that the House recede from its disagreement to the amendment of the Senate numbered 60 and concur therein with an amendment, as follows: In lieu of the matter stricken and inserted by said amendment, insert the following:

Capital Improvements of United States-Mexico Border Facilities, \$42,150,000 as follows:

Arizona:  
Douglas, AZ  
New facility/R&A/Safety, \$820,700  
Lukeville, AZ  
R&A/Safety, \$229,100  
Naco, AZ  
New facility/R&A/Safety, \$320,900  
Nogales, AZ  
Grande Ave./Morley Gate, New Station/  
R&A/Safety, \$2,420,900  
Mariposa, R&A, \$746,800  
Sasabe, AZ  
New facility/R&A/Safety, \$355,300  
San Luis, AZ  
R&A/Safety, \$499,300  
California:  
Andrade, CA  
New station/R&A/Safety, \$454,300  
Calexico, CA  
New station/R&A/Safety, \$4,830,900

San Ysidro/Otay Mesa, CA  
New facility/Otay Mesa, \$721,700  
Safety/San Ysidro/Otay Mesa, \$2,673,900  
R&A/Signs/Security/Commercial lot im-  
provements, \$4,956,200  
Tecate, CA  
New station/R&A, \$861,800  
New Mexico:  
Antelope Wells, NM  
Security/Housing, \$158,500  
Columbus, NM  
Security, \$236,300  
Santa Teresa, NM  
New station, \$1,668,000

Texas:  
Amistad Dam, TX  
R&A, \$83,400  
Brownsville, TX  
Gateway Bridge, Security/R&A/Lane ex-  
pansion/New Bridge, \$5,783.  
B&M Bridge, Replace station, \$1,794,300  
Los Indios, Replace station, \$105,700  
Del Rio, TX  
Security/Lane expansion, \$597,700  
Eagle Pass, TX  
Security/R&A, \$2,251,800  
El Paso, TX  
Bridge of the Americas, Design/R&A/  
Import Lot Paving, \$1,700,300  
Paso del Norte, Extension/R&A, \$639,400  
Ysleta, Design/Construction, \$1,501,200  
Fabens, TX  
Site acquisition/Security, \$444,800  
Falcon Dam, TX  
R&A, \$172,400  
Hidalgo, TX  
Safety/Design/R&A, \$617,200  
Laredo, TX  
Juarez-Lincoln Bridge, Site/Design/R&A,  
\$1,668,000  
New bridge, \$278,000  
Convent Street, Design upgrade,  
\$1,473,400  
Presidio, TX  
Security/Housing, \$556,000  
Progreso, TX  
Security/R&A, \$222,400  
Roma, TX  
Safety, \$305,800

Mr. SKEEN (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. ROYBAL].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 68: Page 33, line 7, strike out "\$136,698,000" and insert "\$130,000,000".

MOTION OFFERED BY MR. ROYBAL

Mr. ROYBAL. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. ROYBAL moves that the House recede from its disagreement to the amendment of the Senate numbered 68 and concur therein with an amendment, as follows: In lieu of the sum stricken and inserted by said amendment, insert the following:

"\$130,000,000, of which \$2,200,000 shall be made available for a grant to the Marine Biological Laboratory at Woods Hole, Massachusetts and of which \$127,800,000 shall be available".

Mr. SKEEN (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. ROYBAL].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 72: Page 35, line 5, strike out "\$3,053,403,000" and insert "\$3,026,103,000".

MOTION OFFERED BY MR. ROYBAL

Mr. ROYBAL. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. ROYBAL moves that the House recede from its disagreement to the amendment of the Senate numbered 72 and concur therein with an amendment, as follows: In lieu of the sum stricken and inserted by said amendment, insert the following: "\$3,024,217,000".

Mr. SKEEN (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. ROYBAL].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 74: Page 36, line 1, strike out "\$12,109,000" and insert "\$12,000,000".

MOTION OFFERED BY MR. ROYBAL

Mr. ROYBAL. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. ROYBAL moves that the House recede from its disagreement to the amendment of the Senate numbered 74 and concur therein with an amendment, as follows: In lieu of the sum stricken and inserted by said amendment, insert the following: "\$10,800,000".

Mr. SKEEN (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. ROYBAL].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 75: Page 36, line 7, strike out "\$16,000,000" and insert "\$10,000,000".

MOTION OFFERED BY MR. ROYBAL

Mr. ROYBAL. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. ROYBAL moves that the House recede from its disagreement to the amendment of the Senate numbered 75 and concur therein with an amendment, as follows: In lieu of the sum stricken and inserted by said amendment, insert the following: "\$4,000,000".

Mr. SKEEN (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. ROYBAL].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 77: Page 38, line 9, strike out "\$36,835,000" and insert "\$33,000,000".

MOTION OFFERED BY MR. ROYBAL

Mr. ROYBAL. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. ROYBAL moves that the House recede from its disagreement to the amendment of the Senate numbered 77 and concur therein with an amendment, as follows: In lieu of the sum stricken and inserted by said amendment, insert the following: "\$31,875,000".

Mr. SKEEN (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. ROYBAL].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 80: Page 39, line 12, strike out "\$18,000,000" and insert "\$27,000,000".

MOTION OFFERED BY MR. ROYBAL

Mr. ROYBAL. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. ROYBAL moves that the House recede from its disagreement to the amendment of the Senate numbered 80 and concur therein with an amendment, as follows: In lieu of the sum stricken and inserted by said amendment, insert the following: "\$30,000,000".

Mr. SKEEN (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. ROYBAL].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 81: Page 39, strike out lines 14 to 22 and insert:

University of Hawaii at Manoa pursuant to 50 U.S.C. 98a and 98g(a), for a grant to construct and equip a strategic materials research facility, \$10,000,000;

Loyola College in Maryland pursuant to 50 U.S.C. 98a and 98g(a), for a grant to pay the federal share of the cost of construction and equipment, including approaches and appurtenances and costs already incurred, of a Center for Advanced Information and Resource Management Studies, \$4,000,000;

University of Idaho pursuant to 50 U.S.C. 98a and 98g(a), for a grant to construct and equip a Strategic Research and Environmental Laboratory, \$4,000,000; and

University of Utah pursuant to 50 U.S.C. 98a and 98g(a)(2)(C) for a grant to pay the Federal share of the cost of construction and equipment for a Center for Biomedical Polymers, \$9,000,000.

MOTION OFFERED BY MR. ROYBAL

Mr. ROYBAL. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. ROYBAL moves that the House recede from its disagreement to the amendment of the Senate numbered 81 and concur therein with an amendment, as follows: In lieu of the matter stricken and inserted by said amendment, insert the following:

University of Texas at El Paso pursuant to 50 U.S.C. 98a and 98g for a grant to study and facilitate the development, transfer, and installation of strategic materials technologies among American industries; \$3,000,000;

University of Hawaii at Manoa pursuant to 50 U.S.C. 98a and 98g(a), for a grant to construct and equip a strategic materials research facility, \$14,000,000;

Loyola College in Maryland pursuant to 50 U.S.C. 98a and 98g(a), for a grant to pay the Federal share of the cost of construction and equipment, including approaches and appurtenances and costs already in-

curred, of a Center for Advanced Information and Resource Management Studies, \$3,000,000;

University of Idaho pursuant to 50 U.S.C. 98a and 98g(a), for a grant to construct and equip a Strategic Research and Environmental Laboratory, \$3,000,000; and

University of Utah pursuant to 50 U.S.C. 98a and 98g(a)(2)(C) for a grant to pay the Federal share of the cost of construction and equipment for a Center for Biomedical Polymers, \$7,000,000.

Mr. SKEEN (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. ROYBAL].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 88: Page 44, after line 9 insert:

SEC. 7. The Administrator of General Services is authorized and directed to hire up to and maintain an annual average of not less than 1000 full-time equivalent positions for Federal Protective Officers. This shall be accomplished by increasing existing staff levels at the end of fiscal year 1988 at a rate of not less than 50 positions per year until the full-time equivalency of 1000 is attained by not later than fiscal year 1992.

MOTION OFFERED BY MR. ROYBAL

Mr. ROYBAL. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. ROYBAL moves that the House recede from its disagreement to the amendment of the Senate numbered 88 and concur therein with an amendment, as follows: In lieu of the section number proposed by said amendment, insert the following: "10".

Mr. SKEEN (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. ROYBAL].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 89: Page 44, after line 9, insert:

SEC. 8. Notwithstanding any other provision of law, the Administrator of General Services is hereafter authorized to transfer from the available resources of the Federal Buildings Fund, in accordance with such rules and procedures as may be established

by the Office of Management and Budget and the Department of the Treasury, such amounts as are necessary to repay the principal amount of agency borrowings from the Federal Financing Bank.

MOTION OFFERED BY MR. ROYBAL

Mr. ROYBAL. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. ROYBAL moves that the House recede from its disagreement to the amendment of the Senate numbered 89 and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment, insert the following:

SEC. 11. Notwithstanding any other provision of law, the Administrator of General Services is hereafter authorized to transfer from the available resources of the Federal Buildings Fund, in accordance with such rules and procedures as may be established by the Office of Management and Budget and the Department of the Treasury, such amounts as are necessary to repay the principal amount of General Services Administration borrowings from the Federal Financing Bank when such borrowings are legal obligations of the Fund.

Mr. SKEEN (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. ROYBAL].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 90: Page 44, after line 9, insert:

SEC. 9. Notwithstanding any other provision of law, the General Services Administration is hereby authorized to sell, at competitive bid, the Federal Building located at 124 South Tennessee Avenue in Lakeland, Florida, and to deposit such proceeds into the Federal Buildings Fund.

MOTION OFFERED BY MR. ROYBAL

Mr. ROYBAL. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. ROYBAL moves that the House recede from its disagreement to the amendment of the Senate numbered 90 and concur therein with an amendment, as follows: In lieu of the section number named in said amendment, insert the following: "12".

Mr. SKEEN (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. ROYBAL].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 91: Page 44, after line 9, insert:

SEC. 10. None of the funds appropriated by this Act may be obligated or expended in any way for the purpose of the sale, excessing, surplus, or disposal of lands in the vicinity of Bull Shoals Lake, Arkansas, administered by the Corps of Engineers, Department of the Army, without the specific approval of the Congress.

MOTION OFFERED BY MR. ROYBAL

Mr. ROYBAL. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. ROYBAL moves that the House recede from its disagreement to the amendment of the Senate numbered 91 and concur therein with an amendment, as follows: In lieu of the section number named in said amendment, insert the following: "13".

Mr. SKEEN (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. ROYBAL].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 92: Page 44, after line 9, insert:

SEC. 11. None of the funds appropriated by this Act may be obligated or expended in any way for the purpose of the sale, excessing, surplus, or disposal of lands in the vicinity of Norfolk Lake, Arkansas, administered by the Corps of Engineers, Department of the Army, without the specific approval of the Congress.

MOTION OFFERED BY MR. ROYBAL

Mr. ROYBAL. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. ROYBAL moves that the House recede from its disagreement to the amendment of the Senate numbered 92 and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment, insert the following:

SEC. 14. None of the funds appropriated by this Act may be obligated or expended in any way for the purpose of the sale, excessing, surplus, or disposal of lands in the vicinity of Norfolk Lake, Arkansas, administered by the Corps of Engineers, Department of the Army, without the specific approval of the Congress.

SEC. 15. Notwithstanding any other provision of this Act the amount appropriated for "General Management and Administration, Salaries and Expenses" of the General Services Administration is \$120,774,000 for fiscal year 1989.

SEC. 16. The Administrator of General Services shall transfer, without consideration, to the Secretary of the Army the approximately 24 acres located in Laurel, Maryland, and classified as surplus property under the title "FDA—Beltsville Research Facility". Such property shall be used in connection with the Maryland National Guard.

SEC. 17. The Secretary of the Interior, within 30 days of enactment of this Act shall designate a consolidated agency of no less than 400 people within the Department of the Interior for relocation to Avondale, Maryland. The Administrator of General Services shall relocate the designee to the Avondale facility no later than 90 days after the Administrator determines design and alternation of the facility is completed.

SEC. 18. Notwithstanding any other provision of this Act, no funds made available from the Federal Buildings Fund for new construction for fiscal year 1989 may be used to fund the St. Croix Federal Building, Courthouse located in the Virgin Islands.

SEC. 19. None of the funds appropriated by this or any other Act in any fiscal year may be obligated or expended in any way for the purpose of the sale, lease, rental, excessing, surplus, or disposal of any portion of land identified as a portion of the Middle River Federal Depot located in Baltimore County, Maryland before October 1, 1989: Provided, That such land may be sold before that time if the General Services Administration enters into a mutually agreed upon sale agreement with the State of Maryland and/or Baltimore County, Maryland.

Mr. SKEEN (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. ROYBAL].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 93: Page 44, line 17, strike out "\$125,962,000" and insert "\$117,862,000".

MOTION OFFERED BY MR. ROYBAL

Mr. ROYBAL. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. ROYBAL moves that the House recede from its disagreement to the amendment of the Senate numbered 93 and concur therein with an amendment, as follows: In lieu of the sum stricken and inserted by said amendment, insert the following: "\$121,900,000, of which \$125,000 shall be made available directly to the Forbes Library, Northampton, Massachusetts for such expenses as are necessary for the proper preservation, restoration, and display of the Presidential papers of Calvin Coolidge, and".

Mr. SKEEN (during the reading). Mr. Speaker, I ask unanimous consent

that the motion be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. ROYBAL].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 98: Page 46, line 10, after "Salaries;" insert "\$1,000,000 shall be made available for the establishment of Federal health promotion and disease prevention programs for Federal employees;".

MOTION OFFERED BY MR. ROYBAL

Mr. ROYBAL. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. ROYBAL moves that the House recede from its disagreement to the amendment of the Senate numbered 98 and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment, insert the following: "not to exceed \$1,000,000 may be made available for establishment of Federal health promotion and disease prevention programs for Federal employees;".

Mr. SKEEN (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. ROYBAL].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 100: Page 46, line 10, after "Salaries;" insert "\$500,000 shall be made available for implementation of the Combined Federal Campaign in fiscal year 1989;".

MOTION OFFERED BY MR. ROYBAL

Mr. ROYBAL. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. ROYBAL moves that the House recede from its disagreement to the amendment of the Senate numbered 100 and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment, insert the following: "not to exceed \$500,000 may be made available for implementation of the Combined Federal Campaign in fiscal year 1989;".

Mr. SKEEN (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. ROYBAL].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 102: Page 51, after line 24, insert:

SEC. 506. No part of any appropriation contained in this Act shall be available for the procurement of, or for the payment of, the salary of any person engaged in the procurement of any hand or measuring tool(s) not produced in the United States or its possessions except to the extent that the Administrator of General Services or his designee shall determine that a satisfactory quality and sufficient quantity of hand or measuring tools produced in the United States or its possessions cannot be procured as and when needed from sources in the United States and its possessions, or except in accordance with procedures prescribed by section 6-104.4(b) of Armed Services Procurement Regulation dated January 1, 1969, as such regulation existed on June 15, 1970: Provided, That a factor of 75 per centum in lieu of 50 per centum shall be used for evaluating foreign source end products against a domestic source end product. This section shall be applicable to all solicitations for bids opened after its enactment.

MOTION OFFERED BY MR. ROYBAL

Mr. ROYBAL. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. ROYBAL moves that the House recede from its disagreement to the amendment of the Senate numbered 102, and concur therein.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 113: Page 56, after line 4, insert:

SEC. 517. No part of any appropriation contained in this Act shall be available for the procurement of, or for the payment of, the salary of any person engaged in the procurement of stainless steel flatware not produced in the United States or its possessions, except to the extent that the Administrator of General Services or his designee shall determine that a satisfactory quality and sufficient quantity of stainless steel flatware produced in the United States or its possessions, cannot be procured as and when needed from sources in the United States or its possessions or except in accordance with procedures provided by section 6-104.4(b) of Armed Services Procurement Regulations, dated January 1, 1969. This section shall be applicable to all solicitations for bids issued after its enactment.

MOTION OFFERED BY MR. ROYBAL

Mr. ROYBAL. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. ROYBAL moves that the House recede from its disagreement to the amendment of the Senate numbered 113 and concur therein with an amendment, as follows: In lieu of the section number named in said amendment, insert the following: "519".

Mr. SKEEN (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. ROYBAL].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 116: Page 56, strike out all after line 12 down to and including line 21.

MOTION OFFERED BY MR. ROYBAL

Mr. ROYBAL. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. ROYBAL moves that the House recede from its disagreement to the amendment of the Senate numbered 116 and concur therein with an amendment, as follows: Restore the matter stricken by said amendment, amended to read as follows:

Sec. 521. Not later than October 1, 1989, of the amounts obtained from the sale, transfer, or disposition of silver from the National Defense Stockpile, not less than \$1,000,000 shall be obligated for a pilot project to upgrade cobalt deposited in the National Defense Stockpile to the highest purity levels required for critical military applications. The funds used in this section for upgrading shall not exceed \$2,000,000.

Mr. SKEEN (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. ROYBAL].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 117: Page 56, strike out all after line 21 over to and including line 2 on page 57.

MOTION OFFERED BY MR. ROYBAL

Mr. ROYBAL. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. ROYBAL moves that the House recede from its disagreement to the amendment of the Senate numbered 117 and concur therein with an amendment, as follows: Restore

the matter stricken by said amendment, amended to read as follows:

Sec. 522. The Administrator of General Services, under section 210(h) of the Federal Property and Administrative Services Act of 1949, as amended, may acquire, by means of a lease of up to 30 years duration, space for the United States Courts in Tacoma, Washington, at the site of Union Station, Tacoma, Washington.

Mr. SKEEN (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. ROYBAL].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 121: Page 59, after line 19, insert:

Sec. 522. Such sums as may be necessary for fiscal year 1989 pay raises for programs funded by this Act shall be absorbed within the levels appropriated in this Act.

MOTION OFFERED BY MR. ROYBAL

Mr. ROYBAL. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. ROYBAL moves that the House recede from its disagreement to the amendment of the Senate numbered 121 and concur therein with an amendment, as follows: In lieu of the section number named in said amendment, insert the following: "526".

Mr. SKEEN (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. ROYBAL].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 122: Page 59, after line 19, insert:

Sec. 523. (a)(1) Notwithstanding any other provision of this Act, no department, agency, or instrumentality of the United States Government receiving appropriated funds under this Act for fiscal year 1989, shall, during fiscal year 1989, obligate and expend funds for consulting services involving management and professional services; special studies and analyses; technical assistance; and management review of program funded organizations; in excess of an amount equal to 85 percent of the amount obligated and expended by such depart-

ment, agency, or instrumentality for such services during fiscal year 1987.

(2) Notwithstanding any other provision of this Act, no department, agency, or instrumentality of the United States Government receiving appropriated funds under this Act for fiscal year 1989, shall, during fiscal year 1989, obligate and expend funds for consulting services involving management and support services for research and development activities; engineering development and operational systems development; technical representatives; training; quality control, testing, and inspection services, specialized medical services; and public relations; in excess of an amount equal to 95 percent of the amount obligated and expended by such department, agency, or instrumentality for services during fiscal year 1987.

(3) The term "consulting services" shall be defined consistent with the provision of OMB Circular A-120.

(b) The Director of the Office of Management and Budget shall take such action as may be necessary, through budget instructions or otherwise, to direct each department, agency, and instrumentality of the United States to comply with the provisions of section 1114 of title 31, United States Code.

(c) All savings to any department, agency, or instrumentality which result from the application of subsection (a), shall be used for the 4 percent increase in rates of pay in such department, agency, or instrumentality made under this Act.

MOTION OFFERED BY MR. ROYBAL

Mr. ROYBAL. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. ROYBAL moves that the House recede from its disagreement to the amendment of the Senate numbered 122 and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment, insert the following:

Sec. 527. (a)(1) Notwithstanding any other provision of this Act, no department, agency, or instrumentality of the United States Government receiving appropriated funds under this Act for fiscal year 1989, shall, during fiscal year 1989, obligate and expend funds for consulting services involving management and professional services; special studies and analyses; technical assistance; and management review of program funded organizations; in excess of an amount equal to 85 percent of the amount obligated and expended by such department, agency, or instrumentality for such services during fiscal year 1987.

(2) The term "consulting services" shall be defined consistent with the provision of OMB Circular A-120 dated January 4, 1988.

(b) The Director of the Office of Management and Budget shall take such action as may be necessary, through budget instructions or otherwise, to direct each department, agency, and instrumentality of the United States to comply with the provisions of section 1114 of title 31, United States Code.

(c) All savings to any department, agency, or instrumentality which result from the application of subsection (a), shall be used for the 4.1 percent increase in rates of pay in such department, agency, or instrumentality made under this Act.

Sec. 528. Section 509 of this Act shall have no force or effect.

Sec. 529. The Office of Personnel Management may, during the fiscal year ending

September 30, 1989, accept donations of supplies and equipment for the Federal Executive Institute for the enhancement of the morale and educational experience of attendees at the Institute.

Mr. SKEEN (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. ROYBAL].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 138: Page 75, strike out all after line 13 over to and including line 4 on page 77.

MOTION OFFERED BY MR. ROYBAL

Mr. ROYBAL. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. ROYBAL moves that the House recede from its disagreement to the amendment of the Senate numbered 138 and concur therein with an amendment, as follows: In lieu of the matter stricken by said amendment, insert the following:

SEC. 620. (a)(1) Notwithstanding any other provision of law, in the case of fiscal year 1989, the overall percentage of the adjustment under section 5305 of title 5, United States Code, in the rates of pay under the General Schedule, and in the rates of pay under the other statutory pay systems (as defined by section 5301(c) of such title), shall be an increase of 4.1 percent.

(2) Each increase in a pay rate or schedule which takes effect pursuant to paragraph (1) shall, to the maximum extent practicable, be of the same percentage, and shall take effect as of the first day of the first applicable pay period commencing on or after January 1, 1989.

(b)(1) Notwithstanding any other provision of this Act or any other law, no adjustment in rates of pay under section 5305 of title 5, United States Code, which becomes effective on or after October 1, 1988, and before October 1, 1989, shall have the effect of increasing the rate of salary or basic pay for any office or position in the legislative, executive, or judicial branch or in the government of the District of Columbia—

(A) if the rate of salary or basic pay payable for that office or position as of September 30, 1988, was equal to or greater than the rate of basic pay then payable for level III of the Executive Schedule under section 5314 of title 5, United States Code; or

(B) to a rate exceeding the rate of basic pay payable for level III of the Executive Schedule under such section 5314 as of September 30, 1988, if, as of that date, the rate of salary of basic pay payable for that office or position was less than the rate of basic pay then payable for such level III.

(2) For purposes of paragraph (1), the rate or salary or basic pay payable as of September 30, 1988, for any office or position which was not in existence on such date shall be deemed to be the rate of salary or basic pay payable to individuals in comparable offices

or positions on such date, as determined under regulations prescribed—

(A) by the President, in the case of any office or position within the executive branch or in the government of the District of Columbia;

(B) jointly by the Speaker of the House of Representatives and the President pro tempore of the Senate, in the case of any office or position within the legislative branch; or

(C) by the Chief Justice of the United States, in the case of any office or position within the judicial branch.

Mr. SKEEN (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. ROYBAL].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate Amendment No. 141: Page 77, strike out lines 5 to 9.

MOTION OFFERED BY MR. ROYBAL

Mr. ROYBAL. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. ROYBAL moves that the House recede from its disagreement to the amendment of the Senate numbered 141 and concur therein with an amendment, as follows: In lieu of the matter stricken by said amendment, insert the following:

SEC. 621. Effective October 1, 1988, the Secretary shall sell, within fiscal year 1989, 2.5 million fine troy ounces of silver held by the Treasury subject to Sec. 624 of this Act.

Mr. SKEEN (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. ROYBAL].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 142: Page 77, strike out lines 10 to 14.

MOTION OFFERED BY MR. ROYBAL

Mr. ROYBAL. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. ROYBAL moves that the House recede from its disagreement to the amendment of the Senate numbered 142 and concur therein with an amendment, as follows: In lieu of the matter stricken by said amendment insert the following:

SEC. 622. Effective October 1, 1989, the Secretary shall sell, within fiscal year 1990, 2.5 million fine troy ounces of silver held by the Treasury subject to sec. 624 of this Act.

Mr. SKEEN (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. ROYBAL].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 143: Page 77, strike out lines 15 to 19.

MOTION OFFERED BY MR. ROYBAL

Mr. ROYBAL. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. ROYBAL moves that the House recede from its disagreement to the amendment of the Senate numbered 143 and concur therein with an amendment, as follows: In lieu of the matter stricken by said amendment, insert the following:

SEC. 623. Effective October 1, 1990, the Secretary shall sell, within fiscal year 1991, 2.5 million fine troy ounces of silver held by the Treasury subject to Sec. 624 of this Act.

Mr. SKEEN (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. ROYBAL].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The next of the amendment is as follows:

Senate amendment No. 145: Page 77, after line 24, insert:

SEC. 620. Notwithstanding any other provision of law, no Executive Branch agency shall purchase, construct, and/or lease any additional facilities, except within or contiguous to existing locations, to be used for the purpose of conducting Federal law enforcement training without the advance approval of the House and Senate Committees on Appropriations.

MOTION OFFERED BY MR. ROYBAL

Mr. ROYBAL. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. ROYBAL moves that the House recede from its disagreement to the amendment of the Senate numbered 145 and concur therein with an amendment, as follows: In lieu of

the section number named in said amendment, insert the following: "625".

Mr. SKEEN (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. ROYBAL].

The motion was agreed to.

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The SPEAKER pro tempore (Mr. TORRES). The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 146: Page 77, after line 24, insert:

SEC. 621. Employees currently performing stockpile management and related functions in the Federal Property Resources Service, General Services Administration, pursuant to the Strategic and Critical Materials Stockpiling Act shall continue to perform these functions notwithstanding enactment of any amendments to this Act placing the direct functional responsibilities in another Federal department or agency. Any of these employees transferred from the Federal Property Resources Service, General Services Administration, to another Federal department or agency pursuant to law shall not be subject to agency reduction-in-force procedures not shall they be reduced in classification or compensation for two years after such transfer, except for cause. A formal plan implementing these provisions shall be submitted to the House and Senate Committees on Appropriations by the recipient agency prior to any actual transfer that may be mandated.

MOTION OFFERED BY MR. ROYBAL

Mr. ROYBAL. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. ROYBAL moves that the House recede from its disagreement to the amendment of the Senate numbered and concur therein with an amendment, as follows: In lieu of the section number named in said amendment, insert the following: "626".

Mr. SKEEN (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. ROYBAL].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 149: Page 78, strike out all after line 20 over to and including line 6 on page 79.

MOTION OFFERED BY MR. ROYBAL

Mr. ROYBAL. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. ROYBAL moves that the House recede from its disagreement to the amendment of the Senate numbered 149 and concur therein with an amendment, as follows: In lieu of the matter stricken by said amendment, insert the following:

SEC. 628. (a) No department, agency, or instrumentality of the United States receiving appropriated funds under this Act for fiscal year 1989, or under any other Act appropriating funds for fiscal year 1989, shall obligate or expend any such funds, unless such department, agency, or instrumentality has in place, and will continue to administer in good faith, a written policy designed to ensure that all of its work places are free from the illegal use, possession, or distribution of controlled substances (as defined in the Controlled Substances Act) by the officers and employees of such department, agency, or instrumentality.

(b) No funds so appropriated to any such department, agency, or instrumentality shall be available for payment in connection with any grant, contract, or other agreement, unless the recipient of such grant, contractor, or party to such agreement, as the case may be, has in place and will continue to administer in good faith a written policy, adopted by such recipient, contractor, or party's board of directors or other governing authority, satisfactory to the head of the department, agency, or instrumentality making such payment, designed to ensure that all of the workplaces of such recipient, contractor, or party are free from the illegal use, possession, or distribution of controlled substances (as defined in the Controlled Substances Act) by the officers and employees of such recipient, contractor, or party.

Mr. SKEEN (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. ROYBAL].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 152: Page 79, after line 6, insert:

SEC. 626. (a) Section 5724(a) of title 5, United States Code, is amended—

(1) by striking out "and" at the end of paragraph (1);

(2) by striking out the period at the end of paragraph (2) and inserting in lieu thereof "; and"; and

(3) by adding at the end the following:

"(3) upon the separation of a career appointee (as defined in section 3132(a)(4) of this title), the travel expenses of that individual, the transportation expenses of the immediate family of such individual, and the expenses of moving (including transporting, packing, crating, temporarily storing, draying, and unpacking) the household

goods of such individual and personal effects not in excess of 18,000 pounds net weight, to the place where the individual will reside within the United States, its territories or possessions, the Commonwealth of Puerto Rico, or the areas and installations in the Republic of Panama made available to the United States pursuant to the Panama Canal Treaty of 1977 and related agreements, as described in section 3(a) of the Panama Canal Act of 1979 (or, if the individual dies before the travel, transportation, and moving is completed, to the place where the family will reside) if such individual—

"(A) has previously been transferred in the interest of the Government from one official station or agency to another for permanent duty as a career appointee in the Senior Executive Service; and

"(B) is eligible to receive an annuity upon such separation under the provisions of subchapter III of chapter 83 or of chapter 84 of this title."

(b) The amendments made by subsection (a) shall be carried out by agencies by the use of funds appropriated or otherwise available for the administrative expenses of each of such respective agencies. The amendments made by such subsection do not authorize the appropriation of funds in amounts exceeding the sums otherwise authorized to be appropriated for such agencies.

MOTION OFFERED BY MR. ROYBAL

Mr. ROYBAL. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. ROYBAL moves that the House recede from its disagreement to the amendment of the Senate Numbered 152 and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment, insert the following:

SEC. 629. (a) Section 5724(a) of title 5, United States Code, is amended—

(1) by striking out "and" at the end of paragraph (1);

(2) by striking out the period at the end of paragraph (2) and inserting in lieu thereof "; and"; and

(3) by adding at the end the following:

"(3) upon the separation of a career appointee (as defined in section 3132(a)(4) of this title), the travel expenses of that individual, the transportation expenses of the immediate family of such individual, and the expenses of moving (including transporting, packing, crating, temporarily storing, draying, and unpacking) the household goods of such individual and personal effects not in excess of 18,000 pounds net weight, to the place where the individual will reside within the United States, its territories or possessions, the Commonwealth of Puerto Rico, or the areas and installations in the Republic of Panama made available to the United States pursuant to the Panama Canal Treaty of 1977 and related agreements, as described in section 3(a) of the Panama Canal Act of 1979 (or, if the individual dies before the travel, transportation, and moving is completed, to the place where the family will reside) if such individual—

"(A) during the five years preceding eligibility to receive an annuity under subchapter III of chapter 83, or of chapter 84 of this title, and thereafter, has been transferred in the interest of the Government from one official station to another for permanent duty as a career appointee in the Senior Executive Service; and

"(B) is eligible to receive an annuity upon such separation under the provisions of subchapter III of chapter 83 or chapter 84 of this title."

(b) The amendments made by subsection (a) shall be carried out by agencies by the use of funds appropriated or otherwise available for the administrative expenses of each of such respective agencies. The amendments made by such subsection do not authorize the appropriation of funds in amounts exceeding the sums otherwise authorized to be appropriated for such agencies.

Mr. SKEEN (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. ROYBAL].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 153: Page 79, after line 6, insert;

Sec. 627. Notwithstanding any other provision of law, Public Law 89-784, 80 Stat. 1367 and Public Law 90-469, 82 Stat. 666 pertaining to the naming, maintaining and operating of the William Langer Jewel Bearing Plant are amended by striking out all references to the "General Services Administration", "the administrator of the General Services" and "Administrator" and insert in lieu thereof "the National Defense Stockpile Manager".

MOTION OFFERED BY MR. ROYBAL

Mr. ROYBAL. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. ROYBAL moves that the House recede from its disagreement to the amendment of the Senate numbered 153 and concur therein with an amendment, as follows: In lieu of the section number named in said amendment, insert the following: "630".

Mr. SKEEN (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. ROYBAL].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the last amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 154: Page 79, after line 6, insert:

SEC. 628. For purposes of section 1886 of the Social Security Act, Missouri Baptist Hospital of Sullivan in Sullivan, Missouri is

deemed to be located in Franklin County, Missouri, retroactively effective for discharges beginning on or after December 22, 1987.

MOTION OFFERED BY MR. ROYBAL

Mr. ROYBAL. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. ROYBAL moves that the House recede from its disagreement to the amendment of the Senate numbered 154 and concur therein with an amendment, as follows: In lieu of the section number named in said amendment, insert the following: "631".

Mr. SKEEN (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. ROYBAL].

The motion was agreed to.

A motion to reconsider the votes by which action was taken on the several motions was laid on the table.

#### GENERAL LEAVE

Mr. ROYBAL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and to include extraneous matter, on the conference report just agreed to.

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

There was no objection.

#### PERSONAL EXPLANATION

Mr. GILMAN. Mr. Speaker, on Thursday, August 11, I was unavoidably detained, and as a result I was not able to cast my vote on rollcall 289, on motion to consider House Resolution 524, providing for the disposition of the Senate amendments to H.R. 5026 making dire emergency supplemental appropriations for the fiscal year 1988, and rollcall 290, on motion to disagree to Senate amendments number 1 through 24 and concur in Senate amendment 25 with an amendment to H.R. 5026. Had I been present, I would have voted yea on rollcalls 289 and 290.

#### IN SUPPORT OF THE RESTORATION OF DEMOCRATIC GOVERNMENT OF BURMA

Mr. SOLARZ. Mr. Speaker, I ask unanimous consent that the Committee on Foreign Affairs be discharged from further consideration of the resolution (H. Res. 529) in support of the restoration of democratic government in Burma, and ask for its immediate consideration.

The Clerk read the title of the resolution.

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

Mr. LEACH of Iowa. Mr. Speaker, reserving the right to object, I do so to ask the gentleman from New York to explain the resolution.

Mr. SOLARZ. Mr. Speaker, will the gentleman yield?

Mr. LEACH of Iowa. I yield to the gentleman from New York.

Mr. SOLARZ. I thank the gentleman for yielding.

Mr. Chairman, my very good friend from Iowa, I have just returned from a brief trip to Burma where the people of that country, in an extraordinary display of a deeply rooted commitment to democracy, have been demonstrating in a peaceful fashion for several weeks now in an effort to bring about the establishment of genuine democracy in their country. These demonstrations which have taken place, and not just in Rangoon, the capital of the country, but in towns, villages and cities all across the nation, are a manifestation of the desire on the part of the Burmese people to put the past, the so-called Burmese socialism behind them and to establish a multi-party democracy with a free enterprise economic system in their country.

During the course of my stay in Rangoon I had one of the most extraordinary experiences I have had in my 14 years in the Congress.

As I drove throughout the capital in the car of our Ambassador, which had the American flag waving from the front fender, I saw groups of Burmese, as we passed by, spontaneously applauding this symbol of our great country. And the reason they were applauding the American flag was because over the course of the last several weeks our Government has made it clear in a number of ways that we support the aspirations of the Burmese people for democracy, and support their effort for peaceful change in Burma.

What is perhaps most remarkable is the fact that in spite of a substantial loss of life due to the use of the firepower by elements within the Burmese Armed Forces against the people of their own country, literally hundreds of thousands of Burmese have been willing to risk their lives for democracy by continuing the peaceful protest movement that has swept the entire country.

Tomorrow, Mr. Speaker, a general strike has been called in Burma. It is a virtual certainty that the country will be shut down. There is a wall-to-wall coalition in favor of change.

On September 12, the Government of Burma is planning to hold a party congress of the Burmese Socialist Party in order to ratify the call for a

referendum to constitutionally establish a multi-party system in that country. Yet the Burmese people believe they have already voted for democracy. The are convinced that this is nothing more than, nor less than, a ploy on the part of the Government to divert the movement for democracy and to deprive them of their just democratic deserts.

There is, therefore, a very real possibility that if the Government goes ahead with its call for a party congress on September 12, the people of Burma in a peaceful fashion will massively demonstrate in an effort to prevent this Congress from going forward.

If they do, the Government may well feel compelled to call the army out in order to disburse the demonstrators.

I heard many reports that most of the enlisted men and officers up to the rank of colonel are already in sympathy with the people. But the highest levels of the army may still give their loyalty to a government which has long since been discredited.

There is, therefore, a real possibility that within the next several days, blood could flow in Burma, possibly even producing a civil war.

My friends, there is no doubt but that democracy will come to Burma. The only real question is whether it comes about peacefully, or whether it comes about in the wake of massive bloodshed.

It is the purpose of this resolution today to let the people of Burma know, in unmistakable fashion, that the House of Representatives strongly supports their desire for democracy.

The resolution first of all pays tribute to the Burmese people for their courage and commitment in their effort to restore democratic government in their country by peaceful means.

Second, it condemns the killings which have already taken place, in which up to 3,000 Burmese have lost their lives.

Third, it expresses our strong support for the restoration of democratic government in Burma.

Fourth, it calls for the establishment of a transitional body consisting of men and women with an unquestioned commitment to democracy, who have the confidence of the country, to preside over a transition from the one party dictatorship under which Burma has suffered for 26 years to a genuine multiparty democracy.

Fifth, it urges appropriate Third World countries to consider favorably any request they may receive from leaders of Burma, past and present, who may wish to depart the country and whose departure may be necessary for a peaceful transition to democracy.

Sixth, it calls upon the executive branch of our own Government to review whether, under existing cir-

cumstances, it is prudent and even possible to continue our existing aid programs.

And finally it states the willingness of the Congress, in the context of the establishment of genuine democracy in Burma, to consider sympathetically proposals designed to assist Burma's economic recovery.

For more than a quarter century the people of Burma have suffered from the political oppression and economic stagnation of one of the most repressive regimes in Southeast Asia. But the winds of democracy are now sweeping through the region.

The people of Burma were inspired by the triumph of people power in the Philippines and the establishment of democracy in South Korea last year. They have been inspired by the economic miracles which have taken place in Singapore, in Taiwan and in Hong Kong. And in spite of the efforts on the part of the Burmese Government to isolate their people from the rest of the world, they have not entirely succeeded.

I was amazed to discover when I was in Burma on Sunday that the Senate of the United States, the other body, passed a resolution in August calling for the establishment of democracy in Burma. My friends, I myself did not know that this resolution had been adopted. I doubt that there were many people in the United States who were aware of it. And yet I found the Burmese people knew about it. They heard about it on the Voice of America, they heard about it on the BBC, and it enormously encouraged them. It gave them the feeling that they were not isolated.

I want to assure you as we stand here this evening that the adoption of this resolution will be reported in Burma. The people will find out about it and they will know that the United States is on the side of democracy rather than dictatorship.

It is no accident that the Burmese opposition has chosen the site of the American Embassy in Rangoon as the location for most of the demonstrations they have held calling for democracy in their country. They look to us as an inspiration and as the embodiment of the kind of multiparty democratic system they would like to have in their own country.

In the final analysis, the fate and future of Burma will be determined by the Burmese people themselves. But this is the least we can do, to lend our moral and political support to this extraordinary movement in which the people of Burma, in spite of the loss of blood which has already taken place, in spite of the existence of an army which has demonstrated its willingness to fire on its own people, have pledged their lives, their fortunes and their sacred honor, as our Founding Fathers did over 200 years ago, to the

very same principles upon which our own great republic was founded.

So I respectfully request my colleagues to sympathetically consider, and to support this resolution which will lend encouragement to the courageous people of Burma who are seeking for themselves the same democratic rights and freedoms which we have been privileged to enjoy for two centuries.

Mr. FASCELL. Mr. Speaker, will the gentleman from Iowa yield under his reservation to me?

Mr. LEACH of Iowa. Mr. Speaker, further reserving the right to object, I yield to the gentleman from Florida [Mr. FASCELL], the distinguished chairman of the Committee on Foreign Affairs.

Mr. FASCELL. Mr. Speaker, I thank the gentleman for yielding and for his cooperation in making it possible to bring this resolution to the floor.

Mr. Speaker, I rise in strong support of the resolution before us and urge its adoption. I would like to commend Representative SOLARZ for prompt action in bringing this matter to the House floor. He returned from Burma on Tuesday evening deeply impressed by the support he witnessed there for an immediate transition to a multiparty democracy.

The situation in Burma is at a crucial crossroad between a peaceful resolution to the current unrest and the possibility of a bloody civil conflict. As representatives of a great country with a long and proud democratic tradition, it is our responsibility to convey to the people of Burma our support for the restoration of democratic government and to urge the Government of Burma to refrain from any further use of force against citizens engaged in peaceful protest. The Peaceful transition from dictatorship to democracy is possible in Burma. It is our hope that passage of this resolution today will extend moral support to both sides to work out their differences and move promptly to the establishment of a new democratic government in Burma.

I urge my colleagues to join me in supporting house passage of this resolution.

□ 1800

Mr. SOLARZ. Mr. Speaker, will the gentleman yield?

Mr. LEACH of Iowa. Further reserving the right to object, I yield to the gentleman from New York.

Mr. SOLARZ. Mr. Speaker, I appreciate the gentleman's yielding.

Mr. Speaker, I was remiss in neglecting to take note of the fact at the outset of my remarks that it obviously would not have been possible to have brought this resolution to the floor in such an expeditious fashion, given the fact that we only returned to work

earlier today, without the cooperation of my very good friends on the other side of the aisle, the very distinguished ranking member of the Committee on Foreign Affairs, the gentleman from Michigan [Mr. BROOMFIELD], and the equally distinguished and able gentleman from Iowa, the ranking member of the Subcommittee on Asian and Pacific Affairs, and, of course, without the support also of our beloved chairman, the gentleman from Florida [Mr. FASCELL]. The willingness of the Members on the other side of the aisle to work with us in a genuine bipartisan fashioning in a resolution that reflects the views of this entire House is greatly appreciated.

May I just say also that the resolution does have the strong support of the administration, with whom we discussed the text as it evolved. Their willingness not only to endorse this resolution but to have spoken up on behalf of democracy and peaceful change in Burma long before we even considered this resolution is greatly to their credit.

Mr. BROOMFIELD. Mr. Speaker, will the gentleman yield?

Mr. LEACH of Iowa. Further reserving the right to object, I yield to the distinguished ranking member of the Committee on Foreign Affairs, the gentleman from Michigan [Mr. BROOMFIELD].

Mr. BROOMFIELD. Mr. Speaker, I would like to pay tribute to the gentleman from New York [Mr. SOLARZ], who is the chairman of the Subcommittee on Asian and Pacific Affairs, as well as the ranking member, the gentleman from Iowa [Mr. LEACH], who is the ranking Republican on that subcommittee. I thank these gentlemen for the expeditious manner in which they brought this resolution to the floor. I think the gentleman from New York [Mr. SOLARZ] has given a very good report on the necessity for this resolution, and I strongly urge the support of the resolution by the Members.

This is a very timely resolution. We are witnessing a growing demand for democracy in Burma. Hundreds of thousands of Burmese have taken to the streets demanding an end to a quarter century of single party rule and a continually worsening economy.

All parts of Burmese society have joined in raising their voices in calling for democracy. Today's New York Times states that all 187 foreign ministry workers who belong to Burma's ruling party have joined other Government workers in resigning from the party and calling for the establishment of an interim government.

Unlike his predecessors who reacted with bullets to the demonstration, the current leader of Burma, President Maung Maung [Mong Mong], has so far acted with restraint. It is to be hoped that his government will continue to do so.

The resolution before us pays tribute to the Burmese people who have courageously

stood for the restoration of democracy in Burma and condemns the killings of unarmed demonstrators. It further urges the Burmese Government to refrain from the use of force against citizens engaged in peaceful protest. It also expresses the strong support of the House of Representatives for the restoration of democracy in Burma, and the establishment of a transitional government.

Mr. Speaker, as a cosponsor I urge my colleagues to support this resolution and to send a clear signal to the people of Burma that this body supports the people's desire for democracy and economic development, and hopes that the Government there will allow the necessary changes to come about peacefully.

Mr. GILMAN. Mr. Speaker, will the gentleman yield?

Mr. LEACH of Iowa. I yield to the gentleman from New York.

Mr. GILMAN. Mr. Speaker, I want to commend the gentleman from New York [Mr. SOLARZ] for taking time during this brief recess to go to Burma and to bring back this report to the House and for his prompt and expeditious manner in forging a measure that will be of support to the emerging democracy in Burma. We appreciate his eloquent remarks this evening that fully analyze the present situation.

Accordingly, Mr. Speaker, I urge my colleagues to fully support the resolution now before us.

Mr. LEACH of Iowa. Mr. Speaker, further reserving the right to object, recent developments in Burma have demonstrated impressively the desire of the people of Burma for democracy after 26 years of one-party authoritarian rule by the Burma Socialist Program Party. By their actions, the people of Burma have told their leaders that they have reached their limits with Government intolerance of political opposition and curbs on basic human rights.

While Burma may be one of the world's poorest nations, the breadth and vigor of the recent popular protest for democratic change once again underscore the universal appropriateness of democracy for all peoples, regardless of economic status. In fact, Burma's failure to keep pace with the impressive economic accomplishments of many of its Asian neighbors cannot be divorced from its political failures and may be attributed in large part to a centralized rather than free market economy. Hopefully, with a transition to a more open political system, the people of Burma may also be able to enjoy the benefits of a more open economic system and an improved standard of living.

Unfortunately, popular demands for change and for freedom have not been without enormous human cost. The use of deadly armed force against unarmed civilians engaged in the peaceful protests is reprehensible and is appropriately condemned in the resolution before us today. And, although it

has resulted in substantial bloodshed, it has failed to quell dissent.

The resolution today pays tribute to the people of Burma for their courage and commitment in pressing for democracy and expresses the strong support of the House for the restoration of democracy in that country. The resolution urges the establishment of a transitional body, committed to democracy, to organize multiparty elections.

The resolution, also appropriately takes note of public statements by our State Department and by our Ambassador in Burma, expressing strong United States support for the restoration of democracy in Burma and condemning the killing of unarmed demonstrators. It also calls on the executive branch, in the resolved clause, to review whether it is wise to continue U.S. assistance under current conditions in that country.

Mr. Speaker, given the daily unfolding of events in Burma, it is important that the House act expeditiously on the resolution before us. This body should unhesitatingly go on record registering the strong support of the American people for a new era of democracy and freedom for the people of Burma.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. TORRES). Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read the resolution, as follows:

#### H. RES. 529

Whereas General Ne Win overthrew the democratically-elected government of Burma in 1962 and established the Burma Socialist Program Party, which has ruled Burma as a dictatorship since then;

Whereas the state-controlled economy established by the Ne Win regime has resulted in a significant decline in the standard of living of the Burmese people, while the free enterprise economies of other countries in the region has prospered;

Whereas despite the efforts of the Government of Burma to isolate the Burmese people from developments elsewhere in the world, the Burmese people have learned of and been inspired both by the restoration of democratic governments in the Philippines and the Republic of Korea and by the economic miracles that have taken place in Singapore, Thailand, and other countries in the region;

Whereas in the summer of 1988, hundreds of thousands of Burmese citizens participated in demonstrations not just in the capital but in cities across the country in favor of multiparty democracy in Burma;

Whereas these protest activities have demonstrated the commitment of the overwhelming majority of the Burmese people to peaceful, democratic change;

Whereas the Government of Burma has responded to these peaceful demonstrations with an excessive use of force against unarmed civilians;

Whereas this bloodshed has already claimed up to 3,000 lives;

Whereas despite the violence inflicted on them, the Burmese people remain unshaken in their commitment to achieving democracy by peaceful means and in their willingness to risk their lives to achieve it;

Whereas through public statements by representatives of the Department of State in Washington and the United States Ambassador in Burma, as well as by the passage of Senate Resolution 464, the United States has clearly expressed both its condemnation of the killing of unarmed Burmese demonstrators and its strong support for the restoration of multiparty democracy in Burma;

Whereas the people of Burma have warmly welcomed these expressions of United States support for the democratization process and have chosen, as a symbol of democracy, the United States Embassy in Rangoon as the staging site for many pro-democratization demonstrations; and

Whereas the success of the democratization process in Burma would not only give the Burmese people the opportunity to enjoy the benefits of genuine democracy but would also serve as an inspiration to oppressed peoples in other countries across the globe that have nondemocratic regimes: Now, therefore, be it

*Resolved*, That the House of Representatives—

(1) pays tribute to the Burmese people for their courage and commitment in supporting the restoration of democratic government in their country by peaceful means;

(2) condemns the killing of unarmed demonstrators, and urges the Government of Burma to refrain from any further use of force against those Burmese citizens engaged in peaceful protest;

(3) expresses its strong support for the restoration of democracy in Burma;

(4) to that end, urges the establishment of a transitional body, consisting of Burmese citizens who are unquestionably committed to democracy and who have the confidence of the Burmese people, to organize the holding of multiparty elections and otherwise facilitate the establishment of a genuinely democratic government;

(5) urges appropriate third parties to consider favorably requests to facilitate the departure of present or former Burmese Government officials as a means of strengthening the prospects for a peaceful settlement;

(6) calls upon the executive branch to review whether, under existing circumstances, it is possible or prudent to continue United States assistance programs in Burma; and

(7) states its willingness, in the context of the establishment of a genuinely democratic government that has the confidence and support of the Burmese people, to consider sympathetically proposals designed to assist Burma's economic recovery from three decades of mismanagement and economic stagnation.

The resolution was agreed to.

A motion to reconsider was laid on the table.

#### GENERAL LEAVE

Mr. SOLARZ. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on House Resolution 529, the resolution just agreed to.

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

There was no objection.

#### PERMISSION FOR COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION TO SIT ON TOMORROW DURING THE 5-MINUTE RULE

Mr. GRAY of Illinois. Mr. Speaker, I ask unanimous consent that on tomorrow, Thursday, September 8, 1988, the Committee on Public Works and Transportation may be permitted to sit during the 5-minute rule.

Mr. Speaker, I further state that the matter has been cleared with the minority.

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

There was no objection.

#### NATIONAL D.A.R.E. DAY

Mr. DYMALLY. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 295) to provide for the designation of September 15, 1988, as "National D.A.R.E. Day," and ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

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

Mrs. MORELLA. Mr. Speaker, reserving the right to object, I yield to the gentleman from California [Mr. LEVINE], who is the chief sponsor of House Joint Resolution 540, designating September 15, 1988, as National Drug Abuse Resistance Education Day.

Mr. LEVINE of California. Mr. Speaker, I am very grateful for the leadership on both sides of the subcommittee for bring forth this Senate joint resolution, and I am very grateful to the majority of my colleagues who have cosponsored this resolution.

Mr. Speaker, I rise in enthusiastic support of Senate Joint Resolution 295, designating September 15, 1988, as National Drug Abuse Resistance Education Day. As the House sponsor of this legislation, I am pleased that Congress has chosen to recognize this outstanding program.

D.A.R.E. is an innovative approach to drug abuse prevention developed by the Los Angeles Police Department and the Los Angeles Unified School District. It offers a 17-week curriculum to teach fifth and sixth grade children the decisionmaking skills necessary to resist pressure to experiment with drugs and alcohol. The D.A.R.E. curriculum teaches assertive response styles, resistance techniques, and how

to evaluate risk-taking behavior and the consequences of their choices. Other D.A.R.E. units help students understand self-image, resist gang pressure, recognize stress, and manage it without taking drugs, and analyze and resist media presentations about alcohol and drugs.

The D.A.R.E. Program is taught by veteran police officers, who have direct experience with the tragedies and crimes caused by drug abuse. Each police officer completes a special 2-week training program which includes instruction on teaching techniques, officer-school relationships, development of self-esteem, child development, and communication skills. The D.A.R.E. Program provides the opportunity for law enforcement, teachers, and school administrators to work together to reduce drug abuse.

Independent research has confirmed the success of the D.A.R.E. Program. D.A.R.E. graduates are less accepting of drug use, and more able to resist peer pressure to use drugs. The D.A.R.E. Program also contributes to improved study habits and grades, decreased vandalism and gang activity, and a more positive attitude toward the police and school.

The success of D.A.R.E. is also demonstrated in a student-parent survey taken in the Los Angeles Unified School District. Before taking the D.A.R.E. Program 51 percent of the students surveyed equated drug use with having more friends. After completing the D.A.R.E. Program, only 8 percent of the students made this association. Similarly, before witnessing the D.A.R.E. presentation, 61 percent of parents thought that there was nothing parents could do to prevent their children from using drugs. However, after the D.A.R.E. presentation, only 5 percent of the parents believed this.

I commend law enforcement for its willingness to sponsor innovative and effective programs like D.A.R.E., and I urge my colleagues to support this legislation.

Mrs. MORELLA. Mr. Speaker, further reserving the right to object, I would like to compliment the chief sponsor of the House joint resolution. It is particularly appropriate that we talk about this innovative program at this time when we are considering the major Omnibus Drug Initiative Act.

Mr. GILMAN. Mr. Speaker, will the gentleman yield?

Mrs. MORELLA. I yield to the distinguished gentleman from New York.

Mr. GILMAN. Mr. Speaker, I am pleased to rise in support of Senate Joint Resolution 295 which would designate September 15, 1988, National Drug Abuse Resistance Education Day and I commend the gentleman from California [Mr. LEWIS]. There is probably no more important aspect of the

war against drugs than the struggle for the hearts and minds of the next generation of Americans. They must learn the dangers of drugs and they must understand that saying no to drugs means saying yes to hope.

It is noteworthy that 495 communities in 34 States now teach the D.A.R.E. Program in their local schools and more than 15 million students have benefited from this worthy program.

Accordingly I urge my colleagues on both sides of the aisle to give their full support for this important measure. Let us focus the Nation's attention on the need to teach our children the threat that drugs pose to their lives and to our society.

Mrs. MORELLA. Mr. Speaker, further, reserving the right to object, I would like to point out that I had a drug program in Montgomery County, and that the gentleman from New York [Mr. GILMAN] was kind enough to be there as ranking member of the Select Committee on Narcotics Abuse and Control. We had a speaker who has chaired a Rand Commission report on drugs around the Washington area, and he pointed out that if we do not do something about drugs, including education and prevention, a whole generation could be lost. That is exactly what this D.A.R.E. Program is about, to get the police officers involved in teaching the young people so that they will have the courage to resist.

At the same time, during that program we had some young people who were students at a school that is unique in the district that I represent called the Phoenix School with two campuses. These are young people who are engaged in education and treatment programs, and what they are doing also is going to school and meeting with those youngsters in the third grade and saying, "Hi, I am Debbie," or "John, and I am a drug addict," and indicating to them the terrible experiences they had had and the fact that they have, through the turmoil and travail, been able to transcend it.

So, Mr. Speaker, I certainly heartily support the program that is part of this resolution.

Mr. Speaker, further reserving the right to object, I yield to the gentleman from Virginia [Mr. WOLF].

Mr. WOLF. Mr. Speaker, I rise in support of House Joint Resolution 540 designating September 15, 1988, as National D.A.R.E. Day. I congratulate my colleague, Representative MEL. LEVINE from California, for his efforts on this legislation and I thank the Post Office and Civil Service Committee for their expeditious movement of this resolution through the committee.

I would like to take this opportunity to call attention to the Drug Abuse

Resistance Education [D.A.R.E.] Program which is being implemented by law enforcement agencies in local school districts throughout the country. The program is successfully teaching children the skills necessary to recognize and resist the pressure that influences them to experiment with drugs.

The D.A.R.E. Program, originally developed in 1983 in Los Angeles, CA, is now being taught in more than 495 communities in 38 States, including 90 jurisdictions in the State of Virginia.

D.A.R.E. is a semester-long program teaching 5th graders how to resist the pressure to experiment with drugs and alcohol. The program is taught by individuals who have seen others ruin their lives with drugs and alcohol—veteran police officers who go through an 80-hour training course including development of self-esteem, teaching techniques, officer-school relationships, and communication skills.

There are three D.A.R.E. jurisdictions which fall within the 10th District of Virginia, including Arlington County, Falls Church, and Loudoun County. After attending one of the D.A.R.E. classes and reviewing the course material offered, I am convinced more than ever that the D.A.R.E. Program, on both a local and national level, is an extremely positive approach to equipping our youngsters with the skills to resist peer pressure to experiment with and use harmful drugs.

The D.A.R.E. Program offers a responsible approach to educating our youngsters about the tragic effects of substance abuse and I congratulate everyone involved. I feel honored to be a part of the effort designating September 15, 1988, as National D.A.R.E. Day and I urge the support of my colleagues for House Joint Resolution 540.

Mrs. MORELLA. Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 295

Whereas D.A.R.E. (Drug Abuse Resistance Education) is a semester long program which teaches fifth and sixth grade children how to resist pressure to experiment with drugs and alcohol;

Whereas the D.A.R.E. program is also provided to kindergarten and junior high school students and their parents;

Whereas D.A.R.E. targets children when they are most vulnerable to tremendous peer pressure to try drugs or alcohol and teaches the skills to make positive decisions and resist pressure to participate in negative behaviors;

Whereas more than 495 communities in 34 States teach the D.A.R.E. program in their local schools, and a pilot program has been implemented for use internationally in the Department of Defense Dependent Schools;

Whereas almost 1.5 million students have been reached through D.A.R.E.;

Whereas because school children are frequently much more sophisticated about substance abuse than are classroom teachers, the D.A.R.E. program is taught by veteran police officers with direct experience with ruined lives and crimes caused by substance abuse;

Whereas each police officer teaching the D.A.R.E. program completes an 80-hour training course including instruction in teaching techniques, officer-school relationships, development of self-esteem, child development, and communication skills;

Whereas the D.A.R.E. curriculum, developed by the Los Angeles Police Department and the Los Angeles Unified School District helps students understand self-image, recognize stress and manage it without taking drugs, analyze and resist media presentations about alcohol and drugs, evaluate risk-taking behavior, resist gang pressure, apply decision making skills, and evaluate the consequences of the choices available to them;

Whereas independent research shows that the D.A.R.E. program has exceeded its goal of helping students combat peer pressure to use drugs and alcohol, and it has also contributed to improved study habits and grades, decreased vandalism and gang activity, and has generated greater respect for police officers;

Whereas the D.A.R.E. program has achieved outstanding success teaching positive and effective approaches to what is one of the most difficult problems facing our young people today, drug abuse; Now, therefore, be it

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That September 15, 1988, is designated as "National D.A.R.E. Day", and the President of the United States is authorized and requested to issue a proclamation calling upon the people of the United States to observe such day with appropriate ceremonies and activities.*

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### GENERAL LEAVE

Mr. DYMALLY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on Senate Joint Resolution 295, the Senate joint resolution just passed.

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

There was no objection.

#### WITH A BIG HEART, NASHVILLE WELCOMES VISITORS

(Mr. CLEMENT asked as was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. CLEMENT. Mr. Speaker, it is always a pleasure to tout the fine attributes of Nashville, TN.

As in many parts of our great Nation, Nashville thrives on the many

thousands of visitors who come to partake of its sights and sounds. Nashville welcomes its guests with country hospitality known to melt the skepticism of the most experienced world traveler.

While music is important in many parts of our community, Nashville is also known for its historic sites. From the Hermitage home of Andrew Jackson to the recently reopened 100-year-old full-size reproduction of the Parthenon, Nashville has much to offer.

But I am naturally biased in my attitude toward Nashville. So instead of relying on my descriptions of my hometown, I encourage my colleagues to read an article which appeared in the Washington Post travel section during the August recess.

Better yet, round up your family and come to Nashville and see for yourself.

Mr. Speaker, I include the article from the Washington Post of Sunday, August 21, 1988, as follows:

#### COMIN' INTO THE COUNTRY

(By Jeffrey A. Frank)

My son and I went to Nashville on a pilgrimage of sorts. You should know that he is 14, and just graduated from the choir in which he sang for five years. And you should know that country music has for me been a lifetime guilty pleasure. It would, I believed, be good for him to learn something about that music, and good for both of us to learn something about the place where so much of it was born and raised.

We had picked a fine time (mid-June), when a special liveliness had overtaken Davidson County: The latest installment of Fan Fair, where 20,000 people show up to meet the country stars they admire, was in progress at the Tennessee State Fairgrounds.

We turned the three-day trip into a determined immersion, no doubt missing a good deal (and having no time at all for such "sights" as Andrew Jackson's house). What we found was a place, or more accurately a small part of a place, where music rules, the guitar pick is a weapon of choice, old Cadillacs take on mythic dimensions and boundaries of time, taste and even mortality melt away.

One should think of musical Nashville in four parts: Music Row, where much of the industry is located as well as tourist draws like the Country Music Hall of Fame; the slightly disreputable lower Broadway; the Opryland complex, consisting of the Grand Ole Opry auditorium, hotels and an unusual theme park, Opryland USA; and the West End, near Vanderbilt University, where a number of clubs thrive.

Nashville seems villagelike in spite of a population of half a million, and it doesn't take long to find your way around. A couple of hours after getting here, we were in the 16th Avenue Shoney's, just behind the Country Music Hall of Fame, across from the storefronts on Demonbreun Street with names like: The Hank Williams Jr. Family Tradition Museum, Barbara Mandrell's One Hour Photo, Ernest Tubb's Record Shop (one of three locations), Conway Twitty Country Store & Record Shop, George Jones Car Collection, Loretta Lynn's Western Store, the Elvis Presley Museum. And so on.

It was a dark, cloudy day on Music Row, and inside Shoney's, where we waited for

Shoney-burgers, a man dressed like Willie Nelson, bearing an old Martin guitar, was looking inquiringly at passing customers. Dress of the day was red baseball caps—often emblazoned with the words International Fan Fair—baggy jeans and very large ornamental belt buckles.

We had just come from the Hall of Fame, which, like baseball's hall in Cooperstown, is stuffed with artifacts and history. Almost upon entering (admission \$6.50), you see a wide-lapel suit worn by Hank Williams, a purple-and-white dress favored by Patsy Cline, a pink costume (decorated by birds and flowers) used by Marty Robbins.

You also discover that some very famous songs were often scribbled in the rudest fashion, on whatever scrap was handy. A laundry list. A receipt. "Wolverton Mountain" was scrawled on the stationery of Nashville's defunct Noel Hotel.

There's really a great deal to see here. Both of us particularly liked a small theater that shows terrific film clips, some of which, simply because they exist, seem miraculous: Jimmie Rodgers yodeling Hank Williams on Kate Smith's television program singing "Hey, Good Lookin'"; Patsy Cline accompanied by country-jazz guitarist Hank Garland. Nearby is one of Elvis Presley's Cadillacs, the celebrated "solid gold" 1960 model. "He did know how to go in style," a visitor beside us remarked unnecessarily.

On the way to the gift shop, you pass the plaques of the inductees: Minnie Pearl's includes the \$1.98 price tag on her hat. Another says simply, "Hank Williams will live on in the memories of millions of Americans."

A block away (included in the ticket) is RCA's celebrated-Studio B, no longer in use but still very much intact—down to the mixing board. As is common here, you are invited to treat the exhibits as if they were your own: to stand in the spot where Presley did his Nashville sessions, to play the Steinway used by Jerry Lee Lewis. An English visitor seemed fascinated by a honky-tonk piano by the wall; one bearded tourist wearing a Fan Fair cap picked up a guitar and began to strum. My son went right to the Steinway.

We had not, to be sure, really heard any music yet, but this introduction seemed altogether proper. After all, one of the customs of the country-music world is a bonding between star and fan, a bonding that does not end with death. Patsy Cline, Hank Williams, Marty Robbins, Ernest Tubb are still powerful icons, and you quickly get a sense of this.

In the Hall of Fame, a special exhibit devoted to the living Johnny Cash begins with Cash on videotape describing various items in display cases—he's talking as if you are an old friend. "This," he says, "is a very unique book," and he holds up a volume autographed by Helen Keller in 1935; he points to a Remington bronze, and calls the room he's standing in "my private little study, [with] my books, where I do all my writing."

Some of the nearby shrines seem a bit of a cheat. The clapboard yellow Minnie Pearl Museum, for example, which charges \$3, seems awfully sparse for such a long, enduring career, in spite of the welcome mat at the front door that proclaims, "How-dee!"

Across the street, on Demonbreun, things get better. Hank Williams Jr. also charges \$3, and one immediately discovers the baby-blue Cadillac convertible in which Hank Williams Sr. died in 1953. There's lots more, including Hank Sr.'s boots, family pictures,

the 1958 Cadillac DeVille favored by Hank Jr. and a videotape chronicling his life. We were so pleased that I bought a \$2.98 mug, featuring Hank Sr.'s blue Cadillac.

We wandered a bit, skipping George Jones' cars, a wax museum and Elvis' museum (on grounds that Memphis ought to have the most authentic Presley collection). And then we headed 10 blocks east for lower Broadway.

A friend, a Nashvillian by birth, describes this neighborhood as a stop for country entertainers on their way down-and-out, or just starting. Most of it is found between Fourth and Fifth avenues and it seems, at first, like a stage set of seediness. My son remarked that it looked like what George Bailey saw in "It's a Wonderful Life" when his guardian angel showed him how Bedford Falls would have turned out without him.

On Fifth, just south of Broadway, is the Ryman Auditorium, once the home, for 30 years or so, of the Grand Ole Opry, and we headed there once, surrounded by a busload of tourists en route to the gates of the homes of the stars. I had always been troubled by the Opry's decision to leave the Ryman in 1974 and set up shop in the Opryland suburbs; it seemed akin to abandoning Carnegie Hall for Tenafly, N.J., and in fact there is a wondrous feel still to the Ryman.

You recognize the place, almost in a rush of *deja vu*: the barn-red backdrop; the wooden seats, like pews, in a semicircle around the stage; the balcony so low that the view from the back is halved; the posts in the middle; the sense of hot airlessness on a summer night when the WSM radio show went out to millions, creating the illusion that the Opry was America's rural back yard.

Some Opry stars were so upset by the move that a section of Ryman floor was cut out—to be made into a circle in the stage of the new theater. The Ryman is otherwise unscathed, and fit enough to make guest appearances in films like "Coal Miner's Daughter" and an occasional television production. Those on the bus tour were encouraged to sing "You Are My Sunshine" as they stood on the stage; then they could tell friends they'd performed at the Ryman. We joined in, too.

Around the corner, on Broadway, is Tootsie's Orchid Lounge, another landmark of sorts ("What's gonna happen to Tootsie's if they tear the Ryman down?" goes the song), and although Tootsie herself is deceased, the place endures—an oddity, part tourist joint, yet somehow authentic, much like the fragile neighborhood around it. Every millimeter of wall space is covered with photos of country stars, famous and obscure, and from the ceiling in the center hangs an enormous pair of panties—"Jane Russell's drawers."

When we dropped by, a guitarist-singer, accompanied by his wife (on bass) and 12-year-old son (on drums), was playing for tips in a plastic bucket, and when they took a break, a very chubby singer named Mel Anderson let loose with "I washed her from the blackboard of my heart" and more. Anderson made a record called "The Woodpecker Song" some years back, which sold mainly because the lyrics were considered naughty. The gold lettering on his green T-shirt read: "350 Lbs. of Sounds"

As Anderson performed "The Woodpecker Song," a half-dozen Japanese tourists walked in and took a table in the rear. The 12-year-old sold autographed pictures of himself for a dollar apiece.

It was still afternoon, and none of the other bars along the strip was doing much. Between Fourth and Fifth you find an Adult World, (another) Ernest Tubbs Record Shop, the Turf, Pole's Rhinestone Cowboy and a place, now closed, called Friedman's, where a sign spells out the idea: "Music & Loan."

Also on the strip is Gruhn Guitars Inc., where owner George Bruhn, in a sense, helps rule the world's vintage guitar market. Gruhn's inventory list, mailed out to about 2,000 subscribers every three weeks, has been called the Blue Book of used guitars, and upstairs, on the day we stopped by, he had instruments packed for shipment to Italy, West Germany, Japan, as well as many U.S. cities.

The guitar, of course, is emblematic of the city. Out on Gallatin Pike, north toward Hendersonville, one pawnshop advertises guitars and shotguns. Customers (including a guitarist for the Judds) milled about. Gruhn complained to us, "I worry that we're running out of space."

Those are scary words in the shadow of the Ryman.

That evening we had reserved a place in the studio for "Nashville Now," a talk-music program broadcast live on The Nashville Network. (TNN is located in the Opryland complex, nine miles northeast of town.)

My son has acquired a wry appreciation of that old sitcom, "The Brady Bunch," and was much amused to sit so close to Florence Henderson, a guest that night. I was pleased that Minnie Pearl was scheduled, and disappointed to have missed the Everly Brothers, who were booked the night before.

"Nashville Now's" host, Ralph Emery, is regarded locally as a sort of Johnny Carson, and his 1½-hour program is an easy way for out-of-towners to get some sense of the musical life of the city. The rules of informality prevail, with people snapping pictures during the telecast, walking around. Pizza Hut was promoting a new flavor the day we went, and samples were passed out during the show. Emery singled out my son to ask if he had a girlfriend and could count to 10 with a mouth full of pizza. My son's father covered his face.

An hour later, I was dragging us back into town to visit the Bluebird Cafe, in the West End at 4104 Hillsboro Rd., which had been recommended by a Nashville native as an antidote to the Opry tradition (cover charge, \$6). Its owner, Amy Kurland, holds weekly songwriters' nights along with bookings for established or semiestablished acts—with an emphasis, she says, on new country and acoustic music.

When we dropped by, the house was packed for an engaging, progressive country group called SKB (Thom Schuyler, Fred Knobloch and Craig Bikhardt), joined by another songwriter, the Grammy-winning Don (The Gambler) Schlitz—thus a special billing as SKBS. My son enjoyed the music, as did I, and he noted a distinct absence of red baseball caps in the crowd.

It is possible, you realize, to fill every moment of a visit here with music, most of it country music. Country music, to be sure, includes many styles: bluegrass, traditional, new traditional, progressive, gospel, pop, rockabilly, the so-called Nashville sound.

The different styles, and their leaders, are like different sects of a church, and sometimes they attack one another bitterly. Still, the music endures because country music, originally made by and for "common folk," can be enormously engaging and witty and sentimental and melodic, which is why its audience is so vast.

That audience has made Nashville a center of the record industry (just behind New York and Los Angeles), the home of an estimated 2,500 AFRTA singers, 3,000 working union musicians, at least 90 recording studios and perhaps 350 music publishing companies. Someone told us that 10,000 songwriters are in town at any given moment, though most live on dreams and day jobs. The Chamber of Commerce says that 90 percent of all country music is recorded here.

It is a city where you find someone like Greg Krochman, who owns and operates the Classic Axe, on 16th Avenue. Krochman spends most of his time customizing and repairing the instruments of Nashville musicians—he even makes house calls. Like so many, he came here with a band, hoping for stardom (in Krochman's case, from Tampa, Fla., in 1982). He has worked on guitars belonging to, among others, Merle Travis. "The stories attached to them, that's what gets you," he says.

It is not so easy for visitors to get a sense of that, beyond the public attractions. If you want to see a recording session (as many as 40,000 are held each year), you have to try the studios individually and hope for the best; we made a couple of attempts and had no luck, but were told that was bad timing, not policy. In any case, the industry gossip column in Music Row magazine gives a pretty good roundup of who is doing what in the various studios.

But always, or almost always, Nashville is a place where the circle between music makers and listeners is unbroken, and so it was at the Tennessee State Fairgrounds, a 15-minute drive from the center of town, where the 17th annual Fan Fair was winding down.

When we got there, there were a still a few stars—Tanya Tucker for one—easily spotted by the queues and the flash cameras. (Just outside the fairgrounds, there were no queues around a well-preserved Tiny Tim, who has been recording in the city.) "It's like family," says a woman who knows Nashville well. "The fans stick with them through thick and thin."

They stuck by Barbara Mandrell, who signed autographs at the fairgrounds and at her pricey (\$6) Music Row museum. The Oak Ridge Boys were said to have devoted six hours to autographs. We did not see the prize-winning Ricky Skaggs booth, but The Tennessean reported that it was called "Comin' Home to Stay" and that its decorations included a white picket fence, yard greenery and artificial chickens.

The event brings lots of money to Nashville—nearly \$6.6 million this year, according to the Chamber of Commerce. For \$60, the four-day Fan Fair provides two meals, free admission to places like the Hall of Fame and about 30 hours of live music.

On our second day, we moved to the Opryland Hotel, which itself is a sort of theme park.

Our room, in a section of the hotel called the Cascades, overlooked a one-acre atrium-greenhouse: palm trees, suspended walkways, streams and . . . waterfalls . . . connecting to another one-acre atrium, the Conservatory, which has a jungle motif—thick plant life, smaller waterfall and streams. In the early evening, as we drank Cokes close to a waterfall, we noticed that the fountains were rising and swaying, lighted green and pink, accompanied by Strauss. My son, who had never seen dancing waters, began to giggle. I noted that it was about time for the Grand Ole Opry.

The hotel and Opry auditorium are almost side by side, but they have separate exits off the Briley Parkway and you have to drive a couple of miles to get from one to the other. I was somewhat dreading things; my son, who had been impressed by the old Ryman, was curious too. We talked about a large harp poised on a balcony overlooking the Cascades atrium, which I could not then explain.

The very good news was finding that the slick, new Opry auditorium is, spiritually and esthetically, very much like its predecessor. It has 4,400 seats, compared with 3,300 at the Ryman, but the contours are similar; that piece of transplanted floor may help, too.

On Friday nights, the show (tickets are \$12) is broadcast locally on WSM, and a half-hour segment is transmitted to affiliates nationwide. On Saturday, half an hour is telecast. As you listen and watch, there is an occasional strobelike effect from the flash bulbs: People are descending the aisles, passing below the stage, photographing the performers. A Canadian sitting beside us dutifully left his seat almost every time a new act appeared, camera in hand.

We felt lucky to have been there on a night when Roy Acuff, walking stiffly but looking vigorous, sang "The Wabash Cannonball," as he has, off and on, for the 50 years he's been an Opry regular. (Acuff, who will turn 85 on Sept. 15, also participated in a sentimental duet about an ancient, fading country singer.)

An evening at the Opry, incidentally, means five separate half-hour segments, with commercials piped in. We heard such longtime regulars as Porter Wagoner, Hank Snow and the Osborne Brothers; and a newcomer, Ricky Van Shelton, was inducted in the cast. For those who regularly curse sound systems in clubs and auditoriums, you should know that the mix inside the Opry auditorium is perfect.

Back at the hotel, hundreds were strolling through the tropical growth, lingering by the waterfalls, searching for restaurants (long lines for the inexpensive ones, easy seating at the others), stopping for the musical performances at a palace called the Pickin' Palor. The harp on the balcony beckoned, mysteriously.

What makes Opryland USA different from all other theme parks is that its theme is country music—and you can hear hours of live performances there. And there is a special difference in the visitors themselves—my son noticed right away that all ages seemed represented; there were lots of retired couples strolling about.

Before going into the park, we took a trip (embarking at 8:15 a.m.) on a modern, four-deck paddle-wheel showboat called the General Jackson, which provides music and food during a short ride on the Cumberland River.

These things are a matter of taste, but we began feeling a bit claustrophobic before we docked, more than two hours later. By then we had watched a revue of American song in the Victorian Theatre on a lower deck—a performance that leaps out at you during the ample buffet breakfast and reminded my son of a "PTL Club"—and had a nice conversation with a retired couple from Charleston S.C., and another couple from Huntsville, Ala. On the so-called Hurricane Deck, in the sunshine, we listened to a group of cheerily cynical bluegrass musicians perform standards such as "Rocky Top" and "Salty Dog" and "Fox on the

Run," and we were listening still when we docked.

I suspect we would have enjoyed Opryland USA more were we less weary. My companion had, five days previous, been on a class trip to King's Dominion, and it was my good luck that he was not so eager to take many of the 21 rides. We did board the Sky Ride, which carries you across the park from the 1950s DoWahDiddy City to the New Orleans area (a 15-year-old from Hendersonville said she spent much of her summer in that ride). And we did the Grizzly River Rampage, which I thought was fun but my son found slightly inferior to the white-water ride at King's Dominion.

We stayed nearly three hours, sitting down to watch most of an outdoor revue called "Country Music USA," in which a group of musicians pay homage to a pantheon of stars from Jimmie Rogers to Alabama. There was much more; the park says it employs approximately 400 singers, dancers, musicians and technicians for the shows.

On the way out, after a stop at Roy Acuff's Musical Collection (which is just, wonderfully, that), we headed toward Hendersonville.

Where things got a little grim.

We were on Gallatin Pike (its name changes to Johnny Cash Boulevard just north of Gallatin) to find Twitty City, the "village" that singer Conway Twitty built to get closer to his fans. When we arrived in midafternoon, there were not many fans present, and what you see at first is a brick building dedicated to Twitty. Close by lie four more attractions: Ferlin Husky's Wings-of-a-Dove Museum; and "museums" dedicated to Bill Monroe, Willie Nelson and Marty Robbins.

Admission to all four is \$8, or \$3.50 for one—the Twitty building extra. We debated these choices seriously, and settled finally on bluegrass Monroe's museum, the closest. We spent a little more time inside (fiddles, banjos, mandolins, boots) than we wanted to, so as not to insult the young lady selling tickets.

After stopping for aspirin, we drove another mile up Johnny Cash Highway to the House of Cash. I have long admired Cash's music; its simplicity and earnestness make much of it as fresh as it was when Eisenhower was president. But it was difficult to admire the House of Cash, which holds prized possessions owned by Cash and his wife June Carter. A brochure announces that its contents include "priceless Frederic Remington original bronzes, antique Colt pistols, a letter written by Andrew Jackson and the Elizabethan bed Johnny and June slept in for the first couple of years of their marriage . . ."

We opted to save the \$5 apiece for other treats.

Back at the Cascades, the mystery of the harp on the balcony was solved.

From our room, we saw a man dressed in a white sequined suit, bearing a faint resemblance to Liberace. As the waters danced, he played "Memories," from "Cats," and other favorites, to great applause. My son pleaded with me to take him back to Nashville; time, he pointed out, was running short.

Twenty minutes later, we were walking past a couple of street musicians on Second Avenue, close to the Cumberland River, where most of the storefronts have been gentrified. A terrific bookstore called Rare, Foreign and More (it also sells newspapers, magazines and chocolate) is located there.

On Broadway, at dusk on Saturday night, you can hear music on the street. You can

hear it from in front of the T.G. Tilman & Son grocery, which has been on the corner of First and Broadway for 47 years, and very clearly by the time you pass Ernest Tubb's.

Someone with a nice voice was singing ballads inside the Turf, and at Tootsie's a less-talented performer was singing "Jambalaya." We enjoyed walking around, and when it got dark we drove to the Bluegrass Inn, located between 19th and 20th streets just off Broadway.

The Blue Grass Inn, recommended by another Nashville friend, is a nice place (with a clock shaped like a guitar behind the bar); the cover charge is \$4, and Cokes are \$1 apiece, served in cans, and no one pushes you to drink them. Hubert Davis and the Season Travelers, a longtime local favorite, were playing songs from an immense repertoire, and Davis asked people where they came from. "Is it your first time here?" he asked each table. "Will you be back?" We answered yes to both questions.

On the way home, I asked my son what he'd learned in Nashville, and part of what he said was this: "I learned about country music, and about the people who worship country stars." They seemed like pretty good things to have picked up in three days, and let me now give Nashville—that bubbling, tacky, important American city—thanks for that, too.

#### THE LOW-INCOME HOUSING PRESERVATION ACT OF 1988

(Mr. EDWARDS of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. EDWARDS of California. Mr. Speaker, all of us recognize that our country is suffering from a tremendous shortage of low income housing. To make matters worse, the existing low income housing stock will be badly depleted in the next few years unless we act now to preserve it. Today the Honorable NANCY PELOSI and I are introducing the Low Income Housing Preservation Act, which would enable nonprofit corporations and State and local housing agencies to acquire and maintain low income housing threatened by the prepayment of HUD subsidized mortgages and the termination of HUD low-income housing subsidies.

The Federal Government, as a partner with private owners in these low income housing projects, has a responsibility to preserve their low income character. The least costly means of fulfilling that responsibility entails the purchase of the threatened low income housing with funds from a housing preservation grant, which my legislation would establish.

An April 1988 National Low Income Housing Preservation Commission report showed that the cost of acquiring and operating low income housing threatened by mortgage prepayment or subsidy termination is less than the cost of providing tenant based subsidies—section 8 vouchers or certificates—for the tenants who would otherwise be displaced. This approach also guarantees the existence of a

longterm low income housing resource, since the housing acquired under the bill would remain available to low income renters for its physical life.

In the 1960's the Federal Government sought to attract private investment in low income housing by offering mortgage subsidies and mortgage insurance. Today, many of these mortgages are becoming eligible to prepay, and, once prepayment occurs, low income rent requirements no longer apply. According to HUD, 316,481 units in 2,875 low income housing projects will be vulnerable to prepayment by 1995. HUD estimates that 25.5 percent of these projects will prepay.

In addition to the tens of thousands of units which are likely to be lost due to prepayment, tens of thousands more units are subject to subsidy termination. The cost of acquiring these projects and eliminating the threat that owners would opt out of their subsidy contracts is far less than the cost of building new low income housing. The displacement of low income tenants is not a humane or economical policy alternative, since emergency housing for those displaced is often inadequate and excessively expensive.

Under the legislation I am introducing today, the Federal Government would allocate money for low income housing preservation to each State on the basis of the size of the prepayment and subsidy termination threats. Each State would in turn make grants to local government entities and nonprofit corporations for the acquisition and preservation of low income housing. In the absence of a capable local entity the State would undertake the necessary preservation activities. The Secretary of HUD would have strict oversight responsibilities and could intervene in order to block an uncreditworthy acquisition. The bill would authorize \$437.5 million for each of the years 1989, 1990, and 1991.

The Low Income Housing Preservation Act is an economical, effective and farsighted solution to the potential disaster of prepayment and subsidy termination. The bill encourages local initiative. It maximizes the impact of each Federal dollar devoted to low income housing preservation. It puts low income housing into the hands of those who want to preserve its low income character. Finally, it does not restrict the owners' right to prepay their mortgages and sell their properties on the market.

The text of the bill follows:

H.R. 5252

*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 "Low Income Housing Preservation Act of 1988".

**SEC. 2. FINDINGS AND PURPOSE.**

(a) **FINDINGS.**—The Congress finds that—

(1) the unavailability of low income housing has reached crisis proportions;

(2) the prepayment of mortgages on low income housing that are insured or subsidized by the Secretary of Housing and Urban Development, and the termination of project-based subsidies under section 8 of the United States Housing Act of 1937 (other than loan management assistance), may cause the displacement of hundreds of thousands of individuals from their homes; and

(3) the Federal Government, as a partner with private owners in low income housing, has a responsibility to attempt to preserve the low-income character of such housing, taking into consideration the contractual rights of the owners.

(b) **PURPOSE.**—It is the purpose of this Act—

(1) to mitigate the effect of the prepayment of mortgages on low income housing, and the termination of project-based subsidies under section 8 of the United States Housing Act of 1937 (other than loan management assistance), on the availability of low income housing, in order to further the stated goals of low income housing mortgage programs—

(A) to assist private industry in providing housing for lower and moderate income families and displaced families; and

(B) to maintain affordable rentals for low income families;

(2) to provide assistance to States for the preservation of low income housing threatened by the prepayment of mortgages insured or subsidized by the Secretary, or the termination of project-based subsidies under section 8 of the United States Housing Act of 1937 (other than loan management assistance), including—

(A) assistance for the acquisition of such low income housing; and

(B) assistance for the continued operation of the low income housing acquired under this Act or preserved as a low income housing resource by a State or local government housing agency or by a nonprofit corporation;

(3) to encourage and assist the formation of State low income housing offices and corporations that are empowered—

(A) to set forth a plan to maximize the number of low income housing units preserved; and

(B) to initiate a program consistent with the plan to acquire and facilitate the acquisition by local government agencies and nonprofit corporations of low income housing threatened with the prepayment of mortgages insured or subsidized by the Secretary, or the termination of project-based subsidies under section 8 of the United States Housing Act of 1937 (other than loan management assistance); and

(4) to require that the Secretary issue an annual report on the availability of housing to lower income families (including housing not assisted by the Federal Government) and the success of the Secretary in preserving existing low income housing under the provisions of this Act.

**SEC. 3. GENERAL AUTHORITY TO MAKE GRANTS.**

The Secretary may make grants to States to assist the States to purchase and maintain eligible low income housing (as defined in section 13).

**SEC. 4. ELIGIBILITY REQUIREMENTS.**

(a) **DESIGNATION OF ADMINISTERING OFFICE OR CORPORATION.**—To be eligible for a grant under this Act, a State shall designate an

office or corporation to carry out the responsibilities of the State under this Act and shall grant the office or corporation the authority—

(1) to buy, own, manage, lease or otherwise acquire property in connection with the developments or projects under this Act;

(2) to secure any funds necessary to acquire the developments or projects under this Act;

(3) to establish accounts necessary to accomplish the purposes of this Act;

(4) to enter into general or limited partnerships with private individuals or private corporations, agencies, organizations, or institutions;

(5) to enter into real estate syndication transactions;

(6) to create a management firm, if necessary, to manage the housing acquired under this Act;

(7) to accept any funds that may be donated to it;

(8) to take out loans;

(9) to accept and encourage State funds;

(10) to accept and reinvest available surplus bond revenues of the State; and

(11) any other power determined by the State to be necessary to permit the office or corporation to carry out its responsibilities under this Act.

(b) **DIRECT HUD PROGRAM.**—The Secretary shall carry out the program under this Act in any State—

(1) that does not have an office or corporation in compliance with subsection (a); and

(2) in which the Secretary determines there are lower income families who are likely to be displaced from eligible low income housing due to the prepayment of mortgages or loans insured or subsidized by the Secretary or the termination of project-based subsidies under section 8 of the United States Housing Act of 1937 (other than loan management assistance).

**SEC. 5. APPLICATIONS FOR GRANTS.**

(a) **SUBMISSION.**—No grant may be made to any State under section 3 unless the State submits to the Secretary an application in accordance with the requirements and procedures established by the Secretary.

(b) **REQUIREMENTS.**—Each application shall include the following:

(1) **LOW INCOME HOUSING PRESERVATION PLAN.**—A 5-year plan for the preservation of eligible low income housing. The plan shall include the following:

(A) **EXISTING LOW INCOME HOUSING.**—A description of the existing low income housing in the State, specifically including the number and location of units insured or subsidized by the Secretary.

(B) **PROJECTED AVAILABILITY OF HOUSING.**—A projection of the availability of low income housing in the State.

(C) **PROJECTED LOSS OF HOUSING.**—A projection of the loss of eligible low income housing due to the prepayment of mortgages or loans insured or subsidized by the Secretary or the termination of project-based subsidies under section 8 of the United States Housing Act of 1937 (other than loan management assistance).

(D) **PROJECTED ACQUISITION AND OPERATING COSTS.**—A projection of the costs of acquiring and operating eligible low income housing under the provisions of this Act.

(E) **INVOLVEMENT OF STATE, LOCALITIES, AND NONPROFITS.**—A description of State and local governments and nonprofit corporations involved with the activities authorized by this Act, and a description of the involve-

ment of the State and local government and nonprofit corporations in the program set forth by the State.

(2) **LOW INCOME HOUSING PRESERVATION PROGRAM.**—A program that does the following:

(A) **ACQUISITION MAXIMIZATION.**—Maximizes the number of units of eligible low income housing that will be acquired.

(B) **USE OF TAX BENEFITS.**—Makes use to the fullest extent possible of State and Federal low income housing tax credits and any other tax advantages that accrue to low income housing.

(c) **INVOLVEMENT OF STATE, LOCALITIES, AND NONPROFITS.**—Subject to subparagraph (A), maximizes the use of State and local housing agencies and nonprofit corporations in the furtherance of the low income housing plan of the State.

(d) **PRESERVATION FOR LOWER INCOME FAMILIES.**—

(i) **GENERAL REQUIREMENT.**—Provides that the eligible low income housing acquired under this Act shall be preserved for occupancy by lower income families for the physical life of the housing, subject to clause (ii).

(ii) **EXCEPTION.**—If the preservation of any housing required in clause (i) is not economically feasible, the owner may annually exempt not more than 2 dwelling units from the low income occupancy and rent restrictions established in this Act, but only to the minimum extent necessary to make the preservation of the housing under clause (i) economically feasible. If an owner utilizes the authority provided in this clause, the owner shall—

(I) apply for assistance for operating expenses pursuant to section 6(a)(2), if the maximum permissible exemptions have been made under this clause; and

(II) designate the next available dwelling units as units subject to the low income occupancy and rent restrictions established in this Act, to the extent economically feasible, until the original number of dwelling units subject to such restrictions is attained.

(iii) **ECONOMICALLY FEASIBLE.**—For purposes of this subparagraph, economically feasible shall mean project revenue is not less than project operating expenses, excluding any return on investment.

(e) **TARGETED INVESTMENTS.**—To the extent practicable, seeks investments for which there is either an inadequate supply of private capital or where private investors are not committed to preserving the eligible lower income housing for lower income families for the physical life of the housing.

(3) **NON-FEDERAL RESOURCES.**—A description of the resources, other than the grant provided under section 3, that are expected to be made available toward meeting its needs and objectives.

(4) **COMPLIANCE WITH ORIGINAL RESTRICTIONS.**—Assurances satisfactory to the Secretary that the low income housing preservation program under this Act will be conducted and administered in conformity with the original restrictions attached to eligible low income housing, except as otherwise specified by this Act.

(5) **CITIZEN PARTICIPATION.**—Assurances satisfactory to the Secretary that citizens have an adequate opportunity to participate in the development of the application. This paragraph may not be construed to restrict the responsibility and authority of the State for the execution of its low income housing preservation program.

(c) **APPROVAL.**—

(1) **IN GENERAL.**—The Secretary shall, within 75 days, approve an application for an amount that does not exceed the amount determined in section 8, unless—

(A) on the basis of significant facts and data, pertaining to the information set forth in the low income housing preservation plan described in subsection (b)(1), the Secretary determines that the low income housing preservation program of the State is plainly inconsistent with such information;

(B) on the basis of the application, the Secretary determines that the activities to be undertaken are plainly inappropriate to meeting the goals of the low income housing preservation program formulated under subsection (b)(2); or

(C) the Secretary determines that the application does not comply with the requirements of this Act or other applicable law or proposes activities that are ineligible under this Act.

(2) **EXTENSION TO PERMIT COMPLIANCE.**—If any of the conditions for the denial of an application set forth in paragraph (1) are met, the Secretary shall—

(A) inform the State of the specific deficiencies in the application; and

(B) allow a period of time not to exceed 60 days for the State to correct the deficiencies.

#### SEC. 6. ELIGIBLE ACTIVITIES.

(a) **REQUIRED ACTIVITIES.**—The low income housing preservation program established by each State assisted under this Act shall carry out the following activities:

(1) **ACQUISITION AND PRESERVATION OF ELIGIBLE LOW INCOME HOUSING.**—Acquire eligible low income housing and preserve the low income character of the housing, or make grants to local governments or their agencies or nonprofit corporations for such acquisition and preservation.

(2) **OPERATING ASSISTANCE FOR ELIGIBLE LOW INCOME HOUSING.**—Provide assistance for operating expenses to local governments or their agencies, nonprofit corporations, or partnerships in which the State is a participant, for the preservation of any eligible low income housing for which the maximum permissible exemptions have been made under section 5(b)(2)(D)(ii). Any agreement to provide operating assistance shall be adjusted following the payment of the mortgage insured, assisted, or held by the Secretary.

(b) **TECHNICAL ASSISTANCE.**—The low income housing preservation program established by each State assisted under this Act may also provide technical assistance to nonprofit corporations with respect to planning, financing, acquisition, maintenance, or management of eligible low income housing proposed to be supported by the State.

#### SEC. 7. ASSISTANCE AGREEMENTS.

(a) **IN GENERAL.**—Each State shall enter into assistance agreements with local governments or their agencies, nonprofit agencies, or partnerships, that own the eligible low income housing to be assisted under section 6. Each such agreement shall provide for—

(1) continuation of the existing rent agreement, subject to subsection (b); and

(2) continuation of the same procedures and protections with respect to tenant selection and leases.

(b) **CONTINUATION OF EXISTING RENT AGREEMENT.**—The acquisition of eligible low income housing under this Act shall not affect the rent agreement previously entered into with respect to the housing, except—

(1) the rent agreement shall continue for the life of the housing; and

(2) the monthly rent paid by any family residing in a dwelling unit assisted under this Act shall be the higher of—

(A) the rent under the rent agreement; or  
(B) 30 percent of the monthly adjusted income of the family.

#### SEC. 8. ALLOCATION OF FUNDS.

**ALLOCATION FORMULA.**—The Secretary shall allocate the amount approved in appropriations Acts for any fiscal year under section 15 to the States as follows:

(1) **FIRST FUNDING ROUND.**—50 percent of the amount shall be allocated to the States in a funding round during the first half of the fiscal year. The amount available in the first funding round shall be allocated as follows:

(A) **TOTAL ELIGIBLE DWELLING UNITS.**—25 percent shall be allocated to the States on the basis of eligible dwelling units. Each State shall be allocated an amount under the subparagraph that bears the same ratio to the amount available for allocation under this subparagraph for all States as the ratio between—

(i) the number of dwelling units in eligible low income housing in the State; and

(ii) the number of dwelling units in eligible low income housing in all States.

(B) **DWELLING UNITS ELIGIBLE FOR PREPAYMENT OR OPT-OUT WITHIN 2 YEARS.**—Subject to subparagraph (c), 75 percent shall be allocated to the States on the basis of eligible dwelling units that are, or will within 2 years become, eligible for prepayment without prior approval of the Secretary or eligible for termination of project-based subsidies under section 8 of the United States Housing Act of 1937 (other than loan management assistance). Each State shall be allocated an amount under this subparagraph that bears the same ratio to the amount available for allocation under this subparagraph for all States as the ratio between—

(i) the number of dwelling units in eligible low income housing in the State that are, or will within 2 years become, eligible for prepayment without prior approval of the Secretary or eligible for termination of project-based subsidies under section 8 of the United States Housing Act of 1937 (other than loan management assistance); and

(ii) the number of dwelling units in eligible low income housing in all States that are, or will within 2 years become, eligible for prepayment without prior approval of the Secretary or eligible for termination of project-based subsidies under section 8 of the United States Housing Act of 1937 (other than loan management assistance).

(C) **DISCRETIONARY REALLOCATION BY SECRETARY.**—The Secretary may reallocate not more than 1/3 of the funds allocated under subparagraph (B) based on the likelihood of the prepayment of mortgages insured or subsidized by the Secretary, or the termination of project-based subsidies under section 8 of the United States Housing Act of 1937 (other than loan management assistance), in each State, which shall be determined by the Secretary by comparing the market value of eligible low income housing in the State with the current return on the housing.

(2) **SECOND FUNDING ROUND.**—The amount not allocated under paragraph (1) shall be allocated to the States in a funding round held 6 months after the beginning of the fiscal year. The amount available in the second funding round shall be allocated as follows:

(A) **REPLACEMENT OF AMOUNTS USED OR COMMITTED.**—The Secretary shall allocate to each State an amount equal to the portion of the amount received by the State under paragraph (1) that has been used or committed by the State.

(B) **ADDITIONAL AMOUNTS.**—Following allocation under subparagraph (A), the Secretary shall allocate the remaining amounts to States that received amounts under paragraph (1) and used or committed all of the amounts received. The amount available under this subparagraph shall be allocated as follows:

(i) **TOTAL ELIGIBLE DWELLING UNITS.**—25 percent shall be allocated to the States on the basis of eligible dwelling units. Each State shall be allocated an amount under this clause that bears the same ratio to the amount available for allocation under this clause for all States as the ratio between—

(I) the number of dwelling units in eligible low income housing in the State; and

(II) the number of dwelling units in eligible low income housing in all States eligible for allocations under this subparagraph.

(ii) **DWELLING UNITS ELIGIBLE FOR PREPAYMENT OR OPT-OUT WITHIN 2 YEARS.**—75 percent shall be allocated to the States on the basis of eligible dwelling units that are, or will within 2 years become, eligible for prepayment without prior approval of the Secretary or eligible for termination of project-based subsidies under section 8 of the United States Housing Act of 1937 (other than loan management assistance). Each State shall be allocated an amount under this clause that bears the same ratio to the amount available for allocation under this clause for all States as the ratio between—

(I) the number of dwelling units in eligible low income housing in the State that are, or will within 2 years become, eligible for prepayment without prior approval of the Secretary or eligible for termination of project-based subsidies under section 8 of the United States Housing Act of 1937 (other than loan management assistance); and

(II) the number of dwelling units in eligible low income housing in all States eligible for allocations under this subparagraph that are, or will within 2 years become, eligible for prepayment without prior approval of the Secretary or eligible for termination of project-based subsidies under section 8 of the United States Housing Act of 1937 (other than loan management assistance).

(iii) **DISCRETIONARY REALLOCATION BY SECRETARY.**—The Secretary may reallocate not more than 1/3 of the funds allocated under clause (ii) based on the likelihood of the prepayment of mortgages insured or subsidized by the Secretary, or the termination of project-based subsidies under section 8 of the United States Housing Act of 1937 (other than loan management assistance), in each State, which shall be determined by the Secretary by comparing the market value of eligible low income housing in the State with the current return on the housing.

(b) **REALLOCATION OF AMOUNTS.**—Any amounts approved in an appropriations Act under section 15 that is not allocated due to the noncompliance or nonparticipation of a State with the provisions set forth in this Act shall be allocated to participating States on the basis of the formula set forth in subsection (a).

#### SEC. 9. REVIEWS, REPORTS, AND AUDITS.

(a) **REVIEW BY SECRETARY OF PROPOSED ACQUISITIONS.**—Prior to the acquisition of any eligible low income housing under this Act,

the Secretary may review the creditworthiness of the prospective purchaser and prohibit the acquisition on the basis of insufficient creditworthiness. The Secretary may not prohibit the acquisition for any other reason.

(b) **ANNUAL PERFORMANCE REPORTS BY GRANTEEES.**—Prior to the beginning of each fiscal year, each State receiving a grant under this Act shall submit to the Secretary a performance report concerning the activities carried out under this Act.

(c) **REVIEWS AND AUDITS BY SECRETARY.**—The Secretary shall, at least on an annual basis, make such reviews and audits as may be necessary or appropriate to determine whether—

(1) each State has carried out a lower income housing preservation program substantially as described in its application;

(2) the program conformed to the requirements of this Act and other applicable laws; and

(3) the State has a continuing capacity to carry out the approved program.

(d) **ADJUSTMENTS IN GRANT AMOUNTS.**—The Secretary may make appropriate adjustments in the amount of the annual grants in accordance with the findings of the Secretary under subsection (c).

(e) **GAO AUDITS.**—Insofar as they relate to funds provided under this Act, the financial transactions of recipients of such funds may be audited by the General Accounting Office under such rules and regulations as may be prescribed by the Comptroller General of the United States. The representatives of the General Accounting Office shall have access to all books, accounts, records, reports, files, and other papers, things of property belonging to or in use by such recipients pertaining to such financial transactions and necessary to facilitate the audit.

#### SEC. 10. REPORTING REQUIREMENTS.

(a) **ANNUAL REPORT OF SECRETARY.**—Not later than 180 days after the end of each fiscal year in which assistance is provided under this Act, the Secretary shall submit to the Congress a report that includes—

(1) a description of the progress made in accomplishing the objectives of this Act;

(2) a summary of the use of such funds as approved by the Secretary under this Act during the preceding year; and

(3) an estimate of the availability of low income housing.

(b) **REPORTS OF RECIPIENTS.**—The Secretary may require recipients of assistance under this Act to submit such reports and other information as may be necessary for the Secretary to make the report required in subsection (a).

(c) **ANNUAL REPORTS OF STATES.**—Each State shall submit an annual report to the Secretary commencing October 1, 1989, and annually thereafter. The report shall include a comprehensive and detailed report of the operations, activities, and financial condition of the State lower income housing program under this Act.

(d) **INFORMATION FROM SECRETARY.**—The Secretary shall provide each State with any information regarding prepayment dates, projects eligible for prepayment, addresses of such projects and their owners, other subsidies attached to those projects, the number of units in each of those projects or any other information that may be necessary to carry out the purposes of this section.

#### SEC. 11. OTHER REQUIREMENTS RELATING TO PREPAYMENTS.

(a) **NOTICE OF INTENT TO PREPAY.**—

(1) **FILING BY OWNER.**—An owner of eligible low income housing seeking to initiate prepayment or other changes in the status or terms of the loan, mortgage, or regulatory agreement shall file with the Secretary a notice of the intent of the owner in such form and manner as the Secretary shall prescribe. The owner shall simultaneously file the notice of intent with the Governor (or other chief executive officer) of the State, and the local government office responsible for low income housing, for the jurisdiction within which the housing is located.

(2) **PUBLICATION BY SECRETARY.**—Upon receiving a notice of intent under paragraph (1), the Secretary shall inform the tenants regarding the notice of intent. The statement shall include—

(A) the date of the proposed prepayment;

(B) the name and address of the owner;

(C) the location of the housing; and

(D) the number of dwelling units in the housing.

(b) **PREPAYMENTS TO FACILITATE ACQUISITIONS.**—An owner of eligible low income housing may prepay, and a lender or mortgagee may accept prepayment of, a loan or mortgage on such housing without prior approval of the Secretary, if—

(1) the prepayment is part of a transaction under which a State, local government, or nonprofit corporation will acquire the housing under this Act; and

(2) the State, local government, or nonprofit corporation demonstrates that the acquisition will be more economically viable with the prepayment.

#### SEC. 12. COORDINATION WITH OTHER HOUSING PROGRAMS.

(a) **GENERAL POLICY.**—It is the policy of the Congress that the provisions of this Act shall not—

(1) result in any reduction in the amounts provided under any other Federal program of assistance for low income housing;

(2) preclude the use of the provisions of title II of the Housing and Community Development Act of 1987.

(b) **EXEMPTIONS FOR ACQUIRED HOUSING.**—

(1) **SECOND MORTGAGES ON SECTION 236 PROJECTS.**—Any eligible low income housing acquired under this Act that is subject to a mortgage insured, assisted, or held by the Secretary under section 236 of the National Housing Act shall not be subject to any restriction in such section on the taking out of second mortgages.

(2) **LOAN-TO-VALUE RATIO.**—The loan-to-value ratio limitations applicable to the insurance of loans and mortgages under the National Housing Act shall be 100 percent for any eligible low income housing acquired under this Act.

#### SEC. 13. DEFINITIONS.

For purposes of this act:

(1) **ADJUSTED INCOME.**—The term "adjusted income" has the meaning given the terms in section 3(b) of the United States Housing Act of 1937.

(2) **ELIGIBLE LOW INCOME HOUSING.**—The term "eligible low income housing" means any housing that—

(A) is financed by a loan or mortgage that—

(1) is—

(I) insured or held by the Secretary under section 221(d)(3) of the National Housing Act and assisted under section 101 of the Housing and Urban Development Act of 1965 or section 8 of the United States Housing Act of 1937;

(II) insured or held by the Secretary and bears interest at a rate determined under

the proviso of section 221(d)(5) of the National Housing Act;

(III) insured, assisted, or held by the Secretary under section 236 of the National Housing Act; or

(IV) held by the Secretary and formerly insured under a program referred to in clause (I), (II), or (III); and

(ii) is, or will become, eligible for prepayment without prior approval of the Secretary; or

(B) is eligible for termination of project-based subsidies under section 8 of the United States Housing Act of 1937 (other than loan management assistance).

(3) **LOWER INCOME FAMILIES.**—The term "lower income families" has the meaning given the term in section 3(b) of the United States Housing Act of 1937.

(4) **OPERATING EXPENSES.**—The term "operating expenses" means reasonable expenses necessary to operate and maintain a project in habitable condition (including expenses for management, operation, services, maintenance, and security,) debt service, taxes, and reasonable reserves. For purposes of such term, debt service shall not include the portion of the payments of principal and interest attributable to any excess of refinanced principal other than the outstanding principal of the loan refinanced.

(5) **SECRETARY.**—The term "Secretary" means the Secretary of Housing and Urban Development.

(6) **STATE.**—The term "State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Trust Territory of the Pacific Islands, and any other territory or possession of the United States.

#### SEC. 14. REGULATIONS.

The Secretary shall issue any regulations necessary to carry out this Act.

#### SEC. 15. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this Act \$437,000,000 for each of the fiscal years 1989, 1990, and 1991. Any amount appropriated under this Act shall remain available until expended.

□ 1815

#### MAIL COSTS INCREASE

The SPEAKER pro tempore (Mr. PAYNE). Under a previous order of the House, the gentleman from Minnesota [Mr. FRENZEL] is recognized for 5 minutes.

Mr. FRENZEL. Mr. Speaker, on July 22 the Congressional Research Service completed a report, "U.S. Congress Official Mail Costs: Fiscal Year 1972 to Present," which ought to be of interest to every Member of Congress. Surely it will be of overwhelming interest to every taxpayer.

For reasons of cost, and because the RECORD cannot reproduce the very effective charts and graphs in the report, it will not be a part of this statement. I commend it to the attention of my colleagues.

The report contained good news and bad. If the fact that mailing costs in current dollars has more than doubled from fiscal year 1972 to 1988 is troubling, the fact that those costs have not increased at all in constant dollars is a consolation. If the soaring volume of congressional mail is distressing, then it is less

distressing to know that outbound mail volume has actually declined since 1984.

Even though some of the news is good, my impression of the report is that it shows, sometimes between the lines, that there are millions of dollars of savings for the taxpayers to be found in the exercise of simple and reasonable restraints on congressional mailing.

First, however, it is necessary to understand that the cost and volume figures are only estimates. Estimates of outbound mail from Washington come from counting bags and assuming how many pieces of mail are in them. Outbound mail from congressional districts is a little different kind of guessing game, probably less accurate than the Washington estimates.

There's a problem with the appropriations, too. Billings from the Postal Service lag behind actual use by a quarter and half. Payments against those billings are not revealed, but they surely are seldom made very quickly, and I suspect not even always made quarterly. There are no rules that force prompt, or even leisurely, payment.

For me, there is also a problem with counting inbound mail. Inbound volume increases are deceptive. A lot of the apparent increases are mail that requires no answer. A substantial portion is "Dear Colleague" letters which we write to each other to describe our brilliant programs and wonderful amendments. These letters swell our totals, but don't have to be answered.

Another large, and growing, portion of inbound mail does not need to be answered. This consists of ads, catalogs, announcements, reference group mailings, newsletters, newspapers, magazines and the like. Increases in these types of incoming mail are deceptive because they carry no obligation to the representative to make a reply.

Congressmen receive a lot of postcards. They are preprinted and generated by reference groups. We love them because they represent an opportunity for us to write back, but they are at the low end of the communication scale.

Actually, there is no computation, or estimate, of the numbers of good, old-fashioned, first-class letters coming to Member's Washington offices from their own constituents. This component, the real mail, comprises a small percentage of the huge figure called inbound mail.

The report shows clearly that there is plenty of money to be saved. The Senate has given a good example of forbearance. The Senate with exactly the same constituency as the House uses less than one-half the funds consumed by the House. The difference lies in the restraints the upper House has laid on itself, and in the unwillingness of the lower House to accept similar restraints.

The report draws a stark distinction between the Houses that ought to embarrass this House into the adoption of self-imposed restraints. There is no reason for the House to be the big spender.

There are lots of good ideas to reduce mailing costs. Here are the ones that seem to me to be the best opportunities to reduce waste without unnecessarily restricting needed communications:

First. The House must assign accountability for mail costs to each individual Member. Every Member must have the same limits, either in pieces of mail, or dollars of cost, preferably the latter. The modest election year, and newsletter, restrictions are really not restrictions at all. In fact, we have an open-ended entitlement for Congress in our mail account.

Second. Accountability limits must result in less mailing and lower costs than current ones. The higher spending in even numbered years reveals the frank as a blatant election device. The disparity between House and Senate costs shows the difference between control and willfulness. Accountability won't help much if the limits are set at the current high-spending levels.

Third. Loopholes must be closed. When newsletters were restricted, Members flooded district mailboxes with town meeting notices. Each of us knows anecdotal lore which tells of hundreds of thousands of such notices being sent for meetings at which a handful of constituents were present. Many observers consider such mailings a reelection device which puts an incumbent's name in a lot of mailboxes. Limits on notices are essential.

Another new loophole is the automated letter. Members can now personally address and individually type letters in any volume to any group on any subject. Reporting to constituents is one thing, but sending out many letters for each one received or to people who never write is considered another reelection device. Some new restrictions on this relatively recent type of letter are also necessary.

House newsletters are restricted to six per year. Six is more than enough, especially in election years. Six per biennium is more reasonable.

Another more recent phenomenon is the use of large mailings by committees, subcommittees, leadership offices and legislative support organizations.

Committees have lists of thousands of names, usually of the jurisdictional clientele. There is a fine line, or an indistinguishable one, between providing necessary information to the public, and building support for a chairman's bill.

It is reported that the Speaker's fancy new office computer can store and use three quarters of a million names and addresses. Taxpayers are asking "What for?"

Legislative support organizations are inside interest groups funded by the taxpayers from Members' expense accounts. They can use the inside mail system to communicate with their members. Large, organized, and repeated mailings by these groups ought not to be funded by the taxpayers, but they are.

There will be some Members and some groups who will read the CRS report and say that, since volume and cost have apparently been decreasing since 1984, we are on the right course. My own conclusion is that the figures are damning evidence that the Senate is doing a responsible job and the House is not.

The House has steadfastly, cunningly and effectively avoided self discipline for much to long. We could save the taxpayers millions by action this year. All that is needed is leadership. If the leadership in the House is not up

to it, perhaps we should import some of it from the Senate.

#### NEVER AGAIN

The SPEAKER pro tempore (Mr. PAYNE). Under a previous order of the House, the gentleman from California [Mr. DORNAN] is recognized for 5 minutes.

Mr. DORNAN of California. Mr. Speaker, sometime this week, tomorrow night or Friday night—well, not Friday night because we do not want to keep the staff late, but, if not tomorrow night, sometime next week I would like to take out a special order to discuss a most unusual experience I had this last week in visiting the nation of Poland and seeking to fulfill something I have wanted to do for over 30 years, actually even longer than that, since I was in the seventh grade and American troops overran some of the German concentration camps in what is now West Germany, the Federal Republic of Germany, and two camps in what is now the People's Democratic Republic, communist East Germany. I was so impressed as a 12-year-old at this ultimate horror of man's inhumanity to man, the Nazi concentration camps, that I read everything I could get my hands on, and then later on in the decade of the fifties, when I was in active duty in the Air Force, I came across a book; the author has just died within the year; called "A Theory and Practice of Hell," the stories of what took place in the Nazi concentration camps, particularly the major concentration camp in Poland, Auschwitz; its Polish name: Oswicem, which eventually turned into one of the first of six extermination camps, camps that were not to concentrate political prisoners or others of what the Nazis called undesirables, but actually six camps that had one reason for existence, and that was the massive slaughter of millions of human beings. I had always wanted to visit these camps to see if I could somehow or other comprehend more easily being on the spot how a nation, Germany, that was two-thirds Protestant and one-third Roman Catholic—I am Roman Catholic—how they could possibly as a Christian nation have so lost their way under atheistic Nazi leadership, that this horror that we now refer to as the holocaust could have ever unfolded in the 20th century, the middle of the 20th century, in an increasingly modern world, a post-industrial revolution world.

Well, in 1966 I visited the founding camp of all the concentration camps, Dachau, and that inspired me over later years to visit Mathausen outside of Vienna, Austria, the death site of over 150,000 Jews at Babayar in the Ukraine, which is just really a massive pit in the ground with a beautiful Rus-

sian memorial commemorating the memory of the people that have suffered so grievously there. Then I visited Solasbyales and the remains—hardly anything left of the camp—outside of Riga and Latvia.

But I had always wanted to go to these camps in Poland. At one point in my youth I was able to get down to Krakow, to get out to the Auschwitz camp, and I arrived late at night because the plane had been delayed, and I walked around what I thought were modern administration buildings that were built around what I thought would be a wooden camp somewhere in the interior. Well, it has taken me several decades to get back, and at Auschwitz I found out that the big brick permanent buildings were in fact the concentration camp.

I do not have time in 5 minutes to discuss what my 28-year-old son, Mark, and I did, but we left Warsaw less than a week ago on a beautiful sunny morning and went first to Treblinka, drove all afternoon into the evening to reach Sobibor, one of the extermination camps at night, drove into the wee hours of the morning to get back to Lublin, which in itself was a town of terror. The castle there was one of the worst torture sites of political prisoners. We drove out that next morning to Majdanek, drove all that afternoon down to another one of the extermination camps, Belzec, where 300,000 people had been put to death. Then we drove that night late into Krakow so that the next morning we were able to arise and go out to Auschtwitz to the much larger extermination camp 3 kilometers away, Birkenau; its Polish name is Brizinka, and then drove that afternoon up to the beautiful religious city of Czestochowa and went to mass there, and then that night drove till we reached about 11:30 at night the site where there is only a big concrete memorial and the concrete remains of the crematoria, the final site we had visited of Chelmno. These six camps alone accounted for the murder of over 8½ million people, a stunning figure, and a realization came upon me for the first time that the reason the Nazi Third Reich did not kill a million more was that they could not dispose of the bodies fast enough.

So, Mr. Speaker, in closing I would just like to say that tomorrow or next week I will do an hour special order on this. I will not be able to do it justice. But it confirmed for me why Jews around the world say, "Never again," why all human beings, because 12 million died; the Nazi equaled the 6 million Jews with 6 million Catholics, gypsies, Soviet POW's, people from all around the world; why we should all say, "never again," and why every Nazi criminal should be hunted down until they are all dead and why there will never be a point where we say we will let byones be byones.

The hunt shall now continue.

#### TRIBUTE TO ALOYSIUS A. MAZEWSKI

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oklahoma [Mr. SYNAR] is recognized for 5 minutes.

Mr. SYNAR. Mr. Speaker, I rise to pay tribute to Aloysius A. Mazewski, one of the leading Polish Americans of our time.

Mr. Mazewski was president of the Polish American Congress from 1968 until his death. He was also president of the Polish National Alliance, a mutual benefit society and was an eloquent spokesman on Polish American concerns, strongly supporting the Solidarity union movement and Pope John Paul II's efforts to ease tensions within Poland.

Aloysius Mazewski was always concerned with balancing the Polish American Congress' repudiation of the Communist regime in Poland with its responsibility to provide moral support for the just aspirations of the people of Poland. Through his work for the Polish American Congress, he hoped to help improve the quality of life of the Polish people and to assist them in their struggle for human rights and democratic freedoms. In response to the imposition of martial law in 1981, the Polish American Congress Charitable Foundation shipped to Poland \$150 million worth of medicines, medical supplies, and equipment and food to help overcome the drastic shortages in Poland.

As an American of Polish descent, I am proud to be able to salute Aloysius Mazewski, whose life and work provide an inspiring example to all Americans.

#### MEDICARE INPATIENT HOSPITAL CAPITAL EXPENDITURE AMENDMENTS OF 1988

The SPEAKER pro tempore. Under a previous order of the House the gentleman from California [Mr. STARK] is recognized for 5 minutes.

Mr. STARK. Mr. Speaker, I am today introducing the Medicare Inpatient Hospital Capital Expenditure Amendments of 1988. The bill is designed to limit Medicare's reimbursement of hospital capital-related expenses to support of only those institutions and services which are truly needed.

Capital expenditures by hospitals appear to be out of control. Over the last 5 years, with an increase in inflation of 17 percent as measured by the GNP deflator, expenditures by Medicare to reimburse hospitals for their capital expenditures rose 76 percent. Looking at it another way fixed assets per hospital bed—often referred to as "bricks and mortar"—rose about 12 percent per year while total assets—including moveable equipment—rose about 14 percent annually.

Moreover, if no action is taken, Medicare's aggregate payments to hospitals are estimated to rise by an annual average rate of 11 percent between 1989 and 1993. This will raise Medicare capital payments per case from \$482 to \$661, an increase of 37 percent.

These increases will occur while use of hospital facilities reaches ever higher levels of inefficiency. Average occupancy for hospitals is

now just over 64 percent for staffed beds, having dropped from a level of about 75 percent over the last decade. In other words over one-third of the hospital beds in the Nation which are staffed are standing idle every single day.

What is perhaps most disturbing is that 54 percent of all hospitals have an occupancy rate below 50 percent and only 5 percent of hospitals have an occupancy rate above 80 percent.

The cost of these empty beds is startling. The administration's private sector initiative known as the Grace Commission estimated that each of these empty staffed beds cost \$40,000 per year, a conservative estimate based upon 1979 costs. Nevertheless, this estimate produces a total of almost \$14 billion in wasted resources.

Equipment and services have been proliferating at a very high rate as well. In many cases hospitals have expanded services beyond the capacity which can be sustained, leading to situations in which the volume of service provided is below the level necessary to maintain the competence of the staff.

This is especially true with respect to cardiac care. For example, in Arizona the relaxation of capital expenditure review laws has led to an increase in the number of open heart surgery units from 7 to 17 in just 2 years. During this period charges for open heart surgery increased 50 percent.

Of much greater concern is that an investigation by an Arizona newspaper revealed that death rates for open-heart patients in Phoenix jumped sharply after capital reviews were dropped. The highest mortality rates were found in hospitals which on average did not meet the minimum volume standard of 200 procedures per year generally accepted as the level necessary to maintain competence. These hospitals suffered a mortality rate twice that of the group of hospitals above the minimum volume.

The normal rules of economics do not appear to apply in any meaningful way to hospitals. A good example of this has occurred in Houston, TX, which has been suffering through a recession related to the drop in oil prices. Since a capital expenditure review law was relaxed in 1985, nine new hospitals have opened. There is currently \$1.5 billion in hospital construction in progress and occupancy rates in Houston have fallen from 75 percent prior to deregulation to below 60 percent today. In Houston hospital expansion is going forward notwithstanding the fact that the community's ability to pay for more and more hospital facilities is severely constrained.

Hospital capital expenditures ignore the normal rules of economics in another important respect as well. More capacity to provide more services does not lower prices as it does in other areas of the economy—it simply raises volume and expenditures. Health economists discovered some time ago a phenomenon called the Roemer effect; that is, the more hospital beds and services built, the more hospital beds and services used. Study after study have confirmed that hospital utilization rates are higher when the supply of beds and services is high. Therefore, the high rate of excess capacity in beds and services

leads directly to unnecessary admissions and procedures.

Given the high rate of expansion of specialized cardiac units, it is not surprising that a recent article in the *Journal of the American Medical Administration* found that 14 percent of heart bypass surgery was "unnecessary" and 30 percent was "questionable." Bypass operations doubled from 137,000 in 1980 to 284,000 in 1986.

The so-called procompetitive health care strategy employed by the administration has paid insufficient attention to questions surrounding access to hospital services. Although we have clearly overinvested in the hospital industry, many hospitals, including public hospitals and those serving the indigent, are undercapitalized. We have failed in our attempts to regionalize expensive tertiary services such as intensive neonatal care and burn units. We have developed adequate trauma networks in only two states, and many developed in other States, including my own State of California, are now falling apart.

Protecting access to hospital services in the Nation's rural areas demands our special attention. Average occupancy in rural hospitals has dropped from 52 percent in 1983 to below 40 percent in 1988. Occupancy has been decreasing the fastest in the smallest hospitals: rural hospitals with less than 100 beds.

These data suggest that rural patients are voting with their feet and driving the extra miles to obtain care at the nearest regional hospital with its broader range of services. No amount of throwing additional money at these small rural hospitals through increases in the PPS rates will assure their survival in the face of this phenomenon. What is needed is a creative effort in every region of the country to find ways to assure access and to redefine the role small rural hospitals will play in a well-planned, rational system of rural health care.

The question of how to reimburse hospitals for their capital costs and how to restrict unnecessary capital expenditures has occupied a great deal of attention in the Congress over the last few years. The prospective payment system was adopted in 1983 as the method of hospital operating cost payment. Payment for capital-related expenses was not included in PPS due to uncertainty about the impact of including capital reimbursement in the system. Capital continues to be reimbursed on a retrospective costbased system.

Congress directed the Secretary of Health and Human Services to study and report to the Congress on a proposal to include capital in the prospective payment system. The report was submitted in March 1986, proposing a system for capital costs which would pay hospitals a flat amount per Medicare admission based upon the actual national average capital payment per admission at that point in time. This system was to be implemented October 1, 1986. Given concerns about the impact of this proposal on specific hospitals, Congress first delayed its implementation until October 1, 1987, and then again until October 1, 1991.

During the same period, based upon promises that market competition would slow the medical arms race, the administration suc-

cessfully ended Federal support for capital review programs.

This has left us with the worst of both worlds. On the one hand, we have in effect told the States that we no longer care about their efforts to restrain hospital capital expenditures, leaving 14 States to drop their capital review programs, while many others focus on reviews of nursing homes where the States have a much more direct financial interest. On the other hand, we have retained a retrospective cost-based reimbursement system which creates distortions which demand correction.

The retrospective cost-based or cost pass-through system assures that hospital managers will be insensitive to interest rates or to less expensive alternative methods of financing. Because cost-based reimbursement exceeds actual costs in the first several years after a capital project is put into service, cost-based reimbursement includes strong incentives to begin new projects. This leads hospitals to invest in facilities that are not needed by the population served, thereby creating additional excess capacity. The passthrough also creates strong incentives to substitute capital for labor or other operating costs, particularly as operating cost reimbursement is controlled through prospective payment and capital payments are not.

Medicare's present reimbursement methodology contains another perverse feature, as well. Medicare pays hospitals for capital based on Medicare's proportionate share of inpatient services provided by the hospital. The approach is insensitive to whether or not the hospital is full or half empty. For example, if a 400-bed hospital has half of its beds filled by Medicare patients and half filled by non-Medicare patients, Medicare will pay for about half of the hospital's capital costs. However, if the same hospital has one quarter of its beds filled with Medicare patients, one quarter with non-Medicare patients, and one-half of its beds empty, Medicare will still pay half of the capital costs for its entire plant. In essence, Medicare is subsidizing the hospital for its empty beds.

I have argued in the past that the best way to deal with this set of problems is to pay hospitals a single rate for both capital and operating costs, based upon average costs per admission, adjusted for case mix, labor costs, and other factors. Unfortunately, this proposal has engendered the violent opposition of the hospital industry and has not been enacted. Wide variation in hospital-specific capital costs has also raised questions about the effect such a proposal may have on access to individual hospitals.

The proposed legislation I am introducing today is an effort to provide a comprehensive response to the various issues surrounding the capital expenditure dilemma. It represents an effort to balance between the need to provide appropriate incentives within individual hospitals versus the need to guide the entire hospital care delivery system in an efficient manner, taking into account the population's need for services.

My proposal requires each State with an urban hospital occupancy rate below 85 percent and a rural occupancy rate below 75 percent to establish a system to review and ap-

prove the capital expenditures of new hospitals which cost more than \$1 million or which create new beds or services. If the State did not create such a system, Medicare would not reimburse hospitals in the State for their capital expenditures.

In response to those who would point out that capital expenditure review systems have not been as effective as we had hoped in the past, my bill provides the essential missing ingredient in assuring the success of these programs—an overall limit on capital expenses against which competing proposals can be evaluated.

The bill imposes a limit on the amount of new capital which can be approved annually in a State equal to the amount Medicare would have spent on fixed assets if payments were made on a per admission basis. Reimbursement for the capital expenses of fixed assets would continue on a cost basis for both old and new capital. Reimbursement for moveable equipment would be on an allowance basis with the allowance based upon the average proportion of total cost attributable to capital costs for moveable equipment in fiscal year 1987. The allowance would be phased in over 3 years.

The capital target for fixed assets would be derived from the proportion of total Medicare reimbursement represented by average capital costs in fiscal year 1987. The target would increase each year as Medicare admissions and the hospital update factor increase. The Secretary would be authorized to make exceptions and provide adjustments as needed.

In order to assure that the capital expenditure review process is based upon an explicit assessment of the need for investment in health care in a State, the bill requires each State to develop an inpatient hospital plan. The plan would address access to hospital facilities, identification of hospitals and parts of hospitals which should close in order to reach the occupancy targets, regionalization of inpatient services, the special needs of public and other disproportionate share hospitals, and the special needs of AIDS patients.

The bill would treat rural facilities differently from urban facilities in recognition of the unique circumstances facing rural hospitals. The States would not be required to review the capital expenses of rural hospitals if the State developed a plan for rural health. The plan would provide a strategy for stabilization of rural health care through regionalization of services, development of alternatives to traditional inpatient hospital facilities, and recognition of the unique transportation needs of rural communities, regarding both emergency and nonemergency health needs.

An important component of my bill is that it would allow Governors to designate local review agencies to provide for review of capital investment proposals at the local or regional level. I have included this provision, notwithstanding the problems in coordination which have occurred in the past with similar structures, because I believe something very important has been lost in the health care system over the last several years with all the talk about competition and market share.

Health is a community affair, one about which everyone in a community ought to have

a right to speak. Decisions about hospital care are not ones which should be closely held in the powerful hands of administrators, doctors, or trustees. We should have a forum in which communities may debate the future of health care in that community. After all, well over half the revenue of hospitals is derived from public sources. It seems unreasonable to deny the public the right to debate capital investment decisions supported by their own money. My bill would allow, but not require, the designation of agencies at the local level to perform this role.

Reimbursement of capital costs is the most important remaining area in which the Congress has not reached consensus regarding Medicare hospital payment policy. My bill represents an effort to provide a new approach which mixes the best of the old and the new in order to provide a reasonable, orderly response to the need for a hospital capital investment policy.

A summary of the bill follows:

**MEDICARE INPATIENT HOSPITAL CAPITAL EXPENDITURES AMENDMENTS OF 1988—SUMMARY—H.R. 5257**

**I. PAYMENTS FOR CAPITAL-RELATED COSTS OF INPATIENT HOSPITAL SERVICES**

Medicare payments to hospitals for their capital-related costs would end in a state on October 1, 1989 unless:

- (a) the state entered into an agreement to review proposed capital expenditures in the state, or
- (b) the average occupancy of licensed hospital beds exceeded 85 percent in urban areas and 75 percent in rural areas in the state.

**II. REQUIREMENTS FOR STATE CAPITAL EXPENDITURE REVIEW**

The State would be required to establish a process for capital expenditure reviews which meet the following requirements:

- (a) all proposed capital expenditures by hospitals in urban areas of the state exceeding \$1 million would be reviewed;
- (b) approvals would not exceed the capital-payment ratio limitation (described below);
- (c) reviews would consider the relationship of the proposed expenditure to the Inpatient Hospital Facilities Plan (described below); the need of the population served for the proposed service, equipment, or facility; the availability of alternative, less costly, or more effective methods for providing the service; and the extent to which the proposed services would be available to all the residents of the service area, particularly the indigent;
- (d) reviews would be performed consistent with procedures and criteria established in regulation, decisions would be made in public meetings, opportunity would be afforded for public hearings, and the state would provide for appeal;
- (e) any decision of the state regarding a review would be based solely on the agency's review and record of the review; and
- (f) an application for an expenditure would include a timetable for completing the review and any approval could be withdrawn if the state found that a good faith effort to meet the timetable was not being made.

**III. CAPITAL-PAYMENT RATIO LIMITATION**

State approvals of proposed capital expenditures for other than moveable equipment (and, at the state's option, for other

than rural facilities) would be limited by a capital-payment ratio limitation.

The Secretary would establish a limit for each state for each fiscal year in order to assure that the ratio of capital payments to operating cost payments did not exceed the national level of that ratio in fiscal year 1988. The effect would be that capital payments could grow no faster than DRG payments.

In establishing the limit, the Secretary would project the estimated amount of DRG payments and capital payments in the state for future years when new capital projects would come on line. The Secretary would also take into account the impact of capital reimbursement for moveable equipment paid on a fixed basis (described below.)

In consultation with the Prospective Payment Assessment Commission, the Secretary would be authorized to adjust the ratio from time to time to take into account unforeseen circumstances and changes in medical practice.

**IV. INPATIENT HOSPITAL FACILITIES (IHF) PLAN**

Each IHF plan would be designed to assure that the needs of the state's residents for inpatient hospital facilities are met; include occupancy targets; and be developed in consultation with appropriate mental health, mental retardation, alcoholism, and drug abuse authorities.

Each plan would be required to identify which hospitals would be closed in order to meet the occupancy targets, provide for regionalization of inpatient services, and address the special needs and circumstances of disproportionate share hospitals and AIDS patients.

**V. RURAL HOSPITAL CAPITAL EXPENSES AND RURAL HEALTH PLAN**

The state would not be required to review proposed capital expenditures for rural hospitals in the state. If the state chose not to review rural facilities, its capital expenditure limit would be adjusted accordingly to exclude rural expenditures.

The state would be required to develop a rural health plan which would have as its major focus the assurance of access to inpatient and other health services by low density rural populations. The plan would be required to address, at a minimum:

- (a) the regionalization of services;
- (b) alternatives to traditional and inpatient hospital facilities; and
- (c) the need for special emergency and other health-services related transportation needs.

**VI. LOCAL REVIEW**

The State review plan may provide for designation of local review agencies to assist in reviewing capital expenditures. If local agencies were designated, the state review agency would be required to take into account the recommendations of the local agencies regarding proposed capital expenditures.

**VII. REIMBURSEMENT FOR CAPITAL EXPENDITURES**

Reimbursement for approved and existing capital expenditures for fixed assets would continue to be made on a cost pass-through basis. Reimbursement for new and existing capital expenditure for moveable assets would be made through a fixed add-on to per admission payments for operating costs. The add-on would be phased in over three years.

**VIII. FEDERAL SUPPORT FOR STATE CAPITAL EXPENDITURE REVIEW**

The bill would authorize grants to states from the Part A Medicare Trust Fund.

Each State would receive, on a 75/25 matching basis an amount equal to .70 per person if the state chose not to designate local review agencies and \$1.00 per person if the state so chose; however, no state could receive less than \$1.0 million nor more than \$7.5 million without local agencies or less than \$1.25 million nor more than \$10 million with local agencies.

**INDIAN HEALTH CARE AMENDMENTS OF 1988**

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona [Mr. UDALL] is recognized for 5 minutes.

Mr. UDALL. Mr. Speaker, today I am introducing the Indian Health Care Amendments of 1988 for myself, Mr. WAXMAN, and others, to reauthorize and amend the Indian Health Care Improvement Act.

I introduced a similar bill on May 5, 1987, which was jointly referred to the Interior Committee and the Committee on Energy and Commerce. The Interior Committee reported the bill on July 15, 1987, and the Energy Committee reported it on December 8, 1987. There were significant differences in the bill as reported by the two committees.

For several weeks, we have been discussing those differences in an attempt to come up with a compromise bill. The bill I am introducing represents the results of those negotiations. I am pleased to say that it enjoys the support of the Republican leadership of my committee and the ranking Republican on the Subcommittee on Health and the Environment of the Energy Committee.

Congressman WAXMAN, the chairman of the Subcommittee on Health and the Environment, has included with his introductory statement a summary of the compromise bill.

It is my hope that we can bring this bill before the House under suspension of the rules as soon as possible.

Mr. Speaker, this is badly needed legislation to deal with the severe health problems of the Indian people. My committee and Mr. WAXMAN'S subcommittee have been working on this legislation for the last 6 years. I urge the Members to support enactment of this legislation.

**A TRIBUTE TO THE LATE HONORABLE BOB McCLORY**

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. PORTER] is recognized for 60 minutes.

Mr. PORTER. Mr. Speaker, this is a special order for our late colleague, Bob McClory of Illinois, and I yield to the minority leader of the House, the gentleman from Illinois [Mr. MICHEL].

Mr. MICHEL. Mr. Speaker, first may I extend my thanks and appreciation to the gentleman from Illinois [Mr. PORTER] for taking the time for this special order to make whatever comments Members might want to make

relative to the recent departure of our dear friend, Bob McClory, who has served with such distinction in this body with so many of us.

I guess I would refer to our late Bob McClory as one of those really great ones from our delegation. I have read the obituaries that, as many would expect, were filled with praise for his fine congressional career. Almost all of them mentioned the work that he had done on the Committee on the Judiciary at the time of the impeachment move against President Nixon. He acted, as always, out of conscience and with a deep understanding of how important his vote would be in those proceedings, and it was a time of great pressure for him.

Mr. Speaker, any of us can do the job when the pressure is not there and when the spotlight is off, but it took something extra to do the job under the incredible pressure of the Watergate issue. And Bob did what he felt was right, as he always did.

Bob McClory came to us in the election of 1962 after serving with distinction in the Illinois State Legislature and then eventually became ranking Republican member on our Committee on the Judiciary here in the House of Representatives. During his 20 years in the House he proved to be a man of reasoned opinion and prudent judgment. He exemplified the kind of civility and comity that is so important to the functioning of this institution.

Bob McClory was a wonderful person to be with and to be around. When we had our Illinois delegation meetings we could always expect Bob to give it a little lighter lift from time to time when things got too serious, and he was never one to speak ill of a colleague of either side of the aisle, and so we loved Bob McClory very much.

When it came to work, Mr. Speaker, he was so industrious. He did his homework, and he knew every line of the bill that he was managing on the floor backward and forward. He was very gracious in his yielding of time to the opposition. We always knew full well that he had command of the situation and could counter any arguments to the contrary that might arise.

Mr. Speaker, he was a real legislative craftsman in this body, and those of us who likewise think from time to time we do a fair job to middling in legislating and putting things together in this body came to recognize a real pro, and that is what Bob was.

But I guess in a lighter vein, a more personal vein, particularly after Bob left this body, he would come back from time to time. As a matter of fact, he was in my office no less than, I think, 3 or 4 days before he succumbed to the heart attack, and while I was not in the office at the time, the girls in the office said, "Your good friend

Bob McClory was here bounding ebullient as ever, and he didn't want anything particularly, just wanted to have a few little words with you, I guess, about the Presidential election." So that is the way we got to know Bob McClory even better after he retired from this body.

Of course, I guess, at times in winter he could be seen down there ice skating on the Reflecting Pool right down here at the base of the Capitol.

Mr. Speaker, he kept up his burning interests in every thing we were doing around here and wanted to participate as much as he could. As a matter of fact, in the former Members group that we now have formally established for this body he was very active in that organization, and Members all loved to see Bob and his delightful wife, Doris, from time to time.

I regret very much that at the time that Bob passed away I was away again, as so many of us have to be, and I could not attend the funeral itself. But I would remind Members that next Tuesday afternoon in the Committee on the Judiciary we are going to have a special occasion, a memorial service at that time, and while I know this evening, for example, so many Members have others obligations to meet and to attend, that we will have that special occasion next Tuesday afternoon. At that time, of course, the gentleman from Illinois [Mr. PORTER] would want to expand on the very brief remarks that he will make here today, and I want to thank the gentleman from Illinois for taking the time.

Obviously in conclusion I extend my sincere condolences to Doris and all the members of the family on Bob's passing. He was obviously one of our dear best friends, and even though he came from our home State and by normal conditions, I suppose, we would meet one another, it really did not happen until he was elected to this body. Then, as is so frequently the case, someone who we might otherwise have never known, and particularly so well, did we become good friends as Members of this institution. And that will always remain in our minds and lives for as long as we live.

□ 1830

That will always remain in our minds and lives for as long as we live, the wonderful group of people who from year to year pass through the doors of this Chamber and then, of course, all the more sad when they pass on to their reward and we have to have occasions like this to express our feelings in eulogy form for those we love.

I thank the gentleman for yielding this time.

Mr. PORTER. Mr. Speaker, I thank our minority leader for his warm words in praise of Bob McClory.

Mr. Speaker, when Congressman Robert McClory passed away July 24, Illinois and the Nation lost a dedicated public servant, a man deeply devoted to the rule of law and to working for the best interests of our country and the people he represented. I, along with thousands of other people throughout Lake County and northern Illinois, have also lost a good friend—a warm, caring man who endeared himself to all who knew him.

Originally from Riverside, IL, Bob McClory became known early as a hard worker and a consummate athlete, playing on Riverside's high school football team. He spent a year teaching English and studying in Switzerland, where he became a pole-vaulting champion. In part, that is why his sudden death came as a great surprise to those of us who knew of this considerable athletic prowess and insistence on physical conditioning—he was a jogger, an outstanding tennis player, and an accomplished skier. As late as last winter, he was skiing the Swiss Alps, where his daughter lives. He had even begun his last day jogging, to get a Sunday newspaper.

Before turning to banking and law school, he attended Dartmouth College. I understand that while he was at Dartmouth, he worked as a waiter and once let his classmate and good friend, Nelson D. Rockefeller, Jr., take his place. Bob later said that Rockefeller—who became Vice President—had done a creditable job as a substitute waiter.

Following his graduation from law school, Bob McClory practiced law in Chicago and then in Waukegan. He was very active in local politics, and was elected chairman of the Lake County Young Republicans. He was first elected to public office in 1950, when he won a seat in the Illinois House of Representatives. He was elected to the State senate in 1952, 1956, and again in 1960.

In the State legislature, he was the driving force behind many important pieces of legislation, and gained a reputation as a tenacious fighter for what he believed in. He sponsored the bill which raised the minimum driving age in Illinois to 16, and worked hard for important highway safety legislation. He was also chairman of the judicial advisory council.

When elected to the Congress in 1962, he quickly rose to prominence and eventually became the ranking Republican on the House Judiciary Committee. It was there, in my judgment, that he displayed his greatest talent and had his finest hour as an elected official.

Bob was a conservative and staunch Republican. But during the Watergate hearings when considering impeachment of a Republican President, he eschewed partisanship, insisting that the

facts, and only the facts, should move the committee toward judgment. During his opening remarks in those hearings, Bob said, "I have heard it said by some that they cannot understand how a Republican could vote to impeach a Republican President. Let me hasten to assert that that argument demeans my role here. It would make a mockery of our entire inquiry."

Bob sifted through the voluminous evidence concerning the Watergate scandal with the same diligence and fairness that had marked his entire career. When he finally came to the conclusion that the facts supported impeachment charges, it was he who helped draft them. Bob was a man who understood that party loyalty must never be allowed to supersede the Constitution and the rule of law. In the debate that followed, he told his colleagues plainly, "I realize that there is no nice way to impeach a President of the United States."

Bob was a politician of the old school. When he voted, he voted his conscience, not the program of outside interests. Never did he consider the impact of a decision on his campaign. If, at times, he appeared to agonize over decisions, as he clearly did during Watergate, it was because he relied only on his own sense of right and wrong—partisan politics always took a back seat to justice. As one who worked for Bob on the Judiciary Committee staff told me, "He acted more like a judge than a politician."

As traditional as his style was, Bob McClory's agenda was forward looking. On the Judiciary Committee he supported the cause of civil rights, including the Voting Rights Act, the Civil Rights Act, and the Fair Housing Act. He was a strong proponent of the ERA and he long supported a balanced budget amendment.

Bob displayed a deep concern for the family and public safety. He was a leader in Congress for Monday holidays. In an ever-atomized modern society, he believed 3-day weekends would provide families enough time to celebrate together even though individual members might live hundreds of miles apart. In addition, he advocated gun-control measures including a ban on Saturday night specials—a position that put him at odds with his party leadership.

Above all, Bob was a competent and honest legislator. Lesser known by the public, he was hugely respected by his colleagues who admired his hard work and willingness to take tough stands. Though he was not one to seek public attention and adulation, his name will long be remembered and respected by those who knew him.

During his 20 years in the House, Bob was a model legislator and an outstanding representative for the people of Lake County. One of our local at-

torneys, Donald Deuster of Sylvan Lake, worked as Bob's administrative assistant for 7 years. Of his former boss, Deuster said, "He was the epitome of an honest and conscientious public servant. He was very industrious and very dedicated to the communities here. It was an honor to follow in his footsteps and a privilege to have worked with him." Ned Fisher, the president of the Lake County Republican Federation, in his eloquent and moving and intensely human eulogy at Bob's funeral, also emphasized Bob's honesty, sense of humor, and his total lack of guile.

I can only echo those sentiments. As someone who now represents a part of Bob's old district, I have a deep appreciation of the wonderful job he did for our area in Congress. The McClory name will evoke admiration and respect in Lake County and northern Illinois for many, many years to come.

Following Bob's passing, the Washington Post took the unusual step of remembering his political career on its editorial page. The editors wrote of a man "well known by his colleagues and constituents for years \* \* \* as a thoughtful, independent legislator with a deep-seated belief in civil and constitutional rights." Though he wasn't the type of congressman to hold "big press conferences to set forth his views, he never shied from answering questions about stands he took." It is a testament to Bob's integrity, that in a town so inured to political activity, he was remembered so prominently in its largest publication.

Bob was active to the very end, having joined the Washington law firm of Baker & McKenzie after leaving Congress. He is survived by his loving wife, Doris; two sons, Michael, of Washington, and Oliver, of Richmond, CA; his daughter Beatrice Etienne of Geneva, Switzerland; his sister, Elizabeth Poole of Saint Helena, CA; a half-brother, Frederick McClory of Long Beach, CA, six grandchildren and one great-granddaughter. Our thoughts and prayers go out to them all during this difficult time.

Bob McClory will never be forgotten, neither by the people he so ably represented nor by those whose lives he touched in his own special way. His dedicated service to Illinois and the Nation, and his abiding respect for the rule of law, will be his enduring legacy.

Mr. HUBBARD. Mr. Speaker, will the gentleman yield?

Mr. PORTER. I yield to the gentleman from Kentucky.

Mr. HUBBARD. Mr. Speaker, I thank the gentleman for yielding. Indeed, from both sides of the aisle, Robert McClory was a very respected gentleman whom we all loved and admired.

Mr. Speaker, it is an honor that I rise today to pay tribute to the late Robert McClory. It was with great sadness that I learned of Bob McClory's death on July 24, 1988, and I share in the sorrow my colleagues express here today in the House in his memory.

Robert McClory was a true representative of the people as he proudly served the people of the 13th District of Illinois for 20 years, 1962-82. A graduate of the Kent College of Law, Bob became very active in local Chicago politics. His interests in politics led him to serve in the Illinois House of Representatives, the State senate, and eventually in the U.S. House of Representatives. Bob was known for his tenacious nature, and he was determined in fighting for what he believed. This was true in his fight for civil rights and his position in the impeachment of former President Richard Nixon.

Bob McClory was a diligent, hard working, dedicated man who earned the respect of the people he represented and the individuals who were honored to serve with him in the U.S. House of Representatives. Perhaps the greatest distinction I have enjoyed in my 13½ years in Congress has been to serve with inspiring individuals like Bob McClory.

My wife, Carol, and I enjoyed a 1984 trip to Geneva, Switzerland, with Bob McClory and his lovely and talented wife, Doris. Bob and I were delegates to the 1984 Conference of the Inter-parliamentary Union at Geneva. My wife and I learned that Bob and Doris McClory were a tremendous couple.

Carol and I would like to pass along our deepest sympathy to Doris, their two sons, Michael and Oliver, and their daughter, Beatrice Etienne. I am fortunate to have had the opportunity to know Bob, and honored to have served with him here in Congress. I, along with my colleagues, will deeply miss him.

Mr. PORTER. Mr. Speaker, I thank the gentleman from Kentucky for his very, very fine statement.

Mr. Speaker, I yield to my colleague, the gentleman from Illinois [Mr. HASTERT].

Mr. HASTERT. Mr. Speaker, I certainly appreciate my colleague, the gentleman from Illinois [Mr. PORTER], bringing this special order before the House.

I would like to take a few moments to pay special tribute to Bob McClory, who represented a portion of my congressional district for over 10 years. Bob leaves a legacy of an excellent record of legislation that he sponsored during the time he worked in both the Illinois General Assembly and certainly as a part of this body. During his years in this House he was a supporter sometimes of things that were not overly popular, but he had a very strong belief in what he did and a

strong conviction. Once he made up his mind that he was for something or against something, he attacked that and went after it with real fervor and real integrity.

In the Illinois House, he was noted for his legislation to raise the minimum age to 16 and cosponsored other highway safety legislation that I ran into when I was a member of the Illinois House and certainly Bob McClory left big footprints in that assembly, just as he left big footprints here in this Congress.

He was a hard-working legislator who had the respect of his colleagues on both sides of the aisle and broad support among his constituent in Illinois. His service to the public dates back to 1950. I can tell you that in going around especially the northern part of my district in northern Kane County and McHenry and that area, people day in and day out during my short tenure there asked, "Do you ever see Bob McClory?"

How is he doing? I want to send my regards."

Let me tell you a story about what Bob did for me, how he helped us and how he solved the ice problem on the Fox River and on and on. So the legacy of Bob McClory goes far beyond the man himself. He certainly was a legend in his own time and he certainly gives us a legacy in Illinois and in the Illinois delegation to live up to.

I first met Bob campaigning in 1980 up in Kane County. Myself as an aspirant for the Illinois General Assembly, he put his arm around me and gave me some wisdom and pointed me in the right direction and certainly was a good friend.

Then back here when I came to Congress, Bob was a regular member of our weekly Congressional Prayer Breakfast. He always had a story or a question to ask about somebody or an inquiry about back home, so I felt that even though I did not serve with Bob McClory, he was a good friend.

□ 1845

Certainly he was a very, very good colleague, and I salute him. I certainly salute the gentleman from Illinois [Mr. PORTER], who brought forward this special order and thank him very much.

Mr. PORTER. Mr. Speaker, I thank the gentleman for his very, very fine statement.

Mr. Speaker, our minority leader, the gentleman from Illinois [Mr. MICHEL], said it very, very well. Bob McClory was loved by the Members of this body. He was an American who made a difference, and he gave us an example, all of us an example, to live by.

Many, many Members have remembered Bob McClory today, Mr. Speaker, and have submitted for the RECORD

their remarks. I would like to read at this time the names of those who have submitted remarks for the RECORD, and others may hereafter, but they are GLEN ANDERSON, FRANK ANNUNZIO, DOUG APPEGATE of Ohio, SILVIO CONTE, JOHN CONYERS, LAWRENCE COUGHLIN, PHILIP CRANE, KIKA DE LA GARZA, DAVID DREIER, HAMILTON FISH, WILLIAM FRENZEL, BILL GOODLING, STEVE GUNDERSON, JOHN PAUL HAMMERSCHMIDT, FRANK HORTON, BILL HUGHES, JIM JEFFORDS, ED JONES, BOB LAGOMARSINO, ROMANO MAZZOLI, CLARENCE MILLER, CLAUDE PEPPER, TOM PETRI, J.J. PICKLE, DAN ROSTENKOWSKI, MATT RINALDO, PETER RODINO, MARTY RUSSO, RICHARD SCHULZE, JIM SENSENBRENNER, and NORM SHUMWAY, all of whom have submitted their remarks and their tribute to Bob McClory.

Mr. Speaker, I know that they would have wanted to have been able to be here in person to make their statement, but time being what it is, they have all submitted statements for the RECORD expressing their admiration for Bob and for the wonderful example that he gave all of us in the House of Representatives.

Mr. Speaker, we will remember Bob as someone who was virtually everywhere. He was at meetings, he was in our offices, he was here with us at the State of the Union Address even after he retired, he was in the hallways where he would meet and greet us, but most of all, Mr. Speaker, Bob McClory was in our hearts. He always had a warm smile for us and a good hello, and we will remember always his sense of humor, his integrity, his love of our Nation and its Constitution and of our rule of law for which he stood forth as a shining example to all of the Members of the House of Representatives and to all of the people of our great country.

Mr. Speaker, we are going to miss him very, very much.

Mr. ROSTENKOWSKI. Mr. Speaker, I join with my colleagues in honoring the memory of my friend and peer, the Honorable Bob McClory.

Bob and I began our public service careers together many years ago in the Illinois General Assembly. For 28 years, our careers ran a parallel course. Bob entered the Illinois House in 1950, 2 years before me. When I entered the State house in 1952, Bob moved on to the State senate, where I joined him 2 years later. When I left the State senate to start my tenure here in the U.S. House, I was joined by Bob 4 years later. We served in the U.S. House together for 18 years. I am proud to say that I served along side Bob McClory, for the good of our State and our country, all those years.

Although we sat on different sides of the aisle, Bob and I developed a close personal and professional relationship. I will always remember him as a diligent, dedicated, and compassionate public servant who made the

concerns of his district his priority in Washington.

In the State assembly, Bob was known for his hard work. He sponsored the bill raising the minimum driving age to 16 and cosponsored significant highway safety legislation. He was also chairman of the Judicial Advisory Council.

A ranking Republican on the House Judiciary Committee, he will best be remembered for his leadership during the Watergate hearings. Although a staunch supporter of President Nixon, he rejected suggestions that he had a partisan obligation to defend the President against all of the accusations against him. He even voted to impeach Nixon for abuse of power. His work on the Judiciary Committee also included his leadership role in pushing for voting rights legislation and the equal rights amendment. He truly was a man of integrity and honesty.

My family and staff joins me in expressing our heartfelt sympathy to Bob's wife, Doris; his daughter, Beatrice Etienne; his sons, Oliver and Michael; his grandchildren; and his many, many friends. May Bob rest in peace.

Mr. ANDERSON. Mr. Speaker, I rise today to pay tribute to the late Robert McClory, who was not only a colleague of mine, but indeed a friend. As we gather today to salute him, I wish to invoke the memory of a man who was a sincere and thoughtful statesman.

I carry with me many fond memories of times that Bob and I spent together. Though he and I served on opposite sides of the aisle, Bob always inspired me to respect his point of view. This respect was engendered by his unwavering commitment to justice and personal integrity. As everyone is aware, when Bob was the second-ranked Republican on the Judiciary Committee during the impeachment hearings of President Richard M. Nixon, he was a pillar of his party and the system of justice, two things that may have seemed mutually exclusive at the time. His commitment to the Republican Party did not serve to prejudice him toward the President, but made him all the more anxious to dispatch his duties in a just manner. It was this unwavering commitment to the truth that gave Bob his reputation as one of the most honest, fair, forthright, and sincere Members ever to serve in Congress.

In my opinion, Bob McClory was the epitome of success. He was rich in friendships, he was respected by his adversaries and loved by his family. My wife Lee and I have many fond memories of time spent with Bob and Doris. We would like to wish Doris and the rest of the family well, and remember that we were all lucky to have known and to have played a part in the life of so outstanding a man.

Mr. ANNUNZIO. Mr. Speaker, I rise to join our colleagues in the House of Representatives in paying tribute to former Congressman Robert McClory of Illinois, whose sudden death last Sunday was a tremendous loss to the people of this Nation.

I was privileged to have Bob as a personal friend, and during the 18 years we served in Congress together, I came to know and respect Bob for his fairness and integrity. His dedication to high standards was an inspiration to all of us who had the opportunity to

work with him in the U.S. House of Representatives.

Congressman Bob McClory devoted his life to public service, and ably represented his constituents from the 13th Congressional District of Illinois until his retirement in 1982. Before coming to Congress, he graduated from Dartmouth College in 1930, and received his law degree from the Chicago-Kent School of Law in 1932. He practiced law in Chicago for the next 20 years, and was also a member of the Marine Corps Reserve from 1933 to 1937.

Elected to the Illinois House of Representatives in 1952, Congressman McClory also served in the Illinois Senate from 1953 to 1962, where he compiled an outstanding record of achievement as chairman of the Highways and Traffic Regulations Committee. He was first elected to the U.S. House of Representatives in 1962.

As the second-ranking Republican on the House Judiciary Committee, Congressman McClory earned the respect and admiration of his colleagues in the House of Representatives for his conscientious and statesman-like conduct during the Watergate impeachment hearings. He played a key role, as the House manager of the equal rights amendment, and was of great help to me in the passage of my bill to grant a Federal charter to the Italian-American War Veterans of the United States.

In addition, Bob McClory was of invaluable assistance in securing the passage through Congress of legislation which made Columbus Day a national holiday, and he was a motivating force in providing for the observance of all Federal holidays on Mondays.

Congressman McClory was a fine legislator, and a human being of great compassion and courage. After leaving Congress, he worked in the Washington office of the Chicago law firm of Baker & McKenzie, and was a frequent visitor of his many friends in the Congress. He will be sorely missed by all of us in the House of Representatives, who had worked with him and who knew the pleasure of his company.

Mrs. Annunzio and I extend our deepest sympathy of his wife, Doris, his sons, Michael and Oliver, his daughter, Beatrice, and the other members of his family who survive him.

Mr. CONTE. Mr. Speaker, those of us who knew Bob McClory knew a great man. Bob McClory was a caring friend, a loving family man, and a diligent public servant. He served in this Congress with enthusiasm, insight and above all with integrity. Mr. Speaker, Bob McClory's death is a tragic loss.

Bob's public record defines him as a man of great character. No one will ever forget his work on the House Judiciary Committee during the Watergate hearings. President Nixon was Bob's dear friend. Yet after careful consideration, Bob did what he thought was right for the Nation and voted to impeach the President. He was judicious and deliberate and he earned the respect of his friends and colleagues.

Mr. Speaker, while that was one of the most difficult decisions of Bob's career, his commitment to public service was at no time more evident than when he decided to leave the House. Bob was one of this Chamber's greatest legislators. Yet, when circumstances determined that his reelection bid would under-

mine the unity of the party and the institution, he withdrew. Bob earned the respect of his colleagues, and I know that each of us here today sorely misses him as a colleague.

But his death causes me deep, personal grief—grief over the loss of a good friend, and grief over the loss to his family. Bob leaves behind a beautiful wife, Doris, and three wonderful children. Bob dearly loved his family and his death will be difficult. I want to extend my heartfelt sympathies to Doris, the children, and the rest of his family.

Mr. Speaker, I was proud to consider Bob McClory among my friends. He never lost that wry sense of humor and he never forgot about his friends. Bob was one of those busy men who always took the time to talk to a friend. His concerns were earnest and his love for his friends sincere. I will never forget the times we spent together.

Mr. Speaker, it is a great honor for me to participate in a tribute to one of this Nation's finest legislators and greatest men. But his death is a tragedy that cannot easily be overcome. I'll miss him.

Mr. CRANE. Mr. Speaker, it is never a pleasant moment when we arrive at that point in our lives when we must say goodbye to a friend and a colleague. There is a bright spot to those moments, however—that's that we are able to recall memories with a smile in our hearts.

Our friend and former colleague, Congressman Bob McClory, certainly provided us with an almost endless trail of pleasant memories. Memories of a friendship and a job so well done by him.

For more than 30 of his 80 years he served the people of northeastern Illinois in the Illinois House of Representatives, in the Illinois State Senate and, here in this Chamber.

But he served not only those constituents. His career, of course, saw him work for and protect the interests of all of the people of Illinois as well as the citizens of this Nation. And besides his brilliant legislative career, he also served his country as a member of the Marine Corps Reserve.

A quite, thoughtful man, he was a tenacious fighter for the principles which he supported.

Most of all, he supported the ideals of the Republican Party; convinced that they held the solutions to the Nation's needs.

He was a conservative-liberal—conservative in standing firmly behind responsible fiscal policy; liberal in his never-loosening grasp of the need to assist those Americans unable to help themselves.

Bob will best be remembered by historians for his fine work as a member of the House Judiciary Committee, where he toiled for two decades, climbing to the top and serving as ranking Republican member.

That service was marked by difficult battles. Often the struggles weren't for popular causes, but they were for causes he held to be true—and that's what counted to him.

And his athletic accomplishments were truly amazing. Here was a man—in his 80th year—who just last year rode a pair of skis in a dash down the Alps of Switzerland. A pole vault champion in his twenties, he skied, ice-skated, and played tennis in his seventies.

When the 1980 census redrew the congressional map of Illinois, Bob retired from this

body. He could have mounted a strong campaign for reelection, but it would have meant indulging in what could have developed into a bitter primary, and he wanted no part of what he termed a "potentially self-defeating campaign against another younger and capable Republican colleague."

And so he acted in the only manner he knew—with dignity—and graciously withdrew to protect his party and colleague from embarrassment.

I was fortunate to inherit many of Bob's constituents when the lines were drawn for the latest Illinois congressional map. I have tried to serve them as well as Bob did—no small task, I assure you.

Only recently, the two of us discussed the 1988 political campaign. He was going back to Illinois and we talked of where we might join forces as he sought to help the Republican Party and those of us who serve under that banner. I had looked forward to a visit back in Illinois with this very distinguished former colleague of ours and his lovely wife, Doris.

Our condolences go out to Doris, his children, Beatrice, Oliver, and Michael, his grandchildren and great-grandchild, and the many friends who knew, respected, and loved Bob McClory.

Mr. DE LA GARZA. Mr. Speaker, I join my colleagues in paying tribute to our former colleague Bob McClory today. With his passing I have lost a friend and the people of Illinois and the United States have lost a dedicated public servant and an outstanding legislator.

As a Representative in the Congress of the United States for 20 years, Bob McClory possessed those qualities that are essential for leadership—sound judgment, patience, and perseverance. He was an outstanding member of the House Judiciary Committee whose insight and understanding proved invaluable assets in finding workable solutions to the many problems faced.

Known to many of us as one of the most delightful companions, one of the most understanding and one of the sagest in the ways of people and of politicians, Bob McClory grasped the foibles of the system as well as the eccentricities of its practitioners bringing a benign spirit of an understanding nature to help us frequently make sense out of legislative chaos.

It is often easy to come to this body and speak only for things that are comfortable to speak for. Bob McClory was tougher than that as the Watergate hearings evidenced. He stood his ground, spoke forthrightly for his values and for those of the people he represented as well as the Nation, not yielding his convictions to convenience.

When I think of Robert McClory I think of a man who has been an illustrious Member of the House, a stabilizing factor in his delegation, an inspiration to the many who have known him, and a vital part of the Nation's business. We will miss him, and with his passing we have lost a champion.

Mr. DREIER of California. Mr. Speaker, I am proud to be a part of this special order in honor of a good friend and esteemed legislator. To those of us who knew Bob McClory, he was a true public servant and a tremen-

dous asset to not only the Republican Party but the entire Nation.

Bob was first elected to the Illinois House of Representatives in 1950. Later, he served three terms in the State senate and, in 1962, he began his illustrious career as a U.S. Representative. He quickly moved up the ranks and became the second-ranking minority member of the House Judiciary Committee.

Although, I only had the pleasure of working with Bob during my freshman term, it was a pleasure to learn the "trade" from such an influential and hardworking colleague. He was witty and strong; a true statesman. Bob struggled unceasingly to find the truth, and his dedication will be sorely missed.

I send my deepest regrets to his family, and I know we will always have a place in our hearts for Bob.

Mr. FRENZEL. Mr. Speaker, I am greatly saddened by the death of our former colleague, and my close friend, Bob McClory.

Like many of us, Bob started his distinguished career in public service in the State legislature of his home State of Illinois. He spent 20 successful years here with us in the U.S. House of Representatives. He rose to stardom during the Watergate investigation when he was the ranking minority member of the Judiciary Committee.

A strong, life-long Republican, he passed that test the way he passed all tests. He did what he believed was right. History has shown what Bob believed was right was, in fact, right.

When Bob left the Congress in 1982, the transition was very difficult for him. He loved to work and he loved this institution as few others have. Fortunately, as a member of the Baker & McKenzie law firm here in Washington, Bob was able to maintain very close contact with those of us who loved and respected him.

Bob McClory was always so friendly and so committed to his causes that he was welcomed into congressional offices not only by his former colleagues but by the many staffers who quickly grew very fond of him. With his experience, Bob was always welcomed. He made his pitch quietly and efficiently and moved on.

Bob was a graduate, and a devoted son of Dartmouth College. He was a legislator's legislator, a good husband and father, a true gentleman, a patriot, and a friend I shall miss.

Ruthy and I shall miss him sorely. We send our sincere condolences to Doris and the family.

Mr. HAMMERSCHMIDT. Mr. Speaker, I was deeply saddened to learn of the passing of my colleague, Robert McClory. I have long considered Bob and his wife, Doris to be very good friends of my wife, Virginia, and me.

Bob came to Congress 4 years before I did and ably represented the people of the 13th District of Illinois for 20 years. He began his career of government service with the Marine Corps Reserve, serving from 1933 to 1937. He then began participating in Republican Party politics and was elected to the Illinois House of Representatives in 1950. After serving a term in the Illinois House, he was elected to the State senate, where he served until his election to Congress in 1962.

I was always impressed by the statesman that Bob was. In addition to serving as the

ranking Republican of the Judiciary Committee, he also served on the Permanent Select Intelligence Committee and was a permanent member of the U.S. delegation to the Interparliamentary Union. I had the opportunity to attend several Interparliamentary Union Conferences with Bob and was always proud that this country had an individual of Bob McClory's caliber on the permanent delegation.

Of course, Bob will always be best known for his leadership and integrity during the Watergate hearings. A loyal Republican Member, he nevertheless struggled with the evidence presented to him, and in the end concluded that the law must be upheld no matter what the personal cost.

Bob was a deeply religious man and it seems most fitting that he died of a heart attack suffered while attending church—God must have looked down and took one of the best from this world to be with Him. There are few people on this Earth who were more thoughtful and decent than Bob McClory. I extend my deep condolences to Doris and his family—Bob will be missed by all who knew him.

Mr. HORTON. Mr. Speaker, I would like to join my colleagues in paying tribute to a remarkable Congressman and a close personal friend, Robert McClory, of Illinois.

Bob and I were elected to the House at the same time and began service as Members of the 88th Congress. From the moment we first met, Bob impressed me with his honesty, integrity, and devotion to his constituents.

Bob and I represented similar districts, both of which encompassed suburban and rural settings. As a result, we shared many of the same concerns in legislative areas and often discussed what programs would best assist our constituents. I could always count on Bob to offer straightforward insights as we both learned to be more effective legislators.

Perhaps Bob's greatest achievement came during one of the most difficult periods of his tenure in Congress. As the Judiciary Committee considered the impeachment of then-President Richard Nixon, Bob McClory sat as the second-ranking Republican of that committee. Faced with the decision to choose between staying loyal to a Republican President and upholding the intent of the law, Bob saw his course clearly—he voted for impeachment.

Another attribute that Bob McClory possessed was unselfishness. This was evidenced by Bob's decision to retire from Congress rather than run against another Republican who had been redistricted.

I remained in touch with Bob after his departure from the Congress and we saw each other frequently in Washington. My wife, Nancy, and I send our heartfelt condolences to Bob's wife, Doris, and to his children. We will miss Bob.

Mr. HUGHES. Mr. Speaker, it is with profound sorrow that we gather once again to honor the memory of a departed friend and colleague. Robert McClory was a man respected on both sides of the aisle for his skills as a legislator and an advocate for what he believed to be right.

During the time I had the privilege of serving on the Judiciary Committee with Bob, it was often that we found ourselves in com-

plete accord. But even when we were not in agreement Bob personified the sentiment that it is better to disagree agreeably. Even during the most heated debates on the most divisive issues, Bob McClory was always a gentleman. His thoughtful manner and his willingness to listen to opposing arguments won him the esteemed admiration of his colleagues.

All of America had the the opportunity to observe Bob McClory's praiseworthy character during the televised hearings of the Judiciary Committee on the impeachment of President Nixon. We watched a man who was passionately faithful to his President weigh the accumulated evidence, and struggle with the decision to put the Constitution and the Nation before any personal loyalties. Bob's decision to vote for articles of impeachment was undoubtedly the most difficult of his career. The manner in which he cast aside partisanship in favor of principle earned him the enmity of a few, but the respect of millions.

Mr. Speaker, I want to join with my colleagues in extending our deepest sympathies to his wife Doris and their family as well as to the many friends of Bob McClory.

Mr. JONES of Tennessee. Mr. Speaker, I rise today to pay tribute to our departed colleague, the Honorable Robert McClory, of Illinois. Even though Bob retired from this body at the end of the 97th Congress, he remained in touch with many of its Members through the last 6 years.

I was fortunate to have served in the Congress with Bob but I really got to know him through the weekly meetings of the Congressional Prayer Breakfast. We usually sat next to one another each week. Bob was a fine Christian man whose beliefs were strong and who was dedicated to serving his country both while in the Congress and even after his retirement. I was always grateful for having known Bob and for being able to share in his wisdom and knowledge through our weekly meetings.

Bob will be missed by his former constituents, his former colleagues and all who knew him. I extend my deepest sympathy to his family.

Mr. LAGOMARSINO. Mr. Speaker, I would like to join my colleagues in paying tribute to my friend and former colleague, Robert McClory. Bob served a very distinguished career in public service, beginning with his election to the Illinois House of Representatives in 1950, followed by three terms in the State Senate before being elected to Congress in 1962. He provided a major leadership role during the Watergate proceedings and also on the House Judiciary Committee.

Bob was an honorable figure in both Illinois politics and the Nation. He will be remembered as not only a fair and independent legislator, but a thoughtful, gentle, decent man who will be missed and well remembered by his family, friends, constituents, and colleagues.

Mr. MILLER of Ohio. Mr. Speaker, I want to take this opportunity to join my House colleagues today in this tribute to a personal friend, Robert McClory. He was a terrific legislator and a dedicated public servant. We will miss him greatly.

Bob's noteworthy public service career began in 1950 with his election to the Illinois House of Representatives. Later on, he served three terms in the Illinois State Senate. He was elected to Congress in 1962 and soon became the second ranking minority member on the important House Judiciary Committee. Of all the notable achievements Bob attained while a Member of Congress, he will perhaps be best remembered in history as a legislator who displayed tremendous integrity and conviction during the difficult days of the Watergate proceedings. I recall the demands the process placed on the shoulders of those on the committee and I remember that it was Bob McClory who analyzed every word, every item of evidence, every piece of testimony. He placed the rule of law and the canons of the Constitution first. He knew that the test of the hearings was, in reality, a test of the strength and balance of our system of government. He didn't seek publicity or the limelight but, chose instead, to invest his time in being fair, being considerate of all the issues tied to Watergate and the impeachment process. It was during that period, especially, that my respect and admiration for this able leader grew tremendously.

Coupled with this record of dedicated service was the fact that Bob McClory was a wonderfully decent and humble man. He cared about the good people of Illinois and he consistently met the expectations of those who asked him to represent them in government. They—the elderly, the young, the businessman, the student, the veteran and the farmer—knew that nothing could substitute for loyalty and trust. They trusted Bob, with good reason. They relied upon his judgment and actions.

As a Member of Congress, I, too, turned to his good counsel and advice on more than one occasion. He was the kind of person you thought of first, and foremost, when the discussion turns to competence and dedication in the halls of Congress.

Bob McClory's legacy will long remain as a reminder to those who continue to serve the people of this great Nation. I want to extend my personal sympathy to his family and friends.

Mr. PEPPER. Mr. Speaker, all the Members of this House were recently deeply saddened by the sudden passing of one of the distinguished former Members of the House, Robert McClory. Bob McClory, as he was affectionately known by his colleagues, served for 20 years with great distinction as a Member of this House. He was an eminent and influential member of the Judiciary Committee of the House, and he played a very important role in the impeachment proceedings of President Nixon. In this matter he displayed characteristic courage and dedication to the public interest and reflected the high moral sense which credited him all the days of his life.

My closest association with Bob derives from the numerous occasions when we have attended the Interparliamentary Union conferences in various parts of the world. He was a distinguished member of the Interparliamentary Union, now consisting of 108 nations, and was an eminent chairman of one of the most important committees of that organization. He

exerted great influence in that great organization where he enjoyed the profound respect of the numerous members from all over the world. After he left the Congress, he was elected by the Council of the Interparliamentary Union an honorary member and for many years he continued to go back to these conferences where he always received the warmest welcome. He and his lovely wife, Doris, were always popular members of the U.S. delegation and Bob's advice and counsel were constantly sought by the representatives of many nations. In the years that I have been active in the leadership of the U.S. delegation, Bob and Doris McClory have been immeasurably helpful to me. Bob's long experience and attendance upon the conferences of the Union, his great knowledge and grasp of the many subjects on the Union's agenda qualified him to be an exceptionally able counsellor to our delegation. He attended committee meetings and Council sessions and for all practical purposes was a very important and active member of the U.S. delegation. We had looked forward to both Bob and Doris attending with us the Twelve Plus meeting coming up in Oslo and the fall meeting of the Interparliamentary Union in Sofia, Bulgaria, both in September, and we had been discussing plans for our delegation to participate in those meetings. We shall always cherish the memory of Bob and Doris being with us on these trips where we could enjoy not only the wisdom of their counsel, but the delightful social graces and pleasant friendship which they reflected.

Bob McClory will be long remembered as a Member of this house who served with deep dedication to the public interest, who epitomized the height of personal integrity and who was a delightful, charming colleague whose friendship all who have known him have so highly valued. I can say with all the warmth of my heart of Bob McClory, "Well done, Thy good and faithful servant" of the country you loved so much and served so nobly.

To his beloved and lovely Doris we extend the greatest sympathy of our hearts and our affectionate condolence upon the passing of Bob.

Mr. PICKLE. Mr. Speaker, I rise today in fond remembrance of our former colleague, Robert McClory.

In many respects, Bob McClory was the conscience of this House; indeed, he was the conscience and courage of the minority party in this House. When he came to vote on issues of major national importance, Bob McClory legislated from a high sense of integrity and honesty. As a prominent member of the Judiciary Committee, he was personally involved in virtually every major piece of legislation for 25 years. No matter how late the hour, or how contentious the issue, Bob McClory was never silent when he felt he should speak out, and he always spoke in support of better, more equitable legislation.

Bob McClory and I were both Members of the 88th club, and as colleagues we worked side-by-side on many of the important issues of our day. Bob and his wife, Doris, were leaders of the 88th club, and they kept in close touch with members across the nation. Bob and Doris weren't just "attenders," they were

"doers"—activists in the best sense of the word—and we came to love them dearly.

When we lost Bob last Sunday, it was felt personally by all the members of the 88th club and by all who knew this good man. We will remember him as a colleague and a friend, and our country will know that many of the great laws of our time bear the lasting personal imprint of Robert McClory.

Mr. RODINO. Mr. Speaker, I rise today to pay tribute to our departed good friend and former colleague Robert McClory. Bob's death on July 24, which saddened us all, was a great loss to Illinois and to the Nation he served so well.

I can still vividly recall Bob's dedication and commitment during one of the greatest tests of his career—the 1974 impeachment proceedings. While all of us confronted this enormous responsibility and burden, few Members of the House Judiciary Committee were more personally challenged by this national tragedy than was Bob McClory. As the second ranking minority member, a loyal Republican, and a friend of President Nixon's, Bob was faced with the dilemma of reconciling these ties of loyalty with his own innate sense of duty.

It was also difficult for Bob, who had always avoided the limelight and preferred to work quietly behind the scenes, to find himself the focus of national attention and to be forced to reach a painful and agonizing decision before the television cameras as an anxious nation looked on.

When Bob finally cast his vote for two articles of impeachment, it was not a surprise to his colleagues. We never doubted that Bob would—as he always did—weigh the evidence with his sharp intellect and do what he believed was right. We knew that he would do whatever was necessary to uphold the Constitution and to preserve the principle that the rule of law applied equally and fairly to everyone—even the President of the United States.

The impeachment proceedings were an example of the true measure of Bob McClory: honesty and fairness, an unwavering commitment to the Constitution, an enduring belief in justice. What Bob did in 1974 was what he always did—he upheld the finest traditions of public service by placing the public interest above any other consideration. If I had to sum up Bob in one word it would be integrity—an integrity that was an enduring part of his character and that never faltered whatever the challenge.

Long before Watergate and long after, Bob enjoyed a distinguished career for two decades in the Congress where he carefully tended to his suburban Chicago district and diligently represented his constituents.

He also, in his own quiet and unassuming way, left his imprint on the major legislative achievements of our time. Civil rights legislation, home rule for the District of Columbia, fair housing, gun control, Monday holidays, and his effective leadership as one of the floor managers for the equal rights amendment stand as Bob's legacy to this Nation.

I was privileged to call Bob McClory my friend and to work side by side with him on the Judiciary Committee. He was always there when I needed him, always ready to fight for those who could not fight for themselves, and

always willing to defend his belief in the Constitution. Bob commanded my respect and admiration as a devoted public servant and outstanding legislator. He held my genuine affection as a good friend over many years.

Mr. Speaker, we are all richer for having known Bob McClory and this Chamber is a better place for having echoed his words. His death is a great loss for his family, his friends and colleagues, for the State of Illinois and for the entire Nation. My deepest sympathy goes to Bob's wife Doris, his sons Michael and Oliver, and his daughter Beatrice. They are in our thoughts and our prayers.

Mr. RUSSO. Mr. Speaker, I rise today to honor the late Robert McClory of Illinois who died this past Sunday. He was a friend as well as a colleague and I am proud to have been associated with this thoughtful and dedicated legislator.

In my early days here in the Congress, when I served on the Judiciary Committee along with Representative McClory, I came to appreciate his integrity and, though we were on different sides of the aisle, his willingness to be helpful and cooperative to a "newcomer" in the delegation. I also value the man whose word you can always count on, and this too was characteristic of Bob.

Bob led a life that included remarkable achievements, and when you have a man of his caliber in the House, his influence is felt. He leaves a rich legacy for his State and Nation.

I offer my condolences to his family and I hope they will find comfort in the knowledge that he will always be remembered and admired.

Mr. PETRI. Mr. Speaker, I just wanted to mention my sadness at Bob McClory's death. Doris and Bob had been neighbors and close friends of the late Bill Steiger and his family.

When I came to Washington to represent Wisconsin's Sixth District following Bill's untimely death, Bob kindly took me under his wing and made my first years in this body a lot easier. Bob served in Congress during two exciting decades—a time which saw the Civil Rights Act, the escalation of our involvement in Vietnam, and of course, Watergate.

Bob took his role on the Judiciary Committee very seriously during the evidentiary hearings for the impeachment charges. He carefully weighed the evidence and avoided the trap of jumping to conclusions—conclusions which would have been understandable given the mood sweeping Washington at the time.

Bob demonstrated then, as he always did, his reasonableness, his integrity, and his reliance on fact—qualities which all public servants should try to remember. I shall miss Bob, and I extend my deepest sympathies to Doris. Thank you.

Mr. SCHULZE. Mr. Speaker, I rise to offer a few words in memory of our former colleague, Robert McClory of Illinois. He will be greatly missed by all those who knew him and we should take this time to reflect on the man and his many accomplishments.

Bob served the people of northeastern Illinois for 20 years. He served in the Illinois Legislature, joining the State House in 1950, then serving three terms in the State Senate. In 1962, Bob McClory was elected to the U.S. Congress and established himself as a

thoughtful and dedicated public servant. Indeed, Bob scrupulously avoided self-promotion and instead concerned himself only with what was best for the constituents he represented and the Nation he loved. His quiet demeanor and quick smile were always gratefully received by his colleagues and this allowed Bob to be one of the most effective Members of this body.

His position on the Judiciary Committee allowed Bob McClory to advance numerous drives for constitutional amendments on a variety of topics. He was House manager of the equal rights amendment, was Republican leader for statehood for the District of Columbia, and sponsored legislation providing that Federal holidays be celebrated on Mondays, leading to the oft appreciated 3-day weekend. Bob's knowledge of constitutional law served him well in 1974 when he was assigned the difficult task of serving on the Joint Select Committee on Watergate. Again, Bob demonstrated his ability and his intelligence in this endeavor.

Always a party loyalist, Bob McClory put aside political rhetoric to wrestle with the great judicial questions arising from this investigation. His fairness and thoughtful consideration gained national attention throughout this period. In the end, however, Bob's sense of duty and justice, and his promise to use his abilities to serve the people, led Congressman McClory to make the difficult decisions that had to be made regarding the articles of impeachment. By the time Bob retired, in 1983, he fittingly held the ranking minority membership post.

But Bob McClory's contribution to this Nation did not end with his departure from the House. He was a permanent member of the U.S. delegation to the Interparliamentary Union, rarely missed a trip, and represented the very best of the United States in places the world over. Additionally, Bob McClory was an active member in the Former Members of Congress Organization, an energetic supporter and organizer of its programs and efforts.

Nancy and I join our colleagues and spouses in expressing our deepest condolences to his wife Doris. I will miss Bob McClory. The Nation has lost a truly fine American.

Mr. SENSENBRENNER. Mr. Speaker, I rise today to speak to the accomplishments of our colleague, Congressman Bob McClory.

I had the pleasure of serving with Bob on the House Judiciary Committee. As a freshman member in 1979 Bob helped to show me the "ropes" within the Judiciary Committee and in the House. The advice Bob gave me instilled a sense of understanding of the legislative process, a dedication to constituent service and an appreciation for the values of this Nation.

I am proud to receive his counsel and friendship even after his retirement from the House of Representatives.

A staunch Republican, Bob helped guide the early Reagan legislative agenda and I'm proud to say with my help.

The House will miss Bob.

Mr. SHUMWAY. Mr. Speaker, it was with a great sense of personal sorrow that I learned of the passing of our friend and former colleague, Robert McClory last month, and I appre-

ciate the gentleman from Illinois reserving this time to pay tribute to him.

Bob was a distinguished legislator, and admired leader, but most importantly to me, he was a friend. I will continue to miss his geniality, his guidance, and his inherent commitment to what is right and what is just.

I did not have the opportunity to work with Bob during perhaps his greatest challenge as a Member of Congress, and as a senior member of the Judiciary Committee, during the Watergate hearings. Nonetheless, his impeccable record of commitment to the Constitution and the law during that volatile era made a name for him as an outstanding legislator. He will be admired and respected by this body, and by all who had the privilege to know and work with him, for many years to come.

Bob McClory was truly a leader. He represented his district, his State, and this great Nation in a model manner for some 20 years. Bob continued to be a voice of leadership in the intervening years. He will be missed, and he will not be forgotten.

Mr. YATES, Mr. Speaker, I was shocked to learn that Bob McClory had died on Sunday. He was a good friend and a wonderful colleague and I will miss him.

In all the many years that I knew Bob McClory I do not remember his ever being angry or unpleasant. Bob was one of those people who enjoyed doing things, both physical and intellectual, and he accomplished a great deal. He was a gracious and friendly man who worked very hard for the people of his district and he did it with complete integrity and remarkable thoughtfulness.

A good and kind man has left us and I am sorry. Addie joins me in extending our most sincere sympathy to Doris and the entire family.

Mr. RINALDO. Mr. Speaker, I join with my colleagues in mourning the recent passing of our friend, Congressman Robert McClory.

Bob was a distinguished Member of the House for 20 years and earned the respect and admiration of all of us who had the honor of serving with him. He was a dedicated public servant having worked devotedly for the people of Illinois for over 30 years, beginning his public life as a member of the Illinois House of Representatives.

The people of Illinois and this country are fortunate to have had the benefit of a man like Bob McClory working in their behalf. His outstanding record of service will not be forgotten.

I extend my heartfelt condolences to his wife, Doris, at a loss shared by all of their friends.

Mr. MAZZOLI. Mr. Speaker, it is with great sadness that we mourn the death of our late colleague from Illinois, the Honorable Robert McClory.

Bob was my good friend. He was a friend of everyone whom he met. His genial manner and kindly disposition were ever present. And, Bob possessed the intellectual and leadership qualities which easily earned him respect and admiration from his colleagues in this Chamber.

Bob's assignments in the House brought us together often. Though in different parties, Bob and I have worked closely, both during

his service on the House Judiciary Committee and since his retirement in 1982. I've met with him many times over the last few years. A gentleman in every sense of the word, Bob always demonstrated the highest professional and scholarly approach to his job as a Member of Congress and the issues at hand.

His legal and constitutional scholarship and personal integrity rightfully earned Bob great respect for his leadership in the Watergate impeachment proceedings. The responsibility of steering our Nation through the trauma of that period could not have rested in more able hands than those of Bob McClory.

It has been a privilege for me to know and serve with Bob McClory, a man whose career of distinguished public service brings only honor to this House. I hope that we can all remember and emulate the very high standard he set for us. We will miss him.

To Bob's wife, Doris, and his family, I extend my deepest condolences at this difficult time.

Mr. JEFFORDS. Mr. Speaker, I appreciate my friends from Illinois calling this special order so that the House may pay tribute to our colleague Bob McClory.

Bob's sudden death has saddened us all. We have lost a fine colleague of 20 years service in the House and we have lost a friend who continued to be part of daily life on Capitol Hill even after his retirement in 1982.

The national press has paid tribute to Bob's many accomplishments, his critical role in the Watergate era, and his reputation as a hard-working, conscientious, and capable legislator. I was pleased to work with him on innumerable occasions. During debate on the 1986 Tax Reform Act, Bob brought to my attention the concerns of the endangered granite industry. Bob succeeded in convincing the Ways and Means Committee to keep the unique problems of that industry in mind as it drafted the bill.

I join my colleagues in extending our warmest sympathies to Bob's wife and family. He will be missed by all of us.

Mr. GUNDERSON. Mr. Speaker, many of my colleagues have spoken far more eloquent than I as to the many achievements which marked the distinguished career of our good friend, the late Bob McClory. Mr. Speaker, I would like to speak of his kindness.

Having arrived in Congress as a result of the 1980 election, I had the opportunity to serve with Bob for only 2 years. Yet, as a first term Member of Congress, I enjoyed the unique and warm kindness Bob extended to those of us so much younger than he.

But, I have enjoyed the years since even more. While we don't discuss all the details, Bob was an ever present institution at our Thursday morning prayer breakfasts. We often sat across from each other at the table. Bob had the unique heart and soul which allowed him to truly care about others. His remarks were always warm. His concern was always sincere.

If a kinder, more gentleman has served in this distinguished House, I am not aware of him. To me, Bob's life represents high achievement professionally combined with warm sincerity personally. It is the combination so many of us in life would seek. So few of us do. But because Bob did—his life will

always serve as an example to those of us who had the privilege to know him.

Mr. GOODLING. Mr. Speaker, I rise today to pay tribute to a former colleague and respected Member of this illustrious body, Robert McClory.

Bob McClory served in the House for 20 years. During that time, one of the hardest decisions he had to make was whether or not to support the impeachment of a President he respected. That tough decision was made after careful consideration of the facts presented to the House Judiciary Committee. Although Bob McClory was second ranking Republican on the committee at that time, he was often called upon to fill in for Congressman Edward Hutchinson, who was ill at the time. In the end, his integrity in place, Bob McClory supported several of the articles of impeachment.

Bob McClory was active in many of the important pieces of legislation to come before the Judiciary Committee both before and after his tenure as ranking Republican member, such as statehood for the District of Columbia and the equal rights amendment. While he did not support outlawing handguns, he supported sane handgun control legislation in the face of bitter opposition from large numbers of his constituents. He also took part in the Commission designed to study our country's immigration problems. Their report, as we all know, was the basis for the major immigration bill enacted by the Congress.

But Bob's activities were not just limited to the House Judiciary Committee. He was, for many years, a member of the Interparliamentary Union, working with legislators from other countries to address some of the major problems facing the world. In addition, he was a member of the Permanent Select Committee on Intelligence.

Bob was interested in education and often contacted me with respect to the school lunch program and impact aid.

Anyone who knew Bob knew he did not decide to retire from the Congress because he could not keep up with the long hours. Many, many times, you could find him in his office until 11 o'clock at night, signing mail and working on strategies for the next day's committee hearings. Bob retired because he was redistricted and ended up in competition with a fellow Illinois Republican. Rather than divide the party, he chose to retire.

Bob McClory was an active man. He skied, played tennis, walked to and from work daily, and could often be found ice skating in Washington during the winter months. But, more than anything else, Bob McClory was a religious man, a family man.

Mr. Speaker, I want to take this opportunity to express my sympathy to his wife Doris, his children Bea, Oliver, and Michael and all of the other members of the McClory family. They have lost a beloved family member and we have lost a friend and valued colleague.

Mr. APPLGATE. Mr. Speaker, I would like to join with my colleagues in the House in paying tribute to our former colleague from Illinois, Robert McClory.

Mr. Speaker, I was shocked and deeply saddened to learn last week of the passing of Bob McClory. I feel fortunate that I was able to know Bob before he retired in 1982, after

his 20 years of highly commendable service in the U.S. Congress.

I think any one of us needs only to look back to the tumultuous years during the Watergate scandal and Bob's key position on the House Judiciary Committee during that time to understand his dedication to what was proper and correct. While some urged him to ignore hard facts and evidence along with constitutional transgressions, Bob, instead, held himself to a higher level of service to his Nation in understanding and upholding the law of the land and the key concepts of our noble Constitution.

While we served on different sides of the aisle, Bob McClory was always able to surmount political divisiveness and disagreements. Regardless of the party, Bob taught all of us the lessons of being a true statesman and a representative of the people. Bob was an expert on the Constitution, and I always appreciated the opportunity to learn from an elder Member of this Chamber.

I enjoyed working with Bob McClory, and I can only say that he will be greatly missed by all of his friends and colleagues here in the House, people who knew him for the upstanding citizen that he was and for the continued devotion that he extended to this body as an active former member. Bob, even after his two decades of service in the House, maintained his dedication and respect for the Congress.

In closing, Mr. Speaker, I wish to extend to Bob's beautiful wife, Doris, and to Bob's children, six grandchildren, and one great-grandchild my utmost condolences upon his passing. I've lost a good friend and the Members of the House will miss a strong influence as we continue to attempt to answer the tasks that lie ahead. All of us are better off today because of the outstanding record of service achieved by Robert McClory, the quiet man from Illinois.

Mr. FISH. Mr. Speaker, on Sunday, July 24, Members of this House lost a distinguished former colleague and a great many of us lost a close and valued personal friend as well.

Congressman Robert McClory will long be remembered for the integrity and diligence which he brought to a career of public service which began in the Illinois State House in 1950 and ended 32 years later with his retirement from the U.S. House of Representatives, after 20 years of service, at the close of the 97th Congress.

In the course of the 14 years we served together in this body and on the Judiciary Committee, where he was my predecessor as ranking minority member, I came to know and admire Bob as a conscientious and thoughtful legislator, a man of humor, great modesty, and enormous integrity, a man willing, indeed, eager to listen to all points of view but resolute in his dedication to the principles of civil and constitutional rights in which he believed.

Bob McClory was proud of his beloved wife, Doris, his daughter, Beatrice, and his sons, Oliver and Michael. He was proud of this body in which he served so well, and he was proud of this country. He will be missed.

Mr. CONYERS. Mr. Speaker, today I would like to pay tribute to a friend and former colleague Robert McClory who died suddenly last Sunday.

I regard Bob McClory as a dedicated public servant and have long admired him for his principled stand during the Richard Nixon impeachment proceedings. As the second-ranking Republican on the Judiciary Committee and a loyal Republican, Bob McClory took a laudably independent and potentially controversial position when he helped to lead the fight to bring an article of impeachment in 1974 charging then-President Nixon with abusing his constitutional powers in the Watergate affair. He further challenged party leadership by drafting another article charging Nixon with contempt of Congress for ignoring congressional subpoena. He risked the rebuke of party leaders in his effort to reestablish the public's waning faith in the American political process and to guarantee that future generations would trust in the integrity of the American Congress and Presidency.

During the 20 years in which I knew Bob McClory, he always placed his commitment to the people of America above party politics. When party politics challenged the welfare of our citizenry, Bob McClory fought to preserve and enhance the well-being of the American people before submitting to political pressure.

His resignation from Congress was a loss to me as a fellow member of the Judiciary Committee and it was a loss to the country that benefited from his voice and legislative actions. American women will long remember him for his work on the equal rights amendment. American workers will long remember and value him for his struggle to move Federal holidays to Monday. But while he may have been most proud of these achievements, I am most proud to have known him as the strong, independent, and scrupulous voice that helped this Nation overcome the disgrace of Watergate. For me, it was indeed an honor to have worked with a man who sincerely believed that justice must be blind to party politics.

Mr. COUGHLIN. Mr. Speaker, I rise to join the distinguished minority leader, Mr. MICHEL, Mr. PORTER, and Mr. CRANE, and my colleagues in paying tribute to Bob McClory of Illinois.

Bob McClory served the people of Illinois' 13th Congressional District and this Nation with distinction for 20 years. In the finest tradition of the Congress, he was known as a studious and independent legislator.

I was honored as a junior member from 1969 to 1972 to serve with Bob on the Judiciary Committee. He was a hard-working member of that committee; he was respected for his knowledge of legal issues and his penchant for painstaking deliberations before reaching his conclusions. Always at the heart of committee debates, Bob acted on his conscience and the Constitution.

During one of the most turbulent and difficult periods this Nation ever faced, Bob McClory followed the Constitution and the rule of law. During the Watergate hearings, Bob played a pivotal role in protecting Congress' constitutional right to fully examine the matters before the Judiciary Committee.

In addition to his work on Judiciary, Bob served on the Select Committee on Intelligence where he worked to protect this country's national security against foreign espionage,

and the lives of those working abroad in sensitive positions.

A lawyer and former marine, he served in the Illinois House of Representatives and Senate before his election to Congress in 1962.

Bob McClory served the people of Illinois for over 30 years. He will be remembered there and in this Chamber as a man dedicated to public service. His legacy is one of honor, courage, and conviction.

I send my deepest condolences to his family and many friends.

#### GENERAL LEAVE

Mr. PORTER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the subject matter of my special order.

The SPEAKER pro tempore (Mr. PAYNE). Is there objection to the request of the gentleman from Illinois?

There was no objection.

#### TRIBUTE TO COL. RICHARD E. MOSS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Mississippi [Mr. MONTGOMERY] is recognized for 10 minutes.

Mr. MONTGOMERY. Mr. Speaker, I rise to commend one of our country's truly outstanding and dedicated military officers, Col. Richard E. Moss, Air National Guard. Enlisting at the age of 18, Colonel Moss progressed through the enlisted ranks later serving as a noncommissioned officer prior to receiving his commission. After 34 years of service Colonel Moss, currently a statutory tour officer detailed to the Office of the Secretary of the Air Force, will retire from active service. As one of the small number of guardsmen on extended active duty assigned to the National Guard Bureau, he is one of the conscientious professionals—the quiet cadre—who support the over 114,595 Airguardsmen in our country.

Mr. Speaker, I ask to enter into the record our commendation and sincere appreciation to Col. Richard E. Moss for his outstanding and dedicated service to his State, the Congress, his Commander in Chief and our country. Colonel Moss is the best of our country's citizen airmen.

#### COL. RICHARD E. MOSS

Colonel Richard E. Moss is currently assigned as Special Assistant to the Deputy Assistant Secretary of the Air Force for Reserve Affairs. He is responsible for all office management, acts as Principal Advisor to the Deputy Assistant Secretary, serves as the Acting Deputy Assistant Secretary in the absence of incumbent, serves as Executive Secretary for the Air Reserve Forces Policy Committee (a committee consisting of 15 general officers), monitors the Statutory Tour Officer Program, performs as Air Force Liaison with the Reserve Force Policy Board and provides general guidance to the other advisors assigned.

Colonel Moss was born 13 February 1936, in Columbia Heights, Minnesota. He graduated from Lakeville High School in Minnesota and completed 2 years of college work

at American River College in Sacramento, California. He attended Air Command and Staff College at Maxwell AFB, Alabama in 1971 and completed the resident Air Force Professional Personnel Management Course, also at Maxwell AFB, in 1975. He has completed Squadron Officers School and Industrial College of the Armed Forces through correspondence.

Colonel Moss began his military career in 1954 as an enlisted airman in the United States Air Force, serving at various locations during the final phases of the Korean conflict. Upon completion of his initial enlistment in 1958, he enlisted in the California Air National Guard as an E-4 and was employed as an Air Technician at North Highlands Air National Guard Station in Sacramento. He held a number of personnel and administrative assignments attaining the grade of E-6 prior to being considered for commission. He was commissioned a second lieutenant in August 1961 and became Director of Administration, in both a military and Air Technician capacity, for the 162nd Commissions Group (M), North Highlands ANG Station, California.

He served in various military and Air Technician positions including Chief, Personnel for the Communications Group and Chief of Maintenance for the 149th Combat Communications Squadron, prior to being selected for the resident Air Command and Staff College. He was promoted to Major in 1970 while at school, and upon graduation, assumed command of the 149th Combat Communications Squadron at North Highlands in 1971. He was simultaneously selected as the Air Technician Communications Unit Supervisor, responsible for the day to day management of the Air Technician workforce at North Highlands. In October 1972, he was selected by the Director, Air National Guard, for a short tour of active duty, to represent the ANG in the initial "Project Volunteer" program, working with the USAF on the all volunteer program. He returned to his command and Air Technician position in December 1972.

In March 1973, Colonel Moss applied for active duty in the ANG Statutory Tour Program and was selected for assignment as the Chief, Personnel Training Branch, Air Personnel Division, National Guard Bureau. He was promoted to lieutenant colonel in 1975 while assigned to this position. In May 1976 he was reassigned as Deputy Chief, Air Personnel Division, NGB, and served in that capacity until August 1978. On 1 September 1978, Colonel Moss was selected for assignment as the ANG Advisor to the Director Personnel Plans, HQ USAF, and promoted to 1979. On 7 May 1981, he was selected as Chief, Office of Training, Air Directorate, National Guard Bureau. Colonel Moss was assigned to the position he now holds as Special Assistant to the Deputy Assistant Secretary of the Air Force for Reserve Affairs in 1982. Some of his many accomplishments include direct involvement in the first piece of legislation effecting Reserve Officer management being passed in 35 years. He was instrumental in comprehensive development of the Reserve Officer Personnel Management Act (ROPMA). Colonel Moss has also significantly improved relationships between the USAFR and the ANG membership in the Air reserve procedures and getting the committee involved with matters of importance to the Total Force.

Colonel Moss has received the Legion of Merit, the Air Force Meritorious Service Medal, with two oak leaf clusters; the Na-

tional Defense Service Medal; the Army Good Conduct Medal; the Armed Forces Reserve Medal; and other federal awards. In addition, he has been awarded the Order of California, the California Medal of Merit, with two gold clusters; the California Commendation Medal; and the California Service Medal. In 1978 he was selected as the first recipient of the ANG Professional Military Education Center Distinguished Service Award. He has also been awarded the ANG Meritorious Service Award. In April 1985, he was selected as the National Guard Association of California Tour Guardsman of the Year 1984-1985.

Colonel Moss was promoted to his current grade effective 8 February 1979, with a date of rank from 6 June 1978.

He is married to the former Marva Mef-ferd of Live Oak, California. They have four adult children (three sons and one daughter) and four grandchildren. They currently reside in Woodbridge, Virginia.

#### REASONABLE RULES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia [Mr. GINGRICH] is recognized for 60 minutes.

Mr. GINGRICH. Mr. Speaker, I want to talk this evening on the concept of reasonable rules and have a special order entitled "Reasonable Rules."

Mr. Speaker, I think it is important to recognize that we are a nation in transition in terms of how we apply certain rules and what we mean by those rules, that those changes apply to our culture at large, the changes apply to our political system, the changes apply to our Government, and the changes apply to the Congress, and that the rules which seemed reasonable over the last 20 years seem less reasonable today. Things which we would have tolerated or gotten used to, accepted as business as usual, now no longer seem quite so acceptable.

Maybe this is most obvious in the area of drugs and the problem of crime in the overt sense, but I would say that there is a general shift partly caused by the fact that the baby boom is growing older, and as it looks at its own children it may have looked at things which it may have experimented with or might have done that it has concluded were dangerous or even bad. I think we are seeing the establishment of principles of good and bad, that there are some things that are just unacceptable.

Maybe the most obvious example of this is the whole debate which is emerging over the question of furlough programs for first-degree murderers serving life sentences without parole, an argument which has been going on now for several months involving Governor Dukakis and the whole question in the 1970's and the 1960's both among Republicans and Democrats. Particularly in the liberal wing of both parties there was an attitude that one always had to under-

stand the criminal, that somehow the criminal always was somebody that we could find an excuse for; they had a bad upbringing, they lived in a bad neighborhood, something had gone wrong in their life, but it was never quite the criminal's fault, so there was an enormous bias in favor of finding an excuse to allow the criminal to have one more chance, 2 more chances, 10 more chances. Ultimately in its most bizarre form that bias in favor of always understanding the criminal led to the Massachusetts furlough program first enacted in 1972 which made Massachusetts the only State which permitted furloughs for first-degree murderers serving life sentences without parole.

Let me make a distinction. There are a number of States which permit furloughs. There are even some States which permit furloughs for first-degree murderers, but in those States the furloughs are granted only after the inmate is decided eligible for parole, not before; that is, if they have somebody who earlier in their life may have done something, but they have been a very good prisoner, they have learned and grown and changed and the parole board has decided that ultimately they might be able to live in civilized society without hurting people, then in other States there is some opportunity for those criminals to be allowed out a little bit at a time to test them out in society, to give them weekend furloughs, to give them a chance. For example, in New York State if one serves 80 percent of their sentence, they have a chance to get out on furlough to begin the process of rehabilitation. In Massachusetts, the figure was 20 percent, so they only had to serve one-fourth as much of their sentence in Massachusetts as they had to serve in New York State.

There is a further difference. The Massachusetts program that Governor Dukakis defended established the principle that first-degree murderers who were serving life sentence without parole, and that is a very specialized kind of sentence, were allowed to be furloughed.

As Richard Cohen of the Washington Post pointed out, a life sentence for first-degree murderers without parole is the kind of sentence that a liberal State gives in order not to have the death penalty. Life sentence without parole is designed to say, "Here is a person so bad that in other States such as California or Florida they might have gone to the death penalty, but in Massachusetts, a much more liberal State, we will not execute them, but we promise to the citizens of Massachusetts that they will never again be allowed to walk the streets." That is why the term "first-degree murderers serving life sentences without parole" is a very important term.

The fact is that sometimes prisoners on furlough do not come back, and that if you let a murderer out on Friday afternoon for the weekend, he may decide not to return. Presently there are 80 prisoners who are missing from prerelease centers, furloughs, and work-release programs. Sixty-two of those 80 prisoners escaped under Governor Dukakis. Those escapees include 59 violent criminals including 10 murderers, 9 rapists, and 25 armed robbers, and 12 criminals were serving sentences for drug-related crimes, including 9 for distribution or attempt to distribute.

These are not just threats to the citizens of Massachusetts. Governor Dukakis' support for the murderers' furlough program had impact across State lines. The most famous example, Willie Horton, who escaped from a murderers' furlough program, was given life sentence without parole for stabbing a 19-year-old boy 17 times and dumping him in a 50-gallon drum to die while robbing a gas station. When Willie Horton was furloughed, he ran away, went to Maryland, terrorized a couple in their home, stabbed the man repeatedly, raped the woman several times.

However, not until March 22, 1988, a year after Willie Horton had engaged in that kind of terrorist activity, did Governor Dukakis reluctantly agree to sign a bill prohibiting furloughs for first-degree murderers, and Governor Dukakis defended his system all through 1987. He said, "Look, we are running a very tough, strong, well-defined furlough program in this State which by and large has been very successful." That is a quote in the Lawrence Eagle Tribune of January 31, 1988, and that is defending a program he made this quote after he knew of the Willie Horton case in which the convicted murderer had while on furlough left the State and, as I said, tortured the husband and raped the wife.

In fact, at the time Dukakis finally agreed to sign the bill changing the furlough program for murderers sentenced to life without parole, he was faced with both a hostile legislature and a potential referendum on furloughs on the November ballot, which was not something he wanted to see the public have to vote on.

Let me give the Members some examples. Some of the case histories, as reported in the Lawrence, MA, Eagle Tribune on January 10, 1988, of some of the escapees from Governor Dukakis' furlough program, and the first was, as I mentioned, Willie Horton, who was serving a sentence without the possibility of parole for first-degree murder, and on his 10th furlough in June 1986 he escaped. On April 3, 1987, he terrorized the Maryland couple in their home, stabbing the man and raping the woman. He

was later apprehended and sentenced in Maryland to two consecutive life terms plus 85 years. Somewhat incredibly, Massachusetts requested his extradition. The judge, however, ruled that he should not be sent back to Massachusetts where he could become eligible for parole once again.

It is fascinating, by the way, and I have seen a videotape which has been made of the murderers' furlough program. In that videotape, the Maryland judge says quite specifically that he refused to send Willie Horton back to Massachusetts on the grounds that it was clear that he would be allowed out on the weekends and he would once again run away, and the judge in Maryland did not want to let Governor Dukakis' Massachusetts threaten the people of America with this kind of murderer. That tape, by the way, is called "Justice on Furlough." It is a videotape available that is really a remarkable document.

Another example, Brendan Boyd, a convicted rapist who was also serving a life sentence for murdering a prison inmate, but he was, however, released on furlough in 1986 during which he raped a woman in Mattapan and then shot himself to death.

Armand Carrier, a former New Hampshire State trooper who shot a police officer and another man to death, but he was permitted a work detail to Worcester Hospital, which had been approved by the Massachusetts Corrections Commissioner, and he escaped.

Charles Costa, serving 3 to 5 years for the rape of a child by force in Everett, a career criminal, he had a record of burglary and escapes in other States, yet he was placed on work release at the South Middlesex Prerelease Center from which he escaped on February 27, 1987.

Michael Jones, serving 10 to 12 years for rape and armed robbery, walked away from the Northeast Corrections Center Prerelease Center in January 1983.

Eugenio Torres, convicted in 1986 for the unlawful possession of a controlled substance, a few months later was permitted a work release from the Massachusetts Corrections Institute at Shirley, from which he escaped and stabbed his wife and another male at home.

Robert Jeffries had a criminal record including burglaries, drugs, assault with a dangerous weapon, and assault on a police officer. Nevertheless, he was permitted to take furloughs at his mother-in-law's home while serving 6 to 10 for a 1980 armed robbery. He escaped from the Boston Prerelease Center January 30, 1986.

□ 1900

Those are some examples of the kinds of dangerous, tough criminals which Governor Dukakis has said he

favors being given the right to run loose and to be given the opportunity to escape through his furlough program.

Governor Dukakis described his furlough program in the Eagle Tribune article of January 31, 1988, as saying "It is a very tough, strong, well-defined furlough program, in this State which by and large has been very successful."

It is a sign that Governor Dukakis had not talked to any of the victims who were in fact victimized recently by people Governor Dukakis had allowed to go out on weekends. This is a tragic story, and I commend to anyone who wants to read more about it, the article from Reader's Digest in July entitled, "Getting Away With Murder." That article, "Getting Away With Murder" outlines in some detail the kinds of examples of the problems that Governor Dukakis had in Massachusetts because he was willing to allow very dangerous prisoners to have weekends off, to go out in the world, even though in fact there had been consistent warnings about the dangers of the furlough program.

For example, there was a commission which in 1975, the special commission relative to the effect of the prisoner furlough program on the citizens of the Commonwealth, issued the following report on October 16, 1975:

The commission has found no benefits, singly or in toto, attributable to the furlough program that can justify for the public's sake the continuance of a practice that allows convicted criminals to walk the streets devoid of restraints and free to commit crimes against their fellow man.

To give an example, if my colleagues ever get the chance to see the videotape "Justice on Furlough," they interview on that particular tape a woman who talks about her older daughter being killed, and then several years later taking her younger daughter to dinner and having in the very same restaurant, having dinner with her younger daughter and herself in the very same restaurant the convicted murderer who is now out on furlough. And she describes in this videotape "Justice on Furlough" how emotionally deeply she felt about the impact of knowing that the murderer who had killed her older daughter was right there across the room in that restaurant, out on furlough.

I think that it is important to recognize that Governor Dukakis was warned over and over again that releasing murderers who had been convicted and sentenced to life imprisonment, without parole, is very, very dangerous, that real human beings, innocent citizens were suffering because of Governor Dukakis' willingness to let innocent citizens take the risk.

Consider some of these facts. The Wall Street Journal pointed out on April 19, 1988, "Between 1980 and

1987, the Massachusetts Corrections Department granted an average of 388 furloughs a year to killers." In other words, in the average year in Massachusetts, 388 furloughs were being given to people who had been convicted of killing somebody else. So if you lived anywhere, and given the mobility of modern America, a convicted killer could get out of jail on Friday night, travel anywhere in America, and if he or she was honorable, show back up by Monday. They could fly to Los Angeles, they could fly to San Francisco, they could fly to Houston, or Miami on Friday evening, do whatever they wanted to do on Saturday and Sunday, fly back, as long as they reported in. That is if you thought the convicted killers were going to come back.

"On average, a first-degree murderer was let out on furlough every day for the past 7 years," from the Lawrence, MA, Eagle Tribune, December 30, 1987.

Imagine Governor Dukakis being willing to have all of the rest of us take the risk of having a first-degree murderer let out on furlough every day of the year, in effect.

Let me go back again to the case of Willie Horton, because people might say, well, should we not have given him a chance. Let me explain some of the background.

November 1, 1974, during an armed robbery of a gas station in Lawrence, MA, Horton held at gun point a 17-year-old gas station attendant, Joseph Fournier. Having robbed the youth, Horton brutally stabbed him 19 times and stashed him in a garbage can. For this crime, Horton was sentenced to life in prison without benefit of parole.

I might mention that earlier in his life Horton had been convicted of another armed robbery and had been left out on parole in another State before he went to Massachusetts to commit that robbery and kill that young man.

June 2, 1986, Horton escaped from Massachusetts while on a weekend pass from a State prison in Concord. Horton was on his 10th furlough when he escaped.

April 3, 1987, Horton breaks into the home of a Maryland couple, Clifford and Angela Barnes, and terrorizes them for 12 hours. During the night of terror he tied Mr. Barnes up in the basement, stabbed him repeatedly and robbed him, and waited for Mrs. Barnes to return home. Upon her entrance, Horton dragged her upstairs and raped her twice. Horton then stole a car, and after a high-speed auto chase was recaptured after being shot twice. For this and other offenses Horton committed during the hours of terror he was charged with 13 different crimes including two counts of kidnaping, two counts of false imprisonment, five counts of assault with

intent to murder, two counts of first degree rape, two counts of second degree rape, one count of malicious cutting of a person, one count of possession of a firearm by a felon, one count of breaking and entering, one count of burglary, two counts of discharging a loaded weapon while under arrest, one count of possession of a firearm while a felon.

Horton was found guilty of these crimes in Maryland and sentenced to two life terms plus 85 years. The sentencing judge stated at the close of the trial:

With all due respect to the citizens of our sister State, the Commonwealth of Massachusetts, I'm not prepared to take the chance that Mr. Horton might again be furloughed or otherwise released. He now belongs to the State of Maryland.

In this setting, understanding the risk to innocent citizens, understanding the difficulties that would happen, realizing that we are talking here about releasing very, very dangerous people, that on occasion they committed crimes, and in some cases on some occasions, as I already indicated, the murderers, when released by Governor Dukakis' program, murdered other people, what is the Dukakis record of learning about that? Let us look over the years.

In 1976, after vetoing a bill to end furloughs for first degree murderers, Dukakis said, "This bill would have cut the heart out of the efforts at inmate rehabilitation. With 89 percent of those committed to our institutions eventually returning to society, it is essential that we retain what has proven to be a successful tool for breaking the cycle of crime which our prison systems used to encourage." Let me suggest that that successful tool did not look very successful to Cliff and Angie Barnes. That successful tool did not look very successful to the people who have been killed, robbed, and otherwise violated by the various murderers that Governor Dukakis has released.

On June 7, 1987, Governor Dukakis said, "I am a supporter of the furlough program because I think it is an important part of any modern and any effective correctional system. There is always a risk, and our job is to make that furlough program as strong and as well administered and as responsible as possible." Notice that while Governor Dukakis recognizes the risk, it is not his risk, it is the risk of innocent citizens, it is the risk of the victims and the families of victims who have to suffer knowing that somebody who killed one of their relatives is now alive and free on weekends.

On June 30, 1987, "The furlough program over the past 10 years has been quite successful, and it's something I rely on very heavily when it comes to making decisions about commutations." Again, I would just suggest it has been successful for the

murderers. It has been successful in terms of getting people out of the prison population. But one has to question how successful it has been for those who have been raped, terrorized, tortured, or killed by people released by Governor Dukakis.

November 23, 1987, "I just don't like the idea of absolutely prohibiting the possibility of a furlough program in these cases. I do not see how a Governor can responsibly exercise his commutation power under these circumstances." Notice Governor Dukakis comes back again and again to how can I commute the sentence of the killer, how can I take care of the person who has been sentenced to life in prison, how can I make sure that the person who has a major problem, having murdered a fellow human being, or raped, or tortured a fellow human being, how can Governor Dukakis make sure that it is the murderer who is taken care of, not the victim.

December 17, 1987, "I think a good, strong, aggressive corrections system requires a well managed furlough program." Apparently again he represented a program in which 62 murderers sentenced, and violent criminals, had escaped from his furloughs as a good, strong aggressive corrections system.

January 6, 1988, "We recognize this is a serious problem of great concern to people, and it is of great concern to me. We have brought all of the lifers back into more secure settings. As a practical matter, the furlough program for lifers is on hold." What happened was despite the consistent effort to stop every repeal of the furlough for murderers, public anger, public outrage had built. Families who had had somebody killed, families of victims had gathered the signatures to put an initiative on the ballot this fall in Massachusetts, and the legislature was in rebellion against Governor Dukakis, and was insisting on passing a bill to repeal the furlough for life murderers sentenced to life in prison without parole.

Finally the Governor began to crumble, but it is fascinating, if Members get a chance to see the videotape "Justice on Furlough," to notice that when victims of the murderers who had been furloughed by Governor Dukakis tried to see the Governor, he would not see them. When Cliff and Angie Barnes, who had been tortured and raped by Willie Horton, went to Massachusetts to try to see the Governor, he would not talk to them. Governor Dukakis had time for the families of the prisoners, but he did not have time for the families of the murder victims.

That is pretty much typical of the leftwing mind-set which always finds an excuse for the criminal, but never finds much compassion for the innocent citizens, which always finds a reason to make sure that the criminal gets the best possible defense, but does

not quite notice the policeman who may have lost his life in the process.

The result is a very biased viewpoint, a viewpoint which I think is not representative of much of America.

But while all of us should read "Getting Away With Murder," the article from the July Reader's Digest, and as many people as possible should see the "Justice on Furlough" video, let me suggest to my colleagues here in the House that it is not good enough for the House of Representatives simply to set the rules for the rest of the country. It is not good enough for us to talk about rules as they apply to murderers in Massachusetts, or rules as they apply to Wall Street corruption, but we also have to confront the fact that we here in the House have an obligation to look at some very real problems.

There is a fascinating article in this week's Congressional Quarterly which talks about what is happening with political action committees and its impact on the Congress. There has been a series of articles recently in the New York Times, the Washington Post, the Wall Street Journal, and the Washington Times outlining these problems.

The National Journal has been commenting on the difficulties we are now faced with in terms of the ethics and election reform in the House. I want to suggest that we are in a period when we have at least the beginnings of a very, very serious need to change the rules of the House, to reform the way in which we do business, both in terms of our own ethics and in terms of our election procedure.

Let me start by saying that I think rules need to be reasonable. My guess is that the current rules as they apply to elections, as they apply to office accounts, as they apply to expenses, and as they apply to a whole range of things, are so complicated, there are so many pages of detail, they are so bureaucratized that virtually every Member of the House engages occasionally in small, minor violations, that virtually everybody, if they were carefully enough audited, and if every question of doubt went against them, would have something wrong. I think that is a mistake, and I think we need a very serious reform effort to rewrite the rules of the House and to write a coherent code of rules that includes our official duties, our political behavior as candidates, and our responsibilities as individuals. I think it ought to be one set of documents which would cover all three questions, because each of us plays a different role when we are a candidate, when we are an official, when we are a private citizen, and very often because we have different agencies now writing overlapping rules, frankly, we have a lot of confusion.

But in addition, I think we have to recognize just how serious the problem of incumbent invulnerability is becoming; 98.4 percent of the incumbents were reelected in 1986. That is fundamentally undermining a process of the Constitution. The Founding Fathers clearly wanted the Congress to be reelected every 2 years. The Founding Fathers wanted in the Constitution to have a people's House by biennial elections in which we would renew ourselves. And 40 percent of the incumbents in the First Congress were not returned in 1790 when they had the first election after the beginning of the American Government. That is of those elected in 1788, 40 percent did not come back in 1790.

The Founding Fathers wanted a process of renewal, a process of equal opportunity for the voter, to fire those they could not get to, to make sure that while you served for a while, when you went back home every 2 years, if the voters did not like you or like what you were doing, they could get rid of you.

□ 1915

So that while the voter loaned power for you to go to the House, the voter retained the power to fire you and that was the ultimate check on your behavior as a Representative.

Interestingly in the debates on the Constitution at Philadelphia, the Founding Fathers debated between 6-month terms and 2-year terms. Many of the Founding Fathers wanted the House to be even more representative, even closer to the people.

What do we have today? We have quite the opposite of that system. We have a system growing up now where the power of the incumbent to survive, a combination of tax-paid office accounts, congressional junk mail, massive advantages in raising money from political action committees and from other contributors, the ability of incumbents to affect gerrymandering so that when reapportionment occurs it tends to have a bias in favor of the incumbents, the result is that we now have a House which is dramatically different than the Founding Fathers intended.

As the Wall Street Journal noted in 1986, 10 of the 34 Senate seats, that is 30 percent of the Senate seats, 14 of the 33 governorships, or 42 percent of the governorships, changed hands. Yet only 15 of the 435 House seats changed parties, less than 4 percent, less than one-tenth of those which changed in the very first Congress. And of the incumbents who sought reelection in the House, only 1.6 percent were defeated.

Mr. Speaker, I yield to my colleague from Texas.

Mr. FROST. Interestingly, Mr. Speaker, I read the article that the gentleman is referring to in the cur-

rent Congressional Quarterly. This was an article that talked about what a difficult time Republicans were having raising PAC money, if I remember the article the gentleman is referring to. It seems to me down in that article it quoted not by name, but unnamed Republicans as being critical of the Republican campaign committee and that it was not working hard enough for its challenges, it was not setting up appointments for them, it was not aggressively working the PAC's.

Now does the gentleman agree with this? Is there something wrong with his campaign committee? Because in the past Republicans have done pretty well from political action committees. I do not understand. Has something gone wrong this year? Do you need some new blood on the Republican campaign committee?

Mr. GINGRICH. I found that article interesting because in fact if you read the very same article it points out that on the Senate side, a very different campaign committee, that Democrats are out-raising Republicans on the Senate side. In fact, if you exclude the singular race of Voinovich against METZENBAUM, the margins are about as great on the Senate side, where the Democrats now have power, out-raising the Republicans on the Senate side.

Mr. FROST. Is there something wrong with the gentleman's campaign committee, his Republican campaign committee in the House that it is not aggressively working the PAC's hard enough?

Mr. GINGRICH. The gentleman must not have heard what I just said. Let me try one more time.

Mr. FROST. I heard what the gentleman said on the Senate. I am talking about the House and not the Senate. The gentleman and I are Members of the House and I am talking—I am asking him is there something wrong with what is going on on the other side of the aisle over here.

Mr. GINGRICH. Well, I am talking and saying that if the Senate Republican Committee and the House Republican Committee are both finding, now that the Senate committee is in a minority status also, that in both cases it is vastly harder for the Republicans to raise money from political action committees than it is for the Democrats. The fact that it is happening in both the Senate and the House at the same time might raise the suggestion that the problem lies now not in terms of a national Republican Congressional Committee or the Senate Republican Congressional Committee, but that in fact political action committees in the business and professional community give to power which means now the Democrats in the House and the Senate, while labor unions give to the Democratic party. So the Democrats get 95 percent of all the money given

by labor and they now get a disproportionate amount of money given by business and professional PAC's because business and professional PAC's are frankly, I think, trying to avoid being punished by the committee and subcommittee chairmen.

Mr. FROST. It is interesting; the gentleman and I had a discussion about this a month or two ago before the recess and I asked the gentleman at that time and I would like to ask him again: Here he is saying how terrible it is that PAC's are giving a lot of money to Democrats and yet the gentleman has opposed putting a limit on how much PAC's can give to any one candidate. He has opposed in the past bills that have imposed an aggregate limit on how much he could receive from all PAC's or that I could receive from all PAC's.

Now I do not understand; either the gentleman likes PAC's or he does not like PAC's.

Mr. GINGRICH. I will be glad to answer my colleague.

I would be very much in favor of a limit to how much incumbents can receive from PAC's. I think the greatest single problem in American politics today is the enormous power of incumbent House Members to get re-elected.

So I would be very willing to accept a limit on PAC contributions to incumbents equal, say, to the amount that individuals can give, to be \$1,000.

Mr. FROST. Does the gentleman think he might have any problem with the court system if he were to make classifications among candidates, if he were to say that certain types of candidates, both Democrats and Republicans could receive  $x$  amount and certain other types of candidates, both Democrats and Republicans, not incumbents, could receive  $y$  amount? Does he think he might be able to defend that in the Supreme Court?

Mr. GINGRICH. There is a very easy way to defend that, as my colleague well knows, and it is precisely the way we apply the rule on televising the House in terms of politics. All one would have to do is pass a rule of the House saying that no Member of the House under House rules could accept more than \$1,000 from each political action committee and that would in fact automatically limit incumbents. It would be very defensible in the Supreme Court because it would be a rule which applies to an entire class, those who already serve in the House, and the fact that it does not apply to non-House Members would be irrelevant.

Mr. FROST. Well, Mr. Speaker, of course the gentleman knows if we were to do something in the House that could be challenged in court as being unconstitutional, it would be set aside just as if we had applied past legislation.

Mr. GINGRICH. The court would not, I suspect, and I think this is well worth testing in Court, unlike Democrats who share Dukakis' unwillingness to sign the Pledge of Allegiance because it might have been contested, I would argue that we ought to do what we think is right and then fight it out in the Supreme Court.

My guess is, as a historian, that the Supreme Court would rule that the Constitution clearly allows the House to establish rules for its own Members and that in that setting we could easily say once you are a Member, no one who is currently serving as a Member would be allowed to accept more than \$1,000 per PAC.

I ask my friend, setting aside the legalities, would the gentleman be willing to agree to a rule of the House to limit incumbents to \$1,000 per political action committee?

Mr. FROST. Mr. Speaker, I think the gentleman knows that any matter like that would be one that all of us would seek a potential legal opinion on, both on the Democratic side and on the Republican side.

I do not have any problem because unlike the gentleman, I favor an aggregate limit on what PAC's can give to Members. I do not have any problem with putting a limit on PAC's.

I would like to ask the gentleman a question.

Mr. GINGRICH. If I may reclaim my time.

Mr. FROST. I will answer the question.

Mr. GINGRICH. If I may reclaim my time.

Mr. FROST. I will answer the gentleman's question.

If I were satisfied it was constitutional I would have no problem with it. I would like to ask the gentleman something else.

Mr. GINGRICH. Before the gentleman gets to his second question, is he saying that he wants to set the same aggregate limit to both challengers and incumbents even though he knows that an incumbent has about \$1.2 million advantage in taxpaid money in terms of staff and computers and travel and junk mail and all the other things?

Mr. FROST. Well, in the past I have voted for limits and the gentleman has not. The record is very clear. I have voted for aggregate limits. I authored legislation to put limits on what everyone could receive. The gentleman has opposed any limits. I would like to pursue another matter, if I may, because the gentleman raised a very interesting point at the beginning of his discussion about the baby boom generation and about how things have changed in the last 20 years.

Now the gentleman and I are the same age, we are about a year difference in age. The gentleman was born in 1943 and I was born in 1942. We are

both baby boomers. We are kind of on the early part of the baby boom generation, but we are a part of it.

Mr. GINGRICH. Technically we are a little earlier than the baby boomers.

Mr. FROST. Well, we are baby boomers. The gentleman—and this is something that has come up involving the baby boom generation within the last month or month and a half—the gentleman, if I recall correctly from his biography entered college in 1961 and continued in college for about 10 years, roughly the period of the Vietnam war. The gentleman is very outspoken on national defense issues; the gentleman is very outspoken, as we have heard today, on crime, the gentleman wants to be tough.

The gentleman, I believe, from reviewing the record, which has been published in a number of newspapers, the gentleman does not have any military service. The gentleman did not serve either in the National Guard as Mr. QUAYLE did, the gentleman did not serve in the Army Reserves and did not serve in the armed services during Vietnam.

Now I think this is a legitimate question, because the gentleman poses—has presented himself as one who is tough on crime, tough on defense. I would ask the gentleman about that.

Mr. GINGRICH. Well, I think that is a legitimate question.

Mr. FROST. I would like to ask about the absence of his service during the Vietnam war.

Mr. GINGRICH. I think that is a very legitimate question. I will be quite candid. I joined the Air Force ROTC in my freshman year, served for most of that year, got married and ended up having a daughter prior to the Vietnam war. I ended up having two daughters prior to students being drafted. I never had a student deferment because it was not necessary, because as the gentleman well knows, fathers with small children were never considered part of the draft pool at any point during the Vietnam war.

I had to weigh a choice between two sets of obligations, an obligation to my two daughters who were very, very young at that time. One was born in 1963 and the other was born in 1966; and a powerful desire to make sure that my country was served. It was one where I waited a long time and reached the conclusion that my immediate obligation was to my two daughters who were very, as I say—one was, in the period when the war was at its peak, 1967 to 1969, one daughter was 4 at the beginning of that period and the other daughter was barely 1 year old.

Mr. FROST. Does the gentleman have any concern—and I do not address this just to the gentleman's personal situation, but to the fact that there are so many Members, particularly Members who argue long and

loud on behalf of a strong national defense—who are the same age that the gentleman and I are who did not serve, does this concern the gentleman?

Mr. GINGRICH. Well, the gentleman raised a good question. I think it goes to the question of reasonable rules. I think it is a fair question. It is a dialogue we need in this country.

The Vietnam war was a mess. It was a peculiar bird. Let me give you an example. And I do not mean this purely in a partisan sense, though it clearly makes the partisan point.

Governor Dukakis served the entire Korean war at Swarthmore College. He took a student deferment for the whole war. Once he got out of college he went into the service as was fairly common in that period. No one would ever have noticed that Mike Dukakis had a student deferment for the entire Korean War if it were not for DAN QUAYLE's nomination to the Vice Presidency, because for Dukakis' generation it simply was not a question. In Dukakis' generation, then you automatically got a student deferment if you were in college, you automatically finished college and then if there was still a fight going on you might join the service if you wanted to.

Mr. FROST. As Governor Dukakis did.

Mr. GINGRICH. As Governor Dukakis did.

So no one ever said, "Gee, why did Dukakis sit out the Korean war at Swarthmore instead of having an opportunity at Pusan or Seoul or Inchon." They just ignored it. It was not part of the issue. Our generation had a different problem.

Lyndon Johnson was not willing to explain the war. He was not willing to mobilize the National Guard, which was always an option. As the gentleman knows, 7,000 guardsmen did serve in Vietnam.

In Indiana, for example, where DAN QUAYLE is from, there was a Ranger company which did go to Vietnam and took 110 casualties including 3 men killed.

But as a general rule, Lyndon Johnson wanted to fight the Vietnam war without fighting the Vietnam war. So he never fully mobilized the country psychologically, politically or militarily.

Richard Nixon came in in 1968, took office in 1969 and Nixon's pledge was to get out of the war.

Nixon was Vietnamizing the war. The result was an entire generation of young people—and I was a graduate student during much of this period, I went to Tulane in the fall of 1966 in graduate school—and everyone was confused. If you were for the war you knew they were not trying to win it and the real center of the problems was Washington, DC. If you were against the war, you sure did not want

to go because you did not believe in the war. The result was that the poor person, who really ended up more often than not being the black, was the young man who was undereducated, often black; although frankly if you look at the percentage of casualties, the black percentage of combat casualties was about the same as the black percentage of population as a whole.

Mr. FROST. That is correct.

Mr. GINGRICH. I think it is an important point to make.

There were an awful lot of young second lieutenants who were college graduates who were willing to risk their lives. There were terrible casualties among the junior officers and among the senior NCO's, particularly in the infantry.

I look back, and this is part of the reason why I started talking tonight about reasonable rules, because we can spend some time on Vietnam, we can spend some time on the drug culture, we can spend some time on crime, we can spend some time on House ethics and on elections. I think our generation, I must confess because my older daughter is toward the end of the baby boom era and reminds me I am really a little too old to be a baby boomer since I think technically it starts in 1948.

□ 1930

Mr. FROST. But I believe, since I was born in 1942, I notice that most of the discussions in the papers started in 1942.

Mr. GINGRICH. Yes, the upsurge began in 1942 and 1943. So since no one is here to challenge us on that, you and I will claim membership. I think we were in the sorting-out period.

Mr. FROST. Yes.

Mr. GINGRICH. I think we went through this period, and I was part of this as a graduate student and then a young college teacher. I was part of that same soft education, soft on criminals, the world is really sort of touchy-feely, and with humanistic psychology, if we have enough encounter groups and enough sensitivity sessions, we will all get to like each other, and if the guy who mugs you could only come home for Christmas, he would like you, too, and we would end up discovering that we all had these things in common, many of which became situation comedies later.

But the fact is if we are not tough enough and school kids do not learn to read, if they cannot read, then they go into the job market and they are truly ripped off for a lifetime. If we are too soft on drugs and crime, kids learn to get away with things that destroy them as human beings, and in the process they may destroy other people. If we allow a level of corruption in the House of Representatives

or allow a level of unethical behavior in the election process, we sicken and weaken the whole system.

Mr. FROST. But it goes back to this: The gentleman and I, being in the same age group and having gone through this and having a somewhat different perspective, although we share many things in common, made different decisions. I was a college student and later a law student, but during the same period of time, confronted with the same decisions, I chose to go into the armed services.

Mr. GINGRICH. The gentleman had two children?

Mr. FROST. No, I did not have any children.

Mr. GINGRICH. All right.

Mr. FROST. But I was the same age as the gentleman, with the same type of education as the gentleman, faced with the same decisions. I chose to go into the armed services, the gentleman chose not to go into the armed services.

It is a problem, quite frankly, for many people in Congress, not because they had or did not have military service but for the people who made that decision that that critical time not to go into the service, for whatever reason, we now see people standing before the country as super patriots, as defenders of the flag, as being critical of people on my side of the aisle, saying we are weak on defense. Not all of us are weak on defense. We have diversity on my side.

Mr. GINGRICH. I said most of you are weak on defense.

Mr. FROST. No, that is not true, but people on your side of the aisle, many of whom did exactly what the gentleman in the well did, not to go in the service, and to criticize, some criticized us for being weak on defense.

Michael Dukakis chose to go in the service, chose 2 years.

Mr. GINGRICH. After the war. After the Korean war.

Mr. FROST. I chose time in the Army and the gentleman did not, but he is a strong defender of national defense, and strong defender of the flag, and wants to criticize all of us together on the question of crime, and quite frankly, some of us take offense.

Mr. GINGRICH. Franklin Roosevelt did not serve, Lincoln served a couple months in the militia. Those are people that would not have been accepted as legitimate. Jefferson didn't serve.

Mr. FROST. Everyone has the right to make that decision, obviously, as the gentleman did, but you have made that decision, and then to present himself as a strong patriot, to present him as a strong supporter of national defense, sometimes is inconsistent, is my point.

Mr. GINGRICH. I don't think there is inconsistency. I have never advocated, and I think it is a cheap shot that

is plain wrong. I have never advocated that people with two young children volunteer, not in a war the size of Vietnam, not short of a World War II environment. I find it frankly outrageous.

There are two views of the left. If you have a gentleman from California [Mr. DORNAN] standing up here who has served, has done everything one could do in a combat environment, or we have a Congressman from California [Mr. HUNTER] who was an infantry officer, the battle cry is there, is a Rambo figure, somebody eager to go to war. That is a tactic.

Mr. FROST. I have nothing but the highest respect for their record. You would never hear anything like that.

Mr. GINGRICH. But Members on this side would, and they have, so at the same time I would say to you, that there is a very great number of Americans, over 50 percent of the baby boom generation, according to a poll taken last year, believes it was the politicians in the U.S. Congress who cost us the war. It wasn't the infantry guy in Vietnam, it wasn't the guy flying airplanes in North Vietnam.

Mr. FROST. Was that a justification not to serve?

Mr. GINGRICH. No, a justification to come to this Congress and do everything possible not to have an America so weak in the future, or to have those who led amnesty.

Mr. FROST. Who served 2 years as enlisted men in the U.S. Army?

Mr. GINGRICH. After the Korean War, and I am not blaming anyone. It was the normal thing to do.

Mr. FROST. But not to take a student's deferment to go to law school and take a Ph.D.?

Mr. GINGRICH. But he was not married at the time.

I fully understand, and my friends warned the problems of raising issues of ethics in the House strains the process of comity and collegiality.

It is perfect for colleagues on the other side and friends on the left to decide that we will make this as personal as possible. That is fine.

I will frankly show in the worst case, I would argue that somebody who used to be an alcoholic, and now stands and speaks against drunk driving is not necessarily a hypocrite, but may be a person who learns through life's experiences. So I do not necessarily mind this dialog, and I appreciate the fact, to put in the Record, the fact that the only reason it was involved was not student diverting, but the fact I had two young children.

Mr. FROST. The gentleman is aware that this issue, of course, never came up until DAN QUAYLE was put on the ticket, and is now a very legitimate question to be raised, and is being raised all over the country. I don't object to Vice President BUSH's decision to put QUAYLE on the ticket.

Mr. GINGRICH. Last week the U.S. Navy took a 3-star admiral and broke him in rank to 2 stars, retiring him, and said that he was no longer in a position to command because he had inappropriately used travel funds.

As we know, the gentlewoman from Illinois [Mrs. MARTIN] and others have raised the question, we ought to apply the House rules to the Congressmen, the same standards we would expect of others in the Government. You were talking about the military. I think that if a senior officer like that, a man who is supposed to be a leader, had in any serious way, not just a minor error, but in a serious way violated the rules of the Navy, he should have been retired, to send a signal. We would be enforcing the rules.

What would your position be on a Member of the House, for example, who might have abused the rules in order to take a trip, and to take a trip with no other Member involved, and to be in a position where, say, \$58,000 in Federal tax money had been spent for that Member going somewhere, should we apply a tough rule, or is that not an appropriate, not an unreasonable thing to do?

Mr. FROST. We have an Ethics Committee, a bipartisan Ethics Committee. And it is up to the Ethics Committee to hear the evidence when an allegation is made. That committee is made up of 6 Democrats and 6 Republicans, and they make recommendations to this House.

I really do not know anything about the situation, and I don't know enough about what the gentleman has described, and I think it is very difficult for any of us to make premature judgments when we don't have all the facts.

I have a great deal confidence in committee split 6-6, bipartisan committee to evaluate matters and make recommendations to the House, and it is interesting, and it is appropriate to see what that committee recommends in any situation.

I quite frankly do not know enough how to give more information.

Mr. GINGRICH. I am not asking that. It is certainly appropriate for the Ethics Committee to look to the general membership for a sense of appropriate behavior.

Whether the House is going to be tough on violations, or softer on violations, we are talking about changes we are going through. I am not asking about a particular case, but saying clearly there have been occasions when Members of the House have engaged in activities which might, upon investigation of the committee, lead to the conclusion they have misused \$58,000 in funds, taking a trip, a trip which had not been appropriated or had met the official requirements for a congressional delegation.

All I was asking of my colleague, in terms of setting standards and being willing to be tough-minded, and the things you were commenting on a few minutes ago, how does one deal with that? Should we be tougher on Members? Obviously, we will not fire them. That is not our job, but once we stop the voters from firing us, by creating invincible incumbents, we put a much greater burden on the House to police itself. Once the voters can no longer police us because they cannot fire us.

Mr. FROST. Is not the gentleman's argument about that, not that 98 percent of incumbents, assuming that figure is accurate, are reelected, but the fact that Democrats keep getting reelected. If Republicans were being elected, I do not think the gentleman would be so ferocious.

Mr. GINGRICH. Well, I don't mind being honest. Probably if there was a Republican majority for 34 years, and we had absolute power for 34 years, there probably would be a Democrat complain.

Mr. FROST. Isn't the problem that Republicans are losing the elections, and that Republicans, for whatever reasons, cannot win?

We have a free electoral system, and we don't have limits on a rate of or what to contribute. You can recruit candidates who are wealthy, who can pull on unlimited funds. You can recruit candidates with a lot of contacts in the business community.

Mr. GINGRICH. In other words, if you recruit millionaires?

Mr. FROST. There are a lot of options. The gentleman can recruit people who are widely respected in the business community, who can raise large sums of money.

Is not the problem, that you are not recruiting candidates who can do these things?

Mr. GINGRICH. Let me answer you, because the argument is circular.

First, we made incumbents very, very powerful. We give them \$1,200,000 an election cycle in tax paid money, we give them advantages by drawing the district lines to maximize incumbents. They reelect, and we are sure that incumbents have advantages in terms of recognition and public identity. Then the party puts enormous pressure, for example, there being one Democratic freshman who has raised more PAC money, \$329,419, than all 326 Republican challengers combined, who raised \$316,829. Now, that Democratic freshman did not raise more money than all 326 Republican challengers, because all 326 Republican challengers are poor or dumb or untrained. He did so because the Political Action Committee system today is a system by which chairmen and subcommittee chairmen extort protection money, from business and lobbying groups, in order that they be punished. It is a fundamentally differ-

ent system in the last 15 years, being discussed in a brand-new book called "Honest Graft," which I encourage every citizen to read. Having made the incumbent extraordinarily powerful, so that it is very, very unlikely that the incumbent will get beaten, it then becomes far harder to recruit a good candidate, because the average person out there looks and says, "Why would I want to climb a mountain that is impossible?" A 98.4 percent is the accurate number of the total incumbents who were elected in 1986 in the House out of the incumbents who ran for reelection.

As I said, I will give you the exact citation of the Wall Street Journal. Out of 435 House seats, in 1986, only 15 changed parties. That is less than 4 percent. And of the incumbents who sought reelection, only 1.6 percent were defeated.

You go out in most of America and say, "Hi, I would like you to have an opportunity to run against incumbents who will spend \$1,200,000."

Mr. FROST. And I did, and I have beaten an incumbent.

Mr. GINGRICH. You did it earlier. You did not do it now. It is much, much harder in the late 1980s because the system decayed dramatically in favor of the incumbent, and so then you say to a person, "By the way, when you run against this incumbent, if they are in a vulnerable vote, particularly if they are a Democrat, all of the power of the Democratic machine will make sure that they get to raise money." Let me give you some examples.

We have one Member who is a Democrat who started the war chest this year, \$1,010,000. Another Member, a Democrat, had \$904,000. A third Member, a Democrat, had \$770,000.

That is in their campaign fund before they started raising money.

Of the top 50 Political Action Committee recipients, 45 were Democrats. The total amount given to the 45 listed Democrats was \$11,849,000.

Mr. FROST. The gentleman has a solution. Just put a very low limit on it. Put a limit of \$80,000 on it. The gentleman had a chance to vote for that and voted against it, on the amount of money an incumbent can accept.

Mr. GINGRICH. Mr. Speaker, I want to reclaim my time to make this point: Any Democratic incumbent is perfectly happy to set a low cap on it, because given the \$1,200,000 in tax-paid money, we get to start with, that absolutely guarantees that no challenger will ever be able to win.

Mr. FROST. But you cannot have it both ways.

Mr. GINGRICH. Sure you can.

Mr. FROST. You cannot say that PAC's are terrible, but, no, we cannot set a limit on what PAC's can give. I

mean that does not make any sense, I am sorry.

Mr. GINGRICH. I did not say that PAC's were terrible. I said Political Action Committees are now extorted and threatened by powerful incumbents, that it is the powerful incumbents who are too secure, not the Political Action Committees. I am very happy to set a limit on incumbents. I am happy this evening to agree that we ought to set a thousand dollars, the same as an individual, that no incumbent could raise more than a thousand dollars from a Political Action Committee.

But I do not think there are many Democrats who would be very eager to do that. I am also willing to say that we ought to eliminate being allowed to carry money over. I think we ought to start every 2 years in a new finance mode. I do not think we ought to be able to take \$600,000 or \$900,000 or \$1 million in campaign money and have that carried over.

□ 1945

Mr. FROST. It is an interesting point. I believe the gentleman has carried over money from year to year.

Mr. GINGRICH. Not very much; very tiny amounts.

Mr. FROST. The gentleman—if I recall, the gentleman has a PAC that he set up. It is an interesting point that the gentleman is talking about, PAC's. The gentleman raised an incredible amount of money, a very large amount of money in his PAC, and wound up giving almost none of it to candidates.

Mr. GINGRICH. Let me just clarify since apparently the gentleman has been taken in by the Democratic Congressional Campaign Committee's systematic misinformation on that topic.

As the gentleman well knows, any direct mail operation can have a large amount of contributions which then go to pay for the direct mail. I suspect, if the Democratic Congressional Campaign Committee were candid about it; I know in one case that the Democratic Congressional Campaign Committee sent out a letter from Governor Cuomo which lost money—

Mr. FROST. The gentleman did not wind up giving up very little out of his PAC for candidates, a very small amount?

Mr. GINGRICH. That is right. That is because, if the gentleman will look at the net dollars, the amount of money left after the cost of the mailings was very small.

I started to say that in the case of Governor Cuomo's mailing the gentleman actually lost money. Now the total contributions may have been large, but the total cost of the mailing was larger.

Mr. FROST. I seem to recall—I do not have the figures in front of me—that the gentleman raised at least sev-

eral hundred thousand dollars for his PAC.

Mr. GINGRICH. How much?

Mr. FROST. At least several hundred thousand dollars.

Mr. GINGRICH. Now the total net—we lost—

Mr. FROST. What was the gross amount?

Mr. GINGRICH. We lost money. I think—I do not remember the exact gross—

Mr. FROST. The gross amount. How much money total did the gentleman take in for his PAC?

Mr. GINGRICH. I think that the direct mailings ultimately grossed about 200,000 and cost more than 200,000. So there was no net money. That is from the political action committee side, but let me carry the gentleman back again to—

Mr. FROST. I guess the gentleman—

Mr. GINGRICH. Notice the difference.

Mr. FROST. Is that why the gentleman is down on PAC's now?

Mr. GINGRICH. No.

Let me carry the gentleman back to the difference because I think every citizen ought to be aware of this.

Every Member who is an incumbent walks in the opening day of Congress knowing that without raising a dime, without picking up the phone to ask for any help, they have \$1.2 million from the taxpayers to hire staff, to open offices, to run computers, to send letters, to send junk mail, to travel, to have telephones—

Mr. FROST. What would the gentleman—

Mr. GINGRICH. Let me finish—

Mr. FROST. I am curious. What would the gentleman have us do?

Mr. GINGRICH. Well, I already said two things. I would put a very, very severe cap on how much incumbents can take—

Mr. FROST. No, on the official expense side you are complaining that we have all this money for staff and to serve our constituents, to answer our mail and to do case work. Should we just give all that money back?

Mr. GINGRICH. Well, one thing which I offered this summer, which I do not remember how the gentleman voted, but I offered three amendments this summer to limit dramatically the amount of junk mail we can send. I do not think incumbents ought to send junk mail before an election.

Mr. FROST. Is this figure that the gentleman quotes; does that include postage or does that just include staff salaries and office—

Mr. GINGRICH. My impression is that is the estimate of the total value of all the things an incumbent can do involving staff, mail, printing—

Mr. FROST. Well, should we have fewer staff; is that what the gentleman wants?

Mr. GINGRICH. I think I just told the gentleman as a starting point—

Mr. FROST. No, no, let us go through all the things.

Should we have fewer staff?

Mr. GINGRICH. Wait a second. Let me say to the gentleman that I think that we should change the rules of the election system to weaken incumbents and to dramatically strengthen challengers.

Mr. FROST. No, but the question is, How do we serve our constituents? The gentleman is complaining that we have too much money—

Mr. GINGRICH. I have already told the gentleman.

Mr. FROST. Should we close one of your offices in Georgia? Should I close one of my offices in Texas?

Mr. GINGRICH. No. I think we should be honest about the advantage we have. Since incumbents are dramatically stronger than the challenger who enters the field, we should shift the rules of the election game to favor the challenger.

Now recognize that I am an incumbent. I am saying that my Democratic challenger should have certain advantages running against—

Mr. FROST. But the gentleman does not want to reduce the staff.

What about travel? Should we travel back and forth less? Should the gentleman go fewer times to Georgia and should I go fewer times to—

Mr. GINGRICH. Why is it that when I mention quite specific reforms the gentleman jumps off of them as though it was a hot—

Mr. FROST. The gentleman knows that I do not mind discussing the postage question because the gentleman knows we do have limits on—

Mr. GINGRICH. Would you agree—

Mr. FROST. Send out every year.

Mr. GINGRICH. And again I do not know how the gentleman voted this summer when I offered three amendments to cut spending on mail, but would the gentleman agree to limit the amount of junk mail we should be allowed to send out?

Mr. FROST. I think it is something we ought to examine quite closely, and maybe we can get by on less than six bulk mail pieces a year, which is what we get right now—

Mr. GINGRICH. Would the gentleman agree—

Mr. FROST. But my question is—that a component. My question is: Should we have fewer staff? Should we take less trips? The Gentlemen is saying no.

Mr. GINGRICH. I will give you a couple of other examples. I think that we should—I will do it another night.

## SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. PORTER) to revise and extend their remarks and include extraneous material:)

- Mr. FRENZEL, for 5 minutes, today.  
 Mr. SHUSTER, for 60 minutes, on September 27.  
 Mr. McCOLLUM, for 60 minutes, on September 14.  
 Mr. DORNAN of California, for 5 minutes, today.  
 Mr. QUILLEN, for 60 minutes, on September 26.  
 Mr. COATS, for 60 minutes, on September 14.  
 Mr. COATS, for 60 minutes, on September 15.  
 Mr. ARMEY, for 60 minutes, on September 13.  
 Mr. ARMEY, for 60 minutes, September 14.  
 Mr. ARMEY, for 60 minutes, September 15.  
 Mr. BURTON of Indiana, for 60 minutes, today.  
 Mr. BURTON of Indiana, for 60 minutes, on September 8.  
 Mr. GINGRICH, for 60 minutes, today.  
 (The following Members (at the request of Mr. GRAY of Illinois) to revise and extend their remarks and include extraneous material:)  
 Mr. UDALL, for 5 minutes, today.  
 Mr. ANNUNZIO, for 5 minutes, today.  
 Mr. SYNAR, for 5 minutes, today.  
 Mr. STARK, for 5 minutes, today.  
 Mr. MONTGOMERY, for 10 minutes, today.  
 Mr. HOYER, for 15 minutes, today.  
 Mr. DE LA GARZA, for 60 minutes, today.  
 Mr. GONZALEZ, for 60 minutes, on September 15.  
 Mr. GAYDOS, for 60 minutes, on September 8.  
 Mrs. LLOYD, for 60 minutes, on September 26.

## EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. PORTER) and to include extraneous matter:)

- Mr. HORTON.  
 Mr. BROOMFIELD.  
 Mr. JEFFORDS in two instances.  
 Mr. KYL.  
 Mr. VANDER JAGT.  
 Mr. DAVIS of Michigan.  
 Mr. McDADE.  
 Mr. WOLF.  
 Mr. FISH.  
 Mr. CRAIG.  
 Mr. McEWEN.  
 Mr. ROWLAND of Connecticut.  
 Mr. SAXTON.

- Mr. CRANE in four instances.  
 Mr. BEREUTER in two instances.  
 Mr. LEACH of Iowa.  
 Mr. LAGOMARSINO in three instances.  
 Mr. LENT.  
 (The following Members (at the request of Mr. GRAY of Illinois) and to include extraneous matter:)  
 Mr. GONZALEZ in 10 instances.  
 Mrs. LLOYD in five instances.  
 Mr. HAMILTON in 10 instances.  
 Mr. BROWN of California in 10 instances.  
 Mr. ANNUNZIO in six instances.  
 Mr. JONES of Tennessee in 10 instances.  
 Mr. DE LA GARZA in 10 instances.  
 Mr. LANTOS.  
 Mr. TRAFICANT in eight instances.  
 Mr. KANJORSKI.  
 Mr. DINGELL.  
 Mr. STARK in three instances.  
 Mr. CLAY.  
 Mr. MURTHA.  
 Mr. FUSTER.  
 Mr. ATKINS.  
 Mr. GARCIA.  
 Mr. LIPINSKI in two instances.  
 Mr. BATES.  
 Ms. PELOSI.  
 Mr. BONKER.  
 Mr. MANTON.  
 Mr. ROE.  
 Mr. RAY.  
 Mr. BORSKI.  
 Mr. MILLER of California in two instances.  
 Mr. KASTENMEIER.  
 Mr. DOWNEY of New York.  
 Mr. WAXMAN.

## SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

- S. 1081. An act to establish a coordinated National Nutrition Monitoring and Related Research Program, and a comprehensive plan for assessment of the nutritional and dietary status of the U.S. population and the nutritional quality of the U.S. food supply, with provision for the conduct of scientific research and development in support of such program and plan; to the Committees on Agriculture and Science, Space, and Technology.  
 S. 2102. An act to prohibit the licensing of certain facilities on portions of the Salmon and Snake Rivers in Idaho, and for other purposes; to the Committees on Energy and Commerce and Interior and Insular Affairs.  
 S. 2221. An act to expand our national telecommunications system for the benefit of the hearing-impaired, and for other purposes; to the Committees on Energy and Commerce, Government Operations and House Administration.  
 S. 2436. An act to reauthorize the Sleeping Bear Dunes National Lakeshore Advisory Commission; to the Committee on Interior and Insular Affairs.  
 S. 2470. An act to promote energy conservation and technology competitiveness in the American steel and aluminum industries; to the Committee on Science, Space, and Technology.

## ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

Mr. ANNUNZIO, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills and joint resolutions of the House of the following titles, which were thereupon signed by the Speaker:

- H.R. 1158. An act to amend title VIII of the Act commonly called the Civil Rights Act of 1966, to revise the procedures for the enforcement of fair housing, and for other purposes;  
 H.R. 1841. An act to provide for the establishment of additional safety requirements for fishing industry vessels, and for other purposes;  
 H.R. 2370. An act to provide for the establishment of an economic development plan for, and Federal services and assistance to, the Northwestern Band of the Shoshoni Nation, and for other purposes;  
 H.R. 3617. An act for the relief of the Coshatta Tribe of Louisiana;  
 H.R. 3679. An act to clarify the Federal relationship to the Lac Vieux Desert Band of Lake Superior Chippewa Indians as a distinct Indian tribe, to clarify the status of members of the band, to transfer title to trust lands, and for other purposes;  
 H.R. 3960. An act to authorize the establishment of the Charles Pinckney National Historic Site in the State of South Carolina, and for other purposes;  
 H.R. 4143. An act to establish a reservation for the Confederated Tribes of the Grand Ronde Community of Oregon, and for other purposes;  
 H.R. 4318. An act to improve the administration of the personnel systems of the General Accounting Office;  
 H.R. 4458. An act to simplify the process of obtaining licensing by States for participation in parimutuel wagering by allowing consolidated requests to be made to the Federal Government for identification and criminal history records relating to the applicant for such licensing;  
 H.R. 4694. An act to amend the Perishable Commodities Act to increase the statutory ceilings on license fees;  
 H.R. 5026. An act making dire emergency supplemental appropriations for the fiscal year ending September 30, 1988, and for other purposes;  
 H.R. 5141. An act to delay temporarily certain regulations relating to sea turtle conservation;  
 H.R. 5174. An act to make clarifying, corrective and conforming amendments to laws relating to Indian education, and for other purposes;  
 H.J. Res. 140. Joint resolution designating August 12, 1988, as "National Civil Rights Day";  
 H.J. Res. 539. Joint resolution designating the week beginning September 18, 1988, as "Emergency Medical Services Week"; and  
 H.J. Res. 583. Joint resolution designating the week beginning September 11, 1988, as "National Outpatient Ambulatory Surgery Week."

## BILLS AND JOINT RESOLUTIONS PRESENTED TO THE PRESIDENT

Mr. ANNUNZIO, from the Committee on House Administration, reported that that committee did on the following dates present to the President, for

his approval, bills and joint resolutions of the House of the following titles:

On August 12, 1988:

H.R. 3431. An act to release a reversionary interest of the United States in a certain parcel of land located in Bay County, FL;

H.R. 3617. An act to for the relief of the Coushatta Tribe of Louisiana;

H.R. 3880. An act to extend the authorization of the Upper Delaware Citizens Advisory Council for an additional 10 years;

H.R. 4458. An act to simplify the process of obtaining licensing by States for participation in parimutuel wagering by allowing consolidated requests to be made to the Federal Government for identification and criminal history records relating to the applicant for such licensing;

H.R. 4676. An act to amend the Temporary Child Care for Handicapped Children and Crisis Nurseries Act of 1986 to extend through the fiscal year 1989 the authorities contained in such act;

H.R. 4694. An act to amend the Perishable Commodities Act to increase the statutory ceilings on license fees;

H.R. 4754. An act to amend the Pennsylvania Avenue Development Corporation Act of 1972 to authorize appropriations for implementation of the development plan for Pennsylvania Avenue between the Capitol and the White House, and for other purposes;

H.R. 5026. An act to making dire emergency supplemental appropriations for the fiscal year ending September 30, 1988, and for other purposes;

H.R. 5141. An act to delay temporarily certain regulations relating to sea turtle conservation;

H.J. Res. 138. Joint resolution to authorize and request the President to issue a proclamation designating the third Sunday of August 1988 as "National Senior Citizens Day";

H.J. Res. 140. Joint resolution to designate August 12, 1988, as "National Civil Rights Day";

H.J. Res. 417. Joint resolution to designate May 1989 as "Neurofibromatosis Awareness Month"; and

H.J. Res. 525. Joint resolution to designate the month of November 1988 as "National Hospice Month."

On August 30, 1988:

H.R. 1841. An act to provide for the establishment of additional safety requirements for fishing vessels, and for other purposes;

H.R. 2370. An act to provide for the establishment of an economic development plan for, and Federal services and assistance to, the Northwestern Band of the Shoshoni Nation, and for other purposes;

H.R. 3679. An act to clarify the Federal relationship to the Lac Vieux Desert Band of Lake Superior Chippewa Indians as a distinct Indian tribe, to clarify the status of members of the band, to transfer title to trust lands, and for other purposes;

H.R. 3960. An act to authorize the establishment of the Charles Pinckney National Historic Site in the State of South Carolina, and for other purposes;

H.R. 4143. An act to establish a reservation for the Confederated Tribes of the Grand Ronde Community of Oregon, and for other purposes;

H.R. 4318. An act to improve the administration of the personnel systems of the General Accounting Office;

H.R. 5174. An act to make clarifying, corrective and conforming amendments to laws relating to Indian education, and for other purposes;

H.J. Res. 539. Joint resolution designating the week beginning September 18, 1988, as "Emergency Medical Services Week"; and

H.J. Res. 583. Joint resolution designating the week beginning September 11, 1988, as "National Outpatient Ambulatory Surgery Week."

#### ADJOURNMENT

Mr. FROST. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 50 minutes p.m.), the House adjourned until tomorrow, Thursday, September 8, 1988, at 10 a.m.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

4173. A letter from the Director, Office of Management and Budget, transmitting notification of the President's intent to exempt all military personnel accounts from sequestration, pursuant to 2 U.S.C. 901; to the Committee on Appropriations.

4174. A communication from the President of the United States transmitting two requests for FY 1988 budget supplemental for the District of Columbia, pursuant to Public Law 93-198, section 446; Public Law 98-473, section 101(b) (H. Doc. No. 100-223); to the Committee on Appropriations and ordered to be printed.

4175. A letter from the Acting Director, Congressional Budget Office, transmitting the agency's initial sequestration report for fiscal year 1989, pursuant to 2 U.S.C. 901; to the Committee on Appropriations.

4176. A letter from the Comptroller General of the United States transmitting a review of the deferrals reported in the President's fourth special impoundment message for fiscal year 1988, pursuant to 2 U.S.C. 685 (H. Doc. No. 100-226); to the Committee on Appropriations and ordered to be printed.

4177. A letter from the Director, Office of Management and Budget, transmitting the agency's initial sequester report for fiscal year 1989, pursuant to 2 U.S.C. 901; to the Committee on Appropriations.

4178. A letter from the Secretary of Defense transmitting a report of a violation of the Anti-Deficiency Act which occurred in the Department of the Army, pursuant to 31 U.S.C. 1517(a)(2); to the Committee on Appropriations.

4179. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notification of the Department of the Navy's proposed letter(s) of offer to Venezuela for defense articles estimated to cost \$50 million or more (Transmittal No. 88-50), pursuant to 10 U.S.C. 118; to the Committee on Armed Services.

4180. A letter from the Assistant Secretary of Defense (Comptroller) transmitting the selected acquisition reports [SAR's] for the quarter ending June 30, 1988, pursuant to 10 U.S.C. 2432; to the Committee on Armed Services.

4181. A letter from the Deputy Assistant Secretary for Logistics, Department of the Air Force, transmitting notification of the plan to study the conversion to contractor performance of a commercial activity being

performed by Department of Defense employees at the Consolidated/Containerization Point at the Sacramento Air Logistics Center, McClellan AFB, CA, pursuant to 10 U.S.C. 2304 note; to the Committee on Armed Services.

4182. A letter from the Acting Assistant Secretary (Logistics), Department of the Air Force, transmitting notification of the decision to convert the communication-computer operations and maintenance function at Dobbins Air Force Base, GA, to contractor performance as the most cost effective method of conversion, pursuant to 10 U.S.C. 2304 note; Public Law 99-190, section 8089; to the Committee on Appropriations.

4183. A letter from the Deputy Secretary of Defense, transmitting notification of the transfer of funds in support of the Nicaraguan Democratic Resistance, pursuant to 10 U.S.C. 114 note; to the Committee on Armed Services.

4184. A letter from the Principal Deputy Assistant Secretary of the Navy (Shipbuilding and Logistics), transmitting notification of the decision to convert to contractor performance the public works functions at naval station, Mayport, FL, which was found to be the most efficient and cost effective, pursuant to Public Law 99-190, section 8089 (99 Stat. 1216); Public Law 100-202, section 8074 (101 Stat. 1329-75); to the Committee on Armed Services.

4185. A letter from the Principal Deputy Assistant Secretary of the Navy (Shipbuilding and Logistics), transmitting notification of the decision to convert to contractor performance the utility functions at the Naval Submarine Base, Bangor, WA, which was found to be the most efficient and cost effective, pursuant to Public Law 99-190, section 8089 (99 Stat. 1216); Public Law 100-202, section 8074 (101 Stat. 1329-75); to the Committee on Armed Services.

4186. A letter from the Assistant Secretary of the Army (Installations and Logistic), transmitting a draft of proposed legislation to authorize, when in the interest of the Government or under unusual circumstances, exempting certain categories of individuals from paying the full meal rate for a meal consumed in a dining facility of the Armed Forces; to the Committee on Armed Services.

4187. A letter from the Commander, Headquarters, 1st Brigade, 100th Division (Training), Department of the Army, transmitting a draft of proposed legislation to authorize special duty assignment pay for enlisted soldiers of the Reserve components of the Armed Forces; to the Committee on Armed Services.

4188. A letter from the Chief of Legislative Affairs, Department of the Navy, transmitting notification of the Department's intent to offer for lease certain naval vessels to the Government of Pakistan, pursuant to 10 U.S.C. 7307, chapter 6 AECA; to the Committee on Armed Services.

4189. A letter from the Secretary of the Treasury, transmitting the annual report on the operations of the Exchange Stabilization Fund for fiscal year 1987, pursuant to 31 U.S.C. 5302(c)(2); to the Committee on Banking, Finance and Urban Affairs.

4190. A letter from the Chairman, Board of Governors, Federal Reserve System, transmitting the Board's report on the feasibility of a nationwide electronic clearinghouse as a means to improve the Nation's payments system, pursuant to Public Law 100-86, section 609(f)(3)(101 Stat. 649); to the Committee on Banking, Finance and Urban Affairs.

4191. A letter from the Administrator, General Services Administration, transmitting the fourth report on Federal actions taken to assist the homeless, pursuant to Public Law 100-77, section 501(e) (101 Stat. 510); to the Committee on Banking, Finance and Urban Affairs.

4192. A letter from the Chairman, National Credit Union Administration, transmitting the Administration's annual report regarding prevention of unfair or deceptive acts or practices by Federal credit unions; to the Committee on Banking, Finance and Urban Affairs.

4193. A letter from the Secretary of Housing and Urban Development, transmitting a draft of proposed legislation to amend and extend certain Federal laws relating to housing, community and neighborhood development, and related programs, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

4194. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 7-237, "Economic Development Zone Incentives Amendment Act of 1988," and report, pursuant to D.C. Code section 1-233(c)(1); to the Committee on the District of Columbia.

4195. A letter from the Auditor, District of Columbia, transmitting a copy of a report entitled, "Washington Convention Center's Posting and Depositing of Daily Receipts," pursuant to D.C. Code section 47-117(d); to the Committee on the District of Columbia.

4196. A letter from the Executive Director, District of Columbia Retirement Board, transmitting the personal financial disclosure statement for Board member Orlando W. Darden, pursuant to D.C. Code section 1-732, 1-734(a)(1)(A); to the Committee on the District of Columbia.

4197. A letter from the Secretary of Education, transmitting a copy of final priorities for the National Adult Education Discretionary Program, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

4198. A letter from the Secretary of Education, transmitting a copy of final regulations—debt collection, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

4199. A letter from the Secretary of Education, transmitting a copy of final regulations for the student assistance general provisions, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

4200. A letter from the Secretary of Health and Human Services, transmitting a copy of the 1985-86 report from the National Center on Child Abuse and Neglect, pursuant to Public Law 99-509, section 9339(b)(3) (100 Stat. 2036); to the Committee on Education and Labor.

4201. A letter from the Chairman, Advisory Committee on Student Financial Assistance, transmitting a report on the Pell multiple data entry contracts; to the Committee on Education and Labor.

4202. A letter from the Director, Communications and Legislative Affairs, Equal Employment Opportunity Commission, transmitting the Commission's fiscal year 1987 annual report of its activities, pursuant to 42 U.S.C. 2000e-4(e); to the Committee on Education and Labor.

4203. A letter from the Chairman, National Labor Relations Board, transmitting the Board's 51st annual report, pursuant to 29 U.S.C. 154(c); to the Committee on Education and Labor.

4204. A letter from the Secretary of Energy, transmitting a report on the 1988

energy projections transmitted in October 1987, pursuant to 42 U.S.C. 7361(a); to the Committee on Energy and Commerce.

4205. A letter from the Secretary of Agriculture, transmitting the annual horse protection enforcement report, fiscal year 1987, pursuant to 15 U.S.C. 1830; to the Committee on Energy and Commerce.

4206. A letter from the Secretary of Energy, transmitting the Department's quarterly report of the strategic petroleum reserve during the period April 1, 1988, through June 30, 1988, pursuant to 42 U.S.C. 6245(b); to the Committee on Energy and Commerce.

4207. A letter from the Secretary of Health and Human Services, transmitting the 1987 report on the consolidated federal programs under the maternal and child health services block grant, pursuant to 42 U.S.C. 706(a)(2); to the Committee on Energy and Commerce.

4208. A letter from the Chairman, Federal Energy Regulatory Commission, transmitting the Commission's annual report, fiscal year 1987; to the Committee on Energy and Commerce.

4209. A letter from the Secretary, Interstate Commerce Commission, transmitting notification that the Commission has extended the time period for acting on the appeal in No. 40073, *South-West Railroad Car Parts v. Missouri Pacific Railroad Company*, to December 2, 1988, pursuant to 49 U.S.C. 10327(k)(2); to the Committee on Energy and Commerce.

4210. A letter from the Acting Assistant Secretary of State for Legislative Affairs, transmitting notification of a proposed license and technical assistance agreement with Taiwan for the export of defense articles and defense services sold commercially under a contract in the amount of \$50 million or more (Transmittal No. 39-88), pursuant to 22 U.S.C. 2776(d); to the Committee on Foreign Affairs.

4211. A letter from the Acting Assistant Secretary of State, Legislative Affairs, transmitting notification of the intent to issue a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of \$50 million or more, to Switzerland (Transmittal No. MC-37-88), pursuant to 22 U.S.C. 2776(c); to the Committee on Foreign Affairs.

4212. A letter from the Acting Assistant Secretary of State, Legislative Affairs, transmitting notification of the intent to issue a proposed commercial export license for the export to Venezuela of major defense equipment sold commercially under a contract in the amount of \$14 million or more (Transmittal No. MC-38-88), pursuant to 22 U.S.C. 2776(c); to the Committee on Foreign Affairs.

4213. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notification of the Department of the Navy's proposed letter (s) of offer and acceptance [LOA] to Spain for defense articles and services estimated to cost \$64 million (Transmittal No. 88-57), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

4214. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notification of the Department of the Navy's proposed letter (s) of offer and acceptance [LOA] to Canada for defense articles and services estimated to cost \$47 million (Transmittal No. 88-56), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

4215. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notification of the Department of the Navy's proposed letter (s) of offer and acceptance [LOA] to Venezuela for defense articles and services estimated to cost \$50 million (Transmittal No. 88-50), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

4216. A letter from the Assistant Secretary of State for Legislative Affairs, transmitting notification of the President's determination and justification for the request for appropriations to meet unexpected urgent refugee and migration needs in Africa, pursuant to 22 U.S.C. 2601 (c)(3); to the Committee on Foreign Affairs.

4217. A letter from the Assistant Secretary of State for Legislative Affairs, transmitting notification of the intent to continue assistance for El Salvador under the Anti-Terrorism Assistance Program, pursuant to 22 U.S.C. 2349aa-3 (a) (1); to the Committee on Foreign Affairs.

4218. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the semi-annual reports for the period October 1987-March 1988 listing voluntary contributions by the United States to international organizations, pursuant to 22 U.S.C. 2226 (b) (1); to the Committee on Foreign Affairs.

4219. A letter from the Assistant Secretary of State for legislative Affairs, transmitting the 12th 90-day report on the Camarena investigation, the investigations of the disappearance of United States citizens in the State of Jalisco, Mexico, and the general safety of United States tourists in Mexico, pursuant to Public Law 99-93, Section 134(c) (99 Stat. 421); to the Committee on Foreign Affairs.

4220. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b (a); to the Committee on Foreign Affairs.

4221. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b (a); to the Committee on Foreign Affairs.

4222. A letter from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting the third semi-annual report, on behalf of the Secretary, prepared in consultation with Justice, the Drug Enforcement Administration, Customs, and the Central Intelligence Agency, which includes the appropriate certifications by the Secretary, on official involvement in narcotics trafficking by governments and senior officials, and provides additional information on the investigation into the murder of DEA Agent Camarena and the issue of "hot pursuit" raised with the Government of Mexico, pursuant to 22 U.S.C. 2291-1; to the Committee on Foreign Affairs.

4223. A letter from the Secretary of Commerce, transmitting the final report of the Federal Coal Export Commission, pursuant to 15 U.S.C. 4011 note; to the Committee on Foreign Affairs.

4224. A letter from the Comptroller General, transmitting a listing of reports issued or released by GAO in July 1988, pursuant to 31 U.S.C. 719(h); to the Committee on Government Operations.

4225. A letter from the Assistant Secretary for Health, Department of Health and

Human Services, transmitting notification of a proposed new Federal records system, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

4226. A letter from the Assistant Secretary for Health, Department of Health and Human Services, transmitting notification of a proposed new Federal records system, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

4227. A letter from the Assistant Secretary for Administration, Department of Transportation, transmitting notification of a proposed new Federal records system, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

4228. A letter from the Farm Credit Banks of St. Louis, transmitting the report for the sixth farm credit district retirement plan for the plan year ending December 31, 1987, pursuant to 31 U.S.C. 9503(a)(1)(B); to the Committee on Government Operations.

4229. A letter from the Managing Director, Federal Communications Commission, transmitting notification of a proposed new Federal records system, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

4230. A letter from the Chairman, Federal Election Commission, transmitting notification of a proposed new Federal records system, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

4231. A letter from the Director, Administration and Management, Office of the Secretary of Defense, transmitting notification of two proposed new Federal records systems and one altered Federal records system submitted by the Department of the Army, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

4232. A letter from the Director, Office of Personnel Management, transmitting a report on its competition advocacy program for fiscal year 1987, pursuant to 41 U.S.C. 419; to the Committee on Government Operations.

4233. A letter from the U.S. Marine Corps, Department of the Navy, transmitting the annual report of the retirement plan for civilian employees of the U.S. Marine Corps exchanges, recreation funds, clubs, messes, and the Marine Corps exchange service, for the year ended December 31, 1987, pursuant to 31 U.S.C. 9503(a)(1)(B); to the Committee on Government Operations.

4234. A letter from the Administrator, U.S. Small Business Administration, transmitting notification of the determination that it is in the public interest to limit competition for the establishment and operation of a clearinghouse between small business development centers, pursuant to 41 U.S.C. 253(c)(7); to the Committee on Government Operations.

4235. A letter from the Vice President, Western Farm Credit Bank, transmitting a copy of the financial statements for the Sacramento farm credit employees' retirement plan as part of the 1987 report submitted in July 1988, pursuant to 31 U.S.C. 9503(a)(1)(B); to the Committee on Government Operations.

4236. A letter from the Director, Office of Management and Budget, transmitting the agency's position on the collection of delinquent debt owed by legislative branch employees to the Federal Government; to the Committee on House Administration.

4237. A letter from the Deputy Associate Director for Collection and Disbursements, Department of the Interior, transmitting notification of proposed refunds of excess royalty payments in OCS areas, pursuant to

43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

4238. A letter from the Deputy Associate Director for Collection and Disbursements, Department of the Interior, transmitting notification of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

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4245. A letter from the Deputy Associate Director for Collection and Disbursements, Department of the Interior, transmitting notification of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

4246. A letter from the Secretary of the Interior, transmitting his views on H.R. 4127, the American Heritage Trust Act; to the Committee on Interior and Insular Affairs.

4247. A letter from the Attorney General, transmitting notice of judicial district certification for the States of Tennessee and Kentucky, to the Court of Appeals for the Sixth Circuit, pursuant to 28 U.S.C. 581 note; to the Committee on the Judiciary.

4248. A letter from the National Treasurer, American Gold Star Mothers, Inc., transmitting the organization's report and financial statements for the 12-month period ending June 30, 1988, pursuant to 36 U.S.C. 1101(63), 1103; to the Committee on the Judiciary.

4249. A letter from the Executive Director, American Historical Association, transmitting the Association's report and financial audit for the year ended June 30, 1988, pursuant to 36 U.S.C. 1101(3), 1103; to the Committee on the Judiciary.

4250. A letter from the U.S. Coast Guard Commandment, transmitting the views of

the Department on section 4045 of H.R. 4842; to the Committee on Merchant Marine and Fisheries.

4251. A communication from the President of the United States, transmitting an alternative plan for a Federal employees' pay adjustment to become effective on the first day of the first applicable pay period beginning on or after January 1, 1989, pursuant to 5 U.S.C. 5305(c)(1) (H. Doc. No. 100-227); to the Committee on Post Office and Civil Service and ordered to be printed.

4252. A letter from the Chairman, Merit Systems Protection Board, transmitting a report entitled, "A Study of Cases Decided by the U.S. Merit Systems Protection Board in Fiscal Year 1987," pursuant to 5 U.S.C. 1205(a)(3); to the Committee on Post Office and Civil Service.

4253. A letter from the Secretary of Transportation, transmitting the eighth annual report on collision avoidance systems, pursuant to 49 U.S.C. app. 1348 note; to the Committee on Public Works and Transportation.

4254. A letter from the Acting Administrator, General Services Administration, transmitting a copy of a report of building project survey for Cleveland County, NC, pursuant to 40 U.S.C. 606(a); to the Committee on Public Works and Transportation.

4255. A letter from the Acting Administrator, General Services Administration, transmitting a copy of a lease prospectus replacement for the Park Building, Rockville, MD, pursuant to 40 U.S.C. 606(a); to the Committee on Public Works and Transportation.

4256. A letter from the Director of Operations, The John F. Kennedy Center for the Performing Arts, transmitting the Center's audited financial statements for the period ending October 4, 1987, pursuant to 20 U.S.C. 76/(c); to the Committee on Public Works and Transportation.

4257. A letter from the Executive Secretary, Department of Defense, transmitting the report on Department of Defense procurement from small and other business firms for October 1987 through June 1988, pursuant to 15 U.S.C. 639(d); to the Committee on Small Business.

4258. A letter from the Secretary of Energy, transmitting the ninth annual report on the use of alcohol in fuels, pursuant to 26 U.S.C. 4041 note; to the Committee on Ways and Means.

4259. A letter from the Chairman, Cultural Property Advisory Committee, transmitting a report of the findings and recommendations as to the manner in which the U.S. government should respond to the May 1988 request of the Government of Bolivia for emergency United States import restrictions, pursuant to 19 U.S.C. 2605(f)(6); to the Committee on Ways and Means.

4260. A letter from the Administrator, Agency for International Development, transmitting notification of the administration's determination that the Government of Liberia has made significant progress toward economic reform, political freedoms and human rights, pursuant to Public Law 100-202, title III, section 555(a)(1) and (2) (101 Stat. 1329-1 69-170); jointly, to the Committee on Appropriations and Foreign Affairs.

4261. A letter from the Acting Assistant Secretary of Defense for Production and Logistics, transmitting an action plan for making the U.S. defense industrial base stronger; jointly, to the Committee on Armed Services and Banking, Finance and Urban Affairs.

4262. A letter from the Secretary, Department of Commerce, transmitting a draft of proposed legislation to amend the Public Works and Economic Development Act of 1965 to authorize the Secretary of Commerce to use funds from the economic development revolving fund established by section 203 of the act for the care and protection of collateral acquired in connection with grants made under that act, to provide the Secretary with necessary authority to deal with such property, and for other purposes; jointly, to the Committee on Banking, Finance and Urban Affairs and Public Works and Transportation.

4263. A letter from the Secretary of Labor, transmitting the Secretary's annual report on employment and training programs, pursuant to 29 U.S.C. 1579(d); jointly, to the Committees on Education and Labor and Veterans' Affairs.

4264. A letter from the Secretary of Health and Human Services, transmitting his views of H.R. 4843, a bill to authorize the Secretary of Health and Human Services to make grants for foster care and residential care of infants and young children abandoned in hospitals, and for other purposes; jointly, to the Committees on Education and Labor and Energy and Commerce.

4265. A letter from the Acting Director, Office of Civilian Radioactive Waste Management, transmitting a report on the activities and expenditures of the office for the fiscal year ended September 30, 1987, pursuant to 42 U.S.C. 10224(c); jointly, to the Committees on Energy and Commerce and Interior and Insular Affairs.

4266. A letter from the Governor, State of Arizona, transmitting a copy of the "Southwestern Low-Level Radioactive Waste Disposal Compact," enacted in Arizona on July 8, 1988, for formal ratification by the House and Senate, pursuant to Public Law 99-240; jointly, to the Committees on Energy and Commerce and Interior and Insular Affairs.

4267. A letter from the Chairman, Nuclear Regulatory Commission, transmitting a report of the nondisclosure of safeguards information for the quarter ending June 30, 1988, pursuant to 42 U.S.C. 2167(e); jointly to the Committees on Interior and Insular Affairs and Energy and Commerce.

4268. A letter from the Acting Chairman, Nuclear Regulatory Commission, transmitting a report on abnormal occurrences at licensed nuclear facilities for the first calendar quarter of 1988, pursuant to 42 U.S.C. 5848; jointly, to the Committees on Energy and Commerce and Interior and Insular Affairs.

4269. A letter from the Acting Comptroller General, transmitting a report on the Federal Home Loan Bank Board's financial statements for the years ended December 31, 1987 and 1986, and reports on the Bank Board's system of internal accounting controls and on its compliance with laws and regulations, pursuant to 31 U.S.C. 9106(a) and 3512(f); jointly, to the Committees on Government Operations and Banking, Finance and Urban Affairs.

4270. A letter from the Chairman, Federal Election Commission, transmitting the Commission's budget request for the fiscal year 1990, pursuant to 2 U.S.C. 437d(d)(1); jointly to the Committees on Appropriations and House Administration.

4271. A letter from the Secretary of Health and Human Services, transmitting a report on the impact of the physician assistant reimbursement change under medicare, pursuant to 42 U.S.C. 1395x note Public Law 99-509, section, 9338(e); jointly, to the Com-

mittees on Ways and Means and Education and Labor.

4272. A letter from the Director, Office of Management and Budget, transmitting a draft of proposed legislation to restore the administration of the rail industry pension plan to the railroad industry; to move toward the establishment of a private pension system for rail workers; to enhance the ability of the system to continue benefit payments to all railroad retirees and employees; to extend direct coverage of the Social Security system to the railroad industry and for other purposes; jointly, to the Committees on Ways and Means and Energy and Commerce.

4273. A letter from the Secretary of Commerce, transmitting a draft of proposed legislation to provide for the more efficient transportation abroad of Government-financed passengers and property by noncertified air carriers, and for other purposes; jointly, to the Committees on Ways and Means and Foreign Affairs.

4274. A letter from the Secretary of Agriculture, transmitting the third annual report on agricultural trade consultations, pursuant to 7 U.S.C. 1736(c); jointly, to the Committees on Agriculture, Foreign Affairs, and Ways and Means.

4275. A letter from the Comptroller General, transmitting a report, "An Overview of Changes in the World Oil Market" (GAO/RCED-88-170; August 1988); jointly, to the Committees on Government Operations, Energy and Commerce, and Foreign Affairs.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[Pursuant to the order of the House on Aug. 11, 1988, the following report was filed on Sept. 6, 1988]

Mr. PEPPER: Committee on Rules: Supplemental Report to House Resolution 521, resolution providing for the considering of a bill relating to the omnibus drug initiative; Rept. 100-861, Pt. 2. Ordered to be printed.

[Pursuant to the order of the House on Aug. 11, 1988, the following reports were filed on Aug. 12, 1988]

Mr. RODINO: Committee on the Judiciary. H.R. 4427. A bill to amend the Immigration and Nationality Act with respect to the grounds for exclusion and deportation of aliens; with an amendment (Rept. 100-882). Referred to the Committee of the Whole House on the State of the Union.

Mr. ANDERSON: Committee on Public Works and Transportation. H.R. 5073. A bill to amend the Federal Aviation Act of 1958 to provide protection for aviation whistleblowers; with an amendment (Rept. 100-883). Referred to the Committee of the Whole House on the State of the Union.

Mr. ANDERSON: Committee on Public Works and Transportation. S. 1934. An Act pursuant to the report ordered by Public Law 99-229 which directed the Architect of the Capitol and the Secretary of Transportation to undertake a study of the needs of the Federal judiciary for additional Federal office space, to authorize the Architect of the Capitol to contract for the design and construction of a building adjacent to Union Station in the District of Columbia to house agencies offices in the judicial branch of the

United States, and for other purposes; with an amendment (Rept. 100-884). Referred to the Committee of the Whole House of the State of the Union.

[Pursuant to the order of the House on Aug. 10, 1988, the following reports were filed on Aug. 18, 1988]

Mr. BROOKS: Committee on Government Operations. Report on toward more effective and efficient auditing of Government transportation bills: GSA oversight (Rept. 100-885). Referred to the Committee of the Whole House on the State of the Union.

Mr. BROOKS: Committee on Government Operations. Report on investigation of disability compensation programs of the Veterans' Administration (Rept. 100-886). Referred to the Committee of the Whole House on the State of the Union.

[Pursuant to the order of the House on Aug. 11, 1988, the following reports were filed on Aug. 26, 1988]

Mr. KASTENMEIER: Committee on the Judiciary. H.R. 4970. A bill to amend title 35 of the United States Code relating to animal patents; with an amendment (Rept. 100-888). Referred to the Committee of the Whole House on the State of the Union.

[Submitted Sept. 7, 1988]

Mr. WHITTEN: Committee on Appropriations. Report on revised allocations of subdivision of budget totals for fiscal year 1989 pursuant to section 302(e) of the Congressional Budget Act of 1974, as amended (Rept. 100-890). Referred to the Committee of the Whole House on the State of the Union.

Mr. ANDERSON: Committee on Public Works and Transportation. H.R. 4844. A bill to direct the Federal Aviation Administration to provide assistance to law enforcement agencies in their efforts with respect to drug trafficking interdiction, and for other purposes; with an amendment (Rept. 100-891). Referred to the Committee of the Whole House on the State of the Union.

#### REPORTED BILLS SEQUENTIALLY REFERRED

Under clause 5 of rule X, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

[Pursuant to the order of the House on Aug. 10, 1988, the following report was filed on Aug. 18, 1988]

Mr. KASTENMEIER: Committee on the Judiciary. H.R. 2848. A bill to amend title 17, United States Code, relating to copyrights, to provide for the interim statutory licensing of the secondary transmission by satellite carriers of superstations for private viewing by earth station owners; with amendments; referred to the Committee on Energy and Commerce for a period ending not later than September 29, 1988, for consideration of such provisions of the bill and amendments as fall within the jurisdiction of that committee pursuant to clause 1(h), rule X (Rept. 100-887, Pt. 1). Ordered to be printed.

[Pursuant to the order of the House on Aug. 10, 1988, the following report was filed on Aug. 26, 1988]

Mr. KASTENMEIER: Committee on the Judiciary. H.R. 4807. A bill to amend title 28, United States Code, to make certain improvements with respect to the Federal judiciary, and for other purposes; with an

amendment; referred to the Committee on Energy and Commerce for a period ending not later than September 26, 1988, for consideration of such provisions of title V of the bill and the amendment as fall within the jurisdiction of that committee pursuant to clause 1(h), rule X (Rept. 100-889, Pt. 1). Ordered to be printed.

### PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ANDERSON (for himself, Mr. NOWAK, Mr. HAMMERSCHMIDT, and Mr. STANGELAND):

H.R. 5247. A bill to provide for the conservation and development of water and related resources, to authorize the U.S. Army Corps of Engineers to construct various projects for improvements to rivers and harbors of the United States, and for other purposes; to the Committee on Public Works and Transportation.

By Mr. CRAIG:

H.R. 5248. A bill to amend title XVIII of the Social Security Act to eliminate mandated caps on physicians' fees, and to eliminate the reimbursement differential between hospitals in different areas; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. DAVIS of Michigan:

H.R. 5249. A bill to protect the Great Lakes from the disposal of medical waste, and for other purposes; jointly, to the Committees on Merchant Marine and Fisheries; Science, Space and Technology; Energy and Commerce; and Public Works and Transportation.

By Mr. LEVIN of Michigan (for himself and Mr. MOODY):

H.R. 5250. A bill to amend the Social Security Act to provide for improvements in services to applicants and beneficiaries under the Old-Age, Survivors, and Disability Insurance Program and the Supplement Security Income Program; to the Committee on Ways and Means.

By Mr. DELAY:

H.R. 5251. A bill to amend the Stewart B. McKinney Homeless Assistance Act to clarify the provisions relating to the use of surplus Federal property to assist the homeless; jointly, to the Committees on Banking, Finance and Urban Affairs and Government Operations.

By Mr. EDWARDS of California (for himself and Ms. PELOSI):

H.R. 5252. A bill to authorize the Secretary of Housing and Urban Development to make grants to States for the preservation of low income housing; to the Committee on Banking, Finance and Urban Affairs.

By Mr. DERRICK:

H.R. 5253. A bill to amend title XVIII of the Social Security Act, to allow Medicare coverage for all clinical diagnostic laboratory services; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. FIELDS:

H.R. 5254. A bill to amend the Panama Canal Act of 1979 with respect to proxies of the Panama Canal Commission, and the transfer of use of funds available to the Panama Canal Commission; to the Committee on Merchant Marine and Fisheries.

By Mr. GRADISON:

H.R. 5255. A bill to temporarily suspend the duty on self-folding collapsible umbrellas; to the Committee on Ways and Means.

By Mr. MOLLOHAN:

H.R. 5256. A bill to exempt certain pension plans established for firefighters and policemen from the minimum participation rules enacted in the 1986 Tax Reform Act; to the Committee on Ways and Means.

By Mr. STARK:

H.R. 5257. A bill to amend title XVIII of the Social Security Act with respect to payment for capital-related costs for inpatient hospital services under the Medicare Program; to the Committee on Ways and Means.

By Mr. SWEENEY:

H.R. 5258. A bill to authorize the Secretary of the Interior to transfer title to certain project lands acquired for the Palmetto Bend Project, TX, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 5259. A bill to amend title XVIII of the Social Security Act to permit small rural hospitals to elect to be paid on a reasonable cost basis; to the Committee on Ways and Means.

By Mr. UPTON:

H.R. 5260. A bill to provide protection for established recreational uses of water resources projects constructed by the Secretary of the Army; to the Committee on Public Works and Transportation.

By Mr. UDALL (for himself, Mr. WAXMAN, Mr. YOUNG of Alaska, Mr. RHODES, Mr. NIELSON of Utah, Mr. CAMPBELL, Mr. LAGOMARSINO, and Mr. BEREUTER):

H.R. 5261. A bill to reauthorize and amend the Indian Health Care Improvement Act, and for other purposes; jointly, to the Committees on Energy and Commerce and Interior and Insular Affairs.

By Mr. KASTENMEIER:

H.J. Res. 647. Joint resolution designating September 24, 1989, as "U.S. Marshals Bicentennial Day"; to the Committee on Post Office and Civil Services.

By Mr. ANNUNZIO:

H. Con. Res. 361. Concurrent resolution to print a revised edition of "Our Flag"; to the Committee on House Administration.

By Mr. SOLARZ (for himself, Mr. FASCELL, Mr. BROOMFIELD, and Mr. LEACH of Iowa):

H. Res. 529. Resolution in support of the restoration of democratic government in Burma; to the Committee on Foreign Affairs.

### MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

459. By the SPEAKER: Memorial of the House of Representatives of the State of Mississippi, relative to the Choctaw All-Season Outdoor Recreational Complex and Tourist Attraction; to the Committee on Interior and Insular Affairs.

460. Also, memorial of the Legislative of the State of California, relative to California's coastal management program; to the Committee on Merchant Marine and Fisheries.

461. Also, memorial of the Legislative of the State of California, relative to Vietnam veterans centers; to the Committee on Veterans' Affairs.

### ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 39: Mr. HORTON.  
H.R. 382: Mr. PICKETT.  
H.R. 387: Mr. OWENS of New York and Mr. KOLTER.

H.R. 458: Mr. BUNNING and Mr. MACKEY.  
H.R. 722: Mr. MARTIN of New York.  
H.R. 936: Mr. BROOMFIELD.  
H.R. 1028: Mr. CHANDLER, Mr. SISISKY, Mr. MCCREERY, and Mr. OLIN.

H.R. 1076: Mr. MILLER of Washington.  
H.R. 1398: Mr. WOLPE.  
H.R. 1635: Mr. GUARINI.

H.R. 1663: Mr. SHAYS, Mr. MILLER of Washington, and Mr. DURBIN.

H.R. 1782: Mr. SHUSTER.  
H.R. 1925: Mr. MARLENEE.  
H.R. 1961: Mr. BONKER.

H.R. 2036: Mrs. BOXER, Mrs. ROUKEMA, and Mr. LANTOS.

H.R. 2091: Mr. McEWEN.  
H.R. 2148: Mrs. LLOYD and Mr. MINETA.  
H.R. 2238: Mr. PEASE, Mr. JENKINS, Mr. HILER, Mr. MACK, Mr. COATS, Mr. MADIGAN, Mr. ROSE, Mr. RAVENEL, and Mrs. MORELLA.

H.R. 2854: Mr. HUGHES, Mrs. COLLINS, and Mr. LaFALCE.

H.R. 2920: Mr. BAKER.  
H.R. 2925: Mr. BLAZ, Mr. SAXTON, Mr. NIELSON of Utah, Mr. CHAPMAN, and Mr. LAGOMARSINO.

H.R. 2934: Mr. BATES.  
H.R. 3054: Mr. STRATTON.  
H.R. 3081: Mr. TOWNS, Mr. HERGER, Mr. LAGOMARSINO, and Mr. CHAPMAN.

H.R. 3241: Mr. WOLPE.  
H.R. 3314: Mr. ATKINS, Mr. FEIGHAN, Mr. NIELSON of Utah, Mr. PEASE, and Mr. MFUME.

H.R. 3348: Mr. MORRISON of Connecticut.  
H.R. 3410: Mr. WOLPE.  
H.R. 3454: Mr. AU COIN and Mr. STALLINGS.

H.R. 3478: Mr. DAVIS of Michigan, Mr. SCHEUER, Mr. BUECHNER, and Mr. MFUME.  
H.R. 3620: Mr. SISISKY.  
H.R. 3778: Mr. SCHULZE.

H.R. 3791: Mr. MARLENEE.  
H.R. 3815: Mr. BOULTER.  
H.R. 3919: Mrs. MORELLA.

H.R. 3944: Mr. GORDON and Mr. STALLINGS.  
H.R. 4018: Ms. OAKAR and Mr. YATRON.  
H.R. 4127: Mr. GRAY of Pennsylvania, Mr. MFUME, Mr. TORRICELLI, Mr. FLAKE, Mrs. MEYERS of Kansas, Mr. HASTERT, Mr. STAGGERS, Mr. OWENS of New York, and Mr. GRANT.

H.R. 4136: Mr. FLAKE and Mr. MORRISON of Connecticut.  
H.R. 4189: Mr. FORD of Tennessee and Mr. LANTOS.

H.R. 4213: Mr. GLICKMAN.  
H.R. 4227: Mr. GUNDERSON.  
H.R. 4277: Mrs. PATTERSON, Mr. COBLE, and Mr. INHOPE.

H.R. 4297: Mr. MORRISON of Connecticut, Mr. KENNEDY, and Mr. MARTINEZ.  
H.R. 4357: Mrs. BYRON.  
H.R. 4362: Mr. STUMP and Mr. KOLBE.

H.R. 4396: Mr. VENTO.  
H.R. 4420: Mr. LIPINSKI.  
H.R. 4454: Mrs. BOXER.

H.R. 4479: Mr. FAZIO, Mr. BRYANT, Mr. KENNEDY, Mr. MOLLOHAN, and Mr. APPLGATE.

H.R. 4498: Mr. DAVIS of Illinois, Mr. CAMPBELL, Mr. RAHALL, and Mr. BLAZ.  
H.R. 4511: Mr. HOLLOWAY.  
H.R. 4530: Ms. PELOSI.

H.R. 4531: Mr. BUECHNER, Mr. DONALD E. LUKENS, and Mr. DENNY SMITH.

H.R. 4552: Mr. BORSKI, Mr. BONIOR, Mr. TOWNS, Mr. TRAFICANT, Mr. HAYES of Illinois, and Mr. TORRES.

H.R. 4554: Mr. CHANDLER.

H.R. 4575: Mr. WALGREN, Mr. BERMAN, Mr. AKAKA, and Mr. MOODY.

H.R. 4603: Mr. PARRIS, Mr. McCLOSKEY, and Mr. DEWINE.

H.R. 4606: Mr. ESPY, Mr. BATES, and Mr. BERMAN.

H.R. 4609: Mr. HENRY.

H.R. 4664: Mr. DERRICK.

H.R. 4708: Mr. HATCHER, Mr. BONIOR, Mrs. COLLINS, and Mr. BRYANT.

H.R. 4717: Mr. BOULTER.

H.R. 4768: Mr. WHITTAKER and Mr. DONALD E. LUKENS.

H.R. 4787: Mr. AuCOIN and Mr. WYDEN.

H.R. 4803: Mrs. COLLINS, Mr. HORTON, Mr. FAUNTROY, Mr. BRYANT, Mr. SHUMWAY, Mr. HAWKINS, Mr. FOGLIETTA, and Mr. DICKS.

H.R. 4846: Mr. MEYERS of Kansas, Mr. WOLPE, Ms. SLAUGHTER of New York, Mrs. PATTERSON, Mr. LANCASTER, Mr. EVANS, and Mr. HAWKINS.

H.R. 4862: Mr. DONNELLY.

H.R. 4894: Mr. EDWARDS of Oklahoma.

H.R. 4921: Mr. HOCHBRUECKNER.

H.R. 4968: Mr. BATES, Mr. STARK, and Mr. HAWKINS.

H.R. 4979: Mr. HAWKINS and Mr. KAPTUR.

H.R. 4987: Mr. OWENS of New York, Mr. RAHALL, and Mr. McEWEN.

H.R. 4989: Mr. KILDEE.

H.R. 5000: Mr. EVANS, Mr. MORRISON of Connecticut, Mr. MANTON, and Mr. SENSENBRENNER.

H.R. 5003: Mr. KENNEDY.

H.R. 5018: Mr. SCHEUER, Mr. FOGLIETTA, and Mr. OWENS of New York.

H.R. 5024: Mr. CAMPBELL.

H.R. 5031: Mr. FOGLIETTA.

H.R. 5033: Mr. BONKER.

H.R. 5075: Mr. GRANDY, Mr. CLAY, Mr. THOMAS of California, Mr. RAY, Mr. MORRISON of Washington, Mr. TAUZIN, Mr. HUGHES, Mr. GOODLING, Mr. BARNARD, Mr. DAVIS of Michigan, Mr. SMITH of New Jersey, Mr. RHODES, and Mr. GINGRICH.

H.R. 5081: Mr. MAVROULES, Mrs. SAIKI, Mr. FORD of Tennessee, and Mr. GEJDENSON.

H.R. 5122: Mr. CAMPBELL, Mr. DWYER of New Jersey, Mr. FAWELL, Mr. JONTZ, Mr. FAUNTROY, Mr. LIPINSKI, Mr. ENGLISH, Mrs. BOXER, and Mr. FROST.

H.R. 5151: Mr. DORNAN of California, Mr. SUNDQUIST, Mr. HEFNER, Mr. ROWLAND of Connecticut, Mr. WORTLEY, Mr. EMERSON, Mr. JENKINS, Mr. SWINDALL, Mr. McCANDLESS, Mr. SOLOMON, Mr. BUSTAMANTE, Mr. MARLENEE, Mr. FRANK, and Mr. ARMEY.

H.R. 5167: Mr. LAGOMARSINO, Mr. MYERS of Indiana, Mrs. SAIKI, Mr. HUGHES, and Mr. DEWINE.

H.R. 5186: Mr. MANTON, Mr. GRANT, Mr. EVANS, Mr. MONTGOMERY, Mr. VALENTINE, Mr. LEACH of Iowa, Mr. DE LA GARZA, Mr. HATCHER, Mr. ROE, Mr. WATKINS, Mr. MOLLOHAN, Mr. FAZIO, Mr. GOODLING, Mr. FORD of Tennessee, Mr. WILSON, Mr. BEVILL, Mr. FRANK, and Mr. HAMMERSCHMIDT.

H.R. 5225: Mr. RINALDO.

H.J. Res. 330: Mr. GEJDENSON, Mr. GRAY of Pennsylvania, Mrs. KENNELLY, Mr. NICHOLS, Mr. ROBINSON, Mr. HAYES of Louisiana, Mr. CALLAHAN, Ms. KAPTUR, Mr. BEVILL, Mr. DARDEN, Mr. McGRATH, Mr. COSTELLO, Mr. TAUZIN, Mr. GORDON, Mr. HEFNER, Mr. SWINDALL, Mr. CLEMENT, Mr. AuCOIN, Mr. FLAKE, Mr. LANCASTER, Mr. AKAKA, Mr. BROWN of Colorado, Mr. HALL of Ohio, and Mr. BENNETT.

H.J. Res. 360: Mr. GREGG, Mr. FORD of Michigan, Mr. DORGAN of North Dakota, Mr. TRAFICANT, Mrs. KENNELLY, Mr. BLILEY, Mr. GALLEGLY, Mr. MORRISON of Connecticut, Mrs. BOXER, and Mr. RAVENELA.

H.J. Res. 449: Mrs. MORELLA, Mr. UPTON, Mr. CLEMENT, Mr. APPEGATE, Mr. BUNNING, Mr. GOODLING, Mr. McHUGH, Mr. COUGHLIN, Mr. JEFFORDS, Mr. HOPKINS, Mr. DURBIN, Mr. CLARKE, Mr. COBLE, Mr. CLINGER, Mr. STARK, Mr. MURTHA, Mr. GRANDY, Mrs. BOGGS, Mr. THOMAS A. LUKE, Mr. YOUNG of Florida, Mr. GEJDENSON, Mr. HEFNER, and Ms. OAKAR.

H.J. Res. 477: Mr. LEWIS of California, Mr. AKAKA, Mr. CHANDLER, Mr. RANGEL, Mr. BRUCE, Mr. DOWDY of Mississippi, Mr. MACK, Mr. OLIN, Mr. DYMALLY, and Mr. DE LA GARZA.

H.J. Res. 520: Mr. SHAYS, Mr. HAMILTON, Mr. BONIOR of Michigan, Mrs. ROUKEMA, Mr. KOLBE, Mrs. KENNELLY, and Mr. ROBINSON.

H.J. Res. 526: Mr. FAWELL.

H.J. Res. 537: Mr. UPTON, Mr. PASHAYAN, Mr. FLORIO, Mr. NEAL, Mr. QUILLLEN, Mrs. PATTERSON, Mr. McCLOSKEY, Mr. TALLON, Mr. MANTON, Mrs. LLOYD, Mr. ROBERTS, Mr. SUNDQUIST, Mr. JACOBS, Mr. HALL of Ohio, Mr. ARCHER, Mr. BERMAN, Mr. BORSKI, Mr. BROOKS, Mr. CONTE, Mr. FRANK, Mr. KILDEE, Mr. THOMAS A. LUKE, Mr. MARTINEZ, Mrs. KENNELLY, Mr. MORRISON of Connecticut, Mr. ECKART, Mr. YOUNG of Florida, Mr. JEFFORDS, Mr. SHAYS, Mr. GORDON, Mr. KOLTER, Mr. HOLLOWAY, Mr. MOODY, Mr. EMERSON, Mr. VENTO, Mr. KENNEDY, Mr. FORD of Michigan, Mr. COELHO, Mr. BUECHNER, Mr. MILLER of California, Mr. CLEMENT, Mr. DANNEMEYER, Mr. THOMAS of Georgia, Mr. CLINGER, Mr. BEVILL, Mr. DIXON, Mr. GEJDENSON, Mr. HAWKINS, Mr. CHANDLER, Mr. WOLPE, Mr. DONALD E. LUKENS, Mr. DELULMS, Mr. MOORHEAD, Mr. STUMP, Mr. GRANT, and Mr. GILMAN.

H.J. Res. 540: Mrs. LLOYD, Mrs. JOHNSON of Connecticut, Mr. HOCHBRUECKNER, Mr. MFUME, Mr. BONIOR of Michigan, Mr. DANNEMEYER, Mr. BARTON of Texas, Mr. WYLIE, Mr. VISLOSKEY, Mr. PAYNE, Mr. TORRICELLI, Mrs. SAIKI, Mr. HATCHER, Mr. ROBINSON, Mr. JACOBS, Mr. WAXMAN, Mr. HOPKINS, Mr. KOLTER, Mr. JOHNSON of South Dakota, Mr. MOORHEAD, Mr. MORRISON of Connecticut, Mr. SISISKY, Mr. ANTHONY, Mr. FRANK, Mr. PANETTA, Mr. FRENZEL, Mr. BLAZ, Mr. BLILEY, Ms. SNOWE, Mr. HAWKINS, and Mr. DEWINE.

H.J. Res. 557: Mr. STUMP, Mr. HAMILTON, Mr. BROOMFIELD, Mr. SISISKY, Mr. BRENNAN, Mr. McMILLEN of Maryland, Mr. COATS, Mr. CARPER, Mr. SMITH of New Hampshire, Mr. FASCELL, Mr. STUDDS, Mr. FRANK, Mr. PAYNE, Mr. UPTON, and Mr. PEPPER.

H.J. Res. 564: Mrs. PATTERSON, Mr. MANTON, Mr. FAWELL, Mr. McCLOSKEY, Mr. FORD of Tennessee, Mrs. JOHNSON of Connecticut, Mr. FRENZEL, Mr. STRATTON, Mr. COURTER, Mr. HOYER, Mr. LeLAND, Mr. WILSON, Mr. GEPHARDT, and Mr. LIPINSKI.

H.J. Res. 570: Mr. BLILEY, Mr. BONIOR of Michigan, Mr. BOUCHER, Mr. BRYANT, Mrs. JOHNSON of Connecticut, Mr. KOSTMAYER, Mr. LEVIN of Michigan, Mr. MARTINEZ, Mr. McMILLEN of Maryland, Mr. NEAL, Mr. OLIN, Mrs. PATTERSON, Mr. SCHUMER, Mr. SISISKY, Mr. STOKES and Mr. WORTLEY.

H.J. Res. 571: Mr. McGRATH, Mr. BLILEY, Mr. TRAFICANT, Mr. RUSSO, and Mr. CAMPBELL.

H.J. Res. 575: Mr. APPEGATE, Mr. BONIOR of Michigan, Mr. BOUCHER, Mr. BROWN of California, Mr. COLEMAN of Missouri, Mr. COYNE, Mr. CROCKETT, Mr. DAUB, Mr. DE LUGO, Mr. DEWINE, Mr. DRIER of California, Mr. FORD of Tennessee, Mr. FUSTER, Mr.

GRANDY, Mr. HANSEN, Mr. HASTERT, Mr. HATCHER, Mr. HERTEL, Mr. HUTTO, Mr. KEMP, Mr. MAVROULES, Mr. MARKEY, Mr. MAZZOLI, Mrs. MEYERS of Kansas, Mr. MONTGOMERY, Mr. NEAL, Ms. OAKAR, Mr. PARRIS, Mr. RHODES, Mr. RICHARDSON, Mr. RINALDO, Mr. RODINO, Mr. SABO, Mr. SKELTON, Mr. SPRATT, Mr. TAUKE, Mr. WATKINS, Mr. WYDEN, Mr. YATES, and Mr. YATRON.

H.J. Res. 576: Mr. ACKERMAN, Mr. ASPIN, Mr. BONIOR of Michigan, Mr. BONKER, Mr. BUSTAMANTE, Mr. COLEMAN of MISSOURI, Mr. DYMALLY, Mr. EDWARDS of Oklahoma, Mr. FRENZEL, Mr. HANSEN, Mr. JACOBS, Mr. LaFALCE, Mr. LeLAND, Mr. LEWIS of Florida, Mr. McMILLEN of Maryland, Mr. MANTON, Mr. MINETA, Mr. MORRISON of Connecticut, Ms. PELOSI, Mr. ROBINSON, Mr. SCHEUER, Mr. SHAW, Mr. SMITH of Florida, Mr. SYNAR, and Mr. WHEAT.

H.J. Res. 582: Mr. NEAL, Mr. LANCASTER, Mr. BEVILL, Mr. CHAPPELL, Mr. EMERSON, Mr. HAYES of Illinois, Mr. SKELTON, Mr. BRYANT, Mr. SABO, Mr. McMILLEN of Maryland, Mr. COUGHLIN, Mr. DONALD E. LUKENS, Mr. DEWINE, Mr. WOLPE, Mr. ANDERSON, Mr. SHUMWAY, Mr. PASHAYAN, Mr. LENT, Mr. DAVIS of Michigan, Mr. ANDREWS, Mr. MOORHEAD, Mr. McHUGH, Mr. VENTO, Mr. GREEN, Mr. HAWKINS, Mr. RUSSO, Mr. ARCHER, Mr. SCHEUER, Mr. CALLAHAN, Mr. PAYNE, Mr. HUCKABY, Mr. BILBRAY, Mrs. MORELLA, Mr. CHANDLER, Mr. HOCHBRUECKNER, Mr. MANTON, Mr. SCHAEFER, Mr. LaFALCE, Mr. RAY, Mr. ROWLAND of Connecticut, Mr. JONTZ, Mr. KOSTMAYER, Mr. COELHO, Mr. KENNEDY, Mr. ERDREICH, Mr. FLORIO, Mr. HENRY, Mr. WORTLEY, Mr. BROWN of California, Mr. BARTON of Texas, Mr. BRUCE, Mr. BAKER, Mrs. MEYERS of Kansas, Mr. HAMMERSCHMIDT, Mr. FORD of Tennessee, Mr. ENGLISH, Mr. VALENTINE, Mr. BUNNING, Mr. THOMAS A. LUKE, Mr. LEHMAN of California, Mr. GOODLING, and Mr. VOLKMER.

H.J. Res. 585: Mr. ANDERSON, Mr. BRYANT, Mr. BENNETT, Mr. BONIOR of Michigan, Mr. CLEMENT, Mr. COELHO, Mrs. COLLINS, Mr. NEAL, Mr. VALENTINE, and Mr. WORTLEY.

H.J. Res. 596: Mr. THOMAS A. LUKE and Mr. FOGLIETTA.

H.J. Res. 598: Mr. BONIOR of Michigan, Mr. OWENS of Utah, Mr. BRENNAN, Mr. SAXTON, Mr. McMILLEN of Maryland, Mr. RANGEL, and Mr. ENGLISH.

H. J. Res. 603: Mr. WAXMAN, Mr. WYLIE, Mr. McEWEN, Mr. RINALDO, Mr. BONIOR of Michigan, Mr. GREGG, Mr. THOMAS A. LUKE, Mr. BILIRAKIS, Mr. EMERSON, Mr. CLEMENT, Mr. GREEN, Mr. SYNAR, Mr. SABO, Mr. APPEGATE, Mr. LaFALCE, Mr. BUSTAMANTE, Mr. FORD of Michigan, Mr. ASPIN, Mr. PORTER, Mr. SMITH of New Hampshire, Mr. RODINO, Mr. CHANDLER, Mr. WYDEN, Mr. McMILLEN of Maryland, Mr. RAHALL, Mr. PARRIS, Mr. DOWDY of Mississippi, Mr. SKELTON, Mr. VALENTINE, Mr. WORTLEY, Mr. CARPER, Mr. DIXON, Mr. DARDEN, Mr. MILLER of Ohio, Mr. ANNUNZIO, Mr. JONES of Tennessee, Mr. FRANK, Mr. LOWRY of Washington, Mr. PASHAYAN, Mr. LEWIS of Georgia, Mr. MARKEY, Mr. FROST, Mr. AuCOIN, Mr. BATES, Mr. THOMAS of Georgia, Mr. ROBINSON, Mr. HAYES of Louisiana, Mr. GARCIA, Mr. FUSTER, Mr. LEWIS of Florida, Mr. MOODY, Mr. MARTIN of New York, Mr. BRYANT, Mr. WELDON, Mr. JEFFORDS, Mr. RAY, and Mr. DYMALLY.

H. J. Res. 604: Mr. COELHO, Mr. HAMMERSCHMIDT, Mr. BONIOR of Michigan, Mr. HATCHER, Mr. LANTOS, Mr. RANGEL, and Mr. BLILEY.

H. J. Res. 615: Mr. ANDERSON, Mr. DE LUGO, Mr. WOLF, Mr. WORTLEY, and Mr. APPLE-GATE.

H. J. Res. 619: Mr. FOGLIETTA, Mr. HAYES of Louisiana, Mrs. JOHNSON of Connecticut, Mr. LELAND, Mr. DARDEN, Mr. BUECHNER, Mr. LANTOS, Mr. CALLAHAN, Mr. CAMPBELL, Mr. JEFFORDS, and Mr. DEFazio.

H. J. Res. 623: Mr. LEHMAN of California, Mr. CHAPMAN, Mr. HUGHES, Mr. BROWN of California, Mr. FRENZEL, Mr. GEKAS, Mr. BLILEY, Mr. YOUNG of Alaska, Mr. LEVIN of Michigan, and Mr. VISCOSKY.

H. J. Res. 626: Mr. ANNUNZIO, Mr. BENNETT, Mrs. BENTLEY, Mr. BEVILL, Mr. BLILEY, Mr. BOLAND, Mr. BORSKI, Mr. BOUCHER, Mr. BOULTER, Mrs. BOXER, Mr. BROWN of Colorado, Mr. BUSTAMANTE, Mr. CROCKETT, Mr. DARDEN, Mr. DIXON, Mr. DORNAN of California, Mr. DYMALLY, Mr. FAUNTROY, Mr. FISH, Mr. FRENZEL, Mr. FUSTER, Mr. GRAY of Illinois, Mr. HUGHES, Mr. KOLTER, Mr. LAGOMAR-SINO, Mr. LELAND, Mr. MACK, Mr. MONTGOM-ERY, Mr. MOORHEAD, Ms. OAKAR, Ms. PELOSI, Mr. RAHALL, Mr. SAVAGE, Mr. SHAW, Mr. TALLON, Mr. TAUZIN, Mr. TRAXLER, Mr. VANDER JAGT, and Mr. VISCOSKY.

H. J. Res. 630: Mr. ANTHONY, Mr. BLILEY, Mr. KANJORSKI, and Mr. IRELAND.

H. J. Res. 636: Mr. SMITH of Florida, Mr. ACKERMAN, Mr. BENNETT, Mr. BERMAN, Mr. BEVILL, Mr. BLILEY, Mr. DE LA GARZA, Mr. DYMALLY, Mr. ESPY, Mr. FROST, Mr. FUSTER, Mr. GRANT, Mr. HATCHER, Mr. KOSTMAYER, Mr. LEHMAN of Florida, Mrs. LLOYD, Mr. McEWEN, Mr. MACK, Mr. MACKAY, Mr. MATSUI, Mr. MICA, Mr. MOAKLEY, Mr. OWENS of New York, Mr. PEPPER, Mr. WOLF, Mr. WORTLEY, and Mr. DYSON.

H. J. Res. 639: Mr. FAZIO, Mr. WYDEN, Mr. BEVILL, Mr. LUJAN, Mr. BLILEY, Mr. ANDER-SON, Mr. KOLTER, Mr. McMILLEN of Mary-land, Mr. WOLF, Mr. KLECZKA, Mrs. KENNEL-

LY Mr. COELHO, Mr. MOAKLEY, Mr. RANGEL, Mr. BOUCHER, Mr. SMITH of Florida, Mr. WORTLEY, Mr. GONZALEZ, Mr. LELAND, Mr. STOKES, Mr. VOLKMER, Mr. ACKERMAN, Mrs. BOXER, Mr. ATKINS, Mr. DE LA GARZA, and Ms. OAKAR.

H. J. Res. 645: Mr. OWENS of New York, Mr. BLILEY, Mr. WORTLEY, and Mr. FAUNT-ROY.

H. Con. Res. 28: Mr. TRAFICANT and Mr. MONTGOMERY.

H. Con. Res. 263: Mr. BUECHNER.

H. Con. Res. 277: Mrs. SCHROEDER.

H. Con. Res. 295: Mr. TALLON and Mr. STARK.

H. Con. Res. 317: Mr. DREIER of Califor-nia, Mr. SHAYS, Mr. BATES, Mr. JEFFORDS, Mr. GEJDENSON, Mr. MOODY, Mr. MONTGOM-ERY, Mr. BURTON of Indiana, Mr. DIXON, Mr. WISE, Mrs. BOXER, Mr. MOORHEAD, and Mr. KASICH.

H. Con. Res. 327: Mr. DONALD E. LUKENS, Mr. SKAGGS, and Mr. BUECHNER.

H. Con. Res. 328: Mr. TORRICELLI and Mrs. SCHROEDER.

H. Con. Res. 349: Mr. HORTON and Mr. LANCASTER.

H. Con. Res. 354: Mr. McEWEN, Mr. BADHAM, and Mr. LIGHTFOOT.

H. Res. 471: Mr. PEASE, Mr. LEVINE of Cali-fornia, Mr. LEHMAN of Florida, Mr. FEIGHAN, Mr. WOLFE, Mr. BRYANT, Mr. BEREUTER, Mr. VENTO, Mr. KENNEDY, and Mr. EDWARDS of California.

H. Res. 516: Mr. ATKINS, Mr. OWENS of New York, Mr. WILSON, Mr. AU COIN, and Mr. HYDE.

H. Res. 527: Mr. FOGLIETTA, Mr. SHAYS, and Mr. BRYANT.

## DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLU-TIONS

Under clause 4 of rule XXII, spon-sors were deleted from public bills and resolutions as follows:

H.R. 2148: Mr. FAWELL.

## PETITIONS, ETC.

Under clause 1 of rule XXII, peti-tions and papers were laid on the Clerk's desk and referred as follows:

225. By the SPEAKER: Petition of the Vietnam Veterans Outreach, Joplin, MO, relative to the POW/MIA search in Viet-nam; to the Committee on Foreign Affairs.

226. Also, petition of the Embassy of Ven-ezuela, Washington, DC, relative to a copy of a declaration passed by the Chamber of Deputies of the Congress of Venezuela con-cerning the process of disarming the nuclear weapons in Europe; to the Committee on Foreign Affairs.

227. Also, petition of the National Associa-tion of Commissions for Women, Washing-ton, DC, relative to S. 2042; to the Commit-tee on House Administration.

228. Also, petition of the city of Miami Commission, Miami, FL, relative to the American Heritage Trust Act; to the Com-mittee on Interior and Insular Affairs.

229. Also, petition of Mr. John Henry Lewis, Morristown, PA, relative to a writ of habeas corpus; to the Committee on the Ju-diciary.

230. Also, petition of the Board of Super-visors, county of Los Angeles, relative to highway funding; jointly, to the Commit-tees on Public Works and Transportation and Ways and Means.