

Georgetown Presbyterian Church. She also taught and began to raise Christmas trees as a business, and even delivered most of these trees herself.

Despite the glamour of much official life in Washington, Rachel always referred to herself as a country girl. In her later years, she became more involved in the preservation of historic sites and increasingly the preservation of rural land. So, in addition to her civic and charitable work and her small business, she was very devoted to music, to gardening and, of course, her biggest devotion of all was to her family.

She is survived by Jim, who is a good friend of ours, of course, and many people here, as she was also. She is survived by her eight children, six grandchildren, and three sisters, Mrs. Ann Kirkwood of Prescott, AZ; Janice Lynn of Croton-on-the-Hudson, NY; and Rebecca Mellinger (Mrs. Jane Engelthamer) of Chicago, IL. She had one sister who preceded her in death, Mrs. Judith Peterson of Upper Arlington, OH.

Madam President, I just wanted to get that in today on the same day on which we lost this very good friend and dedicated American and wonderful supporter. I know her family is missing her, and our thoughts and prayers go out to them this evening.

I yield the floor.

WORKFORCE DEVELOPMENT ACT OF 1995

The Senate continued with the consideration of the bill.

Mr. CRAIG addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

AMENDMENT NO. 2892 TO AMENDMENT NO. 2885
(Purpose: To provide for evaluation of State programs)

Mr. CRAIG. Madam President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Idaho [Mr. CRAIG] proposes an amendment numbered 2892 to amendment No. 2885.

Mr. CRAIG. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 105, strike lines 4 through 14 and insert the following:

(1) IN GENERAL.—Each State that receives an allotment under section 102 shall annually prepare and submit to the Federal Partnership, a report that states how the State is performing on State benchmarks, and the status and results of any State evaluations specified in subsection (f), that relate to workforce development activities (and workforce preparation activities for at-risk youth) carried out through the statewide system of the State. In preparing the report, the State may include information on such additional benchmarks as the State may establish to meet the State goals.

On page 113, between lines 15 and 16, insert the following:

(f) EVALUATION OF STATE PROGRAMS.—

(1) IN GENERAL.—Each State that receives an allotment under section 102 shall conduct ongoing evaluations of workforce employment activities, flexible workforce activities, and activities provided through Job Corps centers, carried out in the State under this title.

(2) METHODS.—The State shall—

(A) conduct such evaluations through controlled experiments using experimental and control groups chosen by random assignment;

(B) in conducting the evaluations, determine, at a minimum, whether job training and job placement services provided through the activities described in paragraph (1) effectively raise the hourly wage rates of individuals receiving the services through such activities; and

(C) conduct at least 1 such evaluation at any given time during any period in which the State is receiving funding under this title for such activities.

Mr. CRAIG. Madam President, I want to thank the chairman, the Senator from Kansas, for her help and support in arriving at a final form of the performance measurement amendment that I am offering today. I understand and I think we heard the chairman just mention that both sides have cleared this, and I do appreciate the work of both the chair and the ranking member on agreeing to this amendment and working with us to get it to the form necessary for that agreement.

This amendment embodies a simple, commonsense principle but one that is often lacking in many of our Federal programs. I refer to the idea that when we have a program, we should study what we are doing to determine whether it works and, most importantly, how well it works.

This amendment simply would require that each State receiving an allotment under section 102 report on how it is performing on State benchmarks and on status and results of evaluations measuring the impact of job training programs on the wages of the individuals receiving the job training services. The need for and the benefits of such an evaluation process were brought home to me by the outstanding work already being done in this area by the Southwest Idaho Private Industry Council.

The folks at the Southwest Idaho PIC have visited with my staff and me frequently and have prepared an impressive array of information measuring the effectiveness of the PIC's programs. Specifically, the Southwest Idaho PIC regularly computes, among other figures, a return on investment.

Now, that is a very unique concept when we think of Federal programs. But this shows various ways that the clients of the PIC are repaying their entire investment made in their training program. Currently, the average graduate each earns enough, after just 13 months in the work force, to repay in Federal taxes the entire Federal share investment of his or her training.

Mr. President, if every federally funded job training provider across the country had to compute a return on in-

vestment, or similar measure of its performance, based on objective, empirical research data, we would see the best of both worlds. And in Idaho, with the training program of the Private Industry Council, we are beginning to realize that. More importantly, they are able to fine-tune their program to get the highest yield; and, in this instance, the highest yield very simply means a better-trained person, who comes to the job market more prepared and, as a result, is able to perform not only to their own satisfaction, but in a business sense, it returns to the taxpayer the kind of investment all of us strive for in job training programs.

We need to build a body of evidence on the true effectiveness of job training programs. Very few programs have ever been subjected to rigorous and scientific evaluation. We have the opportunity, with this amendment, to debate results, rather than mere hopes.

As a Department of Labor report already has pointed out, "there are many areas where little thorough and reliable evaluation evidence is available."

It is our intent with this amendment to compare the results for served clients with data from control groups—that is, unserved persons. Evaluations would be valid and reliable, and conducted through controlled experiments.

I stress the importance of comparing apples with apples—the control group should be identical to the served group in every way except for the provision of the job training services. This is the essence of scientific studies of this sort. Therefore, it is my understanding and intent that this amendment require that the demographic characteristics in each group be proportional to the characteristics in the other.

I thank the chairman and the ranking member for their consideration. I urge adoption of this very simple and practical amendment.

Mrs. KASSEBAUM. Madam President, I would like to say that we are prepared to accept the Craig amendment. I believe it would add an additional measure of accountability to the bill.

I am very appreciative of the Senator from Idaho bringing this to the attention of the committee. Under the Craig amendment, I think States will conduct ongoing evaluations of their training activities. I think that is enormously beneficial. It was something that was recommended in the Heritage Foundation bulletin as a weakness in the bill that we did not have that evaluation. I think being able to strengthen accountability is very important, and I am most appreciative. I think it has been agreed to on both sides.

Mr. SIMON. Madam President, it is a good amendment. We are pleased to accept it on this side.

Mrs. KASSEBAUM. Madam President, I urge adoption of the Craig amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2892) was agreed to.

Mrs. KASSEBAUM. Madam President, I move to reconsider the vote.

Mr. SIMON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2893 TO AMENDMENT NO. 2885

(Purpose: To establish a requirement that individuals submit to drug tests, to ensure that applicants and participants make full use of benefits extended through workforce employment activities)

Mr. ASHCROFT. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Missouri [Mr. ASHCROFT] proposes an amendment numbered 2893 to amendment No. 2885.

Mr. ASHCROFT. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 65, between lines 23 and 24, add the following subsection:

(i) LIMITATIONS ON PARTICIPANTS.—

(1) FINDING.—Congress finds that—

(A) the possession, distribution, and use of drugs by participants in workforce employment activities should not be tolerated, and that such use prevents participants from making full use of the benefits extended through such activities at the expense of taxpayers; and

(B) applicants and participants should be tested for illegal drug use, in order to maximize the training and assistance provided under this Act.

(2) DRUG TESTS.—Each local entity carrying out workforce employment activities described in subparagraph (A), (B), (C), (D), (E), (G), (H), (J), or (K) of subsection (a)(6) shall administer a drug test—

(A) on a random basis, to individuals who apply to participate in such activities; and

(B) to a participant in such activities, on reasonable suspicion of drug use by the participant.

(3) ELIGIBILITY OF APPLICANTS.—In order for such an applicant to be eligible to participate in workforce employment activities, the applicant shall agree to submit to a drug test administered as described in paragraph (2) and, if the test is administered to the applicant, shall pass the test.

(4) ELIGIBILITY OF PARTICIPANTS.—In order for such a participant to be eligible to participate in workforce employment activities described in subparagraph (A), (B), (C), (D), (E), (G), (H), (J), or (K) of subsection (a) (6), the individual shall agree to submit to a drug test administered as described in paragraph (2) and, if the test is administered to the participant, shall pass the test. If a participant refuses to submit to the drug test, or fails the drug test, the local entity shall dismiss the participant from participation in the activities.

(5) REAPPLICATION.—

(A) IN GENERAL.—Except as provided in subparagraph (B), an individual who is an applicant and is disqualified from eligibility under paragraph (3), or who is a participant and is dismissed under paragraph (4), may reapply, not earlier than 6 months after the date of the disqualification or dismissal, to participate in the workforce employment activities described in subparagraph (A), (B),

(C), (D), (E), (G), (H), (J), or (K) of subsection (a)(6). If the individual demonstrates that the individual has completed a drug treatment program and passed a drug test within the past 30 days, the individual may participate in such activities, under the same terms and conditions as apply to other applicants and participants, including submission to drug tests administered as described in paragraph (2).

(B) SECOND DISQUALIFICATION OR DISMISSAL.—If the individual reapplies to participate in the activities and fails a drug test administered under paragraph (2) by the local entity, while the individual is an applicant or a participant, the local entity shall disqualify the individual from eligibility for, or dismiss the individual from participation in, the workforce employment activities. The individual shall not be eligible to reapply for participation in the activities for 2 years after such disqualification or dismissal.

(6) APPEAL.—A decision by a local entity to disqualify an individual from eligibility for participation in workforce employment activities under paragraph (3) or (5), or to dismiss a participant as described in paragraph (4) or (5), shall be subject to expeditious appeal in accordance with procedures established by the State in which the local entity is located.

(7) DEFINITIONS.—As used in this section:

(A) DRUG.—The term “drug” means a controlled substance, as defined in section 102(6) of the Controlled Substance Act (21 U.S.C. 802(6)).

(B) DRUG TEST.—The term “drug test” means a biochemical drug test carried out by a facility that is approved by the local entity administering the test.

Mr. ASHCROFT. Madam President, the training of an appropriate and productive work force is essential to the future of America. We are not speaking this evening about some marginal enterprise. The success and survival of this society in the next century depends on our ability to be productive and our ability to be competitive in a global marketplace which, more frequently than not, now requires us to match the productivity of people around the globe. It is important for us, then, to do those things which we can to help our work force be the most competitive and productive work force on the face of the Earth.

There are a variety of challenges to productivity and worker success in America. One of the challenges which our workers face is the challenge of narcotics and drugs. The National Institute on Drug Abuse has found that illicit drug use costs about \$140 billion annually in lost productivity, thefts, absenteeism and accidents. It is as if a \$140 billion tariff were to be placed upon American goods in the world marketplace. It is a cost which must be undertaken, a cost which must be covered. It hurts our ability to compete. It substantially impairs our ability to deliver to consumers goods at an appropriate price. And it challenges the sense in which this society can be successful, not only in this decade but in the next century.

Just to give you an idea, we are debating a bill of \$7.8 billion in terms of job training, and yet we are talking about \$140 billion a year that we find is basically levied against our system be-

cause we have the problem of drug abuse in the workplace.

The amendment which I have sent to the desk and which I called to the attention of the U.S. Senate, for which I urge Senator's serious consideration, is an amendment which would seek to signal very clearly that this Government does not endorse drug use in the marketplace. As a matter of fact, we could not endorse it and make it work. Seventy-seven percent of all the companies that hire employees in the United States do drug testing because they know that, as a matter of fact, individuals who are on drugs are not productive, are not capable, do not turn out to be good employees.

The Utah Power and Light Co. ran a survey, and they found that individuals who had tested positive on drugs were 77 percent more likely to be fired during their first 3 years of employment.

So this challenge to America, the challenge to our productivity, the challenge to our ability to appropriately deploy a resource which is scarce—training dollars—is an important challenge, and it is the drug challenge.

There are a few facts about drugs in America which are not inspiring, but they are instructive. We began to make progress in the war on drugs. From 1989 to 1992, we were driving down the number of individuals who had used an illicit drug during the last 12 months. Unfortunately, since 1992, we have seen that on the uptake and on the increase.

We will not be competitive or successful if drug use continues to go in this direction. We need, as a Government, as a society, and as a culture, to send a signal, to make it a signal which is unmistakably clear that individuals cannot contemporaneously be involved in illicit narcotics in the work force and in the achievement of other goals and dreams that are common to America.

Certainly true in the private sector—77 percent of the firms in the private sector test for drug use. Even small firms, from 1 to 499 in number, 62.3 percent of those firms test. Of course, in the large firms, 88 percent test; 88.6 percent of those firms having between 2,500 jobs and 10,000 jobs test; 88 percent of the firms with over 10,000 test. It is important to note the categories in which firms do drug testing. Manufacturers—these are the places where people who are trained to work, who go through training programs need to find jobs.

Eighty-nine percent of the manufacturers involve themselves in drug testing; 88 percent in transportation; and sales, 71 percent; financial service, only 47 percent.

I venture to say that our job training program is not going to be training mutual fund managers. We are talking about folks who will have to find themselves employed in these categories. I think in fairness to individuals who will be looking for jobs in these industries where they will be drug tested, we should say to them, you need to be drug free to be part of the job training program.

We should not allow them to continue along a pathway of mythology which says you can go ahead and be involved in illicit drugs and still be involved productively in society. You can still get a good job. The truth of the matter is, you cannot.

We need to ask ourselves whether we are really being compassionate if we have a program of job training that ignores drug use and suggests that the mythology that you can just waltz along in drug use and get a job is reality, or whether we ought to introduce people to the reality of the fact if you want a job, you want to be on the payroll, you have to be off the drug role. It is that simple.

I think these are compelling facts that we do an injustice to a population of individuals that wants to aspire to and wants to prepare for the work force if we fail to tell them very clearly and unmistakably, you cannot have both of these tracks going. It does not work. It is bad national policy.

It costs the country \$140 billion a year. It will not work for you personally, because 90 percent virtually of the kinds of businesses where you get jobs will not allow you to come to work without first taking a drug test. I believe it is time for us to say we ought to have drug testing for those who are involved in job training.

We need to prepare them at the earliest time possible to understand the reality of the work force. The reality of the work force is you cannot be on the payroll if you are on drugs.

These numbers, these conditions, I think compel us to a conclusion that we need to have drug testing. I think there are other reasons to have drug testing.

We have talked over and over again, we hear people remark how scarce job training funds are, how we need more job training funds, how there is a population that needs job training but we do not have all of the resources to meet the needs.

When you have a universe of scarcity, when you have more people needing training than you have funds to train them, you have to decide who you will train. It seems to me you ought to decide to train the people who are most likely to get jobs and most likely to be able to keep those jobs.

Now, the amendment which I have sent to the desk and for which I ask consideration and approval is an amendment that says we will train people who are drug free. It is really a way of saying we want to use our training funds efficiently. We want to use them effectively. We do not want to spend a lot of money training someone, then sending them to one of the manufacturers and having them wash them out of the system.

I think that is eminently reasonable. I think it is important for us, it is fair to the worker to say we need for you to confront reality now. It is fair to America to say we ought to deploy our resource for training where it is most

productive and where it will have a positive effect and where it is likely to help someone get a job, instead of perpetuating a myth for them until they run into their application which requires them to be involved in drug testing.

Millions of taxpayers' dollars have been wasted on individuals expecting to receive or receiving training but not capable of being trained as they ought to. Can you imagine how difficult it would be to try and train someone who was on drugs? It seems to me that it is eminently reasonable we ought to say to individuals, if you want a job, you need to get off drugs.

Our program ought to make a clear and unmistakable statement. I think a vote for this amendment is a vote that says we as a country ought to say to individuals honestly and early, you cannot follow both tracks. You cannot follow the drug culture and also the culture of industry.

I think we ought to make that clear. It is unfair to them. If you vote against drug testing, you vote in favor of saying continue the current policy of ignoring drug use. I think ignoring drug use is like ignoring a cancer on the body of this great Nation. We may be able to ignore it today but its presence will be felt and it will erode and undermine and the canker of it all will make it impossible for us to succeed.

I come to say stop suggesting that you can be involved in the drug culture and the culture of industry and the work ethic. That is the wrong set of values. It is wrong. It is morally wrong to suggest that you can come along, go ahead and get training, you will get a job, send them out to hit this 89, 90 percent of the companies, and then have them rejected, told that the money the taxpayers have spent for their training is wasted. I think that is morally wrong.

I think it is also a bad allocation of public resources. If the resources are scarce, train the people for jobs who can benefit from the training. Make a statement to the people who pay their taxes, who send us here to Washington, that we will honor and respect those who care enough about themselves, their families and their futures to be drug free and to seriously deal with job training, and we will prefer them over people who do not care enough about themselves or their families to stay off drugs long enough to get job training.

I cannot imagine that this body would want to reject this amendment and thereby say that we preferred to tell people that we do not have a preference between drug use and nondrug use.

This bill is not an unreasonable bill. It provides for random drug tests. It provides for drug tests on reasonable suspicion. It allows individuals who have failed the drug test to clean up their lives and to come back. It allows firms to have greater confidence in graduates of drug training programs.

It makes the right statement. It says to America we need to be productive.

We need to be competitive. We need to be successful. Yes, we need to be compassionate, so compassionate that we will not allow people to sail along in the middle of a myth but we will ask people to respect reality. Early in the program if you want to be involved in training, you should be drug free.

Let me just say this is not novel or new. There are Job Corps programs. Of course, they cost \$23,000 a year for full-time people. There are requirements that there be drug training there. I think it is a good program. I think it is a good requirement. I think it is a requirement that should be extended to other individuals.

I believe that this amendment which would provide for this random drug testing would provide for opportunities for individuals to be preferred if they were drug free, because it would say to individuals if you are not drug free, we will not waste the public's resource on trying to train you for a job you cannot get because of your drug habit.

I think this is an amendment which ought to have the approval of the U.S. Senate because I believe it carries a strong endorsement of the people of this country. I urge the Members of the Senate to respond constructively and vote in favor of this amendment.

I reserve the balance of my time.

Mr. SIMON. Madam President, I respect the sincerity of our new colleague from Missouri. He is dealing with a problem that is unquestionably a major problem in our society.

I believe his approach is wrong. I want to tell him why I believe his approach is wrong.

First of all, if you take the logic of what he has to say, then why do we not take all of the citizens of this Nation and just randomly test them for drugs? We do not do that because there is an invasion of privacy that takes place if we do that.

We do that for people who are in public safety positions—pilots, people on the railroads, in positions like that.

I can recall some years ago when one of our colleagues who is no longer here announced he was going to have everyone in his Senate office tested for drugs. I guess I was around here and happened to be present and I was the next person the reporters could grab hold of and they asked me what I thought.

I said I was not going to do that. I related that we did have at one point one employee whose conduct was a little erratic and I had told my chief of staff that I wanted to talk to him and insist that he take a drug test or we were going to discharge him, and he quit before we got to that point.

I would not favor an amendment like this for Senate employees even though this is a hugely important role here. There is a basic privacy.

When you talk about people who are unemployed, you are talking about people who face disaster. What about other disaster programs? What about farmers in Missouri and Illinois or

Maine or Kansas who are getting disaster relief?

Are we going to test farmers before they get disaster relief? Or, what about people who, in Missouri and Illinois, receive flood relief? We had a major problem in our two States. That is disaster assistance. Are we going to send a signal to the Nation: Sorry, if you cannot pass a drug test, we are not going to give you flood relief? I do not think we want to go down that road.

I am sure any study will show that people who have house mortgages under FHA and have a drug problem are much greater risks. Should we test everyone who wants to get a house mortgage in this country? Again, I think we should not go down that road. And I have a few other points, and then I am going to have to leave before my colleague even has a chance to rebut my arguments here.

I have heard a lot of speeches about unfunded mandates on this floor. I made a few myself and my guess is maybe the new Senator from Missouri has made a few speeches on unfunded mandates. This is an unfunded mandate. It costs about \$35 apiece for these tests. And, incidentally—maybe not so incidentally—about 4 percent of the tests are inaccurate. So if we test 500,000 people, 20,000 of those tests—no small number—are inaccurate.

Do we have a problem? Should we deal with it? You bet. But the House of Representatives has just cut 23 percent from drug treatment and prevention. That is what we ought to be working on.

I visited Cook County jail—9,000 prisoners. I visited with a group of prisoners in the minimum security area, about 40 of them, in what is like an old army barracks that I remember. I was going around talking to them, and I said to one fellow, "What can we do to be of help to you?" He said, "I want to get into drug treatment."

I turned to the warden and I said, "How come he cannot get into drug treatment?" The warden said, "We have 9,000 prisoners and places for 200 in drug treatment."

I turned to this room with 40 people and said, "How many of you would like to get into drug treatment?" Probably three-quarters of them raised their hands.

If the Senator from Missouri wants to increase funding for drug treatment in our country, I will cosponsor the amendment. That is what we ought to do. We ought to do much more along that line.

Then, finally, let me just add one other point. Why do people go on drugs? I think there is a variety of reasons, but one factor for a great many is a lack of hope. What job training does is to give that spark of hope to a lot of people who have just given up in our society. I do not question for a moment the motivation of the junior Senator from Missouri. He is dealing with a problem that is very real, and he wants to do something to solve it. I want to

do something to solve it. I do not think this does anything to solve it, and it creates some real problems. So I will, tomorrow when we vote on this, vote against it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. ASHCROFT. Madam President, I thank my friend from Illinois. I really regret the fact he is leaving, because I would like to have a chance to respond. But I understand people leave this Senate very frequently. I would like to address, and I hope he will not be offended if I address very specifically, the arguments which he has raised, in his absence. I do not do that because he is leaving in anticipation he will not refute me, but I do it because, though he is leaving, I cannot do it at any other time.

Mr. SIMON. I understand.

Mr. ASHCROFT. The Senator raised a number of questions. If we are going to drug test individuals who are in the job training program, why not drug test farmers in Missouri who get crop subsidies in some way? Here are the reasons to drug test individuals. They are going to be drug tested anyway, and the benefit we give them is going to be lost. They are not going to get the jobs. Madam President, 89 percent of the manufacturers are going to say, "No dice. You are on drugs. You cannot work here." We are going to have spent \$1,000, \$2,000, \$3,000, up to \$20,000, \$21,000, \$22,000, \$23,000 on these individuals and what are they going to do? They are going to run into a brick wall.

The idea that somehow it is compassionate to say, "That is quite all right. Just stay with your drugs. Don't worry, we aren't going to test you. Because we are not going to test everybody, we cannot test you." These are the folks who are going to run into the wall of tests as soon as they try to get jobs. These tests I am recommending are related to the fact we are trying to give them a benefit for purpose of employment. And one of the things that will stop them from enjoying the benefit is the fact they will have to take a drug test.

It seems to me it is eminently reasonable that, instead of saying we will spend the \$5,000, \$10,000, \$15,000, \$20,000 on your training and then you take the drug test, why do you not take the drug test first? Why do you not make a part of your preparation for the rest of your life, part of the development for the workplace—why do you not make it so you move yourself into a drug-free category?

No. 2, he said, "Why do we not do the farmers and the flood relief people," as if we pick and choose between farmers and individuals who get flood relief. Not so, we do not do it that way. But we do pick and choose. How often has it been said in this debate alone, "I wish we had more money. I wish we had more training. We need more training." So we are picking and choosing,

except we are not picking and choosing wisely. We have decided we will just ignore the fact that some of the individuals who are in the program have a far lower opportunity to succeed than others. They are people on drugs.

Why do we not—since this resource is scarce, since we do not have a lot of money, since we have limited resources—why do we not focus it on people who are likely to succeed? It seems to me that is a question that hardly demands an answer.

Then, that is an unfunded mandate; somehow, that this is costly to the States, when you could spend \$35 to find out you are not going to waste \$5,000, \$10,000, \$15,000 or \$20,000 on people because people will later run into a wall or not have the kind of training for the job for which they were seeking training. It seems to me this is a classic case of the ounce of prevention is better than the pound of cure.

They get a pound of cure. They get pounded when they go to ask for a job. They ought to have this clear statement made earlier. The Senator kindly says, if I would just agree to build drug treatment centers all over the country and fund drug treatment, he would be a cosponsor. I really think we ought to be involved in something other than treatment. This is a way for us to say let us prevent this. Let us not try to slam this gate after the horses are gone. Do you know what the success rate is for drug treatment centers that are sponsored by the Government? It is so low, it is less than 5 percent. It is less than 5 percent. And we want to do that instead of telling people up front they should not be involved in drugs? It is no wonder what is happening to us is that we are seeing this escalation.

We need to stop this escalation. We need to say it is time for us to wake up to reality. Let us not focus our resources on those who will not be able to benefit from them. Let us not perpetuate the myth that they can be a part of the drug culture and the work culture at the same time, and send them out to have these doors slammed in their faces. That is not compassion. That is not kindness.

We are sticking our heads in the sand while they are sticking needles into their arms. We need to be real, and we need to ask them to confront reality.

I yield the floor and reserve the remainder of my time.

Mrs. KASSEBAUM. Madam President, I, too, share the comments made by the Senator from Illinois in admiration for the sincerity and dedication of the Senator from Missouri in his efforts on this amendment. We all worry about the problem of drug abuse. Certainly, I think he makes a case, that if we are getting into job training, why should we not make sure during that process that those men and women who are engaged in programs will come out of it stronger and more able to be participants in a positive way in the work force?

I share the concerns raised about unfunded mandates. I know the Senator

from Missouri has said we talk about unfunded mandates and we talk about prevention programs. But this mandate becomes part of the equation on this that I think we must address. Because I believe it requires mandatory testing, I simply have to oppose the amendment as it is offered at this point.

Under the legislation, as I understand it, the Governor of each State is responsible for administering the job training program. In some cases the Governor can contract with the private sector for necessary services. In other cases county officials or community colleges will run the program.

Is that correct?

Mr. ASHCROFT. My understanding is that the local entity, whether it is the Governor or whether another institution, would be responsible.

Mrs. KASSEBAUM. So the cost of the drug testing for job training applicants and participants would be paid for by the State or local government, or by the private sector, potentially?

Mr. ASHCROFT. Yes. If the Senator is inquiring of me under my amendment, there is no intention on our part to have additional funding from the Federal Government outside the block grant.

Mrs. KASSEBAUM. I am assuming that States could take funds to pay for this out of the job training moneys that are in the block grant going back to the State?

Mr. ASHCROFT. That is correct.

Mrs. KASSEBAUM. Or even vocational education dollars?

Mr. ASHCROFT. They could match this with resources of their own. The bill does not require that any particular funding, of course, be used to conduct the drug testing.

Mrs. KASSEBAUM. Madam President, I tend to believe the costs will be substantial. Local drug testing labs charge between \$22 and \$50 per test, with an additional \$5 to \$8 for a doctor to review the test to eliminate any false positives. If we have one-half million to 1 million individuals in job training programs, the total cost of drug testing could run into millions of dollars. We could also say this will be well worth the effort because we will be able, hopefully, to provide some assistance to those who are in job training.

Perhaps I did not understand the Senator from Missouri correctly. Did he say he did not think they should then be in a prevention program?

Mr. ASHCROFT. No. We do not specify what can happen. We just say that they are eligible to apply again for participation, and, if they can apply and demonstrate that they are drug free, then they are eligible for participation. So there is no continuing prejudice as a result of a single negative drug test. The multiple drug test amendment provides that after several drug tests, all of which are positive, the person has to wait for about a 2-year period before coming in to ask again for an application in the program.

Mrs. KASSEBAUM. I think that anybody who would be in testing would

have to be a participant in some type of treatment program. It seems to me that this becomes a part of the process that would be necessary. I really feel that we are adding a significant burden.

I know it is of concern to the Governors. I received a letter from Governor Engler of Michigan and Governor Branstad of Iowa, respectively. They say that they write to share their concerns regarding the mandate of drug testing of job training participants. If I may quote the letter:

In keeping with the principles adopted by the Republican Governors Association, we believe it is imperative for the States to have the maximum flexibility and freedom from mandates. If States want to use drug testing as a screening mechanism, then States should have the ability to do so. However, to make this a national policy is over-prescriptive and holds serious cost implications in this time of budget cutback. We appreciate the concerns for our views and encourage you to oppose efforts that would mandate this effort.

The Senator from Missouri mentioned the Job Corps program. This is the one program where they have had a zero tolerance policy. There have been major drug problems in some of the Job Corps centers. I think it is a real tragedy. Again, this is the place where they should be making sure that any drug trafficking and any use of drugs be closely monitored and not be tolerated. They are beginning to make some inroads toward this goal.

But I can appreciate very much what the Senator is trying to say, that if they have this problem, what good will job training do if they cannot come to recognize that the problem needs to be corrected?

I would suggest to the Senator from Missouri that he consider modifying his amendment to make it voluntary and limit it to voluntary, reasonable-cause testing. It seems to me that we state then that it is something that is very important to us, encourage it be voluntary, and hope that the States and employers would join forces in making that a major effort. But I myself could not support the amendment as long as it is not mandatory for the various reasons that the Senator from Illinois outlined as well.

Mr. ASHCROFT. Madam President, let me just address these issues. And I thank the Senator from Kansas. I particularly thank her for providing me the opportunity to offer this amendment.

First of all, as it relates to whether or not this is a mandate, we are sending Federal money—\$7.8 billion—in block grants. That money can be used to conduct the test. That is not an unfunded mandate. It is an opportunity to deploy the money that the Federal Government invests wisely. To take a \$35 test and decide we are not going to spend \$2,000 or \$5,000 or \$10,000 on someone who is going to fail a drug test when they go out to get a job—you can call it a Federal mandate, if you want, but any condition at all in the law, I

guess, is called a Federal mandate. But the funding is in this bill.

I am delighted that the Republican Governors have written about mandates. But there are lots of other conditions in this bill. I would be most pleased to agree with the chairman that we would take all of the mandates out of this bill, but I would withdraw all of the conditions, and I would withdraw these conditions.

I hope she will submit the letters of the Republican Governors for the RECORD so that they can be clear about the fact that all of the other things in the bill that they objected to are not really less onerous. Many of them are far more onerous than this particular idea. The Job Corps obviously is the toughest area. It is a residential program. It costs a lot of money. It takes the toughest cases, and in those toughest cases that is where they have problems with drugs more frequently than others. But they have recognized that it is inappropriate to spend this kind of resource and expect, having spent the kind of resource, to get good results unless we get people to be drug free. Because they have some failures does not mean that they should not do it. As a matter of fact, if they did not do drug testing, we would never know about the problem. People would just whistle through the program taking their drugs, and then hitting the wall when they go to apply for work. That is what we are really setting up as the way of handling this.

Two last points: First, this is a very generous amendment which suggests to the States that they do not have to have a specific program of testing. It says they have to develop a program, and it can be a random testing program.

It leaves it up to the States as to how to shape it, how often to have it, what numbers involved in the program. It does not say they have to do 10 per 1,000. It does not say they have to do 50 per 1,000. It says use your good judgment. It says to the States use your good judgment, but in spending this Federal resource find a way not to spend it so as to waste it, and do not lead people to believe they are on a track for a job when they are going to hit a wall of employers who say they are going to have to be tested.

The last point. The bill does provide that in addition to the random approach that Governors are allowed to select, there is a reasonable suspicion test that can be used in the program. So we are very close to what the chairman has suggested as a compromise. We do require that a State would set up a random testing program to be determined by the State. We also allow the States to participate in a reasonable suspicion imposition of a test.

I believe we should stop suggesting it is unimportant whether or not people who seek training are on drugs. We must make a statement to them. We must allocate our resource effectively,

and that means we should stop devoting resource to those who are on drugs and begin to focus the resource on those who care enough to be ready to go on the payroll by being off drugs.

I thank the Senator, and I thank the Chair.

Mrs. KASSEBAUM. Madam President, if I may just make one further comment. Of the \$7.2 billion in the block grant, 25 percent is vocational education, potentially even more, 25 percent, as the Senator from Missouri knows, is job training, and 50 percent is the flex account which the Governors can use for either vocational education or the job services section.

We tried hard to keep mandates as limited as possible. We do plan that the States have one-stop service centers rather than several duplicative job service outlets because we have found from experience that it is far better to have all that information in one place than a number of places.

Mandates do creep into the legislation. It is not just turning the money over to the States but it includes, hopefully, enough flexibility that the Governors and the business community and the participants in either education or job training can design the programs to best fit their communities.

I am very supportive of the efforts behind the amendment proposed by Senator Ashcroft. I only wish that I did not feel it was going to be overly prescriptive to the extent that it could potentially reduce the moneys which have become limited for both education and training.

Mr. ASHCROFT. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mrs. KASSEBAUM. Madam President, if the Senator from Missouri is finished, I would suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. KASSEBAUM. Mr. President, I ask unanimous consent that further proceedings under the call of the quorum be dispensed with.

The PRESIDING OFFICER (Mr. ASHCROFT). Without objection, it is so ordered.

MORNING BUSINESS

Mrs. KASSEBAUM. I ask unanimous consent that there now be a period for the transaction of routine morning business with Senators permitted to speak for up to 5 minutes each.

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

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to

the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT OF THE SECOND SUPPLEMENTARY AGREEMENT—MESSAGE FROM THE PRESIDENT—PM 86

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Finance.

To the Congress of the United States:

Pursuant to section 233(e)(1) of the Social Security Act (the "Act"), as amended by the Social Security Amendments of 1977 (Public Law 95-216; 42 U.S.C. 433(e)(1)), I transmit herewith the Second Supplementary Agreement Amending the Agreement Between the United States of America and the Federal Republic of Germany on Social Security (the Second Supplementary Agreement), which consists of two separate instruments: a principal agreement and an administrative arrangement. The Second Supplementary Agreement, signed at Bonn on March 6, 1995, is intended to modify certain provisions of the original United States-Germany Social Security Agreement, signed January 7, 1976, which was amended once before by the Supplementary Agreement of October 2, 1986.

The United States-Germany Social Security Agreement is similar in objective to the social security agreements with Austria, Belgium, Canada, Finland, France, Greece, Ireland, Italy, Luxembourg, The Netherlands, Norway, Portugal, Spain, Sweden, Switzerland, and the United Kingdom. Such bilateral agreements provide for limited coordination between the United States and foreign social security systems to eliminate dual social security coverage and taxation, and to help prevent the loss of benefit protection that can occur when workers divide their careers between two countries.

The present Second Supplementary Agreement, which would further amend the 1976 Agreement to update and clarify several of its provisions, is necessitated by changes that have occurred in U.S. and German law in recent years. Among other things, it would extend to U.S. residents the advantages of recent German Social Security legislation that allows certain ethnic German Jews from Eastern Europe to receive German benefits based on their Social Security coverage in their former homelands.

The United States-Germany Social Security Agreement, as amended, would continue to contain all provisions mandated by section 233 and other provisions that I deem appropriate to carry out the provisions of section 233, pursuant to section 233 (c)(4) of the Act.

I also transmit for the information of the Congress a report prepared by the Social Security Administration explaining the key points of the Second Supplementary Agreement, along with a paragraph-by-paragraph explanation of the effect of the amendments on the principal agreement and the related administrative arrangement. Annexed to this report is the report required by section 233(e)(1) of the Act on the effect of the agreement on income and expenditures of the U.S. Social Security program and the number of individuals affected by the agreement. The Department of State and the Social Security Administration have recommended the Second Supplementary Agreement and related documents to me.

I commend the United States-Germany Second Supplementary Social Security Agreement and related documents.

WILLIAM J. CLINTON.
THE WHITE HOUSE, October 10, 1995.

MESSAGES FROM THE HOUSE RECEIVED DURING ADJOURNMENT

Under the authority of the order of the Senate of January 4, 1995, the Secretary of the Senate, on September 29, 1995, during the adjournment of the Senate, received a message from the House of Representatives announcing that the Speaker has signed the following enrolled bill:

H.R. 2404. An act to extend authorities under the Middle East Peace Facilitation Act of 1994 until November 1, 1995, and for other purposes.

Under the authority of the order of the Senate of January 4, 1995, the enrolled bill was signed on October 2, 1995, during the adjournment of the Senate by the President pro tempore (Mr. THURMOND).

Under the authority of the order of the Senate of January 4, 1995, the Secretary of the Senate, on October 2, 1995, during the adjournment of the Senate, received a message from the House of Representatives announcing that the Speaker has signed the following enrolled bills:

S. 895. An act to amend the Small Business Act to reduce the level of participation by the Small Business Administration in certain loans guaranteed by the administration, and for other purposes.

H.R. 2288. An act to amend part D of title IV of the Social Security Act to extend for 2 years the deadline by which States are required to have in effect an automated data processing and information retrieval system for use in the administration of State plans for child and spousal support.

Under the authority of the order of the Senate of January 4, 1995, the enrolled bills were signed on October 3, 1995, during the adjournment of the