

what we ought to do here in the Senate or elsewhere.

Mr. President, Senator FEINSTEIN is here and is prepared to speak, I believe, on this and another subject. I, at this point, yield the floor, and I may use some time later in the special order.

Mrs. FEINSTEIN. I thank the Senator from North Dakota. I also thank the Chair.

I must say, I came to this floor to speak for the fifth time about methamphetamine this morning. However, I happened to hear the preceding speakers, and I really want to identify myself with the comments just made by the Senator from North Dakota.

Even on this side of the aisle, there is legitimate difference about how much should be in the defense budget. I, for one, voted for more than the President put forward in his budget. I think that is legitimate, but I also think we should talk about it, and I think we should debate it.

However, it is clear to all of us, I think, that we are engaged in a military operation. Therefore, the lives of our pilots, of our men and women in the Armed Forces, and of innocent civilians are at risk.

I think during a military operation, an attack on the President, on the very policy that is determining that operation is, frankly, ill-advised. I think it is highly partisan, I think it could put American and other lives at risk, and, frankly, I think it is just plain tacky.

So I want to say that. I would be hopeful that during a time of some national emergency—and I think this operation does qualify—we can come together as Republicans and as Democrats to support the Commander in Chief of the United States of America, who happens to be the President, whether that President is Democratic or whether that President is Republican. I pledge as a Democrat that should the President be a Republican, I would do the same, because I think it is important.

COMPREHENSIVE METHAMPHETAMINE CONTROL ACT OF 1996

Mrs. FEINSTEIN. Mr. President, I come here because I have spoken on this floor five times about methamphetamine. There is good news. I think it is stellar news. It is how this body can work together to solve what is a very real problem in America. I mentioned before that methamphetamine has been a major problem in the State of California. As a matter of fact, the DEA has determined that California is the "source country" for methamphetamine, much like Colombia is for cocaine. In Operation Pipeline, conducted by the DEA, 92.8 percent of all methamphetamine seized in a national drug operation actually originated in California. Hospital admissions are up, way above that for cocaine. Deaths are up. Medical costs are up. Methamphetamine has become a real problem and a national emergency.

Last June and July—that is 1995—I wrote to the Attorney General laying out the vast extent of the methamphetamine problem in California and asking her for proposals to crack down on this trade, especially on the precursor chemicals used to make methamphetamine.

Over the ensuing months, my staff and I worked with prosecutors, narcotics officers, and the California Department of Justice, in a bipartisan way, to try to develop solutions. In February of this year, Senator GRASSLEY and I, along with Senator REID, introduced the Methamphetamine Control Act of 1996. We had a bipartisan group of Senators which also included Senator KYL. Representatives FAZIO and RIGGS in the House introduced the same bill.

In April, President Clinton announced his national methamphetamine strategy adding additional measures to attack meth. In July of this year, Senators HATCH, BIDEN, GRASSLEY, and I and others introduced the bill which was passed last night, incorporating our earlier proposals. Frankly, thanks to Chairman HATCH and Senator BIDEN, I think this is a much better bill than the original bill we introduced.

I note with some interest that yesterday was Senator GRASSLEY's birthday. How nice to have a birthday and at the same time to have a bill that you worked on which passed the Senate of the United States unanimously, and which will solve a major problem out there.

This would not have happened had it not been bipartisan. It would not have happened had it not been for the chairman of the Judiciary Committee and the ranking member of that committee coming together to work on a problem. A lot of staffs were involved across the aisle. I think they worked in the best bipartisan way this body can muster to solve a real problem. That is practical.

You know, I often hear a lot about ideology around here. I have never been in a place that is more partisan than around here. Yet, the fact of the matter is, some problems take very conservative solutions, some take more innovative solutions, and most take just plain sitting down at a table and working out a solution. And that is methamphetamine.

So last night the Hatch-Biden-Feinstein-Grassley bill, known as the Methamphetamine Control Act, was passed.

Among some of the things it does is it adds seizure and forfeiture authority for precursor chemical violations.

It provides for stiff escalating civil penalties for the reckless sale of chemicals used to manufacture methamphetamine.

It gives the Attorney General the authority to shut down chemical supply houses which provide chemicals to clandestine methamphetamine manufacturers.

It provides for restitution for the cost of cleaning up clandestine methamphetamine labs, which runs about \$7,000, \$8,000 a lab.

It allows the Attorney General to require, by regulation, reporting the sales of ordinary, over-the-counter, pseudoephedrine-containing products in quantities above 24 grams. This is really important because as there are controls on ephedrine, pseudoephedrine, which goes into over-the-counter cold medication, developed as a major source for methamphetamine makers to buy. So they would go into something like a Long's drugstore that has maybe 30 feet of display space of over-the-counter cold medication and they would buy maybe 5,000 packages, everything they could get their hands on, ring it up, not have to give a name, address, a driver's license, anything, and walk out, open the packages or bottles, get children to open the blister packs, and go into their clandestine labs and make methamphetamine.

This bill cracks down on that. I have heard that Long's, for example, is interested in being part of a major education program, which is provided for in this bill, to educate people and their own retail outlets about what is happening in methamphetamine.

I am very proud to say that pharmaceutical houses, like Warner-Lambert, became solidly in support of this legislation once they understood what was actually happening with their products.

So I think this bill is a Republican win; it is a Democratic win. It is a good, strong, tough bill. Amazingly enough, 2 months before a Presidential election, on a bipartisan basis, it passed the Senate of the United States. We hope it will be marked up either today or tomorrow in the House of Representatives and we will get something done.

Mr. President, you are a Republican. I am a Democrat. I happen to think this is what the people of America sent us both here to do. So I would like to send my warm congratulations to Chairman HATCH, to Senators GRASSLEY, KYL, REID, most particularly to ranking member Senator BIDEN, whose staff worked very, very hard, and Senator HARKIN, who came aboard and was supportive early on. This is important legislation. Oh, and, Mr. President, my staff just told me, you are part of this effort as well. Let me salute you and say thank you. Californians are grateful, and I think all of America will be as well. Thank you very much.

Mr. President, I ask unanimous consent that a summary of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

COMPREHENSIVE METHAMPHETAMINE CONTROL ACT OF 1996 FINDINGS

A. Methamphetamine is a very dangerous and harmful drug. It is highly addictive and is associated with permanent brain damage in long-term users.

B. The abuse of methamphetamine has increased dramatically since 1990. This increased use has led to devastating effects on individuals and the community, including:

1. A dramatic increase in deaths associated with methamphetamine ingestion.

2. An increase in the number of violent crimes associated with methamphetamine ingestion.

3. An increase in criminal activity associated with the illegal importation of methamphetamine and precursor compounds to support the growing appetite for this drug in the United States.

C. Congress finds that illegal methamphetamine manufacturer and abuse presents an imminent public health threat that warrants aggressive law enforcement action, increased research on methamphetamine and other substance abuse, increased coordinated efforts to prevent methamphetamine abuse, and increased monitoring of the public health threat methamphetamine presents to the communities of the United States.

TITLE I.—IMPORTATION OF METHAMPHETAMINE AND PRECURSOR CHEMICALS

Sec. 101. International coordination

The Attorney General shall coordinate international drug enforcement efforts to decrease the movement of methamphetamine and methamphetamine precursors into the United States.

Sec. 102. Long arm provision

Imposes a maximum ten-year penalty on the manufacture outside the United States of a list I chemical with intent to import it into this country, by adding list I Chemicals to 21 U.S.C. §959(a).

This provision also makes it a crime to manufacture or distribute a List I chemical aboard an aircraft or to possess a List I chemical aboard an aircraft with the intention to distribute it by adding List I chemicals to 21 U.S.C. §959(b) (1) and (2).

TITLE II.—PROVISIONS TO CONTROL THE MANUFACTURE OF METHAMPHETAMINE

Sec. 201. Trafficking in precursor chemicals: seizure and forfeiture of precursor chemicals (List I chemicals)

Will amend various provisions of the Controlled Substances Act and the Tariff Act of 1930 to permit seizure and forfeiture of List I chemicals, even if the individual or firm involved is a non-registrant, or by a registrant whose registration has expired or been revoked or suspended.

Sec. 202. Study and report on measures to prevent sales of other agents used in methamphetamine production

The Attorney General is required to conduct a study and report to Congress on possible measures to effectively prevent the diversion of red phosphorous, iodine, hydrochloric gas and other agents for use in the production of methamphetamine.

Sec. 203. Increased penalties for manufacture and possession of equipment used to make controlled substances

Increases the penalties for the possession of equipment used to make controlled substances to 10 years and a \$30,000 fine for the first offense and 20 years and a \$60,000 fine for the second offense. Requires the Sentencing Commission to ensure that the manufacture of methamphetamine in violation of this section is treated as a significant violation.

Sec. 204. Addition of iodine and hydrochloric gas to List II

Adds iodine and hydrochloric gas to List II. Exempts iodine from the importation provisions for listed chemicals, but allows the Attorney General to impose these limitations, if warranted, under the provisions of current law.

Sec. 205. Civil penalties for firms that supply precursor chemicals

Imposes civil penalties for the distribution of a laboratory supply to a person who uses,

or attempts to use that laboratory supply to manufacture a controlled substance or a listed chemical, if the distribution is done with reckless disregard for the illegal uses to which a laboratory supply will be put.

The civil penalties provided for in this provision are:

A. Up to \$250,000 for the first violation, and B. \$250,000 or up to double the last previously imposed penalty, whichever is greater, for any succeeding violation.

Sec. 206. Injunctive relief

The Attorney General may commence a civil action under 21 U.S.C. §843 for appropriate relief, including a temporary or permanent injunction to shut down the production and sale of listed chemicals by individuals or companies that knowingly sell precursor agents for the purpose of methamphetamine production.

Any person convicted of a felony violation of Sec. 402. of the Controlled Substance Act related to the receipt, distribution, manufacture, exportation or importation of a listed chemical may be enjoined from engaging in any transaction involving a listed chemical for not more than 10 years.

Sec. 207. Restitution for clean up of clandestine laboratory sites

The court may order restitution for the costs associated with the investigation and clean up of a clandestine methamphetamine laboratory.

In addition, the court may order restitution for any person injured as a result of the operation of a clandestine lab.

Sec. 208. Record Retention

The record retention requirements for list I and II chemicals are two years after the date of the transaction.

Sec. 209. Technical Amendments

This section corrects misspellings of chemicals in the Controlled Substances Act.

TITLE III.—INCREASED PENALTIES FOR TRAFFICKING AND MANUFACTURE OF METHAMPHETAMINE AND PRECURSORS

Sec. 301. Trafficking in methamphetamine

Sentencing scheme shall be comparable to crack cocaine: 5 g pure methamphetamine=5 year mandatory minimum term (5-40 years); 50 g pure methamphetamine=10 year mandatory minimum term (10-life).

Sec. 302. Illegal sale of listed chemicals

Increases the penalties for trafficking in listed chemicals to the penalty corresponding to the quantity of controlled substance that could reasonably have been manufactured according to a table to be developed by the Sentencing Commission.

Sec. 303. Enhanced penalty for dangerous handling of controlled substances: Amendment of sentencing guidelines

Requires the Sentencing Commission to determine whether current sentencing guidelines adequately punish violation of environmental laws during the operation of clandestine labs. If punishment is not adequate, the Sentencing Commission is required to promulgate guidelines or amend existing guidelines to provide an appropriate enhancement of the punishment for a defendant convicted of such an offense.

TITLE IV.—LEGAL MANUFACTURE, DISTRIBUTION AND SALE OF PRECURSOR CHEMICALS

Sec. 401. Retail Sales

Lawfully manufactured drug products are exempt from regulation unless the Attorney General finds a need to control them because of their diversion.

Reduces the single transaction reporting requirements for all retail sales other than ordinary over-the-counter pseudoephedrine and phenylpropanolamine containing products from 1,000 grams to 24 grams.

Defines ordinary over-the-counter pseudoephedrine or phenylpropanolamine products as those sold in package sizes of not more than 3.0 grams of pseudoephedrine base or 3.0 grams of phenylpropanolamine base, that is packaged in blister packs when technically feasible, each blister containing not more than two dosage units.

Except as defined below, the sale of ordinary over-the-counter pseudoephedrine or phenylpropanolamine products by a retail distributor shall not be a regulated transaction.

The Attorney General may, following documentation that ordinary over-the-counter pseudoephedrine and phenylpropanolamine-containing products purchased via retail sales constitute a significant source of precursor substance used in the illegal manufacture of a controlled substance, establish by a notice, comment and an informal hearing a single-transaction limit of 24 grams of pseudoephedrine or phenylpropanolamine base.

Any business or individual that violates the single transaction limit, if established, will receive a warning letter from the Attorney General for the first violation and, if a business, shall be required to conduct mandatory education of the sales employees of the firm with regard to the legal sales of pseudoephedrine. For any second violation occurring within 2 years of the first violation, the business or individual shall be subject to civil penalty of not more than \$5,000. For any subsequent violation occurring within 2 years of the previous violation, the business or individual shall be subject to a civil penalty not to exceed the amount of the previous civil penalty plus \$5,000.

Sec. 402. Mail Order Restrictions

Each regulated person or entity who engages in a transaction by mail with a non-regulated person involving ephedrine, pseudoephedrine, or phenylpropanolamine shall, on a monthly basis, submit to the Attorney General a record of each such transaction conducted during the previous month.

TITLE V.—EDUCATION AND RESEARCH

Sec. 501. Methamphetamine Interagency Task Force

Creates a Methamphetamine Interagency Task Force, headed by the Attorney General with DoJ, HHS and non-governmental experts in drug abuse prevention and treatment. This task force will be responsible for designing, implementing, and evaluating methamphetamine education, prevention and treatment practices and strategies.

Sec. 502. Public Health Monitoring.

Requires the Secretary, HHS to develop a public health monitoring program to monitor methamphetamine abuse in the United States. The program will include collection and dissemination of data related to methamphetamine abuse, which can be used by public health officials in policy development.

Sec. 503. Public-Private Education Program

Develop a Methamphetamine National Advisory Panel to develop a program to educate wholesale and retail distributors of precursor chemicals and supplies in the identification of suspicious transactions and their responsibility to report such transactions.

Sec. 504. Suspicious Orders Task Force

Establishes a Suspicious Orders Task Force to develop a proposal to define suspicious orders of listed chemicals and to evaluate proposals for the development of an electronic system for registrants to report suspicious orders.

Mrs. FEINSTEIN. Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. FORD. Mr. President, I ask unanimous consent that the call for the quorum be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FORD. I understand there are 14 minutes left on this side.

The PRESIDING OFFICER. There are 13½ minutes left.

Mr. FORD. So, 13½ minutes. I yield myself as much time as I might use.

The PRESIDING OFFICER. The Senator from Kentucky.

EDUCATION IN AMERICA

Mr. FORD. Coming from Kentucky, and I guess in some other States, we have heard about midnight conversions or death-bed conversions. "I've seen the light. Everything's going to be all right." Lo and behold, we found for a long time that this side of the aisle has been pushing for additional funding for education. And I read in the morning paper where there was a midnight conversion. Somebody has been reading the polls.

For the first time in a Presidential campaign, education is No. 1—No. 1. So rather than going out with a whimper, Republicans want to close this session down with a bang. It is not enough. If you read the stories in the press, the Republicans were forced into putting this money in the budget by Democrats. That is the story. That is the story.

The midnight conversion was one we have been pushing hard, trying to get our amendment up yesterday, were refused, objected to, everything, because you did not want Democrats to offer their amendment yesterday. That is parliamentary procedure. I understand it. Every Senator in here understands it. I think the public understood it.

So now the \$2.3 billion or whatever the Republicans tried to put in last night in their midnight conversion, we think, is not enough. It should be a little over \$3 billion. I hope that the Senate will allow us to vote on that amendment.

We are getting to a point now where we cannot get appropriations bills out. It is not our fault. We are left out. We have bills that are coming up here that only the Republicans have dealt with—Democrats have never been called into the room. That is the way it has happened for over 18 months now. Somebody said, "Why should Democrats be in?" Some old fellow in the back said, "Well, a blind hog finds an acorn once in a while."

Maybe, just maybe, they would have a good idea. A good idea has been education. I do not know who said it, but I want to tell you I will remember it as long as I live: A cut in education never heals—a cut in education never heals. That is what has happened here. The Republicans cutting education, that

wound will never heal. I do not care how you try to paint it, how you try to phrase it in a 30-second ad, how the incumbents and challengers try to play it back home, that cut that was out there will never heal. The people will remember how you wanted to cut education.

Mr. President, I am delighted that the Republicans were converted last night. I am glad the death-bed conversion worked because at least we are a little over \$2 billion closer to what the administration feels and we on this side feel should be available for education. It used to be, and now I think it is a foregone conclusion, that a high school education is not enough.

We worked hard in Kentucky with KET, with the Star Program, to get KET by television. It worked well. Practically every State in the Nation picked up on it, the Star Program, so that everybody would have an opportunity, even if they worked, they could stay at home and get their GED. I do not know how many tens of thousands of GED certificates were given as a result of the Star Program. It all came from Kentucky educational television. It was the pilot project that spread across this country.

Now the President says that 2 years of college, 2 years of college ought to be the norm. We hear all about this tax cut. I do not hear much about it now; it has kind of faded away—15 percent tax cut. For an individual making \$200,000, your tax cut at the period of time proposed in the tax cut is \$28,900. That is annual. That will put 19 students through the community college if my hometown. So we give one individual making over \$200,000 a year, the equivalent of giving 19 students their tuition, getting them through community college.

I do not think Government ought to be in everything. I think they ought to be out of most things. But we have to give some leadership, and education is leadership in this country. The people understand it, constituents understand it, and, lo and behold, Republicans found out about it last night.

So as you read the story where Democrats forced Republicans to add over \$2 billion in education, that is the story. They are cutting. The cut in education never heals, and the cut that was attempted in education under the Republican budget, under the Republican appropriations bill, that cut will never heal because the people will remember what was attempted to do.

Mr. President, I hope we will be able to bring our amendment up, and we will be able to offer it as we wanted to and which we were precluded. When you ask unanimous consent that your amendment be brought up and it is objected to, everybody understands that. You think it does not resonate beyond this Chamber? Of course it does. People that watch C-SPAN understand who is preventing the amendment to come forward to improve education, so that they, being the Republicans, could make their effort last night and make

some headlines today. Read the story—the Democrats forced them to do it. The Democrats forced them to do it.

Mr. President, I am pleased at the movement in the right direction. I hope we can do a little bit more so that those students out there in my State and your State and other States will have an opportunity for education and will not continue to burden the families with the borrowing of money and the struggling in order to see that their family is educated.

I yield the floor.

The PRESIDING OFFICER (Mr. INHOFE). The Senator from North Dakota.

FEDERAL JUDGES

Mr. DORGAN. Mr. President, let me take the remaining couple of minutes of morning business to further amplify about the number of judges we need still to clear. We have on this calendar six judges, four of them appeals judges, two district court judges. There is pending in the Judiciary Committee 22 judges, 4 appeals judges, and 17 district judges. In the last 40 years, Congress has never adjourned, ever, without confirming at least one Federal appellate court judge, and some are saying that will happen now. This would be most unfortunate.

Many of us have sent a letter on September 16 making this point. This confirmation process on judges has virtually ground to a halt. That is unfair. It is unfair to the judges that have been appointed and are awaiting confirmation. It is unfair to the Federal court system, unfair to the American people. This is only about politics—only about politics.

Now, the statistics are quite clear. In election years previously when we controlled the Senate, we did not do this. We pushed through a substantial number of judges. If you compare the numbers—I invite anybody to compare the numbers—what we see this year is a very few judges confirmed and many left on the calendar, with some proposing that that is it, we will not have time to do them, or refuse to do them, or will not do them. I think that is not fair to those awaiting confirmation or to the American people.

We have confirmed fewer than 20 district court judges and not a single appellate judge during this session of Congress. The number of confirmations—in our letter, we point out—even in past Presidential election years far exceeded what we are experiencing today. For example, the Senate confirmed an average of almost 55 Federal judges, including 10 appellate judges annually in the years 1980, 1984, 1988, 1992. In each of these years, the Senate Congress confirmed no fewer than seven appellate court judges. In our letter, we write, "Have circumstances changed so dramatically that the Senate would now turn its back on our rich tradition of bipartisanship in appellate court confirmations?"