

who has served this nation admirably and continues to do so with distinction.

A TRIBUTE TO DAVID B. BURKE

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 29, 1997

Mr. LIPINSKI. Mr. Speaker, I rise today to pay tribute to an outstanding scout, David B. Burke, in achieving the rank of Eagle Scout.

The Boy Scouts of America, Troop 358, will present David B. Burke with the Eagle Scout Award at St. Christopher's Gym in Midlothian, IL, on Sunday, November 2, 1997, in the presence of his fellow troop members, his parents, family, and friends.

The Eagle Scout Award stands for honor, which is the foundation of all character. It stands for loyalty and without loyalty, all character lacks direction. Finally, the award displays courage, which gives character force and strength.

Mr. Speaker, I congratulate David and his parents for the many years of participating in the Scouting Program that has proven to develop a solid foundation for many of our youths, all over this fine country of the United States.

EPA AIR REGULATIONS: BAD SCIENCE COMBINED WITH BAD TIMING

HON. WILLIAM M. THOMAS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 29, 1997

Mr. THOMAS. Mr. Speaker, I rise to oppose the new EPA particulate matter standards issued this summer, and I call on my colleagues to support H.R. 1984, which will delay these standards until data can be collected to support a balanced and rationale decision.

Particulate matter or PM is very fine particles of dust or smoke which are created from various sources such as engines, crop burnings, dirt, or simple household dust. Farming can generate PM simply when tractors cross dry soil or by burning crops after harvest. One business in my district must routinely sweep the roads in its plant at the demand of regulators in order to minimize PM from being thrown up when vehicles pass, despite the fact that the plant is situated in the middle or arid, dusty land where the wind blows dirt around everyday. I often hear from my constituents that they would not mind the effort and cost if government requirements made sense and solve a problem. Often, as here, they do not.

EPA frequently relies upon inadequate research to support its decisions as is the case of its new PM standards. In this instance EPA bases its decision on a very limited number of studies disregarding the ones that disagree with its decision. EPA makes sweeping statements that PM causes premature deaths, but none of the studies actually monitored the affected people for a link to PM. Factors like smoking history, physical fitness, and alternative causes of death were not taken into account by any study relied upon by EPA. Many

current scientific studies say poverty and cockroach allergens, not manmade pollutants, have been the major cause of asthma. EPA's data is simply inadequate.

Moreover, EPA poorly estimates the cost of these new standards. The EPA originally said \$3 billion per year. Now that the regulations are promulgated, it claims \$37 billion is more accurate—\$37 billion every year. A George Mason University study says \$80 billion is more likely for full compliance with PM. The EPA freely admits that no technology today exists to accomplish the mandate of the new standards, but it blithely believes that setting unrealistic goals is the way to force businesses to come up with new antipollution technology. On behalf of farmers in my district, however, I want to ask EPA what technology it expects farmers to use to stop the wind from blowing dirt around. We already limit agricultural burns and plowing/harvesting practices.

Imposing onerous and flawed EPA standards on an already burdened public is wrong. I support clean air and the need for air regulations, even when it raises the price of goods and services in our economy. Clean air is a good that Americans want and are ready to pay for, but they want value for their dollar. I urge this Congress to reject these new EPA PM 2.5 regulations until more scientific data is available, data that is not rushed along by lawsuits, but is collected and analyzed in a careful, professional manner.

NATIONAL NARCOTICS LEADERSHIP ACT AMENDMENTS OF 1997

SPEECH OF

HON. THOMAS M. BARRETT

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 21, 1997

Mr. BARRETT of Wisconsin. Mr. Speaker, I am opposed to H.R. 2610, the National Narcotics Leadership Act, in its current form. This bill would reauthorize the Office of National Drug Control Policy [ONDCP]. It was considered by the Government Reform and Oversight Committee on October 7, 1996. No hearings were held on this legislation and there was no subcommittee consideration of the bill. A number of amendments were offered by Democratic members. The bill was considered under suspension of the rules on Tuesday, October 21, 1997, over the objections of myself and Representative HENRY A. WAXMAN, ranking minority member of the Government Reform and Oversight Committee.

The cornerstone of H.R. 2610 is a series of targets for reducing drug use. We support the concept of setting targets for reductions in drug use by adults and children. These targets should be aggressive, but they should also be realistic and based on the best available evidence and expert opinion.

Unfortunately, the targets in H.R. 2610 do not appear to meet these tests. Rather, they appear to lack a substantive basis and to be politically designed for failure. According to the President's Office of National Drug Control Policy [ONDCP], "the unrealistic targets set forth in H.R. 2610 could hurt our efforts against drug use when the public, seeing the inevitable failure to meet these goals, becomes convinced the effort is lost." Since our Committee held no hearings on H.R. 2610,

there is no record to support the targets established in the legislation.

The target for teenage drug use in H.R. 2610 illustrates the problems in the legislation. Teenage drug use is an extraordinarily serious problem. Drug use by teenagers has increased by 50 percent since 1992. Clearly, we need a focused national effort to reduce teen drug use dramatically. H.R. 2610, however, requires the executive branch to reduce teenage drug use by 90 percent by 2001. To achieve these reductions, ONDCP would have to reduce drug use by teenagers to just 3 percent of the teenage population in just four years—a level that is 67 percent below the lowest level of teen drug use achieved at any time since 1976, when records were first kept. There is simply no evidence that these reductions are achievable in just 4 years.

Another serious problem is that H.R. 2610 ignores the two substances most commonly abused by children—tobacco and alcohol. An effective drug control strategy has to include tobacco and alcohol because these are "gateway" substances to drug use. Statistics show that children who drink and smoke are 30 times more likely to use cocaine or heroin than children who don't. Unfortunately, the Republican members of the committee unanimously voted against establishing targets for reducing teenage use of tobacco and alcohol. This vote was especially ironic given that the Speaker criticizes the President's initiatives to reduce teen tobacco use on the grounds that these initiatives are too narrowly focused and don't prevent substance abuse on a broader basis.

There are a number of other problems with H.R. 2610. The bill authorizes ONDCP for only 2 years, making it impossible for the agency to plan to meet the 4-year targets in the legislation. General McCaffrey has requested a twelve-year reauthorization. A 2-year reauthorization is especially troubling since the targets established by the bill are for 2001. It makes little sense to sunset ONDCP when it is only halfway to reaching the goals contained in the bill. It will only cause confusion and hamper ONDCP's effectiveness. A 2-year reauthorization will also set up ONDCP for yet another reauthorization fight on the eve of a Presidential election, further politicizing the issue.

H.R. 2610 also prohibits the use of High Intensity Drug Trafficking Area [HIDTA] funds for drug treatment programs. Under the HIDTA program, the Director of ONDCP has the authority to designate High Intensity Drug Trafficking Areas, and to reassign Federal personnel to work together with local, State, and Federal drug control agencies. HIDTA's have a law enforcement focus, but a few have successfully used HIDTA funding to coordinate treatment activities as part of an overall counter-drug effort. This is entirely appropriate, as the local authorities have determined that without coordinating drug treatment and law enforcement activities, we will continue to recycle drug offenders in unacceptable numbers.

I would like to include with my statement the President's Statement of Administration Policy on H.R. 2610, and a letter from General Barry McCaffrey, Director of the Office of National Drug Control Policy, to the minority leader, Rep. GEPHARDT, further elaborating on his opposition to this legislation.

EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF NATIONAL DRUG CONTROL POLICY,

Washington, DC, October 21, 1997.

Hon. RICHARD A. GEPHARDT,
Democratic Leader, U.S. House of Representatives, Washington, DC.

DEAR MR. LEADER: Thank you for your consideration of H.R. 2610 to reauthorize ONDCP. While the Administration strongly supports reauthorization of ONDCP, we have grave reservations about H.R. 2610 in its present form. The attached Statement of Administration Policy provides full details; the purpose of this letter is to highlight those of greatest importance.

First and foremost, we must construct a realistic roadmap to victory. ONDCP and the federal drug-control agencies have been working diligently to develop a performance measurement system that will lay out targets and measures designed to take the U.S. to historical low levels of drug use (as measured by official government data) within the next ten years. This performance measurement system already reflects thousands of hours of analysis. We are developing a final plan which will establish numerical targets that are both ambitious and achievable. The final plan will take into account known obstacles, such as the two- to three-year lag between noticeable changes in attitudes towards drugs and noticeable changes in behavior, and the time needed to hire and train law-enforcement, drug-treatment, and drug-prevention personnel. We believe the unrealistic targets set forth in H.R. 2610 could hurt our efforts against drug use when the public, seeing the inevitable failure to meet these goals, becomes convinced the effort is lost.

Second, the two-year reauthorization is an inadequate commitment to the national drug control strategy. A two year period does not provide adequate time to implement the ten-year plan supported by five-year budgets outlined in the 1997 National Drug Control Strategy. Nor is it of sufficient duration to allow ONDCP to compile data and evaluate the effectiveness of drug control programs through the performance measurement system we are developing. Finally, our ability to coordinate the efforts of federal agencies responsible for implementing the Strategy depends, in part, on ONDCP's long-term viability.

We appreciate your consideration and look forward to working with you to achieve a reauthorization bill that all of us can embrace.

Respectfully,

BARRY R. McCAFFREY,
Director.

Enclosure.

EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF MANAGEMENT AND BUDGET,

Washington, DC, October 21, 1997.

STATEMENT OF ADMINISTRATION POLICY
H.R. 2610—NATIONAL NARCOTICS LEADERSHIP ACT OF 1997

The Administration strongly supports reauthorization legislation for the Office of National Drug Control Policy (ONDCP), and has proposed legislation (H.R. 2407) for this purpose. Although H.R. 2610 contains several features of the Administration's proposal, the Administration opposes the bill as reported because it:

Establishes numerical statutory targets for reducing drug use by the year 2001 that are unrealistic and unattainable in such a short time period. The proposed goals do not take into consideration budget constraints, the two- to three-year lag between noticeable changes in attitudes toward drugs and noticeable changes in behavior, and the time needed to

hire and train law enforcement, drug treatment, and drug prevention personnel. The Administration's bill, in contrast, would codify a process for establishing meaningful performance measures without enacting inflexible specific numerical targets into law. That bill, H.R. 2407, would require ONDCP to develop a Performance Measurement System that includes a comprehensive set of objectives, measures, and targets, and that works in conjunction with agency performance plans required by the Government Performance and Results Act of 1993. The specifics of this system will be submitted to the Congress by early 1998.

Reauthorizes ONDCP for only two years. The Administration's proposal included a 12-year authorization, which is critical to implementation of the 10-year strategy, supported by five-year budgets, announced in the 1997 National Drug Control Strategy. Reauthorization must be of sufficient duration to allow ONDCP to compile data and evaluate the effectiveness of the drug control program through the Performance Measurement System it is developing. A two-year reauthorization is also inconsistent with the four-year goals established in H.R. 2610.

Raises Constitutional questions. The bill would authorize the Director of ONDCP to transfer funds among National Drug Control Program (NDCP) agencies with the advance approval of specified congressional committees. The committee approval mechanism is a violation of the Constitution's bicameral, and presentment requirements under the Supreme Court's *INS v. Chadha* decision. Other provisions that raise Constitutional questions include: the requirement that NDPC agency budget requests be provided to the Congress prior to review by the Office of Management and Budget, the statutory designation of the Director of ONDCP as a member of the President's cabinet; and the designation of the Director of ONDCP as the "primary spokesperson of the President on drug issues."

The Administration will seek amendments to address the objections cited above and in the attachment.

ATTACHMENT

ADDITIONAL OBJECTIONS TO H.R. 2610

Other Administration objections to H.R. 2610 include the bill's:

Excessively burdensome reporting requirements. For example, the bill would require each National Drug Control Program (NDPC) agency to submit semi-annual reports to ONDCP on the agency's progress with respect to the numerical goals established for reducing drug use. ONDCP would be required to submit a semi-annual summary of these reports to Congress. The requirement for semi-annual reporting will provide little additional useful information since most of the relevant data are available for annually or even less frequently. The reporting requirement would only divert attention and resources away from efforts to reduce drug use and its consequences.

Prohibition of or creation of substantial obstacles to Federal funding for legitimate scientific research into potential uses of controlled substances. H.R. 2610 would require the Director of ONDCP to ensure that no Federal funds are used for research relating to the legalization of a Schedule I substance for any purpose, including medicinal use. This provision could impair legitimate scientific research. Previous research that H.R. 2610 might have prohibited includes work on marinol, a synthetic THC compound that has been found to stimulate the appetite of AIDS patients, and on ibogaine, which is currently being studied for use in treating cocaine- and heroin-dependent addictions.

Conflicts between the proposed responsibilities of the Director of ONDCP and those of other

agencies. H.R. 2610 creates a new Deputy Director for Intelligence but neither delineates the responsibilities of this new position nor distinguishes them from those of the Director of Central Intelligence, thus creating the potential for confusion and duplication of effort. The bill also authorizes the Director of ONDCP to consult with "appropriate representatives of foreign governments" without recognizing the role of the State Department, the agency principally responsible for the conduct of foreign policy, or other agencies with authority for conducting or coordinating activities overseas. Finally, the requirement that ONDCP establish performance measures for drug control programs could conflict with the performance measures already developed or under development by NDPC agencies as required by the Government Performance Review Act (GPRA).

Involvement of the Director of ONDCP in the internal management of other agencies. H.R. 2610 requires the heads of NDPC agencies to provide the Director of ONDCP with unspecified "information" about any position (before an individual is nominated for such position) in National Drug Control Program offices or to any position at or above the level of Deputy Assistant Secretary. Although the bill does not specify a formal review or approval responsibility, it suggests a role for the Director that undercuts the authority of other Presidential appointees to manage their agencies.

Prohibition on the use of High Intensity Drug Trafficking Areas (HIDTA) funds from being used to expand treatment programs. Although the primary goal of HIDTA funding is to improve the coordination of law enforcement activities, it is critical to maintain and improve linkages between the criminal justice system and effective treatment programs.

Failure to address the under-age use of tobacco and alcohol. The 1991 Drug Strategy issued by ONDCP during the Bush Administration, and every Strategy issued since that time, has included the reduction of under-age use of alcohol and tobacco because these substances are recognized as gateways to illicit drug use. It is critical to codify reducing the under-age use of these substances within the scope of national drug control activities.

Duplication of Clearinghouse Activities. H.R. 2610 would require ONDCP to develop an interagency clearinghouse to distribute demand-related drug information, thereby duplicating the efforts of existing clearinghouses. This would be a poor use of limited drug control resources.

TRIBUTE TO RUDY DEMAREST

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 29, 1997

Mr. PASCRELL. Mr. Speaker, I would like to call your attention to Mr. Rudy Demarest as he is honored by the Old Timers Athletic Association of Greater Paterson. He is the recipient of the 1997 Lou Costello Athletic Memorial Award. This prestigious award is presented annually to individuals who have made a life-long contribution to the sporting community of the Greater Paterson area. Rudy Demarest has earned this honor by serving as a baseball coach for over 60 years and providing a positive role model for the children of Paterson.

Rudy was born and raised in Paterson. He attended Central High School and demonstrated a gift for coaching at a very young