

raised in a March 19, 1996, letter. In addition, I was pleased to work closely with Congressman VIC FAZIO from California who introduced similar legislation. The administration is also on record as being supportive of this bill. This is indicative of the bipartisan nature of this legislation.

As a 38-year law enforcement veteran, I have seen epidemics of heroin, LSD, cocaine, and crack infect our cities and communities. We must take immediate and dramatic action to ensure that meth is eradicated, while at the same time enabling consumers access to cold, flu, and allergy medication. That is why I introduced H.R. 3852, which:

Increases penalties for possession and trafficking of methamphetamine, making them equivalent to the penalties for crack-cocaine

Increases penalties for illegal possession and trafficking of precursor chemicals used for the manufacture of methamphetamine and other controlled substances.

Reduces single transaction reporting requirements for all sales other than ordinary over-the-counter pseudoephedrine or phenylpropanolamine containing products from 1 kg to 24 grams.

Creates a safe harbor for ordinary over-the-counter products containing pseudoephedrine or phenylpropanolamine to cover those products packaged in package sizes of not greater than three grams of pseudoephedrine or phenylpropanolamine base and packaged in blister packs. This will effectively combat shelf sweeping.

Establishes new reporting requirements for firms that sell pseudoephedrine or phenylpropanolamine products via mail order.

Imposes tougher penalties on those who import meth or its precursor chemicals with the intent to distribute them within the United States.

H.R. 3852 represents a common sense approach to a dangerous problem. It fairly balances the concerns of consumers with those of law enforcement so that meth can be eliminated. It is my sincere hope that the President joins our antidrug initiative and signs H.R. 3852 into law. I urge my colleagues to support this tough, bipartisan legislation. Pass H.R. 3852!

Thank you, Mr. Speaker.

Mr. HEINEMAN. Mr. Speaker, today I am pleased that the House is poised to pass my bill, H.R. 1499, the Telemarketing Fraud Punishment and Prevention Act of 1996. H.R. 1499 protects senior citizens from a sophisticated type of white collar criminal—telemarketing scam artists who target vulnerable elderly citizens.

These crimes are among the most outrageous in society because telemarketing scam artists prey on the most vulnerable—seniors who can least afford to lose their limited savings. In fact, Members have already spoken against telemarketing fraud once before, and many of my colleagues thought that the job of getting tough on these kinds of crimes was already completed. However, the job is only half done. The 1994 crime bill included important language cracking down on telemarketing fraud. Today we will pass legislation which completes what was begun in the 1994 crime bill, legislation that takes the tough sentences included in the 1994 crime bill and makes certain that telemarketing scam artists actually receive tougher penalties.

H.R. 1499 was approved unanimously by the Subcommittee on Crime together with a

technical amendment offered by Chairman BILL MCCOLLUM. This legislation was developed in consultation with the Department of Justice and staff of the U.S. Sentencing Commission. It is a reasonable, bipartisan bill, and I want to thank my colleagues on both sides of the aisle who have expressed their support for this legislation.

Why is this legislation needed? Telemarketing fraud against seniors is on the rise, but the average sentence for this kind of crime is only 18 months. The 1994 Crime bill directed the U.S. Sentencing Commission to review the Federal sentencing guidelines and report back to Congress on amendments to the guidelines that would ensure tough sentences for telemarketing frauds. Unfortunately, when the Sentencing Commission reported back to Congress in March of 1995, it concluded that no enhancements for telemarketing fraud were needed.

This past April, the Subcommittee on Crime heard the tragic testimony of senior citizens who lost their life savings to telemarketing scams. One of my constituents, Mary Ann Downs from Raleigh lost over \$74,000. In Durham, NC, an elderly woman was victimized for \$212,000. The FBI estimates that U.S. consumers lose over \$40 billion a year to fraudulent telemarketers.

My legislation directs the U.S. Sentencing Commission to amend the sentencing guidelines so that sentences for general telemarketing fraud offenses are enhanced by 4 levels, and telemarketing fraud offenses committed against seniors are enhanced by 8 levels.

According to staff of the U.S. Sentencing Commission, a 4-level enhancement for telemarketing frauds would equal roughly 11 months, or a 60-percent increase from the average 18 months sentence currently received. An 8-level increase would equal roughly an additional 25 months, or a 140-percent increase from the current average 18-month sentence for these frauds. This still falls short of the full extent of the 5 years and 10 years additional prison time envisioned by the 1994 Crime bill, but it is a critical step in combating telemarketing fraud.

The bill also includes a sentencing enhancement of 2 levels for frauds committed by defendants in a foreign country. This is in response to the fact that increasing numbers of telemarketers are moving their operations to foreign jurisdictions in an attempt to evade prosecution in the United States. In addition, H.R. 1499 provides for criminal forfeiture of the proceeds of telemarketing scams.

I urge my colleagues to support H.R. 1499, the Telemarketing Fraud Punishment and Prevention Act of 1996 and help protect their senior constituents from telemarketing predators. Thank you, Mr. Speaker.

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

The SPEAKER pro tempore (Mr. DICKEY). The question is on the motion offered by the gentleman from Florida [Mr. MCCOLLUM] that the House suspend the rules and pass the bill, H.R. 3852, as amended.

The question was taken.

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

The yeas and nays were ordered.

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

## REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 1296, OMNIBUS PARKS AND PUBLIC LANDS MANAGEMENT ACT OF 1996

Mr. SOLOMON, from the Committee on Rules, submitted a privileged report (Rept. No. 104-842) on the resolution (H. Res. 536) waiving points of order against the conference report to accompany the bill (H.R. 1296), to provide for the administration of certain Presidio properties at minimal cost to the Federal taxpayer, which was referred to the House Calendar and ordered to be printed.

## DRUG-INDUCED RAPE PREVENTION AND PUNISHMENT ACT OF 1996

Mr. MCCOLLUM. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4137) to combat drug-facilitated crimes of violence, including sexual assaults.

The Clerk read as follows:

H.R. 4137

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. SHORT TITLE.

This Act may be cited as the "Drug-Induced Rape Prevention and Punishment Act of 1996".

### SEC. 2. USE OF CONTROLLED SUBSTANCES TO COMMIT SEXUAL ASSAULT CRIMES OF VIOLENCE

Section 404 of the Controlled Substances Act (21 U.S.C. 844) is amended by inserting "a person convicted under this subsection for the possession of a mixture or substance containing a detectable amount of a controlled substance, with the intent to administer such mixture or substance to another person to facilitate a crime of violence, as defined in section 16 of title 18, United States Code, (including a sexual assault) against that person, shall be fined under title 18, United States Code, or imprisoned not more than 15 years, or both, and if the victim or intended victim of the crime of violence is age 14 or under, shall be imprisoned not more than 20 years, and" after "Notwithstanding the preceding sentence,".

### SEC. 3. ADDITIONAL PENALTIES RELATING TO FLUNITRAZEPAM.

(a) GENERAL PENALTIES.—Section 401 of the Controlled Substances Act (21 U.S.C. 841) is amended—

(1) in subsection (b)(1)(A)—

(A) by striking "or" at the end of clause (vii);

(B) by inserting "or" at the end of clause (vii);

(C) by inserting after clause (viii) the following:

"(ix) 1 gram or more of flunitrazepam;"

(2) in subsection (b)(1)(B)—

(A) by striking "or" at the end of clause (vii);

(B) by inserting "or" at the end of clause (vii);

(C) by inserting after clause (viii) the following:

"(ix) 100 mg or more of flunitrazepam;"

and

(3) in subsection (b)(1)(C), by inserting "or flunitrazepam" after "I or II".

(b) IMPORT AND EXPORT PENALTIES.—

(1) Section 1009(a) of the Controlled Substances Import and Export Act (21 U.S.C. 959(a)) is amended by inserting "or flunitrazepam" after "I or II".

(2) Section 1010(b) of the Controlled Substances Import and Export Act (21 U.S.C. 960(b)) is amended—

(A) in paragraph (1)—

(i) by striking “or” at the end of subparagraph (G);

(ii) by inserting “or” at the end of subparagraph (H);

(iii) by inserting after subparagraph (H) the following:

“(I) 1 gram or more of flunitrazepam;”;

(B) in paragraph (2)—

(i) by striking “or” at the end of subparagraph (G);

(ii) by inserting “or” at the end of subparagraph (H);

(iii) by inserting after subparagraph (H) the following:

“(I) 100 mg or more of flunitrazepam;”

(C) in paragraph (3), by inserting “or flunitrazepam” after “I or II.”

(3) Section 1010(b)(4) of the Controlled Substances Import and Export Act is amended by inserting “(except a violation involving flunitrazepam)” after “III, IV, or V.”

#### SEC. 4. SENTENCING GUIDELINES.

Pursuant to its authority under section 994 of title 28, United States Code, the United States Sentencing Commission shall review and amend the sentencing guidelines for offenses involving flunitrazepam. The Commission shall submit to Congress a summary of its review, and an explanation for any amendment to the sentencing guidelines made pursuant to this section. In carrying out this section, the Commission shall ensure that the sentencing guidelines for such offenses reflect the serious nature of such offenses.

#### SEC. 5. STUDY ON RESCHEDULING FLUNITRAZEPAM.

The Administrator of the Drug Enforcement Administration shall conduct a study on the appropriateness and desirability of rescheduling flunitrazepam as a Schedule I controlled substance under the Controlled Substances Act (21 U.S.C. 801 et seq.), and shall consult with other Federal and State agencies as appropriate. Not later than 180 days after the date of the enactment of this Act, the Administrator shall submit the results of such study, together with any recommendations as to such rescheduling, to the Committees on the Judiciary of the House of Representatives and the Senate.

#### SEC. 6. EDUCATIONAL PROGRAM FOR POLICE DEPARTMENTS.

The Attorney General is authorized to create educational materials regarding the use of controlled substances in the furtherance of rapes and sexual assaults and disseminate those materials to police departments throughout the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida [Mr. McCOLLUM] and the gentleman from New York [Mr. SCHUMER] each will control 20 minutes.

The Chair recognizes the gentleman from Florida [Mr. McCOLLUM].

GENERAL LEAVE

Mr. McCOLLUM. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill under consideration.

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

There was no objection.

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

Mr. Speaker, they call it “the forget pill” or “the date-rape drug.” Tech-

nically known as flunitrazepam, better known by its trade name Rohypnol, this inexpensive drug is being used by sexual predators to incapacitate their victims before they are raped.

Rohypnol is colorless, odorless, tasteless and dissolves quickly and easily in alcohol. In fact, alcohol enhances the drug's intoxicating effects, and leaves the victim utterly helpless and vulnerable to rape.

Mr. Speaker, what makes the use of this drug even more vile and contemptible is that victims are likely to suffer amnesia. This makes it impossible for them to recount to law enforcement the circumstances surrounding the rape. These victims suffer the knowledge that they have been sexually assaulted—they just can't remember or explain how it happened.

The distribution and abuse of this drug is a particularly big problem in my home State of Florida. From 1990 to 1992, there were 14 State and local law enforcement cases involving flunitrazepam, and the drug was found almost exclusively in the Dade County area. By 1995, the number of cases had escalated to in excess of 480. Moreover, as law enforcement encounters indicate, the drug has now spread all over the State of Florida.

This drug has been frequently found at nightclubs and college parties. It is also horrifying to learn that distribution of this drug has been discovered at junior and senior high schools—in Florida, as well as in numerous other States. The drug has also been adopted by street gang members across the country. In Texas, street gangs have been known to administer Rohypnol to females in order to commit gang rape as part of the initiation into a gang.

Although it is approved in other countries for short-term treatment of anxiety and sleep disorders, this drug is not currently approved by the Food and Drug Administration for marketing in the United States. According to the Drug Enforcement Administration, Rohypnol is being smuggled in from Mexico and other Latin America countries.

This drug is currently listed as a Schedule IV drug on the Controlled Substances Act. Schedule IV drugs are drugs with accepted medical uses and low potential for abuse. The DEA has suggested that the drug be moved to Schedule I—which are drugs with no currently accepted medical uses in the United States and which have a high potential for abuse. The difficulty in deciding whether to reschedule flunitrazepam is that the drug has some accepted medical uses—it is prescribed legally in 64 other countries. This bill will substantially increase the penalties for manufacturing or distributing flunitrazepam, to give law enforcement the muscle it needs to prosecute these cases. However, it also directs the Administrator of the DEA to conduct a thorough study on the appropriateness and desirability of rescheduling flunitrazepam to a Schedule I

controlled substance. The Administrator is given 6 months to conduct this study, and I fully expect Congress to revisit this issue when that report is completed. As chairman of the Crime Subcommittee, I intend to hold a hearing on the DEA's report shortly after it's received.

It is entirely possible that other drugs may now exist, or may come along in the future, which have the same properties as Rohypnol. This legislation address those drugs, by making it illegal to possess a controlled substance with the intent to administer that substance to facilitate a crime of violence. If a victim is under the age of 14, the penalties are even higher. This bill ensures that whatever new “date-rape drug” may come along, the penalties are there for any sexual predator who may try and use it.

The bill also directs the Sentencing Commission to recommend additional penalties for the distribution of various quantities of flunitrazepam, and authorizes the Attorney General to create educational materials regarding the use of controlled substances in furtherance of rapes.

Mr. Speaker, we have a short time left in this Congress, and it would be a tragedy if we did not pass such a significant and important piece of legislation. This bill can help put a stop to the abhorrent practice of incapacitating woman for the purpose of sexual assault. I commend the gentleman from New York [Mr. SOLOMON] for being the force responsible for getting this bill to the floor today. I strongly urge my colleagues to support this bill.

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

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

Mr. Speaker, I rise in support of the bill, even though I believe that it does not go far enough.

Mr. Speaker, this bill is aimed at an alarming growth in the domestic abuse of a drug popularly known as “the date rape drug.”

This drug, technically known as flunitrazepam is a sedative and a hypnotic. Although it is marketed abroad, it is not legally available in the United States.

It is marketed under a variety of trade names, the most widely used being Roche Pharmaceutical's “Rohypnol.” It is known on the street by slang names such as “roofies,” “ropies,” and “ropes.”

Rohypnol enters this country through a variety of channels, and substantial evidence of abuse has emerged. This abuse includes: use by high school teenagers and college students to increase and prolong highs from alcohol; use by heroin addicts to boost heroin highs; use by cocaine users to parachute down from a cocaine binge, and use as an aid in the commission of rape. This abuse has earned it the infamous names of the date rape drug.

The use of Rohypnol in rape stems from the fact that the drug—especially

in combination with other depressants—puts the victim in a virtual stupor, with profound sedation, impaired motor control, and adversely altered mental judgment and behavior. And it also induces amnesia, so that the victim cannot accurately remember what happened to her.

Mr. Speaker, the bill before us is a watered down version of what the full Judiciary Committee approved just last week. At that time, the committee voted to raise the drug's classification from what is known as schedule four—with relatively weak penalties—to schedule one—with the toughest penalties applicable to any controlled substance.

Somehow, between then and today, the majority was persuaded to weaken this bill, and to take out the rescheduling provision. There is no way to describe this but a cave in to the demands of the pharmaceutical industry.

I regret that the majority backed down in the face of heavy, behind-the-scenes lobbying and brought this weak measure to the floor.

Nevertheless, because it does substantially increase penalties for the use of controlled substances in crimes of violence, including rape, I will support the measure and urge my colleagues to vote for it.

However, I hope that the next Congress, perhaps with a change in leadership, will stand up to the special interests and get even tougher on this dangerous drug. Maybe we will even do it without a change in leadership because it is the right thing to do no matter who takes over.

□ 1845

Mr. Speaker, I yield such time as she may consume to the gentlewoman from Texas [Ms. JACKSON-LEE].

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman from New York, Mr. SCHUMER. And might I say that there is much to say about this, but I will certainly contain my remarks.

This is a very serious matter that is made more serious by a recent incident in my community. I hope this brings home the importance of this legislation, albeit I am concerned with the mysterious way that it has changed from being a schedule 4 circumstance to a schedule 1.

That is, a young lady, a teenager, healthy, academically inclined, an athlete, respected in her community, had much life before her, tragically lost her life in the last 2 months because of a so-called date rape drug.

Having come home from a volleyball camp and just wanting to spend some time with her friends at one of the local teenage clubs, where no alcohol, might I say, was served, but having spent a few hours there and drinking whatever the soft drinks were that were there, went home around midnight and failed to wake up. The tragedy was even prolonged, for it took a month before it was determined, the cause of death.

All of her family members were shocked. They certainly knew that this was not a drug abuser, and they certainly knew that this young lady had much to live for. But tragically, it was determined, after law enforcement notified some of the officials dealing with the autopsy, that they might just look into this so-called date rape drug, and there it was, that this particular healthy teenager died because of a tragic use of this type of drug.

So it is very important to recognize that we can say no, we can say, just do not do it, but this is a drug that needs the pointed focus of this House of Representatives.

The drug is odorless, it is colorless, it is tasteless, and it causes sedation and euphoric effects within 15 minutes. In the instance in my community, this young lady had a terrible headache. Afraid to tell her parents what had happened, that she had been out when she should have been at home, she tragically went to bed and did not wake up.

The effects are boosted further by alcohol use or marijuana. Most offensively, this particular drug has become a tool of predators who spike the drinks of unsuspecting young women and then rape them. In this instance, that did not occur. But tragically, this is what occurs on many occasions. So we must recognize the dangers of the Rohypnol drug.

The FDA has begun the administrative process of moving this drug from schedule 4 to schedule 1, to put the drug in the same category that carries the same penalties as LSD and heroin. But, unfortunately, we found that even after this bill passed through the Committee on the Judiciary, it seems to have been reworded and reworked, and so this drug today remains a schedule 4 drug, not because anyone actually believes it is safe as the other schedule 4 drugs like Valium, but because a drug company has successfully lobbied, to the detriment of women and girls across the country.

I will simply say, Mr. Speaker, that I certainly have the confidence that we will go back and correct this. I certainly hope the life of this young, and vigorous young lady, does not go in vain. I also hope that we add to this effort certainly the importance of prevention and education, programs like the Safe and Drug-free Schools, DARE programs, explaining to our teenagers that the utilization of any drug is not the way to go, but recognizing that the date rape drug is usually dropped on an unsuspecting victim.

It is important that we focus on this drug, focus on this legislation, and in fact, maybe at another day, emphasize the level that it should be at, which should be schedule 4.

I thank the gentleman for his kindness and his leadership, and I hope that we can work together in a bipartisan manner, and I thank the chairman for his work in passing this legislation through. I am just concerned that we

move it to a stronger penalty at this time.

Mr. Speaker, I rise today in support of H.R. 4137. Unfortunately, violence against women is a major problem in our country today and one of its most devastating forms is that of date rape. While this is an issue that has plagued us for a long long time, it is the emergence of a drug called Rohypnol, which was the catalyst for this legislation. This legislation also applied to "GHB" another such drug that caused the recent tragic death of a teenager in Texas.

To reiterate for my colleagues, Rohypnol is a drug used in many foreign countries for the treatment of tension, stress and insomnia, but it has not been certified for prescription in the United States. This is a drug almost identical to other FDA approved drugs currently prescribed by doctors in the U.S. and has several legitimate and practical uses.

Regardless, like many other illegal drugs, it is now being smuggled in from Mexico and South America and it is being used in the execution of the most horrible crimes possible—those of sexual assault against another person.

While this drug represents a particular problem within a larger issue this bill is much broader since it criminalized the use of any controlled substance with the intent to commit sexual assault. This bill also sets stiff penalties for those who are convicted of such crimes and attempts to protect children by inflicting prison sentences of up to 20 years for those perpetrators whose victims are 14 years old or younger.

I applaud the efforts of Mr. SOLOMON to address this dire social issue at least partially, if not completely. For it cannot be refuted that while Rohypnol is used for the purposes of sexual assault, its use represents only a small fraction of sexual assaults.

Regardless, I support this bill and what it attempts to do. I stand with the other Members on both sides of the aisle, in the fight against violence against women, in whatever form it takes. This bill is only another battle in the long, arduous war that we are fighting and that we will one day win.

Mr. MCCOLLUM. Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. SOLOMON], the author of this legislation.

Mr. SOLOMON. Mr. Speaker, I thank the chairman, and I commend the chairman of the Subcommittee on Crime, the gentleman from Florida, Mr. BILL MCCOLLUM, for the outstanding job he does as chairman of that subcommittee and particularly for his support dealing with this heinous crime of date rape.

I would also like to commend my colleague, the gentlewoman from New York, Ms. SUSAN MOLINARI, for her recognition of this problem and her sponsorship of the bill to punish people who use this drug to commit rapes.

Also, I would like to thank the gentleman from Georgia, Mr. BOB BARR, for his support and the gentleman from North Carolina, Mr. FRED HEINEMAN, a young marine, 45 years ago, that went through boot camp with me, for his assistance with this bill in the committee. Unfortunately, Mr. HEINEMAN is ill and recovering from surgery and could not be here to lend his support tonight.

Mr. Speaker, the use of any illegal drug as a tool to commit sexual battery and rape is as loathsome as using a weapon. It seems to me that this kind of manipulative drug use is just as dangerous and just as loathsome as holding a knife to someone's throat and should be dealt with accordingly. That is what we are attempting to do with this legislation.

In response to the growing use of date rape drugs and the use of other drugs in violent sex crimes against women and children, the bill before us today increases the penalties for anyone who possesses a drug with the intent to commit a crime of violence, including sexual battery. That is what this is all about.

Our bill increases the maximum penalty to 15 years in prison for using any controlled substance to commit a crime of violence, and greater penalties are imposed on someone who is sick enough to use the drug to rape a victim 14 years of age and younger.

This legislation marks the first time, the very first time, the use of a controlled substance will be viewed as a weapon anywhere in the United States. That is the importance of this legislation. The stiffer sentences in this bill focus on the criminal intent of the individual possessing that drug.

Mr. Speaker, it is important to point out that illegal drugs have been at the very root of the social ills facing our society today. Consider this fact, Mr. Speaker: Approximately 75 percent of all of the violent crimes in America today against women and children are drug related, 75 percent. In other words, in three out of four violent crimes against women and children, some irresponsible adult or juvenile is getting high on drugs and then committing a despicable act against a helpless woman or child.

That is bad enough. But this bill focuses on even more sinister problems, another kind of low-life who uses drugs as a weapon against unsuspecting, helpless women or young girls, someone who fully intends to commit an act of sexual battery against another with the help of a controlled substance. Mr. Speaker, there are literally dozens of drugs, especially sedative, hypnotic drugs, that could be combined with alcohol and used to commit such a crime.

Our bill is not limited to punishing one particular drug. There is no single date rape drug. Earlier this year we heard the reports of how the drug, Rohypnol, known on the streets as roofies, was being slipped into the drinks of unsuspecting women with the intent to induce extensive blackout periods and make them susceptible to sexual crimes without them even knowing it. The use of this drug continues to be a real concern for law enforcement, for drug counselors, for teachers and parents.

According to the Drug Enforcement Administration, Rohypnol has merged as a significant abuse and trafficking problem in the United States. Between

1985 and 1991, the DEA experienced three cases or less each year involving this drug, only three cases back during the years 1985 to 1991. By 1993, that number climbed to 15, primarily, as the chairman of the subcommittee, Mr. BILL MCCOLLUM, said before, in Texas and Florida. And by 1995, the DEA had 38 Rohypnol investigations. This year, the DEA has initiated 108 cases and the U.S. Customs Service has 271 cases. So you can see the progression that is taking place now.

Given this disturbing trend, our bill increases the penalties for possessing drugs like Rohypnol to levels comparable to cocaine, heroin, and LSD. The bill also requires the DEA to study whether Rohypnol should be moved to schedule 1 and to submit a report to Congress with its recommendations within 6 months. Regardless of the end result on the side issue of rescheduling, the public at large will be protected now with stiffer penalties imposed for possession of roofies.

Mr. Speaker, any drug like Rohypnol that is odorless, colorless, tasteless, which renders someone defenseless, potentially could be the next date rape drug. For instance, I have an article which appeared in the September 11 issue of the San Francisco Chronicle. This article describes how a young 17-year-old girl died after someone slipped a drug called gamma y-hydroxybutyrate into her drink.

That particular drug is not even a controlled substance; it is an allowed drug in this country. Yet that drug is an odorless and almost tasteless drug that was slipped into an unsuspecting victim's drink, and, in this sad case, she did not even survive. This is exactly why we must have an approach that is broader than just one drug. This is why we must be careful not to fool ourselves by branding a particular the date rape drug. We need to go after all of them.

The bill before us today is a common sense, tough response by this Congress to protect the safety and sanctity of young women and children. It sends a very powerful message to any sex offender, anywhere, and any other violent criminal, for that matter, that you will get the book thrown at you for using these kinds of drugs in committing a crime of rape.

So on behalf of Congressman FRED HEINEMAN, the major cosponsor of this bill, and Chairman BILL MCCOLLUM, I ask Members to vote yes on this vital legislation that will stop this heinous crime of date rape. I really do appreciate the support of BOB BARR, who now has taken over management of this bill, for his strong support for the bill.

Mr. SCHUMER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. BARR of Georgia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, much has been said quite eloquently, most recently by the

gentleman from New York, about the background of this legislation and why it is necessary. I would simply like to take a few moments to commend him, to commend the chairman of the Subcommittee on Crime, Mr. MCCOLLUM, to commend the other cosponsors of this legislation on both sides of the aisle, for putting forward a piece of legislation in a bipartisan manner with broad-ranging support which it deserves.

Mr. Speaker, the ability or the imagination of drug abusers and criminals to figure out or fashion or come up with or imagine new ways of using controlled substances, mind-altering drugs, that is, is unfortunately limitless. The Congress of the United States, therefore, Mr. Speaker, needs to be vigilant in working with our law enforcement officials to identify these new problems as they develop, not all of which can be foreseen, to maintain the flexibility to meet the challenges posed by new and dangerous uses of drugs and the development of new drugs, given the state of technology to manufacture new drugs.

□ 1900

We have to do so, Mr. Speaker, in a way that addresses a specific problem yet maintains the proper jurisdictional bases and the proper concept of federalism in the developing of that new legislation to meet these new challenges posed to law enforcement.

This piece of legislation before us today, Mr. Speaker, is a textbook example, I believe, of how to responsibly meet that challenge in a very timely manner and without running afoul of important concepts of federalism. A problem was identified. It has become a crisis to law enforcement. They have come to the Congress, citizens have come to this Congress, and said there is a problem here, please help us. We have met that challenge in a bipartisan manner, Mr. Speaker, in a way that does not expand Federal jurisdiction. It just recognizes that there is a new facet of existing Federal jurisdiction.

I was very honored last week to propose this amendment to a piece of legislation then under consideration in the Committee on the Judiciary, and working with the gentleman from New York [Mr. SOLOMON], with the gentleman from Florida [Mr. MCCOLLUM], with the gentlewoman [Mrs. SCHROEDER], and with others, we were able to present this matter to the Committee on the Judiciary in such a way so that it obtained the support by voice of that great committee.

We have before us today that piece of legislation, which obviously has bipartisan support, as it enjoyed bipartisan last week in the Committee on the Judiciary, and I would ask for its favorable consideration.

Mrs. KELLY. Mr. Speaker, I rise in strong support of H.R. 4137, legislation which seeks to address the growing and disturbing problem of drug-induced date rape.

Mr. Speaker, rape, regardless of the circumstances, is a terrible act of violence

against women. But what is particularly troubling is a growing trend of sexual violence against women who are unknowingly drugged and then sexually assaulted. Sexual predators have found a dangerous weapon in certain kinds of drugs, and we must recognize and respond to this growing problem.

H.R. 4137 will increase criminal penalties for the possession of certain drugs with the intent to use them to commit crimes of violence, including rape, against another person. The bill puts special emphasis on a drug known as Rohypnol or "roofies," which is commonly used in date rape cases, and also directs the Justice Department to make available educational materials on the use of drugs in rape and sexual assault cases.

Mr. Speaker, the Drug-Induced Rape Prevention and Punishment Act sends a clear message that we will not tolerate crimes of violence against women. I urge my colleagues to join me in supporting this important legislation.

Ms. DUNN of Washington. Mr. Speaker, a special thanks to Mr. SOLOMON, Ms. MOLINARI and all of my colleagues who worked so diligently to move this legislation forward.

As my colleagues know, the incidence of violence and crime against women continues to escalate daily. Criminals and would-be criminals keep finding new ways to victimize women. This bill represents one of the many steps that need to be taken in order to help stop the violation of innocent women. I urge my colleagues to take this vital stride forward.

First and foremost this legislation would impose tough minimum sentences on first-time offenders who distribute what are referred to as "date-rape drugs" with the intent to rape. This is only right, Mr. Speaker. These drugs render women helpless. When criminals administer drugs like Rohypnol, their victims are not aware it has been added to their drink because the drug is tasteless and odorless. Rohypnol is intended for use in treating people with severe sleep disorders and is 10 times more powerful than Valium. Unfortunately, it can induce amnesia as a side effect, which in date-rape cases obviously impairs the victim's ability to relay what transpired and to recall who raped them. Rapists prefer Rohypnol because it is fact-acting. Its effects begin within 30 minutes, peak within 2 hours and may persist up to 8 hours or more. Often times, the effects have lasted as much as 24 hours after ingestion.

Mr. SOLOMON's "Drug-Induced Rape Prevention and Punishment Act" proposes minimum sentences of not less than 20 years for Rohypnol traffickers and would-be rapists.

Mr. Speaker, this stiff penalty is justified to combat this problem. No parent should have to send a daughter off to college afraid that she might be drugged and victimized by a rapist. We should give those parents whose children have left home reassurance that we have done all we can to deter this criminal behavior.

No woman should have to worry about this heinous act affecting her life. No woman should live in fear that the next beverage she consumes will render her a defenseless victim. That is why this House should stand up today, for women across the country, and say to the cowardly individuals who commit this crime: no more. We must establish zero-tolerance for rape and the use of drugs to commit rape.

I urge passage of this important bill.

Mr. BLILEY. Mr. Speaker. I rise in support of H.R. 4137. We recently have heard several

tragic instances of women being sexually assaulted after their drinks were laced with potent sedative drugs. The bill imposes stiff penalties for the unlawful distribution and trafficking of Rohypnol and extends criminal penalties to anyone convicted of using a controlled substance with the intent to commit a sexual battery.

I support the legislation; however, I must point out that the bill has not been fully considered by the committees of jurisdiction. H.R. 4137 was referred to both the Committee on the Judiciary and the Committee on Commerce. Neither committee had an opportunity to report the bill. Given the limited time remaining in this session of Congress, and the importance of this issue, I will not object to this bill moving forward. In doing so, however, the Committee on Commerce in no way is yielding any of its jurisdiction on this and other similar matters.

Mrs. FOWLER. Mr. Speaker, I urge my colleagues to join me in support of this important measure. This is an issue that is too important for politics—especially for someone like me, who has a college-aged daughter.

Drug-induced date rape is the ultimate crime of cowardice. It is intolerable, and this bill sends the message that it will not be tolerated—regardless of what drug is used.

By most accounts, Rohypnol is currently the drug of choice for sex offenders. It is powerful, it is odorless, it is tasteless, and it is cheap. This issue is not just confined to Rohypnol, however: Alcohol has always been and probably will remain the primary date-rape drug.

The real problem here is sex offenders—and we know that if they cannot get Rohypnol they will use something else. That is why H.R. 4137 applies schedule I penalties for the possession of Rohypnol, and also imposes tough penalties on sex offenders who use other drugs to render their victims helpless. Think about your daughters and support this bill.

Mr. BARR of Georgia. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. DICKEY). The question is on the motion offered by the gentleman from Florida [Mr. MCCOLLUM] that the House suspend the rules and pass the bill, H.R. 4137.

The question was taken.

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

The yeas and nays were ordered.

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

#### HUMAN RIGHTS, REFUGEE, AND OTHER FOREIGN RELATIONS PROVISIONS ACT OF 1996

Mr. SMITH of New Jersey. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4036) to strengthen the protection of internationally recognized human rights, as amended.

The Clerk read as follows:

H.R. 4036

*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 "Human Rights, Refugee, and Other Foreign Relations Provisions Act of 1996".

#### SEC. 2. TABLE OF CONTENTS.

The table of contents of this Act is as follows:

Sec. 1. Short title.

Sec. 2. Table of contents.

#### TITLE I—FOREIGN RELATIONS PROVISIONS

Sec. 101. Fees for machine readable visas.

Sec. 102. Report to Congress concerning Cuban emigration policies.

Sec. 103. Extension of certain adjudication provisions.

Sec. 104. Persecution for resistance to coercive population control methods.

Sec. 105. Conduct of certain educational and cultural exchange programs.

Sec. 106. Educational and cultural exchanges and scholarships for Tibetans and Burmese.

Sec. 107. International Boundary and Water Commission.

#### TITLE II—FOREIGN ASSISTANCE PROVISIONS

Sec. 201. Human rights reports.

Sec. 202. Assistance for Mauritania.

#### TITLE I—FOREIGN RELATIONS PROVISIONS

##### SEC. 101. FEES FOR MACHINE READABLE VISAS.

Section 140(a) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103-236) is amended—

(1) by striking paragraphs (2) and (3) and inserting the following:

"(2) For fiscal years 1996 and 1997, not more than \$150,000,000 in fees collected under the authority of paragraph (1) for each fiscal year shall be deposited as an offsetting collection to any Department of State appropriation to recover the costs of the Department of State's border security program, including the costs of—

"(A) installation and operation of the machine readable visa and automated name-check process;

"(B) improving the quality and security of the United States passport;

"(C) passport and visa fraud investigations; and

"(D) the technological infrastructure to support and operate the programs referred to in subparagraphs (A) through (C).

Such fees shall remain available for obligation until expended.

"(3) For any fiscal year, fees collected under the authority of paragraph (1) in excess of the amount specified for such fiscal year under paragraph (2) shall be deposited in the general fund of the Treasury as miscellaneous receipts."; and

(2) by striking paragraph (5).

##### SEC. 102. REPORT TO CONGRESS CONCERNING CUBAN EMIGRATION POLICIES.

Beginning 3 months after the date of the enactment of this Act and every subsequent 6 months, the Secretary of State shall include in the monthly report to Congress entitled "Update on Monitoring of Cuban Migrant Returnees" additional information concerning the methods employed by the Government of Cuba to enforce the United States-Cuba agreement of September 1994 to restrict the emigration of the Cuban people from Cuba to the United States and the treatment by the Government of Cuba of persons who have returned to Cuba pursuant to the United States-Cuba agreement of May 1995.