

area. But there is still, in aggregate, important provisions for those individuals.

As you pointed out earlier, I believe firmly that the bill that passed the House, the Norwood-Dingell-Ganske bill because it is written to actually protect patients and provide them with due process will in the long run decrease legal activity rather than increase it. It will prevent the injury from happening which would then require a legal remedy because it sets up a bona fide real process for dispute resolution. Unfortunately, we are just not seeing that in the language as we have gone through the Senate GOP bill.

I am going to provide my colleagues in the next few days with a more detailed analysis of the Senate GOP bill. I think it needs to be examined in depth. I am very hopeful that as this process continues over the next several months, we will have an opportunity to correct the deficiencies.

Mr. ANDREWS. If the gentleman will yield one more time, I want to conclude my remarks by saying that the gentleman is not a member of the conference committee that is negotiating the final version of this bill. I am privileged to be a member of that. I suspect that the gentleman is not a member of the conference committee because he holds, as do dozens of his Republican colleagues, the views that he has expressed tonight. This bill passed the House with 61 percent of the Members of the House voting for it, a broad bipartisan coalition. This is not a Republican or Democratic issue. I am hopeful as a conferee that we will return to the conference table, we will do so under the scrutiny of the public and the media, that we will discuss the issues that the gentleman has raised tonight, and that we will resolve our differences and give the President a bill that he can sign.

I have been on this conference since it initiated in March, and I said a few weeks ago that someone on the other side said the conference was sailing right along, and it was sailing right along smoothly and I said that they had used the wrong nautical analogy, that the conference was not sailing right along, that it reminded me more of the legislative equivalent of the Bermuda triangle, that good ideas go into the conference and are never heard from again. The gentleman has many good ideas. I commend him again for his good work and look forward to working with him to make this the law.

Mr. GANSKE. I thank the gentleman for joining me in this special order tonight. I look forward to working with him and other Members in a bipartisan fashion on both the House side and the Senate side to actually get signed into law a real patient protection piece of legislation.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4810, MARRIAGE TAX PENALTY RELIEF RECONCILIATION ACT OF 2000

Mr. DIAZ-BALART (during the Special Order of Mr. GANSKE), from the Committee on Rules, submitted a privileged report (Rept. No. 106-726) on the resolution (H. Res. 545) providing for consideration of the bill (H.R. 4810) to provide for reconciliation pursuant to section 103(a)(1) of the concurrent resolution on the budget for fiscal year 2001, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4811, FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2001

Mr. DIAZ-BALART (during the Special Order of Mr. GANSKE) from the Committee on Rules, submitted a privileged report (Rept. No. 106-727) on the resolution (H. Res. 546) providing for consideration of the bill (H.R. 4811) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2001, and for other purposes, which was referred to the House Calendar and ordered to be printed.

ILLEGAL NARCOTICS

The SPEAKER pro tempore (Mr. GREEN of Wisconsin). Under the Speaker's announced policy of January 6, 1999, the gentleman from Florida (Mr. MICA) is recognized for 60 minutes.

Mr. MICA. Mr. Speaker, I am pleased to come before the House tonight as it concludes its business to address the House on a subject I normally do on Tuesday nights and one that I take a personal interest in as chairman in the House of Representatives of the Subcommittee on Criminal Justice, Drug Policy and Human Resources. And specifically always on Tuesday evenings, I try to address my colleagues and the American people on the topic of illegal narcotics and our national drug policy and our efforts in our subcommittee to attempt to develop a coherent policy to deal with probably the greatest social problem and challenge I think our Nation has ever faced in its history, a problem that has devastated and I think we have gotten to the point where almost every family in America is somehow touched by illegal narcotics. Certainly the impact in crime, the social costs, the costs that this Congress incurs in funding antinarcotics efforts, criminal justice, the system that is fueled by those who are committing crimes and offenses against society under the influence of illegal narcotics, the whole gamut of

problems that have arisen as a result of illegal narcotics is really astounding.

I often cite when I speak before the House the most recent statistics of deaths. Direct deaths from illegal narcotics in the most recent year provided to our subcommittee, 1998, amounted to 15,973 Americans died as the direct result of illegal narcotics. The drug czar, our national director of the Office of National Drug Control Policy, Barry McCaffrey, again today used the figure in a hearing before our subcommittee of 52,000 Americans dying in a year as a result of direct and indirect illegal narcotics.

□ 2115

So the toll is mounting. The statistics continue to be alarming and should concern every American because, most of all, we find that this problem is affecting not those people who you would traditionally think have been victimized by illegal narcotics, the inner-city, the metropolitan, the high density areas, but every single corner of our Nation is now victimized by the effects of illegal drugs.

In fact, I cite a recent article, and it this headline says "Drug use explodes in rural America." It shows that in fact in rural America that cocaine, that crack, that heroin and methamphetamines in all of the rural areas of the country are now experiencing an explosion.

One of the things that I try to do as chairman of the Subcommittee on Criminal Justice, Drug Policy and Human Resources is not only conduct hearings, such as we did today with the national Drug Czar on our national media campaign that we instituted several years ago, a \$1 billion-plus program, \$1 billion from Federal money over 5 years and an equally significant amount in contributions to the campaign required by the law that we established, but in addition to conducting the hearings and evaluations and oversight of our national drug policy and the programs that we have instituted, we attempt to conduct hearings throughout the United States.

Most of the hearings that have been conducted by our subcommittee are at the request of either my subcommittee members or Members of the House who are experiencing a similar problem. I can tell you without a doubt that in fact the entire Nation, from the Pacific coast to the East Coast, from the Mexican border to the Canadian border, is being devastated by illegal narcotics.

During the recent weeks we have conducted hearings and field hearings. One was in the heartland of America, in Sioux City, Iowa, at the confluence of three states, Nebraska, South Dakota and Iowa. This was a hearing at the request of the gentleman from Iowa (Mr. LATHAM). We heard absolutely startling testimony about the explosion of illegal narcotics, the explosion

of methamphetamine, narcotics that have infiltrated that region of our Nation, and the devastation on the community, the cost in law enforcement, the cost in social services, the tremendous cost to that entire area that is being borne in destroyed lives.

So we have focused not only on hearings in Washington, but throughout the land, and we confirmed the headline which I cited here of the explosion of illegal narcotics and methamphetamine in particular in rural areas of our country.

It is also significant that we have presentations before our subcommittee that bring us up-to-date on what is happening, because we are a criminal justice, national drug policy oversight subcommittee. Some of the recent information we have had from the Center for Disease Control and other monitoring agencies indicate that over half the crime in this country is committed by individuals under the influence of illegal narcotics.

The National Institute of Justice drug testing program, found that more than 60 percent of the adult male arrestees across the Nation tested positive for drugs. In most cities, over half the young male arrestees are under the influence in fact of marijuana, and, importantly, the majority of the crimes that result from the effects of the drug do not result from the fact that the drugs are illegal.

According to a study by the National Center on Addiction and Substance Abuse, which is also referred to as CASA, at Columbia University, 80 percent of the men and women behind bars, about 1.4 million inmates in our country, are seriously involved with drug abuse, substance abuse, and sometimes that is illegal narcotics, sometimes it is alcohol. So, again, the problem of substance abuse is horrendous.

What is of particular concern to our subcommittee and the Congress is that the trends of illegal narcotics use, while we hear some figures being touted by some in the administration, we find that, unfortunately, under the Clinton Administration, from 1992 to 1998, in one area for example, in heroin we have had a 92 percent increase since 1992 in heroin use among our 8th graders, an incredible statistic that has recently come forward. That is in one of the most deadly drugs that one can have any young person be involved with.

In my area in Central Florida, in fact we are having an epidemic of heroin overdoses. Many of the overdoses are the result of a very high purity heroin. In the 1980s we had the purity of heroin at the level of single digits, sometimes 4 or 5 percent. Today we are finding on the streets of Orlando and the streets of New York, Los Angeles, and even small communities across the Nation, purity levels of 60 and 70 percent, deadly, highly toxic heroin, and we see a

dramatic increase, 92 percent increase in use in heroin among 8th graders, an absolutely shocking statistic.

The other information that I wanted to relay about the problem tonight is some information our subcommittee received from the Center for Disease Control in Atlanta, and they came and briefed us before the recess. I have cited some of these statistics in the hearing that we held and previously on the floor, but the survey by the Center for Disease Control indicated that 14.7 percent of the students surveyed said that they were currently using marijuana in 1991. In 1999, that figure almost doubled to 26.7 percent.

Unfortunately marijuana happens to be a gateway drug, and we find that the statistics bear out that with a gateway drug, an entry drug like marijuana, the next step is cocaine, then methamphetamine, heroin and hard narcotics. We also find testimony that was presented to the subcommittee by Dr. Leshner, the head of the National Institute of Drug Abuse, NIDA, that in fact the most addictive drug in the United States today in fact is marijuana. Also it is not the marijuana of the sixties and seventies, or even the eighties. This is a marijuana with a much higher purity, with a much more toxic content, and a much more addictive result.

But the Center for Disease Control reported that lifetime marijuana increased from 31.3 percent in 1991 to 47.2 percent in 1999. What has happened in our Nation, because we have sent a mixed message to our youth, because we have not had the leadership provided by the White House with a consistent strong message against illegal narcotics, and in particular marijuana, we find that almost half the population of our young people today has used marijuana at some point, according to this survey. Again, like it or not, it is a gateway drug.

Those are some of the statistics that we wanted to update the Congress on today. Unfortunately, we find that even in our enforcement area, that young people are becoming more and more involved as a result of their use and abuse of illegal narcotics.

A recent article that was provided to me indicated that the end of last year, the United States Customs Service estimated that 400 teenagers had been arrested by the end of 1999 for smuggling drugs into the country, an increase of 30 percent over the previous year. In Texas, only 17 juveniles had been sent to prison in the past 2½ years, 98 received probation and 63 had their cases dropped or dismissed. Unfortunately, light punishment is a selling point for the drug cartels when they approach teenagers, according to the U.S. Customs Service, which is now finding younger and younger traffickers, and, unfortunately, the arrests are up in the under 18 age category. This report also said that there is a 58 percent increase

nationwide in arrests of drug traffickers. This is now under the age of 18. Again, younger and younger people involved.

According to customs also, children as young as nine are used to traffic drugs across the southwest border. According to the article, most of the teen smugglers that are arrested and convicted are given probation, not jail time, which, unfortunately, does lead other youth to participate in the same type of activity, and we are seeing more and more of that across the country.

The number of heroin users in the United States, according to another recent survey, indicates that it has jumped from 1996, half a million Americans, to nearly 1 million, 980,000 Americans in 1999. So we have had, again, just about a doubling from 1996 to 1999 in heroin users in the United States.

The rate of first use by children age 12 to 17 increased from less than 1 in 1,000 in the 1980s to almost 3 in 1,000 in 1996. I think I just cited for the benefit of the House the incredible increase we have seen in 8th graders. First time heroin users are getting younger, from an average age of 26 years of age in 1991 to an average age, now, get this, of 17 years of age by 1997.

Also, according to the most recent statistics provided to our criminal justice and drug policy subcommittee, 8th graders in rural America are 83 percent more likely than 8th graders in urban centers to use crack cocaine, 50 percent more likely than 8th graders in urban centers to use cocaine, and 34 percent more likely than 8th graders in urban centers to smoke marijuana. Unfortunately, an incredibly high statistic is that they are 104 percent more likely than 8th graders in urban centers to use amphetamines, including methamphetamines. Again, startling statistics about what is happening across this country.

One of the things that was brought up at the hearing today and that we also have found in the pattern of illegal narcotics use is the impact, not only on the population in general and also of our youth, which is of great concern, but also the impact on minorities. No segment of our society is more impacted by illegal narcotics use than our minorities, particularly our African American and our Hispanic population. This is some of the latest information our subcommittee has received.

□ 2130

According to the 1998 National House of Polls Survey on Drug Abuse, drug use increased from 5.8 percent in 1993 at the beginning of the Clinton administration to 8.2 percent in 1998 among young African Americans, more severely impacted than the population at large. According to the same survey on drug abuse, drug use increased from 4.4 percent in 1993 among the Hispanic

population, Hispanic youth in particular, to 6.1 percent. So 2 minority populations that are most vulnerable in our society, our African American and Hispanic youth population, have also become incredible victims of illegal narcotics and, in particular, we have seen, as I said, the explosion of heroin, methamphetamines, and now we are seeing a rampage of what are called designer drugs across the Nation.

Now, how did we get ourselves into this situation? I have brought this one particular chart out many times, and I will bring it out again tonight. We hear repeatedly, I hear repeatedly over and over that the war on drugs has been a failure. I submit again to the Congress and to the House tonight that if we look at the war on drugs under the Reagan and Bush administration, and this chart relates the long-term trend in lifetime prevalence of drug use; this is really the major monitor for drug use and abuse in this country, and it is not something that I made up; it was prepared by the University of Michigan, and this is something that they have been monitoring for some time. But this shows the pattern of success and this shows the prevalence of drug use going down in the Reagan administration starting in 1980 all the way down. Now, this is what the liberals will tell us is a failure, and that is the decrease in drug use. In fact, there was a 50 percent decrease in this period of drug use in this country. This is what they will try to tell us, the editorialists, the promoters of legalization, those who say that the war on drugs has been a failure.

So when we had a war on drugs, and that was with national leadership from the Office of the President through the entire administration, putting together an Andean strategy to stop drugs at their source. This is not rocket science; we know where the cocaine is produced. It is produced in Bolivia, it is produced in Peru, it is produced in Colombia. When we have a policy that stops the assistance going to a country who is willing to participate with the United States to stop the production of cocaine such as we have had with this administration for the past 5, 6 years in stopping and blocking aid to Colombia, we have a growth of cocaine and coca production in that area.

The Reagan administration and Bush administration developed specific programs, the Andean strategy, and the Andean strategy went in and went after drugs at their source, stopped the drugs at their source. We know where cocaine is from. Can we stop it? Well, yes, we can. When I came in with the Republican majority in 1995 and we took over, we went to those countries, Mr. Zeff did, the former chairman who had this subcommittee responsibility, and the gentleman from Illinois (Mr. HASTERT) who is now the Speaker

of the House, we went to Bolivia, we talked to President Banzer and to other leaders there. We went to Peru and we talked to President Fujimori. We gave them a tiny bit of assistance and they completed their mission and have been completing their mission to eradicate cocaine and coca production, some 50 to 60 percent reduction in 2 or 3 years at very little cost to the taxpayer in stopping the production.

One of the problems we have had is that the administration for year after year after year has blocked assistance to Colombia until the whole Colombian region exploded and it became a regional disaster, and we had to pass a \$1 billion-plus aid package to bail the administration out from their failed policy. That policy will work. The policy also has assistance to neighboring countries so if we stop production there, it does not spill over into other areas. It worked in the 1980s, it will work now. There is no question about it. We can stop drugs at their source.

Now, the second most effective way to stop drugs is to stop them as they come from the source. This administration has done everything they can to destroy the war on drugs. Now, if one is going to run a war on drugs, against drugs, how would one run that? Would one stop the programs or cut back the programs where they produce drugs at their source? That would be a farce, but that is exactly what this administration did.

This administration cut Federal spending for international programs 50 percent during the Democrat-controlled Congress from 1992 to 1994. They cut it some 50 percent, from \$660 million to \$329 million. In fact, we are barely getting back to the level of funding for international programs and the spike that we did provide with the Colombian aid package will bring us up to where we should be in going after drugs most cost-effectively at the source.

Now, again, the second area and most effective way to stop illegal narcotics, and a Federal responsibility, our responsibility as Congress is to stop the illegal narcotics before they come to our borders. President Reagan set up the Andean strategy. We set up a drug certification. If we allow drugs to come from their country into the United States, we stop foreign aid, we stop financial assistance, we stop trade and other benefits that we give as a country to that country that is sending poison into the United States. I helped draft the certification law. This administration has made a farce of the certification law from the very beginning, misapplying it, not applying it properly as it was intended, as it was applied during the Reagan and Bush administration. This they will tell us is a failure. I mean this is a decrease in drug use by everyone in this country, and they will tell us that that was a

failure. I say that, in fact, this was a success.

This is the failure. We only see right here where the Republican-controlled Congress took effect where we restarted the programs on stopping drugs at their source, where we began to restart the programs to interdict drugs before they reach our borders. Again, each of these programs were dramatically cut and slashed, and today, we are paying the consequences and struggling to get these programs developed back in this successful war on drugs, in effect.

Mr. Speaker, it was one error compounded by another error. First, the administration withheld information and data to these other countries, information that was used to shoot down drug traffickers as the drugs left the source country and headed towards the United States. They said, we cannot do that. We could possibly hurt the hair on the back of some drug trafficker. Oh, we cannot send aid to Colombia, we might hurt some leftist guerilla or some rightist guerilla. I do not think there was concern about the right wing as there was about hurting the hair on the left wing.

In any event, nothing got sent there. They blocked it time and time again, the assistance. It would almost be ludicrous, but unfortunately, I must go back, and I cannot help but to cite some of the mistakes by this administration that we are paying for today. It would be ludicrous to think that they would, in fact, act in such a fashion.

This headline is from the Washington Post, August 4, 1994: U.S. Refusal to Share Intelligence in Drug Fight Called Absurd. One of the Democrats from the other side is the one who called it absurd, what the administration had done. We had stopped sharing information, stopped the ability of our allies in this war on drugs to go after drug traffickers, the beginning of the disaster that we inherited. Hearings also documented what the administration was doing in closing down a real war on drugs. My colleague, the gentleman from California (Mr. HORN) we were elected together in 1993, and we served on the Committee on Government Operations and I attended the hearing, and the gentleman from California (Mr. HORN) asked on August 2, 1994, "As you recall, as of May 1, 1994, the Department of Defense decided unilaterally to stop sharing real-time intelligence regarding aerial trafficking of drugs with Colombia and Peru. Now, as I understand it, that decision, which has not been completely resolved, has thrown diplomatic relations with the host countries into chaos." August 2, 1994.

Mr. Speaker, that was a prediction of the beginning of the disaster of Colombia. We all saw it coming. We all knew that when we close down the source countries, when we stop interdicting

drugs cost-effectively before they come into the United States and had our allies do it rather than us even do it, just by providing a little information to our friends.

Then, what did we need to go after the narcotics? There was almost zero heroin produced in Colombia in 1993, the beginning of this administration. Almost zero. But this Congress, Democrat-controlled Congress and White House managed to stop first information assistance, and then what do we need to stop the growth? We need something to go after the growth. That would be some helicopters. That would be helicopters that could fly at high altitudes, that would be helicopters that could go after drug traffickers and surveillance information.

Time and time again, hearing and hearing again, we begged this administration, and we even passed the financing of sending the assistance to Colombia. The President and others in this administration blocked that assistance. So we have seen an incredible explosion of cocaine production, of heroin production in Colombia.

This is a February of 1997 story, and it says, "Delay of Copters Hobbles Colombia in Stopping Drugs." Guess what? When we do not have the equipment to go after where they are producing or trafficking, and 70 to 80 percent of the drugs coming into the United States are now produced, heroin and cocaine in that country, in fact, we do not stop the drugs. That is what caused us to do an emergency funding of \$1 billion-plus for Colombia.

In each of these areas, the new Republican majority has tried to act in a responsible fashion to restore the source country programs. We will find in the Colombian aid package, in fact, a good balance between alternative crop development, because we know the peasants there must have some source of income, and we can help them be productive; we can also help them turn away from production of the death and destruction of cocaine, coca and poppies and heroin that are now swamping the United States. We can easily put these programs together for very few dollars. Unfortunately, now it is taking more dollars than it would have if we had done the preventive steps that we asked for some years ago.

Unfortunately, the administration has made this an even more difficult task by bungling the negotiations in Panama, by not allowing us to keep our forward-drug surveillance operating locations in Panama. Even if we gave back the base, all we needed was an operations center which we had had up until May of last year. The administration not only lost the military use, but bungled the negotiations to keep our forward operating locations. Part of the \$1 billion package that we passed is now to fund \$100-some million to replace the forward operating locations

that we lost through the failed negotiations with Panama. All of our drug-forward surveillance operations were out of Howard Air Force base and now we have to pay to put them in Ecuador, and now we have to pay to put them in Aruba, and now we have to pay to put them at great expense into El Salvador. Two of those negotiations are semi-complete, but it will be 2002 before we get back to the capability we had last May to detect flights coming in with illegal narcotics and shipments from the source zone.

□ 2145

General Wilhelm, our general in charge of the Southern Command of this whole effort in surveillance, and the military does not get engaged in arresting people or going after illegal narcotics traffickers. They are even banned from that. What they do is provide surveillance and intelligence information from the surveillance which is passed on either to the country or to enforcement people.

According to General Wilhelm in a report that was provided to me as chairman of the subcommittee by the Government Accounting Office, General Wilhelm said that the Southern Command now, and again, in charge of looking at drugs coming in, can only detect and monitor 15 percent of the key routes in the overall drug trafficking area about 15 percent of the time.

Again, what is reported to our subcommittee in charge of drug policy is that this will not be corrected until 2002. That is an absolute disaster created by ineptness in the administration and direct policy-thwarting efforts.

I have talked about this many times. Again, they term this with decreasing drug use among our population as a failure. This is a success going up here. This is the Clinton success pattern. We have higher drug use, so that is an effective war on drugs. We dismantle the war on drugs piece by piece by piece and this is what we get, a flood of illegal narcotics, difficult to stem.

I want to say that we have instituted as a Republican majority the most extensive education campaign in the history of this Nation funded with \$1 billion over 5 years. Today we held our second oversight hearing on it.

I had a different plan than the administration. I thought that those who get the airwaves, which are a public trust, should donate more time. The administration wanted to pay for time out of the taxpayers' pockets. As a compromise, and the way this place always works is a compromise, we have half the time being donated as a requirement and \$1 billion of taxpayer money going into the campaign.

But we must do something to educate the public. We must do something to educate particularly the young people. I must do something as chairman of

the subcommittee to make sure that the money that we spend in this most extensive campaign is appropriate and that it is working.

That was the reason for the hearing I held last October at the end of the first year of the campaign and today that we conducted to see if that is successful. I am not here as a Republican or a majority member saying that we can only criticize the other side. We have to tell what we have done.

In fact, we have put in place the most extensive campaign in the history of our Nation. Now we have to make sure it works. Will it work? I do not know yet, but we are going to do everything we can. We have put back into place the funding for the international programs, and finally, the missing piece to the puzzle.

This is not a great puzzle. The drugs, 70 percent of the cocaine, 75 percent of the heroin coming into the United States is coming from Colombia. We have stopped it in 2 or 3 years under the Republican majority working with Peru and Bolivia, and we have some assistance in this package for them.

It is coming from here. A lot of it transits through Mexico. That is another problem I could spend a whole night on, again the United States and this administration making a farce out of certification, cooperation on the drug effort, giving Mexico benefits left and right, financing their indebtedness, helping them open their borders, giving them the best trade benefits, and then letting Mexico thumb their nose at the United States.

It made a farce of the laws that the Reagan and Bush administration enforced, and also made Colombia the center of drug production for the hemisphere. The latest reports we have in the media today is a double of cocaine is reaching our European allies. I have met with our European allies soliciting their help in this region. We warned them that the cocaine and next the heroin is coming because of the tremendous production.

In fact, the latest statistics revealed just in the last few days show that Europe is getting swamped with cocaine, and I guarantee them that the heroin will follow, because they pay even more in Europe than they do in the United States. We have this flood of supply coming in.

Since our base in Panama is closed down, we have no forward operating location, and it may be over 2 years before the administration even has a clue to get it back in order. This is the mess that we have inherited. It does have consequences.

I have shown these before, these quite revealing charts. I have not doctored these or produced them myself, they were produced by the Sentencing Commission to our subcommittee in recent testimony.

By 1992, almost no crack in 1992. We do not even see methamphetamine on

the chart at the beginning of this. Again, this is a failure in the war on drugs.

In 1993, the beginning of the administration, we see the beginning, the very beginning of crack. In 1994, in 1995, it is exploding. In 1996, 1997, almost up the entire map, out of control. What has gone down in crack is being supplemented by methamphetamine, designer drugs, and also we do not have heroin on the chart, which has absolutely skyrocketed off the charts.

This, again, is the result of I think a policy that can only be termed a failure. It is incredible how many times I hear that, again, the war on drugs is a failure; that some of the things that we have done, the tough enforcement will not work, that we have to liberalize our drug laws.

Recently the New York Times, a New York Times editorial, called for doing away with the Rockefeller laws. The Rockefeller laws were instituted in the 1970s under Governor Rockefeller, tough laws, and they established tough sentencing guidelines.

We often hear that the people behind bars are there because they have, say, used a small amount of illegal substances, marijuana. Small-time users are locked up in jail. That is what this New York Times editorial says, that our criminal justice system is clogged, and particularly they cite New York.

In fact, on New York, we conducted a hearing in Washington on the subject of New York. We brought in an individual, Catherine Lapp, who is the New York State director of criminal justice. She testified before our subcommittee. We asked specific questions about how many people were behind bars, and were in fact New York prisons clogged with people who were small-time users.

Let me cite her testimony before our subcommittee tonight before the House. This is Catherine Lapp: "Over the last several years, there has been much debate in New York about the efficacy of our drug laws, oftentimes referred to as the Rockefeller drug laws, which were enacted in 1973 in response to the onslaught of drugs and drug-driven crime.

"Drug law reform advocates have argued that the drug laws have done little to remove drugs from our communities and only serve to imprison low level drug addicts in our State's prison system for lengthy periods of time.

"Advocates also argue that the law should be repealed in whole or in part and replaced with a system to provide treatment for all drug-addicted criminals. My response to this position is twofold. First, the facts do not bear out the position that there are thousands of low level drug-addicted offenders sentenced each year to State prison for lengthy periods of imprisonment on charges of possession of small amounts of drugs."

That is the first premise she makes here.

She says, "Secondly, New York State has developed a rather sophisticated and progressive system for providing drug treatment options and alternatives to incarceration opportunities for dealing with drug-addicted non-violent offenders. The success of that system, however, is premised on large part on the fact that the offenders are motivated to take advantage of the options in order to avoid mandatory prison terms."

Some of the statistics that she cited in her testimony to me, and this is nothing I have made up, the New York Times editorial will tell us they are draconian laws, and that 22,000 inmates are currently confined in their State prison; that inmates are nonviolent users and small-time sellers.

Again, she did the most extensive survey ever done in New York, and this is some of what she found. First of all, she says, "We also took a random review of the case files for the first-time felony offenders sentenced to State prison in what I believe is a very persuasive way. This documented the various reasons why they were sent to prison.

"In simple terms, the offenders gave judges little choice, as the offenders consistently and routinely thumb their noses at the system, showing little remorse for their actions or interest in seeking treatment. Finally, those sentenced to the State prison received, on average," on average, and this is what they call "locked up forever for small-time use penalties." "On average, 13 months in prison, hardly the lengthy sentences which the drug law reform advocates suggest."

As for repeat drug offenders, our report also documented that only 30 percent of persons with prior felony arrest histories who were arrested for a drug felony actually received a sentenced State imprisonment, only 30 percent.

There are roughly 22,000 individuals, that is the only thing that matches with the New York Times editorial, currently serving time in New York State prison for drug offenses. Eighty-seven percent of them are actually serving time for selling drugs, not mere possession, and over 70 percent have more than one felony conviction on their records.

"Of the persons serving time for drug possession charges, 76 percent were actually arrested for sale or intent to sell and eventually pled down to possession."

Again, that is testimony that is absolutely in conflict with the New York Times' liberal editorial that would tell us that the State prisons in New York, because of the tough Rockefeller laws, are full of small-time users and offenders.

This article goes on or this testimony goes on to talk about some of the things that have also been done in New York. I would like to go ahead and cite them.

"I would like to submit that those who advocate a wholesale repeal of the New York State drug laws in favor of treatment for substance-abusing offenders actually miss the point and fail to appreciate or choose to ignore the realities of the system.

"Perhaps the most compelling argument in favor of maintaining tough drug laws as a way to motivate substance-abusing offenders is found in reports of the King's County Detab, a drug program our subcommittee has looked at that is very successful in King's County, close to New York City.

"On average, over 30 percent of the defendants screened and deemed eligible for this program actually declined to participate in the 18-month residential treatment program, opting instead to go to State prison." This is despite the fact that if they were to successfully complete the program, the charges would be dropped and wiped off their record.

□ 2200

What would we do with this category of offenders in the absence of mandatory minimums? Return them to the communities?

In recent years, changes have been made to the New York State drug laws. Now, the next thing I will tell my colleagues is the drug laws in New York, because of the Rockefeller laws, are inflexible. Ms. Lapp testified, in recent years, changes have been made to the New York State drug laws to permit certain nonviolent offenders to be diverted from prison and to treatment programs or to be released from prison early following successful completion of treatment.

This is the bologna, the tripe put out by the New York Times, the liberal press. This is the fact, the testimony of Catherine Lapp, New York State Director of Criminal Justice before our subcommittee. This is the most extensive survey done on who is behind bars.

Again, it is unbelievable that the media would not print the facts on what is happening in New York or in other jurisdictions and would have us believe that tough sentencing mandatory minimum sentencing should be withdrawn.

We had testimony before our subcommittee from the Federal Sentencing Commission, and we have also asked the question of law enforcement officials in almost every one of our hearings and field hearings across the country and before us in Washington, should we reduce minimum mandatory? Without exception, the answer has been no.

Most people do not realize that we have instituted, in fact, a safety valve and flexibility in the Federal law that does give discretion, that does allow for alternative programs, and does give small time offenders an opportunity.

But, again, what is portrayed by the media is that one would have small-time users and abusers or even sellers behind prison bars, and it does not jibe at all with the facts that have been presented before our subcommittee.

Mr. Speaker, I want to again address some of the myths about policies, tough policies versus liberal policies. New York City has to be the best example of the successful implementation of a zero tolerance as far as drug enforcement, as far as tough enforcement.

When Rudy Guliani, the mayor, took office in the mid or early 1990s here, they are averaging 2,000 deaths in New York. That is down to the mid-600 range, a dramatic decrease.

We called Rudy Guliani in before our subcommittee, and we have also examined the record in that community with a zero tolerance program. The latest statistics reveal that crime is down some 57.6 percent for seven major crimes. Murder is down 58 percent, rape down 31 percent, robbery down 62 percent, felony assaults down 35 percent, burglary down almost 62 percent, grand larceny down 42 percent, and grand larceny auto down almost 69 percent.

Here again the liberals attack the zero tolerance policy. Either one has an activity where one has the liberals calling for more enforcement, or they are ganging up on the mayor in New York City because of tough enforcement. It is either not enough or too much.

But it is interesting. We went back to examine when the mayor was criticized during the fatal shooting that took place by a police officer that, in fact, the number of fatal shootings by police officers in 1999, 11, was the lowest for any year since 1973, the first year for which records are available, and far less than the number of 41 police shootings that took place in 1990.

Moreover, the number of rounds intentionally fired by police declined some 50 percent since 1993, and the number of intentional shooting incidents by police dropped by some 66.5 percent, while the number of police officers that Mr. Guliani actually put in place actually increased by 37.9 percent.

The statistics, again, people do not want to deal with the hard facts. The liberal media will tell us that this policy does not work. The policy does work. The murder and nonnegligent manslaughter down dramatically to the mid 600s. The seven major felony categories down dramatically under this tough enforcement policy.

Now, I want to know where the liberals were when David Dinkins' administration was in office. There were 62 percent more shootings by police officers per capita in the last year of David Dinkins' administrations, the last year, than under Mayor Guliani. Where was Mr. Sharpton? Where were the lib-

erals when these incidents were taking place?

I will tell my colleagues where the liberals were. One of them was in Baltimore, and he was the mayor, Mayor Schmoke. He adopted a nonenforcement, let them do it, we will treat them, do not worry about it, let it all hang out, that is good. Fortunately, Baltimore got rid of the mayor. The mayor is gone. But the deaths in Baltimore during 1998, 1999, 1997 all ranged over 300.

This is a liberal policy. This is a non-enforcement policy. This is the opposite of zero tolerance. They have created a hell hole in one of our Nation's most beautiful and historic cities, Baltimore, where the population of addiction is somewhere between 50,000 and 60,000 individuals.

This is the statistic, this chart was given to us in 1996 where they only had 39,000 addicts in Baltimore. That is through the leadership of a liberal policy. They now have one in eight, according to a city council member, of the population of Baltimore through this liberal policy an addict. Can my colleagues imagine extending this throughout the entire Nation, one in eight in our population? The worst thing about this is they cannot even get 50 percent of those who are addicted to show up for a treatment program or to participate in a program. Imagine demands on the social services.

Fortunately, they have a new mayor. Fortunately, we held a hearing, our subcommittee, in Baltimore. We held a hearing at the beginning of the week. Fortunately, by the end of the week, the mayor who sat there and heard the testimony of the previous police chief fired him and put in a zero tolerance person. That is what we intend to support.

The subcommittee, in fact, met this morning before our hearing with Mr. General McCaffrey and the gentleman from Maryland (Mr. CUMMINGS) who represents this devastated area. We will bring these statistics down, and we can do it through a zero tolerance policy. Other cities have done it. Richmond, Virginia has done it. Others have had tough enforcement.

We will do our best to provide treatment. But one cannot just treat the wounded in a battle. Imagine fighting a war and not going after the enemy, not going after the source of the weapon of destruction coming after one. That is what they have been trying to do, and it has not worked. It will not work. It will not work.

So the liberal media that is out there telling us that we must legalize, that zero tolerance does not work, that the war on drugs is a failure, in fact they are the failure that we have because they repeat this message.

It is my hope again that we can continue to work in a bipartisan fashion. I

have done my best to work with folks on putting the package together, the Colombian aid package. It was delayed for 5 years, and we got it done in 5 months. It is my hope that we can work on other programs and successfully combat this terrible plague upon our Nation.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. FORBES (at the request of Mr. GEPHARDT) for July 10 and July 11 on account of family medical reasons.

Mr. HILL of Indiana (at the request of Mr. GEPHARDT) for July 10 on account of flight delays.

Ms. SLAUGHTER (at the request of Mr. GEPHARDT) for today after 2:00 p.m. through 1:00 p.m. July 12 on account of attending the Women's Progress Commemoration Commission meeting in Seneca Falls, New York.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. PALLONE) to revise and extend their remarks and include extraneous material:)

Mr. PALLONE, for 5 minutes, today.

Mr. GREEN of Texas, for 5 minutes, today.

Mr. STRICKLAND, for 5 minutes, today.

(The following Members (at the request of Mr. UPTON) to revise and extend their remarks and include extraneous material:)

Mr. MILLER of Florida, for 5 minutes, today.

Mr. METCALF, for 5 minutes, today.

Mr. JONES of North Carolina, for 5 minutes, today.

Mr. ADERHOLT, for 5 minutes, today.

Mr. BURTON of Indiana, for 5 minutes, today and July 12.

Mr. SCHAFFER, for 5 minutes, today.

Mr. HOEKSTRA, for 5 minutes, today.

Mr. BATEMAN, for 5 minutes, today.

Mr. UPTON, for 5 minutes, today.

Mr. KOLBE, for 5 minutes, today.

Mr. BASS, for 5 minutes, today.

Mrs. JOHNSON of Connecticut, for 5 minutes, today.

Mr. YOUNG of Alaska, for 5 minutes, today.

(The following Member (at the request of Mr. ADERHOLT) to revise and extend his remarks and include extraneous material:)

Mr. KASICH, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. LATOURETTE, for 5 minutes, today.