Termination of existing consent decrees. Any consent decree that was entered into before the date of the enactment of the Prison Litigation Reform Act of 1995, that is in effect on the day before the date of the enactment of this Act, and that provides for remedies relating to prison conditions shall cease to be effective on the date of the enactment of this Act.

That eliminates all consent decrees, not just those that have as a remedy the release of prisoners. So all of those cases where there are rapes, assaults, and everything else are included.

Mr. DELAY. Mr. Speaker, will the gentleman yield?

Mr. SCOTT. I yield to the gentleman from Texas.

Mr. DELAY. Mr. Speaker, the gentleman is right, reading from the bill, that eliminates all consent decrees, but it does not preclude anybody from renegotiating consent decrees, and leaving out the fact that they are turning violent criminals out on the streets.

Mr. SCOTT. Mr. Speaker, I would point out that in the beginning of the bill, as is indicated, it would eliminate any consent decree that provides for remedies relating to prison conditions.

The beginning of the bill says that notwithstanding that section, no court ''* * * shall have jurisdiction to enter or carry out any prisoner release order that would result in the release from or nonadmission to a prison on the basis of prison conditions of the person subject to incarceration, detention, or admission.''

That has essentially eliminated a lot of the jurisdiction the court had in the beginning. If someone were only to provide for unconstitutional violations, at the prison, I am not sure what the court could do. They have been essentially eliminated from anything other than consent decrees. If the locality does not agree to it, the court would essentially be, because of this bill, without remedy to remedy constitutional violations.

The law that passed 2 years ago is now being litigated. This bill just takes away the authority from the courts to enforce the constitutional rights of the citizens. I think it should not be passed.

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

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

Mr. Speaker, H.R. 3718, as we know, is a freestanding version of an amendment which the gentleman from Texas (Mr. DELAY) offered to H.R. 1252, the Judicial Reform Act of 1998, last month; April 23rd, to be exact. The House at that time overwhelmingly adopted the DeLay amendment by a vote of 367 to 52.

I think it is a good bill. I think it will help keep convicted felons off the streets, which of course is the intent, in a constitutionally permissible manner.

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

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

The SPEAKER pro tempore (Mr. SHIMKUS). The question is on the motion offered by the gentleman from North Carolina (Mr. COBLE) that the House suspend the rules and pass the bill, H.R. 3718.

The question was taken.

Mr. SCOTT. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

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

The point of no quorum is considered withdrawn.

DRUG FREE BORDERS ACT OF 1998

Mr. ARCHER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3809) to authorize appropriations for the United States Customs Service for fiscal years 1999 and 2000, and for other purposees, as amended.

The Clerk read as follows:

H.R. 3809

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Drug Free Borders Act of 1998''.

TITLE I—AUTHORIZATION OF APPROPRIATIONS FOR UNITED STATES CUSTOMS SERVICE FOR DRUG INTERDICTION AND OTHER PURPOSES

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

(a) DRUG ENFORCEMENT AND OTHER NONCOMMERCIAL OPERATIONS.—Subparagraphs (A) and (B) of section 301(b)(1) of the Customs Procedural Reform and Simplification Act of 1978 (19 U.S.C. 2075(b)(1)(A) and (B)) are amended to read as follows:

''(A) $964,587,584 for fiscal year 1999.

''(B) $1,072,928,328 for fiscal year 2000.''.

(b) COMMERCIAL OPERATIONS.—Clauses (i) and (ii) of section 301(b)(2)(A) of such Act (19 U.S.C. 2075(b)(2)(A)(i) and (ii)) are amended to read as follows:

''(i) $970,838,000 for fiscal year 1999.

''(ii) $999,963,000 for fiscal year 2000.''.

(c) AIR INTERDICTION.—Subparagraphs (A) and (B) of section 301(b)(3) of such Act (19 U.S.C. 2075(b)(3)(A) and (B)) are amended to read as follows:

''(A) $98,488,000 for fiscal year 1999.

''(B) $101,443,000 for fiscal year 2000.''.

(d) SUBMISSION OF OUT-YEAR BUDGET PROJECTIONS.—Section 301(a) of such Act (19 U.S.C. 2075(a)) is amended by adding at the end the following:

''(3) By no later than the date on which the President submits to the Congress the budget of the United States Government for a fiscal year, the Commissioner of Customs shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate the projected amount of funds for the succeeding fiscal year that will be necessary for the operations of the Customs Service as provided for in subsection (b).''.

SEC. 102. NARCOTICS DETECTION EQUIPMENT FOR THE UNITED STATES-MEXICO BORDER, UNITED STATES-CANADA BORDER, AND FLORIDA AND THE GULF COAST SEAPORTS.

(a) FISCAL YEAR 1999.—Of the amounts made available for fiscal year 1999 under section 301(b)(1)(A) of the Customs Procedural Reform and Simplification Act of 1978 (19 U.S.C. 2075(b)(1)(A)), as amended by section 101(a) of this Act, $90,244,000 shall be available until expended for acquisition and other expenses associated with implementation and deployment of narcotics detection equipment along the United States-Mexico border, the United States-Canada border, and Florida and the Gulf Coast seaports, as follows:

(1) UNITED STATES-MEXICO BORDER.—For the United States-Mexico border, the following:

(A) $6,000,000 for 8 Vehicle and Container Inspection Systems (VACIS).

(B) $11,000,000 for 5 mobile truck x-rays with transmission and backscatter imaging.

(C) $12,000,000 for the upgrade of 8 fixed-site truck x-rays from the present energy level of 450,000 electron volts to 1,000,000 electron volts (1–MeV).

(D) $7,200,000 for 8 1–MeV pallet x-rays.

(E) $1,000,000 for 200 portable contraband detectors (busters) to be distributed among ports where the current allocations are inadequate.

(F) $600,000 for 50 contraband detection kits to be distributed among all southwest border ports based on traffic volume.

(G) $500,000 for 25 ultrasonic container inspection units to be distributed among all ports receiving liquid-filled cargo and to ports with a hazardous material inspection facility.

(H) $2,450,000 for 7 automated targeting systems.

(I) $360,000 for 30 rapid tire deflator systems to be distributed to those ports where port runners are a threat.

(J) $480,000 for 20 portable Treasury Enforcement Communications Systems (TECS) terminals to be moved among ports as needed.

(K) $1,000,000 for 20 remote watch surveillance camera systems at ports where there are suspicious activities at loading docks, vehicle queues, secondary inspection lanes, or areas where visual surveillance or observation is obscured.

(L) $1,254,000 for 57 weigh-in-motion sensors to be distributed among the ports with the greatest volume of outbound traffic.

(M) $180,000 for 36 AM traffic information radio stations, with 1 station to be located at each border crossing.

(N) $1,040,000 for 260 inbound vehicle counters to be installed at every inbound vehicle lane.

(O) $950,000 for 38 spotter camera systems to counter the surveillance of customs inspection activities by persons outside the boundaries of ports where such surveillance activities are occurring.

(P) $390,000 for 60 inbound commercial truck transponders to be distributed to all ports of entry.

(Q) $1,600,000 for 40 narcotics vapor and particle detectors to be distributed to each border crossing.

(R) $400,000 for license plate reader automatic targeting software to be installed at each port to target inbound vehicles.

(S) $1,000,000 for a demonstration site for a high-energy relocatable rail car inspection system with an x-ray source switchable from 2,000,000 electron volts (2–MeV) to 6,000,000 electron volts (6–MeV) at a shared Department of Defense testing facility for a two-month testing period.

(2) UNITED STATES-CANADA BORDER.—For the United States-Canada border, the following:

(A) $3,000,000 for 4 Vehicle and Container Inspection Systems (VACIS).

(B) $8,800,000 for 4 mobile truck x-rays with transmission and backscatter imaging.

(C) $3,600,000 for 4 1–MeV pallet x-rays.

(D) $250,000 for 50 portable contraband detectors (busters) to be distributed among ports where the current allocations are inadequate.

(E) $300,000 for 25 contraband detection kits to be distributed among ports based on traffic volume.

(F) $240,000 for 10 portable Treasury Enforcement Communications Systems (TECS) terminals to be moved among ports as needed.

(G) $400,000 for 10 narcotics vapor and particle detectors to be distributed to each border crossing based on traffic volume.

(3) FLORIDA AND GULF COAST SEAPORTS.—For Florida and the Gulf Coast seaports, the following:

(A) $4,500,000 for 6 Vehicle and Container Inspection Systems (VACIS).

(B) $11,800,000 for 5 mobile truck x-rays with transmission and backscatter imaging.

(C) $7,200,000 for 8 1–MeV pallet x-rays.

(D) $250,000 for 50 portable contraband detectors (busters) to be distributed among ports where the current allocations are inadequate.

(E) $300,000 for 25 contraband detection kits to be distributed among ports based on traffic volume.

(b) FISCAL YEAR 2000.—Of the amounts made available for fiscal year 2000 under section 301(b)(1)(B) of the Customs Procedural Reform and Simplification Act of 1978 (19 U.S.C. 2075(b)(1)(B)), as amended by section 101(a) of this Act, $8,924,500 shall be for the maintenance and support of the equipment and training of personnel to maintain and support the equipment described in subsection (a).

(c) ACQUISITION OF TECHNOLOGICALLY SUPERIOR EQUIPMENT; TRANSFER OF FUNDS.—

(1) IN GENERAL.—The Commissioner of Customs may use amounts made available for fiscal year 1999 under section 301(b)(1)(A) of the Customs Procedural Reform and Simplification Act of 1978 (19 U.S.C. 2075(b)(1)(A)), as amended by section 101(a) of this Act, for the acquisition of equipment other than the equipment described in subsection (a) if such other equipment—

(A)(i) is technologically superior to the equipment described in subsection (a); and

(ii) will achieve at least the same results at a cost that is the same or less than the equipment described in subsection (a); or

(B) can be obtained at a lower cost than the equipment described in subsection (a).

(2) TRANSFER OF FUNDS.—Notwithstanding any other provision of this section, the Commissioner of Customs may reallocate an amount not to exceed 10 percent of—

(A) the amount specified in any of subparagraphs (A) through (R) of subsection (a)(1) for equipment specified in any other of such subparagraphs (A) through (R);

(B) the amount specified in any of subparagraphs (A) through (G) of subsection (a)(2) for equipment specified in any other of such subparagraphs (A) through (G); and

(C) the amount specified in any of subparagraphs (A) through (E) of subsection (a)(3) for equipment specified in any other of such subparagraphs (A) through (E).

SEC. 103. PEAK HOURS AND INVESTIGATIVE RESOURCE ENHANCEMENT FOR THE UNITED STATES-MEXICO AND UNITED STATES-CANADA BORDERS.

Of the amounts made available for fiscal years 1999 and 2000 under subparagraphs (A) and (B) of section 301(b)(1) of the Customs Procedural Reform and Simplification Act of 1978 (19 U.S.C. 2075(b)(1)(A) and (B)), as amended by section 101(a) of this Act, $117,644,584 for fiscal year 1999 and $184,110,928 for fiscal year 2000 shall be available for the following:

(1) A net increase of 535 inspectors, 120 special agents, and 10 intelligence analysts for the United States-Mexico border and 375 inspectors for the United States-Canada border, in order to open all primary lanes on such borders during peak hours and enhance investigative resources.

(2) A net increase of 285 inspectors and canine enforcement officers to be distributed at large cargo facilities as needed to process and screen cargo (including rail cargo) and reduce commercial waiting times on the United States-Mexico border.

(3) A net increase of 40 inspectors at sea ports in southeast Florida to process and screen cargo.

(4) A net increase of 300 special agents, 30 intelligence analysts, and additional resources to be distributed among offices that have jurisdiction over major metropolitan drug or narcotics distribution and transportation centers for intensification of efforts against drug smuggling and money-laundering organizations.

(5) A net increase of 50 positions and additional resources to the Office of Internal Affairs to enhance investigative resources for anticorruption efforts.

(6) The costs incurred as a result of the increase in personnel hired pursuant to this section.

SEC. 104. COMPLIANCE WITH PERFORMANCE PLAN REQUIREMENTS.

As part of the annual performance plan for each of the fiscal years 1999 and 2000 covering each program activity set forth in the budget of the United States Customs Service, as required under section 1115 of title 31, United States Code, the Commissioner of the Customs Service shall establish performance goals, performance indicators, and comply with all other requirements contained in paragraphs (1) through (6) of subsection (a) of such section with respect to each of the activities to be carried out pursuant to sections 102 and 103 of this Act.

TITLE II—OVERTIME AND PREMIUM PAY OF OFFICERS OF THE UNITED STATES CUSTOMS SERVICE; MISCELLANEOUS PROVISIONS

Subtitle A—Overtime Pay and Premium Pay of Officers of the United States Customs Service

SEC. 201. CORRECTION RELATING TO FISCAL YEAR CAP.

Section 5(c)(1) of the Act of February 13, 1911 (19 U.S.C. 267(c)(1)) is amended to read as follows:

''(1) FISCAL YEAR CAP.—The aggregate of overtime pay under subsection (a) (including commuting compensation under subsection (a)(2)(B)) that a customs officer may be paid in any fiscal year may not exceed $30,000, except that—

''(A) the Commissioner of Customs or his or her designee may waive this limitation in individual cases in order to prevent excessive costs or to meet emergency requirements of the Customs Service; and

''(B) upon certification by the Commissioner of Customs to the Chairmen of the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate that the Customs Service has in operation a system that provides accurate and reliable data on a daily basis on overtime and premium pay that is being paid to customs officers, the Commissioner is authorized to pay any customs officer for one work assignment that would result in the overtime pay of that officer exceeding the $30,000 limitation imposed by this paragraph, in addition to any overtime pay that may be received pursuant to a waiver under subparagraph (A).''.

SEC. 202. CORRECTION RELATING TO OVERTIME PAY.

Section 5(a)(1) of the Act of February 13, 1911 (19 U.S.C. 267(a)(1)), is amended by inserting after the first sentence the following new sentence: ''Overtime pay provided under this subsection shall not be paid to any customs officer unless such officer actually performed work during the time corresponding to such overtime pay.''.

SEC. 203. CORRECTION RELATING TO PREMIUM PAY.

(a) IN GENERAL.—Section 5(b)(4) of the Act of February 13, 1911 (19 U.S.C. 267(b)(4)), is amended by adding after the first sentence the following new sentence: ''Premium pay provided under this subsection shall not be paid to any customs officer unless such officer actually performed work during the time corresponding to such premium pay.''.

(b) CORRECTIONS TO NIGHT WORK DIFFERENTIAL PROVISIONS.—Section 5(b)(1) of such Act (19 U.S.C. 267(b)(1)) is amended to read as follows:

''(1) NIGHT WORK DIFFERENTIAL.—

''(A) 6 P.M. TO MIDNIGHT.—If any hours of regularly scheduled work of a customs officer occur during the hours of 6 p.m. and 12 a.m., the officer is entitled to pay for such hours of work (except for work to which paragraph (2) or (3) applies) at the officer's hourly rate of basic pay plus premium pay amounting to 15 percent of that basic rate.

''(B) MIDNIGHT TO 6 A.M.—If any hours of regularly scheduled work of a customs officer occur during the hours of 12 a.m. and 6 a.m., the officer is entitled to pay for such hours of work (except for work to which paragraph (2) or (3) applies) at the officer's hourly rate of basic pay plus premium pay amounting to 20 percent of that basic rate.

''(C) MIDNIGHT TO 8 A.M.—If the regularly scheduled work assignment of a customs officer is 12 a.m. to 8:00 a.m., the officer is entitled to pay for work during such period (except for work to which paragraph (2) or (3) applies) at the officer's hourly rate of basic pay plus premium pay amounting to 20 percent of that basic rate.''.

SEC. 204. USE OF SAVINGS FROM PAYMENT OF OVERTIME AND PREMIUM PAY FOR ADDITIONAL OVERTIME ENFORCEMENT ACTIVITIES OF THE CUSTOMS SERVICE.

Section 5 of the Act of February 13, 1911 (19 U.S.C. 267), is amended—

(1) by redesignating subsection (e) as subsection (f); and

(2) by inserting after subsection (d) the following:

''(e) USE OF SAVINGS FROM PAYMENT OF OVERTIME AND PREMIUM PAY FOR ADDITIONAL OVERTIME ENFORCEMENT ACTIVITIES.—

''(1) USE OF AMOUNTS.—For fiscal year 1999 and each subsequent fiscal year, the Secretary of the Treasury—

''(A) shall determine under paragraph (2) the amount of savings from the payment of overtime and premium pay to customs officers; and

''(B) shall use an amount from the Customs User Fee Account equal to such amount determined under paragraph (2) for additional overtime enforcement activities of the Customs Service.

''(2) DETERMINATION OF SAVINGS AMOUNT.—For each fiscal year, the Secretary shall calculate an amount equal to the difference between—

''(A) the estimated cost for overtime and premium pay that would have been incurred during that fiscal year if this section, as in effect on the day before the date of the enactment of sections 202 and 203 of the Drug Free Borders Act of 1998, had governed such costs; and

''(B) the actual cost for overtime and premium pay that is incurred during that fiscal year under this section, as amended by sections 202 and 203 of the Drug Free Borders Act of 1998.''.

SEC. 205. EFFECTIVE DATE.

This subtitle, and the amendments made by this subtitle, shall apply with respect to pay periods beginning on or after 15 days after the date of the enactment of this Act.

Subtitle B—MISCELLANEOUS PROVISIONS

SEC. 211. ROTATION OF DUTY STATIONS AND TEMPORARY DUTY ASSIGNMENTS OF OFFICERS OF THE UNITED STATES CUSTOMS SERVICE TO PROMOTE INTEGRITY.

(a) IN GENERAL.—Section 5 of the Act of February 13, 1911 (19 U.S.C. 267), as amended by this Act, is further amended—

(1) by redesignating subsection (f) as subsection (g); and

(2) by inserting after subsection (e) the following:

''(f) ROTATION OF DUTY STATIONS AND TEMPORARY DUTY ASSIGNMENTS OF CUSTOMS OFFICERS.—

''(1) IN GENERAL.—Notwithstanding any other provision of law, bargaining agreement, or Executive order, in order to ensure the integrity of the United States Customs Service, the Secretary of the Treasury—

''(A) may transfer up to 5 percent of the customs officers employed as of the beginning of each fiscal year to new duty stations in that fiscal year on a permanent basis; and

''(B) may transfer customs officers to temporary duty assignments for not more than 90 days.

''(2) VOLUNTARY AND OTHER TRANSFERS.—A transfer of a customs officer to a new duty station or a temporary duty assignment under paragraph (1) is in addition to any voluntary transfer or transfer for other reasons.

''(3) ADDITIONAL REQUIREMENT.—The requirements of this subsection, including any regulations established by the Secretary to carry out this subsection, are not subject to collective bargaining.

''(4) AUTHORIZATION OF APPROPRIATIONS.—

''(A) IN GENERAL.—There are authorized to be appropriated for fiscal year 2000 $25,000,000 to carry out this subsection.

''(B) AVAILABILITY OF AMOUNTS.—Amounts authorized to be appropriated under subparagraph (A) are authorized to remain available until expended.

''(5) RULE OF CONSTRUCTION.—The authority provided by this subsection may be exercised only to the extent that in the applicable appropriations Act (or in the committee report or joint statement of managers to such Act) an account is specifically established for the authority provided by this subsection.''.

(b) EFFECTIVE DATE.—Section 5(f) of the Act of February 13, 1911, as added by subsection (a), shall take effect on October 1, 1999.

SEC. 212. EFFECT OF COLLECTIVE BARGAINING AGREEMENTS ON ABILITY OF UNITED STATES CUSTOMS SERVICE TO INTERDICT CONTRABAND.

Section 5 of the Act of February 13, 1911 (19 U.S.C. 267), as amended by this Act, is further amended—

(1) by redesignating subsection (g) as subsection (h); and

(2) by inserting after subsection (f) the following:

''(g) EFFECT OF COLLECTIVE BARGAINING AGREEMENTS ON ABILITY OF CUSTOMS SERVICE TO INTERDICT CONTRABAND.—

''(1) SENSE OF THE CONGRESS.—It is the sense of the Congress that collective bargaining agreements should not have any adverse impact on the ability of the United States Customs Service to interdict contraband, including controlled substances.

''(2) PROVISIONS CAUSING ADVERSE IMPACT TO INTERDICT CONTRABAND.—

''(A) REQUIREMENT TO MEET.—If the Commissioner of the Customs Service determines that any collective bargaining agreement with the recognized bargaining representative of its employees has an adverse impact upon the interdiction of contraband, including controlled substances, the parties shall meet to eliminate the provision causing the adverse impact from the agreement.

''(B) FAILURE TO REACH AGREEMENT.—If the parties do not reach agreement within 90 days of the date that the Commissioner of Customs made the determination of adverse impact, the negotiations shall be considered at impasse and the Commissioner of Customs may immediately implement the last offer of the Customs Service. Such implementation shall not result in an unfair labor practice or, except as may be provided under the following sentence, the imposition of any status quo ante remedy against the Customs Service. Either party may then pursue the impasse to the Federal Service Impasses Panel pursuant to section 7119(c) of title 5, United States Code, for ultimate resolution.

''(C) RULE OF CONSTRUCTION.—Nothing in this paragraph shall be construed to limit the authority of the Commissioner of Customs to implement immediately any proposed changes without waiting 90 days, if exigent circumstances warrant such immediate implementation, or if an impasse is reached in less than 90 days.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. ARCHER) and the gentleman from California (Mr. MATSUI) each will control 20 minutes.

The Chair recognizes the gentleman from Texas (Mr. ARCHER).

GENERAL LEAVE

Mr. ARCHER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 3809.

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

There was no objection.

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

Mr. Speaker, as my colleagues know, drug use among teenagers is now skyrocketing. This Congress is dedicated to winning the war on drugs because our very children's lives are at stake.

Last week Anthony Butler, a 17-year-old from Annapolis, Maryland, told the Congress that he started smoking marijuana when he was 12 years old, age 12. At age 13 he was sentenced to juvenile life after being found guilty of several crimes. He said drugs were, and I quote, ''* * * easy to get. They were everywhere.'' During those years they were available even in his juvenile detention center, Boys Village in Prince Georges County.

This young man could be anyone's son, grandson, nephew, or little brother. The point is, we are losing the war on drugs, and the statistics are grim. More kids are using marijuana, more kids are using cocaine, more kids are using heroin, more kids are risking their lives, and more kids are dying.

Mr. Speaker, this bill will help keep drugs out of our children's hands and out of their lives. We must stop drugs from coming across our borders. Last year the Customs Service seized 1 million pounds of narcotics, and impressive as that is, Anthony Butler still was able to get drugs at the drop of a hat, and that, Mr. Speaker, is frightening.

Mr. Speaker, the reasons to step up the war on drugs are clear, yet the U.S. Customs service and the Clinton administration support for this bill has been anything but unwavering. Last Tuesday at the subcommittee markup of this legislation, the U.S. Customs Service said they supported each and every provision of this bill, including provisions that I expect will be heatedly debated today.

But sadly, it appears as though Washington's labor bosses have tightened their grips on the Clinton administration, and even on its drug czar. Politics, unfortunately, has entered into the decision-making process of the administration, because by last Thursday, U.S. Customs had reversed its position and no longer supports this bill to beef up our borders against drugs.

Today the administration is backtracking. It now supports the bill, but opposes one of its most significant elements because of labor opposition, and an element, I must say, that was encouraged to be put in the bill by the Customs Department itself to enable it to do a better job.

I am deeply disappointed in the administration's change of heart, driven by politics, to put the interests of Washington's labor bosses above the well-being of children like Anthony Butler from Annapolis, Maryland.

Let me make clear the provisions do one thing and one thing only: They help win the war on drugs. One provision gives Customs the flexibility to deploy personnel where they are needed most. Drug smugglers do not work 9 to 5, and our Nation's front line of defense in the war on drugs cannot work 9 to 5, either.

Another says if a group of employees under the collective bargaining agreement refuses to work with Customs on drug interdiction, thus undermanning the war on drugs, Customs must bring the matter to negotiations for 90 days. If there is no resolution, Customs may implement its last offer, so that Customs can stop drugs from crossing our border while the union pursues its remedies.

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One procedure that is being blocked today by a local union is used everywhere else along the U.S.-Mexico border, resulting in 50 percent seizure of all drugs in one site, San Ysidro, California. We need to join together to protect our children from the scourge of drugs. This is not a time for partisan politics or for special interest influence in either party. We must put our children first.

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

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

H.R. 3809 poses an unfortunate dilemma for many Members. On the one hand, it authorizes additional resources needed by the United States Customs Service for antidrug enforcement. On the other hand, it contains provisions affecting Customs employees and their collective bargaining

rights in particular, which are controversial and do not have bipartisan support.

Title I of the bill authorizes appropriations for the Customs Service for fiscal years 1999 and 2000, as requested by the President, plus additional funds authorized specifically for additional equipment and personnel to strengthen enforcement along our borders against illegal drugs and other contraband.

The $90 million earmarked for the latest equipment and technology and the $301 million earmarked over 2 prior years for an additional 1,745 Customs inspectors, special agents and other personnel are necessary for additional resources to detect and interdict illegal drugs.

Mr. Speaker, the problem with this bill, however, is two provisions in the bill which Democrats opposed in the Committee on Ways and Means, sections 211 and 212. These two sections would allow Customs managers to abrogate unilaterally collective bargaining agreements between Customs management and Customs employees and to regulate the collective bargaining process as it applies to the temporary reassignment of Customs inspectors and the interdiction of contraband.

Specifically, section 211 authorized Customs management to reassign its employees without regard to any existing executive order, Federal law or collective bargaining agreement. Section 212 authorizes Customs to determine whether a collective bargaining agreement has an adverse impact on the interdiction of contraband and to implement a management action if agreement is not reached within 90 days with the union. Under exigent circumstances, whatever Customs basically determines them to be, management action may be implemented immediately.

In short, Mr. Speaker, Customs is being authorized to ignore and abrogate collective bargaining agreements negotiated in good faith. That is the major problem with this legislation.

I might just point out to the chairman of the Committee on Ways and Means that the administration is not opposing this provision because of special interests or because of labor. It is because the administration believes that contracts should not be abrogated.

I think it is about time that the majority begin to stop considering it a conspiracy every time something that they disagree with happens. They should stop looking under the bed or opening up closets. Maybe they might then come to the realization that sometimes these decisions are made based upon good faith and certainly upon good policy and good judgment.

Most of the Members on our committee did support this legislation. It is my hope that when this matter goes to the House-Senate conference that we can correct section 211 and section 212, which certainly need major revisions, if, in fact, this bill is eventually to get to the President and certainly before the President will sign this legislation.

Mr. HOYER. Mr. Speaker, will the gentleman yield?

Mr. MATSUI. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Speaker, I thank the gentleman for yielding to me and certainly want to associate my comments with his.

Section 203 also is of some concern in that it impacts on the premium pay that is earned by Customs employees. I would say to my friend from Florida, who is managing the bill, and my friend from California, I intend to vote for this bill when it comes up for a vote, voice vote or however it will be. But I will be watching very closely, as the gentleman from California indicates, what happens in conference.

Very frankly, what was done as it relates to the employees and to the integrity of the contracts that they have negotiated and entered into gives me great concern. That is not the thrust of this bill, but it is one of the tangential impacts that I think should give everybody in this House concern. I hope that in conference these concerns will be addressed, this facet of it will be fixed, so that the very positive aspects of this bill can go forward.

I thank the gentleman for yielding to me.

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

The SPEAKER pro tempore (Mr. SHIMKUS). Without objection, the gentleman from Florida (Mr. SHAW) is recognized to control the time.

There was no objection.

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

I would point out to my friend from California that the vote in the Committee on Ways and Means was unanimous; all that were there voted for it with, I believe, one Member voting present. There were no negative votes. It is a very well-thought-out bill.

I would also tell my friend from Maryland that we believe that we took care of the problem with regard to the existing contract in that the provision that was talked about as abrogating the rights of a contract does not take place until the existing contract expires in 1999. Also, there is a provision within that contract that very specifically states that if the law should change during the period of the labor contract, that the law would certainly prevail.

Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. HASTERT).

Mr. HASTERT. Mr. Speaker, I thank the gentleman from Florida for yielding me the time.

This bill has been a long time coming. I have taken about four or five trips to the border myself to try to look at the problems, understand what is going on.

If we go to Tijuana, the crossing there, if we go to Laramie, if we go to El Paso, if we go to Nogales, what they tell us time after time is, Congressman, we have a problem. Because if this lane of traffic has an INS inspector and this lane of traffic has a Customs inspector and, in fact, in El Paso they sit up on the bridge over in Mexico and they look with their binoculars and they say, with their telephones, go into lane 3 because an INS inspector is there and they cannot lift the trunk because that is in the contract. And we know that the drug smugglers know who these people are. They know what lane they are in. They said, we cannot get everything we should get because these union contracts stand in our way.

When I talk about that to my folks back home, they say, well, that is a common-sense thing. Why do we not change things that should be changed?

The other problem, part of this problem, if we have a Customs agent who has been on a job and, according to their contract, they can bid on a job and they can live on the border for 20 years, the same place, their brother-in-law can live across the border. It is common sense that maybe the potential for corruption happens when somebody is too long in one place and too close to situations. Maybe we ought to change that; and when the contract comes up to be renewed, maybe those are the things that ought to be renegotiated.

So I take my hat off to the gentleman from Illinois (Mr. CRANE), the gentleman from Texas (Mr. ARCHER), and the gentleman from Florida (Mr. SHAW) for coming forward with a good, common-sense bill.

That is not all this bill does. It also brings in 1700 new officers so that we can attack smuggling from Florida, the Gulf Coast and our southwest and Canadian borders. This bill puts some teeth into what we need to do.

I support it and ask for Members' positive vote.

Mr. MATSUI. Mr. Speaker, I yield 3 minutes and 30 seconds to the gentleman from Michigan (Mr. LEVIN).

(Mr. LEVIN asked and was given permission to revise and extend his remarks.)

Mr. LEVIN. Mr. Speaker, if there is any domestic issue that deserves action across party lines, this is it, drugs. My staff and I have worked actively in this fight against drugs as a number one priority in Washington and at home.

At home, we have worked building antidrug coalitions, always nonpartisan, always across all kinds of lines involving parents and students and teachers, leaders in the business community, law enforcement and religious communities.

The administration announced a 10-year national drug strategy, and it addresses supply and demand factors, both of them. The strategy calls for an enhanced border effort.

When some of us were in Chile with the President at the summit of the Presidents of the Americas, we met with the President and discussed especially this border problem. And he said to us, a bipartisan group, will you work with me to enhance border efforts on a

bipartisan basis? And the answer from all of us on a bipartisan basis was yes.

The main part of this bill embodies that spirit, an enhanced effort at the border. It was worked out on a bipartisan basis.

That is not true of subtitle B of title II, so-called miscellaneous provisions. The gentleman from Illinois says this bill has been a long time in coming, but these provisions, abrogation of contract provisions, were sprung without a hearing at the last minute last Tuesday without any bipartisan discussion whatsoever. Those are the facts.

The chairman of the committee has talked that we should not politicize drugs, and how true it is; but that is exactly what the majority does when they raise provisions without talking to us for one second, at the last minute, without any hearings on a bill that is a long time in coming.

These provisions may not go into effect this year, but when they go into effect, they give a government agency the power to abrogate a collective bargaining agreement, a contract, without any standards; and it seems to me that those of us who believe in the contract provisions, who believe in the contract process in this country, that they would hesitate before setting this kind of a precedent.

I am going to vote for this bill. I am hoping that the Senate will look at these provisions. They already have a bill that authorizes the Customs Department. It does not contain these contract abrogation provisions.

Let us pass this along to the Senate, hoping that they will keep what is necessary here, the fight against drugs, and remove the political parts of this bill.

Mr. SHAW. Mr. Speaker, I yield myself 15 seconds to reply to the gentleman from Michigan.

The provision that he is claiming that is politicized came from the administration. We did not jump this or spring this on the Democrats. This was requested by the Customs Department themselves.

Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. PORTMAN).

Mr. PORTMAN. Mr. Speaker, as we debate this bill today to tighten up the border and clamp down on drugs coming into this country, I think it is probably appropriate to pause and remember why we are here.

We do have an increasing drug problem in this country. We have had a doubling of teenage drug use in the last 5 years in this country. Prices are down; volumes are up. We have a crisis.

I have focused more on the demand side, on the prevention/education side, because I think that is ultimately how we are going to solve this problem. We also have to acknowledge that to the degree to which we have high volumes and low prices on the street, we are going to have an increasing problem on the demand side. So they are linked. That point has been made to me a lot by my colleagues, and I am a believer.

Today, 70 percent of high school seniors tell us they can get drugs within 24 hours. Given where we are, given the situation, I think that this legislation is a good balance. I think it is a good way to be sure that we are doing a much better job on the border, which we have to do.

There are a series of changes in here. It increases the number of inspectors and special agents. It increases resources at the border, something the gentleman from Michigan (Mr. LEVIN) said the President is in favor of.

We are doing this on a bipartisan basis. It enhances the technology available to them. Others are going to talk more about this, but it is amazing the degree to which these Customs officers are now asked to work with poor technology, dealing with thousands and thousands of drugs coming across busy border crossings made busier by NAFTA, which I supported and many other Members on both sides did. We need to give them the technology to check these trucks.

□ 1430

Finally, the flexibility to be able to deploy these resources where they are needed. If we are to have a real war on drugs, we have to fight it like a war. We have to give the Customs Service the flexibility to put personnel where they are needed, and that includes rotations, and that includes nighttime service, and that includes the ability to be flexible to respond to ever-changing border situations, because the smugglers will find a new way to come in every chance they get.

So to me this is kind of a basic commonsense response. If we are serious about drugs, we have to do it. It is a reasonable response to a crisis situation.

Mr. MATSUI. Mr. Speaker, I yield ½ minute to the gentleman from Michigan (Mr. LEVIN).

Mr. LEVIN. Mr. Speaker, I just wanted to say to my friend from Florida that we discussed this in the Committee on Ways and Means and it was clear that the staff of the majority discussed this and helped initiate this. Maybe discussed it with the administration. We are waiting for the evidence. But there was not the full discussion with the minority. There was no discussion with us.

And maybe this is part of what was described in the Washington Post, an effort by the Republicans to politicize this issue instead of coming together. So I urge we move ahead with this bill but look at the bad provisions in conference.

Mr. MATSUI. Mr. Speaker, I yield 3½ minutes to the gentleman from Texas (Mr. REYES).

Mr. REYES. Mr. Speaker, I thank the gentleman for yielding me this time. I appreciate he does not have a lot of time, and in 3½ minutes I cannot tell my colleagues the frustration of working in this body.

The reason I rise in strong opposition to this bill, among many, is the information that we hear here about one agency being able to open trunks and the other agency not being able to open trunks. To suggest that a collective bargaining contract leads to corruption is ridiculous.

I patrolled our border for more than 26 years with the Border Patrol and also served as an inspector at our ports of entry for 4 years. I know what the men and women of our borders are asked to do on a daily basis. I know the dedication they pour into their work each and every day to keep our communities safe.

I do not understand how this body can vote on a bill which will send many of our customs inspectors home to their families with less pay and will take away their current negotiating rights. I do not understand how we can be so hypocritical as to ask our inspectors to do more but give up their rights while serving as a first line of defense on our borders.

I think I do understand how we work in this House but I do not agree with it. The reason that our borders and our fight against drugs does not work is because too often in this House we make it a political issue. I make it a practice to act in the best interest of our border and do not politicize the needs of our border.

I am a cosponsor of the bill offered by the gentleman from California (Mr. HUNTER), which increases our Border Patrol presence and gives our agents more flexibility while doing their jobs because it is the right thing to do. He is a cosponsor of my bill to separate the enforcement functions of the INS and create a new agency, again because it is the right thing to do. It serves the needs of our communities, not the needs of our political agendas.

I stand here today deeply disturbed with this body, because the legislation that is pending before us has nothing to do with the border, it has nothing to do with fighting drugs; it has everything to do with politics. When are we going to act in the best interest of our border communities and pass legislation which addresses the needs of our drug enforcement agencies?

We should not use the issue to push political agendas. If this bill is designed to make some Members look bad and choose between much-needed personnel and technology and the rights of our agents and inspectors who enforce our narcotics and immigration laws, then shame on us for politicizing the security and the integrity of our borders and misusing the trust and faith placed in us by our communities.

No one in this body today should fall into this trap. I refuse to compromise the security of our Nation and the rights of our hard working and dedicated agents and inspectors. We all owe it to our men and women who stand on the border of this great country, keeping our families and our communities safe, and ask nothing in return except the fundamental right of fair treatment.

I ask all my colleagues, based on 26½ years of experience in fighting drugs, in fighting illegal immigration on our borders, to oppose this bill. There were no hearings held. This is a mishmash and a missed opportunity to do what is right.

Mr. SHAW. Mr. Speaker, may I inquire as to the time remaining on either side?

The SPEAKER pro tempore (Mr. SHIMKUS). The gentleman from Florida (Mr. SHAW) has 9¾ minutes remaining, and the gentleman from California (Mr. MATSUI) has 8¼ minutes remaining.

Mr. SHAW. Mr. Speaker, I yield 2 minutes to the gentleman from Arizona (Mr. HAYWORTH), a distinguished member of the Committee on Ways and Means.

Mr. HAYWORTH. Mr. Speaker, I thank my colleague from Florida for yielding me this time.

I listened with great interest to my friend from Texas and his very unique perspective, and he raises an interesting question that I think we should all take into account: workers' rights versus workers' responsibilities. I was intrigued to hear many Members of the minority even offering that predictable cacophony of complaints prompted by the Washington union bosses, and I have a couple of letters here urging opposition to this legislation.

But I think it is a fair question to ask: Do workers' responsibilities ever rank preeminently as opposed to coexisting with workers' rights? Because what we have, my colleagues, is a full-fledged crisis. And even though our drug czar, General McCaffery, today would criticize us for using the term ''war on drugs,'' Mr. Speaker, that is exactly what we should be committed to do.

If we are serious about stopping this flow of drugs, that means that all available personnel should be called into action to do their jobs. And when it comes to collective bargaining, though I am pleased to admit the JD in my name does not stand for Juris Doctor, I am not a lawyer and never played one on TV, and I consider that an asset, but it is a well-held legal fact that this body can change the terms of any agreement involving Federal workers and workers' agreements.

What we have, Mr. Speaker, is a chance to go on record. What do we hold in higher esteem: A collective bargaining agreement or the future of our children and interdicting drugs? This should be all about drug interdiction and it has very little to do with workers' rights.

Mr. Speaker, I urge passage of the legislation.

Mr. MATSUI. Mr. Speaker, I yield 2½ minutes to the gentleman from California (Mr. FILNER).

Mr. FILNER. Mr. Speaker, I thank the gentleman for yielding me this time.

Yes, we must be relentless, Mr. Speaker, in our war on drugs, but not at the expense of the soldiers whom we must rely on to fight that battle. H.R. 3809 gives us tools in this tough battle but puts those who will use the tools into straightjackets.

Provisions of this bill will rob Customs employees, who are the frontline drug enforcement personnel, of both their hazard pay to work essential nighttime shifts and their negotiating rights. This makes no sense at a time when we are asking these soldiers to work harder and smarter with new high-tech equipment.

I say to the distinguished chairman of this committee and to the distinguished gentleman from Arizona (Mr. HAYWORTH) that we are not talking here about union bosses, we are not talking about special interests, we are talking about the men and women who are fighting the war on drugs.

This bill would allow Customs Service management to back out of agreements made with rank-and-file employees. And because armies are dependent on the loyalty and respect between soldiers and officers, we cannot win the war on drugs if management makes agreements with employees but then has the congressional approval to break them at will.

Congress will waste taxpayers' money if it authorizes expensive cutting-edge equipment while at the same time undermining employee morale and labor standards. A drug interdiction program for the century depends on 21st century equipment and a 21st century work force. The Customs Service will not be able to retain or attract the high quality employees needed to operate upgraded equipment if it downgrades the labor standards.

This bill should not be passed in its present form, Mr. Speaker. The aim of this bill is good, but it has not gone through the normal legislative process to fix the problems. Let us defeat this bill today, fix the problems, bring it back under regular order for a unanimous vote of support.

Let us make this war on drugs, I say to my friends on the other side of the aisle, unanimous. Let us not politicize it with this kind of bill that was brought with only a few days' notice, that undermines the men and women who are going to fight this war.

Mr. SHAW. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Florida (Mr. MCCOLLUM), the chairman of the Subcommittee on Crime of the Committee on the Judiciary.

(Mr. MCCOLLUM asked and was given permission to revise and extend his remarks.)

Mr. MCCOLLUM. Mr. Speaker, I thank the gentleman for yielding me this time, and I want to commend the gentleman from Florida (Mr. SHAW) and the others who sponsored this bill. It is a terrific piece in the puzzle to get us back to the point where we are actually fighting a war against drugs; where we are putting the full energy of this country where it needs to be.

With double the teenage drug use in the last six years in this country, it is very apparent we have a big time problem. We need education, we need training, we need drug treatment, but we also have to stop the flow of drugs coming into this country. This is one piece in that puzzle that deals with the Customs Service, and it is a very good piece in that puzzle.

In order to stop the flow of drugs from coming in here, or at least to cut back about 80 percent, which is what is necessary for us to increase the price of drugs on the streets and reduce the amount that is available, that is flooding our streets, and make the job of demand easier, then we have to do things in the source countries to reduce the flow of drugs out of Colombia, Peru, Bolivia, places like that, Mexico, and we have to stop the drugs when they are coming across our coastal waters, but we also have to stop them at our borders.

That is where the Border Patrol comes in, the Coast Guard comes in, DOD, DEA, everybody, but Customs is a very important part of that. This bill would put $960 million of new money at this effort through Customs. It is a 31 percent increase over the President's request for Customs. It would mean 1,705 new personnel and all kinds of new equipment, including x-ray equipment at our borders, not only the borders with Mexico and the United States but Canada and the United States and along the coast of Florida, which is very important to our State in the region where I come from.

This is a very, very important bill to beef up the Customs portion and to put us on track where we can actually have the right personnel, the right equipment at every level, in source countries, transit and at the border, to really fight a true war against drugs. And I urge the adoption of this drug border enforcement, Drug-Free Border Act that the gentleman from Florida (Mr. SHAW), the gentleman from Illinois (Mr. CRANE) and others are sponsoring today.

Mr. MATSUI. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. WATERS).

Ms. WATERS. Mr. Speaker, I rise in support of this bill to support U.S. Customs' interdiction efforts with the latest high-tech equipment for detecting narcotics coming through commercial trade, although I am going to work to remove the anti-worker provisions the Republican leadership has stuck in this bill.

The eradication of illegal drugs in our society is a number one priority of the Congressional Black Caucus. We put it in our priority statement over two years ago and we have been working very hard. I am pleased that the Republican leadership has finally gotten around to calling for funding the sophisticated antidrug technology that we possess. I was calling for this during the debate over fast track, when I put out a major report on the effect of NAFTA and other trade treaties on the increase of drug trade through commercial trucks and ships.

Unfortunately, neither the Republican leadership nor the drug czar wanted to address the drugs and trade then. I could not even get the Republican Members of this House to accept a copy of the report that I put together talking about what was going on.

I also introduced my legislation January 27, 1998, that calls for funding sophisticated high energy container x-ray systems and automated targeting systems for inspection of cargo at major border checkpoints. I am pleased that this bill will authorize these inspection systems. Some would say the Republicans stole my legislation, but whether they did or not, I am glad that they finally caught up.

I must say I do have reservations about some of the provisions that have been stuck in the bill. I think it was in there because it was supposed to scare away people who are friends to organized labor, but we are not running from this. We will straighten it out in conference. The Senate put it in. They did it right. This provision that my colleagues on the other side have put in is just a poison pill, but I will support the bill and work to take that out.

I want my colleagues to know we must commend this administration for the big money-laundering bust that just took place. I am going to know my colleagues are serious when they join me on the money laundering bill that takes some of the American banks into the 21st century.

Mr. SHAW. Mr. Speaker, I yield 2½ minutes to the gentleman from Iowa (Mr. NUSSLE), a distinguished member of the Committee on Ways and Means.

Mr. NUSSLE. Mr. Speaker, I thank the gentleman for yielding me this time. By the way, that was bipartisanship. I am glad that there are at least some folks that are coming down here in a very bipartisan way talking about drugs but, unfortunately, that is not happening all the way across the board.

Just to clear up a couple of things that have been discussed here today. I was at a meeting. It was not staff that had the meeting with Customs about whether or not to put these changes in in section B. I was at the meeting. They asked for it. They are part of the administration. It has been a bipartisan effort to make these changes from the beginning. If somebody did not happen to be at the meeting, that is not my fault.

□ 1445

That is not Customs' fault. But this has been going on for a long time. And I realize that there are a few people that have got their noses out of joint. But it is not because, I do not believe, they believe we should not be doing things about drugs. It is for other reasons.

Let me just tell my colleagues a little bit about this bill that I think we need to consider. One is that there is no abrogation of contract. All right? There is no such thing as that in this bill. What there is is that there is a time limit, and it says, ''If you cannot get your ducks in order within 90 days,'' and we have had examples that have been pointed out that have been as long as 4 years and running where opportunities to make agreements between the union members and management have not been worked out, ''exigent circumstances can be grounds for making these changes.''

Let me just give my colleagues an example of what exigent circumstance might be. Back this last year, in March of 1997, the FBI intelligence discovered that there was a drug smuggling ring on the border of California that was going to use extreme measures in retaliation for lost shipments of drugs; and, so, what the Customs Service did was they said to their workers, ''You are ordered to wear bullet-proof vests and body armor.'' And so what happened? Union representatives said, ''That is not in our contract. We don't have to.''

Well, body armor and bullet-proof vests are not just there for the protection of the one person who wears it or a union member. It is there to protect the border. And it in that kind of exigent circumstance that the Customs Department needs to be able to suggest that current union contracts do not stand in the way of bullets flying at the border. Body armor stands in the way, possibly.

So not contracts, not union organizations, but exigent circumstances in this instance needed to be the grounds for this extreme measure. It needs to be part of this bill. The Customs Service has asked for it. It has been bipartisan. Let us vote for this bill.

Mr. MATSUI. Mr. Speaker, I yield 2½ minutes to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, like all working families in this country and Members of this body, I am committed to the fight against illegal drugs flowing into our country across our borders. We need to strengthen our efforts to halt the flood of drugs to our cities and suburbs and States. This is the context, Mr. Speaker, in which I rise to oppose H.R. 3809.

I believe that the drug issue is too important to clot it with anti-Customs Service worker provisions, wherever those provisions came from. This measure is far too controversial to be considered under the suspension calendar. It needs to be sent back to the Committee on Rules for full consideration.

This bill has a number of laudable aspects. It increases funds authorized for Customs Service to use for drug interdiction activities, earmarks money for the hiring of more than 1,700 new Customs inspectors, special agents, K–9 enforcement officers, provides for a variety of new high-tech equipment.

But illegal drugs will not be stopped by technology or money alone. Drugs will be halted by the motivated and dedicated people who work for the Customs Service. These civil servants are the first line of defense against the drugs flowing into our country. Why attack them? They did not create the drug problem. This is where H.R. 3809 becomes an extreme and radical measure.

Customs agents have freely chosen to belong to a union, and they worked with Customs management to establish one of our Nation's most innovative labor-management partnerships. This bill would punish them for their efforts. This bill would allow the Commissioner of the Customs Service to unilaterally cancel any aspects of the collective bargaining agreement. The bill would destroy the collective bargaining process in the Customs Service.

This is wrong. Government workers have rights. Why, in the name of the fight against drugs, do we have legislation in front of us which attacks the rights of working people? Mr. Speaker, I submit that there ought to be rehabilitation for those who want to knock down wages and benefits of workers in the name of fighting drugs.

Mr. MATSUI. Mr. Speaker, may I inquire of the amount of time we have on our side?

The SPEAKER pro tempore (Mr. SHIMKUS). The gentleman from California (Mr. MATSUI) has 1¾ minutes remaining.

Mr. MATSUI. Mr. Speaker, I yield the balance of my time to the gentleman from California (Mr. BECERRA).

Mr. BECERRA. Mr. Speaker, I thank the gentleman for yielding me the time.

Let me begin by saying that I fully support the funding increases in this bill for drug interdiction. That should have and could have been the focus of this debate. Unfortunately, at the last moment, provisions were added to this bill which changes character and also made it an anti-worker bill. Why this bill takes a swipe at workers I do not understand, but it does.

Sections 221 and 222 of title II of this bill would remove the negotiating rights for front-line drug enforcement personnel, the very people that we are asking to take on this risky task of stopping drugs from coming through.

On one day in April of last year, two U.S. Customs Inspectors were shot. At the same time that same day, there was a bomb threat in a cross-border pedestrian tunnel, and there was a 100-mile pursuit of a truck filled with immigrants who had no right to be in this country, this truck barreling through a border checkpoint and almost running down a Border Patrol agent. Those are the kinds of things that happen.

Those employees put their life on the line. They should have every right to decide under what conditions they would work.

Now, management does not have to agree to everything; and that is what the collective bargaining process is for. If we allow the process to work, it would work very well. Unfortunately, even in this own House, we do not follow process.

This bill was introduced on May 7. We had a hearing on April 20 on Customs' issues. So at the hearing itself on these issues, we never took up this bill nor those anti-worker provisions. May 12, this went before the subcommittee; May 14, it went before the subcommittee; and today it is on the floor.

Never once have we had a chance to discuss these anti-worker provisions. We would all probably be standing supporting this bill if it were not for the fact that, at the last moment, anti-worker provisions were added. It is a way to cloak those ugly provisions and get this bill passed. We should really be voting no on this bill until those provisions are removed.

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

Mr. Speaker, I would say to those that said that there have not been hearings on this bill, there have been over the years. Last year, we had a hearing on it. We had a couple hearings this year.

And I would like to also say to those and particularly the gentleman from Ohio, who spoke before the gentleman from California, in talking about a poison pill and the gentlewoman from California talking about a poison pill, the provisions that they are complaining about were written by the administration and given to us for insertion in the bill.

I am pleased to speak today on the merits of H.R. 3809, the Drug Free Borders Act of 1998. H.R. 3809 was reported by the Committee on Ways and Means last Thursday, May 14, by a bipartisan vote of 29–0. We have heard so much about fighting the war on drugs, and I am here to tell my colleagues that H.R. 3809 is absolutely essential to this cause.

This bill proposes an additional $232 million in Customs authorizations over the President's request for fiscal 1999. I can think of no better reason to support this bill than its ability to provide for 1,745 additional Customs officers and special agents to protect our borders. Yes, that is 1,745 additional Customs people. This authorization will specifically target those areas that have been identified as major drug smuggling and transportation and distribution networks in our country.

I would like to bring to the attention of my colleagues an example of what these resources would add to the outstanding performance of our Customs officers. In what Treasury Secretary Robert Rubin and Attorney General Janet Reno have referred to as the largest, most comprehensive drug money laundering case in the history of the United States law enforcement, Customs just this past weekend seized over four tons of cocaine and marijuana, conducted over 70 arrests, and made over $155 million in illegal laundered drug money in Los Angeles.

H.R. 3809 would also correct the problems with the overtime and nighttime pay of Customs officers that has proven to be disturbingly flawed. Overtime payment for work not even performed should stop. Who can argue with that? Night pay at noontime should stop. Who can argue with that? Any savings resulting from the elimination of these problems should fund additional drug enforcement efforts. Who can argue with that?

To ensure the integrity of the United States Customs Service, H.R. 3809 would allow the Secretary of the Treasury to rotate up to 5 percent of the Customs officers as of October 1, 1999. This provision would become effective after the conclusion of the current contract between Customs and its union to ensure that it does not abrogate the terms of a national contract, contrary to what has been argued here on this floor today.

Finally, H.R. 3809 seeks to eliminate many of the factors that inhibit the Customs officers from performing their drug interdiction effort.

Currently, labor negotiations have been cited as a major impediment to these vital efforts. In my state of Florida, for instance, one labor negotiation in Miami has dragged on for almost four years at one of the most critical ports in the country. This bill would allow the Commissioner of Customs to limit any additional negotiations to 90 days.

H.R. 3809 simply seeks to give Customs the tools it needs to fight the war on drugs without delay. We cannot afford delay in this war . . . for delay means more drugs getting into the hands of our children.

The U.S. Customs Service deserves our praise, my colleagues, but most importantly today, they deserve our support by voting yes to H.R. 3809, in allowing them to do even more in fighting for our nation's future and the future of our children. We must join together to protect our children from the scourge of drugs, without partisanship or special interests. Vote Yes to put our Children first.

Mr. GOSS. Mr. Speaker, our borders are the last line of defense between our Nation's cities and towns and the organized drug smugglers who market their poisons. We must make the United States border a perilous obstacle for those engaging in this destructive trade. That means stepping up border enforcement and keeping one pace ahead of the traffickers. The Drug Free Borders Act represents the first step toward that end by providing for new special agents and inspectors at the U.S. Department of Customs, as well as for the purchase of valuable new detection technologies.

Troubling trends like an 85% drop in customs drug seizures in the past year, declining prices and increasing availability, clearly show we are losing the battle to stop these poisons at our borders. There are miles upon miles of American border which we actively encourage people to cross every day for trade and tourism and the criminals we are fighting have the deftness to exploit any weak link in our defenses. Therefore, in stopping the drug supply we must create a barrier that extends from our shores out to the original source of the drugs.

Keeping ahead of the drug smugglers is a daunting task and requires reliance on the eyes and ears of a strong intelligence capability. To win this war we need to know where the traffickers are headed before they get there and the networks they use to move their contraband.

This is doable if we make the commitment. The end result will be to make involvement with drug trade a dangerous occupation from the fields where the drugs are produced to the street corners of our cities and neighborhoods, and all points between.

MR. GILMAN. Mr. Speaker, I rise today in strong support of H.R. 3809, the Drug Free Borders Act. This legislation provides a much needed increase in the authorization for the U.S. Customs Service to fight the entry of illegal drugs at our borders.

The last four years have shown a steady increase in the number of drug users, particularly in adolescents. Teenage drug use has sharply risen every year since 1993, and shows no sign of abating soon.

This rise in drug use has paralleled an emphasis on the part of the Federal Government with regard to interdiction and with regard to treatment. The end result today is a readily available supply of drugs that is both inexpensive and of the highest purity in history.

If our Nation wants to successfully reduce teenage drug use, we need to adopt a bilateral approach of simultaneously reducing both supply and demand. This bill beefs up our interdiction efforts on our borders, particularly with Mexico.

Mr. Speaker, it is time for our Nation to get serious on the issue of reducing drug use. We have given treatment a chance over the last five years, and the results have shown that treatment alone is not enough. Unless our interdiction efforts are increased and improved, no treatment program will be able to avoid being overwhelmed in the deluge of cheap, highly pure drugs that currently exists.

Accordingly, I urge my colleagues to support this worthwhile legislation.

Mr. METCALF. Mr. Speaker, I ask unanimous consent to revise and extend my remarks.

Mr. Speaker, I would like to congratulate Chairman CRANE and Chairman ARCHER on a much needed piece of legislation. However, I would like to voice my concerns over two specific sections in the legislation.

Section 211 and Section 212 of the legislation contain provisions that are of concern to me and my constituents who are employed as customs agents on the northern border, Mr. Speaker.

The first concern I have is that the legislation allows for the involuntary transfer of up to 5% of the customs service personnel. This will potentially exacerbate the situation on the northern border that has left our customs agents out manned in their fight to prevent the importation of drugs as the Administration continually emphasizes the southern border by transferring agents south and not providing replacements.

The second concern I have deals with the rights of the union. This legislation allows the customs service, when faced with provisions of a collective bargaining agreement that impede drug interdiction to eliminate the provision. While this is important, I question the method used in the bill to implement this.

The provision allows the Customs Service to eliminate the provision after 90 days and implement their last offer. This gives the Customs Service very little motivation to negotiate in good faith when they know that if they hold out for 90 days their way will be the policy. I hope that this situation can be corrected in the conference on this legislation.

Mr. Speaker, this legislation does do many important things. It provides the necessary resources to purchase materials that will dramatically improve the ability of customs agents to utilize modern technology in their interdiction efforts. It authorizes new agents at the borders to address the dramatic shortfall that is present today. All of these things are necessary, vital and long overdue.

Mr. ORTIZ. Mr. Speaker, I rise today in opposition to H.R. 3809, the Drug Free Borders Act of 1998. I do so reluctantly, because this bill contains a significant funding increase for the Customs Service and their efforts to stop drugs from entering this country. Unfortunately, it does so at the expense of the men and women who are on the front line, the Customs agents themselves. Let me be clear, I fully support increasing funding for the Customs Service's counter-drug efforts. However, this bill would completely eliminate the worker rights and protections that I have supported and worked to protect throughout my service in the Congress.

H.R. 3809 has the right idea, but unquestionably the wrong methods. The labor provisions of this bill void any and all collective bargaining agreements that have been crafted so carefully to keep Customs agents working at peak effectiveness. By allowing the unilateral suspension of these agreements, we jeopardize the morale of the very people we rely on to protect our children from drug smugglers and pushers.

Mr. Speaker, I question the philosophy of this bill, which seems to increase the effort against drugs by punishing the people doing the work. I think this is a bad idea. Instead, we need to support our Customs agents, not demoralize them. Yes, increase funding. Yes, buy more equipment. Yes, put more agents along the border. But support these people. If we create an environment that demoralizes our Customs agents, how can we expect to attract and keep good agents?

Again, I think the aim of this bill is good. But the way it treats the people on the front lines leaves me no alternative but to reluctantly oppose it. It is my hope that a new bill will come forward. A bill that contains the funding that Customs so desperately needs, but also supports the people who wear the uniform of the Customs Service.

Mr. POSHARD. Mr. Speaker, it is with great regret that I rise today to register my opposition to H.R. 3809, the ''Drug Free Borders Act.'' Once again, an important and well-intentioned piece of legislation has become a vehicle for an underhanded attack on working men and women, and I urge my colleagues to resist the majority's misguided effort and vote no on this bill.

I strongly support increased authorization levels for drug interdiction activities of the U.S. Customs Service. I am sure that no member of this body would argue that the flow of drugs into this country is an urgent crisis which requires our unflagging attention. I applaud the efforts of my colleagues to recognize and combat this problem with increased funding, additional inspectors and new drug detection equipment.

Unfortunately, I cannot ignore other provisions which seek to alter the fundamental labor rights of Customs Service employees. First, the bill would allow the Customs Service to break collective bargaining agreements already in place, stripping America's front-line drug enforcement personnel of their negotiating rights. In addition, H.R. 3809 seeks to make major changes to the rules governing overtime pay to Customs employees, creating the likelihood of pay cuts for those who work non-traditional shifts. As troubling as the provisions themselves is the fact that, despite the seriousness of the issues involved, no hearings were held on this anti-worker language, no committee report was issued, and now the measure is brought up under suspension, limiting the time for debate and eliminating any possibility of amendment.

Mr. Speaker, I would like very much to be able to cast a vote in support of increased drug interdiction efforts, and I will certainly do so if anti-worker provisions are removed from this bill during conference. However, I cannot stand by as the rights of America's Customs workers, who risk their lives to keep our borders free of drugs, are attacked. I will oppose this bill, and I urge my colleagues to do the same.

Mrs. McCARTHY of New York. Mr. Speaker, there are many good provisions in H.R. 3809 that I strongly support, especially provisions in Title I that provide the U.S. Customs Service with significant resources to combat the flow of illegal drugs over our borders. However, I have serious concerns about other provisions of the bill which will deny Customs Service personnel their hard-earned rights and benefits.

There are few activities which are more important to the health and safety of our nation, and to the future of our young people, than drug interdiction. The men and women of the Customs Service should be commended for their courage and tireless efforts to keep drugs from entering our country. In FY 1996 alone, the Customs Service seized over 1 million pounds of narcotics, including 33,000 pounds of cocaine, 545,000 pounds of marijuana and almost 460 pounds of heroin along the Southwest border. This has not been easy, and many Customs Service personnel have risked their lives and their safety to seize illegal drugs.

Of course, we cannot stop these activities until we stop the flow of drugs into our country altogether. While Title I of H.R. 3809 moves us toward that goal, I am afraid that two provisions of Title II will actually move us backward. Section 203 of the bill would reduce or deny premium pay that many Customs Service personnel receive for working long shifts at off-hours. And Sections 211 and 212 could let the Customs Service undermine the collective bargaining agreement worked out between the Service and its personnel.

If the goal of this legislation is to make the Customs Service more productive and efficient at stopping drugs, then it makes no sense to roll back the rights and benefits that attract the best people. Worse, we should not deny benefits to the very men and women who have sacrificed so much to keep our country safe. I am particularly concerned that these provisions are being voted on by the House with a minimum of debate and deliberation, and under a procedure that will not allow Members to strike these provisions. Nevertheless, we must remove these provisions from the bill.

I am committed to working with my colleagues in the other body to pass a Customs Service authorization bill that strengthens the Service and helps its dedicated personnel stop illegal drugs.

Mr. RODRIGUEZ. Mr. Speaker, I am deeply disturbed by the way the Drug Free Borders Act of 1998 came to the floor. Instead of fashioning a bipartisan bill to help the U.S. Customs Service protect our borders from contraband such as illicit drugs, child pornography, money laundering and counterfeit merchandise, a partisan group which clearly does not understand the dynamics of our nation's Southwest border has decided to attack the people on the front lines of the war on drugs.

Outside the partisan efforts to cripple federal employees, I support this bill. I have three international ports in my district on the Texas-Mexico border. My constituents want those ports to have the best equipment and personnel possible to keep illegal drugs out and to facilitate legal trade. I have traveled the border with U.S. Customs employees and seen the challenges they face. I have also seen the pride Customs employees have for their jobs. I have shared the excitement they experience when a truck filled with drugs is caught. There are few things I want more than to end this nation's drug epidemic. But we cannot end the problem by busting labor agreements and demoralizing U.S. Customs agents and inspectors.

The majority leadership is stooping to a familiar low by bringing this bill to the floor under a suspended rule. We have no opportunity for full debate; all amendments are prohibited. This bill is take it or leave it. The majority leadership wants this bill to fail and blame the Administration or pass without any input from the minority. The majority leaders should be ashamed of their partisan games at the expense of our Nation's war on drugs. If the majority leadership wanted to pass effective legislation they should have allowed Members of Congress the chance to amend the labor portions of this bill and pass effective drug fighting legislation. I am voting for this bill with strong objections and a hope that it will change before it reaches the President.

Ms. JACKSON-LEE of Texas. Mr. Speaker, even though, I rise today in support of the Drug Free Borders Act, H.R. 3809, I do believe that there are yet still unresolved difficulties in the language of the bill that must be addressed. In particular, sections 211 and 212 raise some serious labor issues and need to be explored further.

These provisions nullify the collective bargaining process by authorizing Customs managers to abrogate unilaterally collective bargaining and partnership agreements. These agreements were developed to aid the efforts of Customs managers and employees in stopping the flow of drugs into our streets. I find it troubling to ask these men and women to put their lives on the line to fight in the war on drugs, when we allow their managers to ignore their collective voice. Sections 211 and 212 have the potential to strip Customs employees of their morale.

In addition, these provisions would establish a very dangerous precedent. The Customs collective bargaining agreement is no different from those of other Federal agencies; these provisions will render this process meaningless.

In conclusion, I urge my colleagues to voice concerns about sections 211 and 212 and to reconsider the statement that these provisions make. If it is truly the primary goal of Congress to stop illegal drugs from invading our country, we must show support for these very important players in that fight.

Mr. ABERCROMBIE. Mr. Speaker, I rise to express my reluctant support of H.R. 3809.

There are many good provisions in the bill which mark an escalation in our war against drug smuggling and out fight against the use of illegal drugs in our society. I support the war against drugs. However, I am very concerned about the harmful provisions contained in this bill that can be counterproductive in that they erode the working conditions of the Customs employees who are on the front lines of this war.

It is very unfortunate that this bill contains language that would permit the Customs Commissioner to abrogate the collective bargaining agreements his agency has reached with employees and which are currently in effect. Not only is the provision blatantly unfair to the employees of the Customs Service, but it is an attempt to set a precedent for undermining labor-management relations between the federal government and its unions. This can have a serious detrimental effect on the morale, and consequently the effectiveness, of the people who fight on the front lines of this war against drugs. Congress should not, except perhaps under the most extraordinary circumstances, enact legislation to alter collective bargaining agreements. Although wanting to make our borders more secure against illegal drug importation is a highly desirable goal, it should not be used to disguise a political attack on dedicated Customs Service personnel. If the Customs Service needs additional resources to successfully accomplish its mission, I am willing to help find additional funds for that purpose.

If we are serious about curbing drug smuggling and illegal drug usage in this country, we must dedicate the necessary federal resources instead of undercutting the personnel we depend on to carry out these policies.

I will support H.R. 3809 to move it along in the legislative process, but I strongly urge that the anti-collective bargaining provisions be dropped from this bill. Congress needs to get into the business of passing legislation that will keep drugs out of this country, not assault those who are the principal soldiers in the battle.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. ARCHER) that the House suspend the rules and pass the bill, H.R. 3809, as amended.

The question was taken.

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule 1 and the Chair's prior announcement, further proceedings on this motion will be postponed.

NATIONAL HISTORIC PRESERVATION FUND AUTHORIZATION

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1522) to extend the authorization for the National Historic Preservation Fund, and for other purposes, as amended.

The Clerk read as follows:

H.R. 1522

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

SECTION 1. AMENDMENT OF NATIONAL HISTORIC PRESERVATION ACT.

The National Historic Preservation Act (16 U.S.C. 470 and following; Public Law 89–665) is amended as follows:

(1) In the third sentence of section 101(a)(6) (16 U.S.C. 470a(a)(6)) by striking ''shall review'' and inserting ''may review'' and by striking ''shall determine'' and inserting ''determine''.

(2) Section 101(e)(2) (16 U.S.C. 470a(e)(2)) is amended to read as follows:

''(2) The Secretary may administer grants to the National Trust for Historic Preservation in the United States, chartered by an Act of Congress approved October 26, 1949 (63 Stat. 947), consistent with the purposes of its charter and this Act.''.

(3) Section 102 (16 U.S.C. 470b) is amended by redesignating subsection (e) as subsection (f) and by redesignating subsection (d), as added by section 4009(3) of Public Law 102–575, as subsection (e).

(4) Section 101(b)(1) (16 U.S.C. 470a(b)(1)) is amended by adding the following at the end thereof:

''For purposes of subparagraph (A), the State and Indian tribe shall be solely responsible for determining which professional employees, are necessary to carry out the duties of the State or tribe, consistent with standards developed by the Secretary.''.

(5) Section 107 (16 U.S.C. 470g) is amended to read as follows:

''SEC. 107. Nothing in this Act shall be construed to be applicable to the White House and its grounds, the Supreme Court building and its grounds, or the United States Capitol and its related buildings and grounds as depicted on the map entitled 'Map Showing Properties Under the Jurisdiction of the Architect of the Capitol' and dated November 6, 1996, which shall be on file in the office of the Secretary of the Interior.''.

(6) Section 108 (16 U.S.C. 470h) is amended by striking ''1997'' and inserting ''2004''.

(7) Section 110(a)(1) (16 U.S.C. 470h–2(a)(1)) is amended by inserting the following before the period at the end of the second sentence: '', especially those located in central business areas. When locating Federal facilities, Federal agencies shall give first consideration to historic properties in historic districts. If no such property is operationally appropriate and economically prudent, then Federal agencies shall consider other developed or undeveloped sites within historic districts. Federal agencies shall then consider historic properties outside of historic districts, if no suitable site within a district exists. Any rehabilitation or construction that is undertaken pursuant to this Act must be architecturally compatible with the character of the surrounding historic district or properties''.

(8) The first sentence of section 110(l) (16 U.S.C. 470h–2(l)) is amended by striking ''with the Council'' and inserting ''pursuant to regulations issued by the Council''.

(9) The last sentence of section 212(a) (16 U.S.C. 470t(a)) is amended by striking ''2000'' and inserting ''2004''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. HANSEN) and the gentleman from American Samoa (Mr. FALEOMAVAEGA) each will control 20 minutes.

The Chair recognizes the gentleman from Utah (Mr. HANSEN).

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

Mr. Speaker, H.R. 1522 is a bill introduced by my colleague, the gentleman from Colorado (Mr. HEFLEY). He is to be commended for the hard work he has done to craft a bill that addresses needed changes in current law and which continues funding for a program that is appreciated by all Americans.

H.R. 1522 reauthorizes the National Historic Preservation Fund through the year 2004. This fund has been used to protect many of our most cherished historical sites around the country. This bill also makes many changes to the National Historic Preservation Act in order that it can function better in protecting our priceless national historic treasures.

I want to add, however, that the protection of our national treasures, which this bill provides, nearly did not make it to the floor today because of an eleventh hour concern by OMB, who suddenly opposed this bill, even though the agency had months and months to comment on it on any problems they may have had.

Nevertheless, everyone worked hard last night to address the concerns of OMB, and we now have a bill which we can agree with and the Administration can support.

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Mr. Speaker, this is an important bill, and the National Historic Preservation Fund needs to be reauthorized. I urge my colleagues to support H.R. 1522.

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

(Mr. FALEOMAVAEGA asked and was given permission to revise and extend his remarks.)

Mr. FALEOMAVAEGA. Mr. Speaker, I want to thank and commend the gentleman from Utah (Mr. HANSEN), the chairman of the Subcommittee on National Parks and Public Lands for his leadership in the management of this legislation before the House today.

Mr. Speaker, H.R. 1522 amends the National Historic Preservation Act of 1966. Through this act, historically significant buildings, sites and districts have been preserved, keeping America's history alive.

The primary purpose of the bill before us today is to reauthorize the National Historic Preservation Fund. Monies from the fund are derived from the Land and Water Conservation Fund, and Congress set the authorization level at $150 million per year.

Authorization for the fund expired on September 30th, 1997. This bill extends authorization of the fund through the year 2004. As I have stated throughout our consideration of this bill, I would prefer the bill end there. In fact, the bill that was first introduced or the one that we brought to the floor today, I would not be able to support its passage.

However, the bill's chief sponsor, the gentleman from Colorado (Mr. HEFLEY) brought many sides together and has put together a bill that I believe is worthy of our support. I do want to commend the gentleman from Colorado for his leadership and for his ability to